INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 2

SUMMARY

This supplement incorporates changes to Volume 2 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

151199 A substitute ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating provisions.

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
Remove old MEMO (Suppl. #283)					
				v-vi	v-vi
200-27-2	am	151199	4/15/2016	29-30	29-30
200-42-3-a-0	am	151199	4/15/2016	51-52	51-52
200-45	am	151199	4/15/2016	“	“
200-46-2	am	151199	4/15/2016	“	“
239-11-2	am	151199	4/15/2016	333-334	333-334
Ch. 239 (hist.)				339-340	339-340
245-14-3	am	151199	4/15/2016	421-424	421-424
245-14-4	am	151199	4/15/2016	“	“
Ch. 245 (hist.)				“	“
261-98-5	am	151199	4/15/2016	493-494	493-494
261-98-7-b	am	151199	4/15/2016	“	“
Ch. 261 (hist.)				495-496	495-496
263-01	am	151199	4/15/2016	505-506	505-506
Ch. 263 (hist.)				“	“
275-20-4-i	rp	151199	4/15/2016	553-554	553-554
Ch. 275 (hist.)				579-580b	579-580b
295-301	am	151199	4/15/2016	711-714	711-714
295-303-0	am	151199	4/15/2016	“	“
295-303-3	am	151199	4/15/2016	“	“
295-304-0	am	151199	4/15/2016	“	“
295-304-3	am	151199	4/15/2016	“	“
295-305-0	am	151199	4/15/2016	“	“
295-305-1	am	151199	4/15/2016	“	“
295-305-2	am	151199	4/15/2016	“	“
295-305-3-0	am	151199	4/15/2016	“	“
295-305-4-0	am	151199	4/15/2016	“	“

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
295-311-2-i-1	am	151199	4/15/2016	717-720	717-720
295-311-5-a	am	151199	4/15/2016	“	“
295-311-7-a	am	151199	4/15/2016	“	“
295-403-2-a	am	151199	4/15/2016	731-732	731-732
295-403-2-b-3-e	am	151199	4/15/2016	735-738	735-738
295-403-2-b-4	am	151199	4/15/2016	“	“
295-403-2-d	am	151199	4/15/2016	“	“
295-403-2-e-1-0	am	151199	4/15/2016	“	“
295-403-2-e-1-d	am	151199	4/15/2016	“	“
295-403-2-e-2	am	151199	4/15/2016	“	“
295-403-2-e-3	am	151199	4/15/2016	“	“
295-403-3-a	am	151199	4/15/2016	“	“
295-405-1-c	am	151199	4/15/2016	741-742	741-742
295-405-2-c	am	151199	4/15/2016	747-748	747-748
295-405-2-d	am	151199	4/15/2016	“	“
295-407-9-b	rp	151199	4/15/2016	755-758	755-758
295-414-1-e	am	151199	4/15/2016	“	“
295-414-2-a	am	151199	4/15/2016	“	“
295-503-2-f-2-b	am	151199	4/15/2016	777-780	777-780
295-503-2-h-4	am	151199	4/15/2016	“	“
295-503-2-x-2	am	151199	4/15/2016	“	“
295-503-2-y-2	rp	151199	4/15/2016	“	“
295-505-2-b-6-a	am	151199	4/15/2016	787-790	787-790
295-505-2-b-6-b	am	151199	4/15/2016	“	“
295-505-2-b-7	am	151199	4/15/2016	“	“
295-505-2-f (Table)	am	151199	4/15/2016	“	“
295-505-4-f-9	am	151199	4/15/2016	797-798	797-798
295-603-2-b-2-b	am	151199	4/15/2016	815-820	815-820
295-603-2-d-4	am	151199	4/15/2016	“	“
295-603-2-aa-2	am	151199	4/15/2016	“	“
295-603-3-bb-2	rp	151199	4/15/2016	“	“
295-605-2-i-4-c	am	151199	4/15/2016	825-828	825-828
295-605-2-i-4-e	am	151199	4/15/2016	“	“
295-605-4-g-8	am	151199	4/15/2016	“	“
295-703-2-c-2-b	am	151199	4/15/2016	847-854	847-854
295-703-2-e-4	am	151199	4/15/2016	“	“
295-703-2-w-2	am	151199	4/15/2016	“	“
295-703-2-x-2	rp	151199	4/15/2016	“	“
295-705-4-c-1-c	am	151199	4/15/2016	“	“
295-705-6-i	am	151199	4/15/2016	“	“
295-705-7-a-1	am	151199	4/15/2016	“	“
295-803-2-b-2-b	am	151199	4/15/2016	875-876	875-876
295-803-2-d-4	am	151199	4/15/2016	“	“
295-803-2-oo-2	am	151199	4/15/2016	879-880	879-880
295-803-2-pp-2	rp	151199	4/15/2016	“	“

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
295-903-2-b-10-b	am	151199	4/15/2016	907-908	907-908
295-903-2-b-11-b	rp	151199	4/15/2016	"	"
295-905-2-b-1-b	am	151199	4/15/2016	913-916	913-916
295-905-2-b-2-b	am	151199	4/15/2016	"	"
295-905-2-b-3-c	am	151199	4/15/2016	"	"
295-905-2-b-12-b	am	151199	4/15/2016	"	"
295-905-2-b-13-b	rp	151199	4/15/2016	"	"
295-1003-2-e	am	151199	4/15/2016	931-934	931-934
295-1007-2-e	am	151199	4/15/2016	"	"

For subscription or distribution questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended ra=renumbered and amended rn=renumbered
cr=created rc=recreated rp=repealed

revised 3/29/2016
V2amserv.doc Suppl. #284

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through March 29, 2016.

3/29/2016
Suppl. #284

200-27. Design and Supervision. 1. Every new building containing more than 50,000 cubic feet total volume, or an addition to a building which by reason of such addition results in a building containing over 50,000 cubic feet total volume, or structural alteration to a building containing over 50,000 cubic feet total volume, shall be designed by an architect or engineer in accordance with this code and shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the plans and specifications of the designer. A written statement to this effect shall be filed by the architect or engineer with the commissioner of city development with the application for permit. No change from the original plans and specifications shall be made except with the knowledge and consent of the designer, and as approved pursuant to s. SPS 361.31(4) , Wis. Adm. Code.

2. On completion of the construction, the supervising architect or engineer shall file a written statement with the department certifying that, to the best of his or her knowledge and belief, the construction has been performed in accordance with the plans and specifications approved by the department of neighborhood services.

3. In this section "architect" or "engineer" means a registered architect or registered professional engineer, as defined in ch. 443, Wis. Stats.

200-28. Issuance of Permits. 1. APPLICATION. The application for permit, plans (drawings), data, specifications and certified lot or plot plan filed by an applicant as required in s. 200-26 shall be examined by the commissioner within a reasonable time, all of which, together with the proposed occupancy and use of the construction and premises, if found to be in conformity with the requirements of this code, or other ordinances, the Wisconsin Administrative Code, orders issued by the common council, or other lawful orders applicable thereto, shall be approved, and upon the payment of the required fee, a permit shall be issued by the commissioner. When a permit is issued, the commissioner shall endorse, by stamp, seal or otherwise, such plans (drawings), data, specifications and certified lot or plot plan as approved with the date of approval.

2. PERMIT ISSUED. The issuance or granting of a permit or approval of plans (drawings), data, specifications and certified lot or plot plan shall not be deemed or construed to be a permit for, or an approval of any violation of any of the regulations of this code, or an extension of time specified in any order or citation issued by the commissioner. No permit presuming to give authority to violate or cancel any regulation of this code or the Wisconsin Administrative Code shall be valid, except insofar as the construction or use which it authorizes is lawful. The commissioner may set limitations concerning starting and completion of the construction and other conditions necessary to protect the health, safety and welfare of the public.

3. REQUIREMENTS. The issuance of a permit shall not prevent the commissioner from thereafter requiring the correction of errors in plans (drawings), data, specifications, and certified lot or plot plan, from stopping construction operations being carried on thereunder when in violation of any regulation of this code.

4. PLANS FILED. Two sets of approved plans (drawings), data, specifications, and certified lot or plot plan shall be retained by the commissioner and filed as a public record, and 2 sets shall be returned to the applicant.

5. PLANS ON PREMISES. An approved set of plans (drawings), data, specifications, and certified lot or plot plans and the permit shall be kept and maintained in a readily accessible, approved place on the premises upon which construction thereby authorized is in progress and shall be open at all reasonable times to the inspection of properly authorized public officials.

6. PLAN CHANGES. Plans (drawings), data, specifications and certified lot or plot plan approved by the commissioner shall not be changed or modified in any manner, nor shall the amount or character of the work authorized by such approval be changed, modified or increased unless the consent and approval of the commissioner shall have first been obtained in writing.

7. PLAN CHANGES TO BE FILED. No alterations or corrections of plans (drawings), data, specifications and certified lot or plot plan for any construction shall be made in the office of the commissioner. If such plans (drawings), data, specifications, and certified lot or plot plan for any proposed construction do not conform to all of the regulations of this code, violations may be indicated, but the applicant shall be required to prepare and file prints of any new plans (drawings), data, specifications and certified lot or plot plan in corrected form.

8. LICENSED WORKER. When the application for a permit is made by a person other than the owner, no permit will be issued to a

person who is required by any ordinance of the city to have a license or certificate to engage in the work which is contemplated by the application unless that person has, in fact, at the time of issuance of the permit, the required license or certificate.

200-29. Footing and Foundation Permits. 1. In order to facilitate construction, the commissioner may, upon presentation of sufficient preliminary structural plans (drawings), data, specifications and certified lot or plot plan whereupon there is indicated the character of the proposed construction and the proposed use of the building, structure, equipment, and premises, and its compliance with s. 200-28 and ch. 295, except as provided in sub. 2, issue a footing and foundation permit for the excavation, foundations or structural parts thereof, not higher than the first floor level, subject to all other regulations of this code. However, the issuance of such footing and foundation permit shall not be construed as an approval of any other required permit; or any use of any part of the building, structure, equipment, or premises.

2. Such footing and foundation permits, where the proposed construction or proposed use of building is not in conformity with ch. 295, may be issued subject to the following:

a. The building and premises shall, in all other respects, comply with applicable building and zoning code regulations.

b. An application for a variance, special use or zoning district boundary amendment for such use of construction has been completed, fees paid and filed with the board or introduced to the common council.

c. The use or construction would not jeopardize life, health or property.

d. The city is held harmless by the applicant for the footing and foundation permit for any and all damage that may be incurred by the applicant or any other party.

e. The commissioner may require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a footing and foundation permit.

f. The applicant demonstrates that the proposed construction or proposed use of building will not impact adversely on adjoining property or the neighborhood in general.

g. The applicant agrees to restore the site to its previous condition within 30 days if the board denies the application for a variance or a special use.

h. The applicant demonstrates to the commissioner that exceptional, extraordinary or unusual circumstances exist and, therefore, a footing and foundation permit should be issued.

i. The commissioner notifies common council members at least 48 hours prior to the issuance of a footing and foundation permit in their districts.

j. Plumbing plans shall be submitted separately for approval prior to the issuance of a footing and foundation permit.

200-30. Lapse of Permit, Refunds. 1. LAPSE OF PERMIT. a. Except as regulated in s. 200-28-2 and ch. 240, if any construction for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if new construction ceases for more than 3 months, then the permit shall lapse and be void, and no construction shall be begun or resumed until a new permit is obtained and the fees as prescribed in this code are paid.

b. Except as provided for in s. 200-28-2, after the issuance of a permit, if for any reason construction is not started, or there is a cessation of construction, and the commissioner is notified within 30 days of such delay, an extension of time not exceeding 3 months may be granted. Additional extensions of time may be granted if the circumstances warrant such extensions.

c. Extensions of time shall not preclude the commissioner of city development from requiring the permit holder to comply with amended, more restrictive building code regulations which become effective during the time extension period.

2. REFUNDS. a. No refunds shall be made on a building permit that has lapsed and been declared void.

b. No refund shall be made for an unused partial permit.

c. No refund shall be made of the plan examination fee after the building, heating and ventilating, fire detection and suppression system, illumination or plumbing plans have been approved.

d. Any person requesting a refund of any plan examination fee indicated in par. c before the plan has been approved, shall be charged 20% of the plan examination fee for processing. The minimum processing fee shall be $20.

e. Any applicant requesting a refund for an unissued certificate of occupancy must make the request in writing to the commissioner. Any applicant requesting a refund for an unissued licensed dwelling facility license shall make the

. SUBCHAPTER 8
OCCUPANCY AND USE

200-42. Certificate of Occupancy. 1. DEFINITION. In this section, "offer" means to communicate a willingness, desire or intent.

2. WHEN REQUIRED. a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy has been issued by the commissioner, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295, including a commercial farming enterprise, or any other regulation of this code. A new certificate of occupancy shall be required each time there is a change in the operator or tenant of a non-residential premises.

b. It shall be unlawful to maintain, occupy or use, or offer to maintain, occupy or use, any building, structure, premises or part thereof that has been erected, constructed, altered or changed, occupied or used in violation of any regulation of this code or other laws or in violation of the code or other laws which were in effect and which applied to any existing building, structure, or premises, or part thereof at the time of its erection, construction, alteration, or change and designated occupancy or use.

c. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building, structure or premises or part thereof which is vacant under any of the following circumstances:

c-1. It has been found unfit for human habitation or use under any order issued in accordance with this code requiring the repair, alteration, vacation, removal or demolition.

c-2. It has been vacant for a period in excess of 6 months and has orders issued to the property owner by the department.

c-3. It is subject to orders regulating vacant buildings under s. 275-32-7 and the order specified that the internal conditions of the property do not comply with code requirements and that a certificate of occupancy shall be obtained.

d. Where any of the conditions described in pars. c-1 and 3 are found, the premises shall be placarded and shall not be occupied until a certificate of occupancy is first obtained.

e. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building or structure if it has been licensed as a rooming house, the license expires and is not renewed, or the license is revoked.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school, or a daycare or a rooming house, or a tavern, fast food/carryout restaurant as defined under s. s. 295-201-499 or a sit-down restaurant, as defined under s. 295-201-501, or where otherwise requested, the commissioner shall issue a certificate of occupancy:

a-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

a-2. After an inspection or reinspection of the building, structure, premises or part thereof by the commissioner of neighborhood services finds no violations of the regulations of this code applicable to the proposed use.

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, a daycare, a rooming house, a tavern, fast food/carryout restaurant as defined under s. 295-20-449 or a sit-down restaurant, as defined under s. 295-201-501, or if otherwise requested, the commissioner of city development shall issue a certificate of occupancy indicating conformance with the use requirements set forth in ch. 295 and:

b-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

b-2. After investigation it is found that such building, structure, premises or part thereof complies with all zoning laws applicable to its use.

b-4. After a zoning inspection to determine that the building, structure, premises or part thereof complies with all applicable zoning regulations, if the proposed use is for light or heavy motor vehicle uses including sales, rental and repair facilities, body shops, outdoor storage, and parking lots where parking is the principal use of the premises.

c. If a building, structure, premises or part thereof has been vacant for more than 6 months, the inspection requirements set forth in par. a shall apply.

d. No certificate of occupancy for a family day care home shall be issued by the commissioner of neighborhood services unless the applicant for the certificate provides the commissioner with documentation indicating that the dwelling unit for which the certificate is sought is licensed as a family day care center by the Wisconsin department of children and families under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code, or certified as a day care center for not more than 8 children by Milwaukee county.

4. REQUIRED INFORMATION. a. Such certificates of occupancy shall indicate the edition of the building code under which the certificate is issued, the use of the building, structure or premises or part thereof, the type of construction of the building, whether an automatic system is provided, any special stipulations and conditions under which the certificate is issued and whether any variances were issued.

b. An application for a certificate of occupancy submitted by a tenant or prospective buyer shall be accompanied by a written statement by the applicant that the owner or owner's agent has granted permission for the necessary inspections of the premises.

5. CERTIFICATE TO BE POSTED. The certificate of occupancy shall be posted in a conspicuous place in the building, structure or on the premises except one-family and 2-family dwellings and accessory buildings or structures thereto.

6. PENALTY. Any person who violates any of the provisions of this section shall be subject to penalty pursuant to s. 200-19.

200-43. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the commissioner of neighborhood services for the temporary occupancy and use of any building, structure or premises or part thereof, prior to the completion of the same and the issuance of a final certificate of occupancy, provided that such occupancy or use would not jeopardize life, health or property. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a temporary certificate of occupancy.

200-44. Nonconforming Occupancy or Use of Building. Nothing in this code shall require 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 s. 295-415. Legal nonconforming structures can be converted to less restrictive occupancies provided said occupancy complies with the regulations of ch. 295.

200-45. Approval of Existing Occupancies. Upon written request from an owner, the commissioner of neighborhood services shall certify and issue a certificate of legality for the continuance of an existing occupancy or use of any existing building, structure, premises, or part thereof, if, after verification of the records on file in the commissioner of neighborhood services' office, and after inspection, it is found that the occupancy or use is a permitted and lawful occupancy or use under current code requirements, and, provided further, that no fire hazards or other hazards are found in the building, structure, premises or part thereof.

200-46. Changes in Occupancy or Use. 1. No change in any occupancy or use as described in ch. Comm 62, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.

2. No change from one group of occupancies to another group of occupancies as provided in ch. SPS 362, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that the building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.

be constructed as an integral and inner part of an accessory building used principally for storage, private garage and similar uses customarily incidental to a residential use. The area of the loft shall not exceed 1/3 of the area of the accessory building in which such loft is located. Accessory buildings accommodating pigeon lofts shall be limited in height as regulated in ch. 295.

3. In districts other than those enumerated in sub. 2, pigeon lofts may be erected as detached or separate buildings or structures when in compliance with the accessory building area limitations of ch. 295. In such districts, pigeon lofts may also be attached to or placed on the roof of accessory buildings; provided the area of the loft shall not exceed 200 square feet.

239-4. Smokehouses. 1. In addition to the regulations of this section, smokehouses shall comply with the regulations of s. 239-1.

2. Detached smokehouses shall have walls of not less than 2 hours fire-resistive construction with a noncombustible floor and roof, and a metal door overlapping the door opening at least one inch at the top and on both sides, and shall have a noncombustible vent or smoke flue.

3. Smokehouses may be located within the principal building if constructed of 3 hour fire-resistant construction throughout.

239-5. Outdoor Storage of Lumber.

1. APPLICABILITY. The regulations of this section shall apply to all premises used for wholesale or retail outdoor storage of new and used lumber and to any lumber stored outdoors elsewhere in piles exceeding 6 feet in height.

2. HEIGHT. No lumber pile shall exceed 20 feet in height.

3. ACCESS. No lumber pile shall exceed 1,000 square feet in area. For each such area, there shall be provided access passageways not less than 4 feet wide on at least 3 sides of such lumber piles and a fire access lane of not less than 20 feet in width on the remaining side. Such fire access lanes shall at all times be unobstructed, except for the loading and unloading of lumber, and shall continue to at least one street or alley.

4. LOCATION. a. Except as otherwise regulated herein, no lumber piles shall be placed or maintained less than 20 feet from adjoining lot lines or from any building or structure on the same premises. No such lumber piles shall be placed or maintained less than 30 feet from any building or structure on an adjoining property or from any public viaduct or bridge.

b. Lumber piles may be placed on any premises adjacent to or adjoining a building or structure having the exterior wall of not less than 4-hour fire-resistive construction and having no openings therein, except that the height of such lumber piles shall be not less than 3 feet below the top of such walls.

239-6. Coal and Material Bins (Hoppers); Trestles. 1. APPLICABILITY. Except as otherwise regulated in ch. 236, the regulations of this section shall apply to buildings and structures used for the storage and handling of coal, minerals, and similar materials in bulk.

2. CONSTRUCTION. a. Coal and material bins (hoppers) located more than 30 feet from adjoining lot lines or building or structures on the same premises, or along a railroad or water right-of-way, and not more than 30 feet in height, nor more than 15,000 square feet in area, may be constructed of wood planking and timbers of the dimension regulated for Type IV construction. Trestles located as regulated herein when not more than 30 feet in height may also be of such wood construction.

b. Coal bins (hoppers) not in compliance with par. a shall be of Type IA construction, except that such bins (hoppers) exceeding 15,000 square feet in area may be of such wood construction when divided into compartments or sections by fire walls of not less than 4-hour fire-resistive construction so that no such compartment or section exceeds 15,000 square feet in area. For noncombustible materials such bins (hoppers) may be of Type IIB construction.

c. Trestles not in compliance with par. a shall be of Type IA, IB or IIB approved construction.

d. Storage bins (hoppers) used for the storage or handling of noncombustible materials not exceeding 500 square feet in area may be enclosed with approved wood frame construction but not including structural supports of such bins. Enclosures for all other bins (hoppers) shall be of approved noncombustible construction.

239-7. Buildings and Structures for Animals and Fowl. 1. In addition to the regulations in this section, buildings and structures for the housing of animals and fowl shall comply with the regulations of s. 239-1.

2. Buildings and structures for animals and fowl must comply with ch. 295 and Wisconsin department of agriculture, trade and consumer protection regulations.

3. Buildings and structures for fowl shall comply with the regulations of s. 78-6.5, **[s. 78-6.5 will be effective 7/28/2011]** and shall not be subject to any of the regulations of subs. 1 and 2 if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height.

239-8. Automobile Parking Lot Shelters. Shelter sheds, used in connection with automobile parking lots, and shelter offices used in connection with sale of automobiles or equipment, shall not exceed an area of 100 square feet and a height of 10 feet.

239-9. Temporary Buildings and Structures.

1. An approved temporary building or structure, counters, platforms and stands used in connection with the sale of flowers, plants and shrubs shall be located on premises at a distance of not less than 10 feet from adjacent buildings and structures of Type VB construction, not less than 5 feet from adjacent buildings and structures of other type of construction, and not less than 6 feet from street lot lines. Only one such building or structure with a roof shall be permitted on any one premises, and shall not exceed an area of 100 square feet and a height of 9 feet. Platforms, stands and sales counters erected on any premises shall not exceed an area of 200 square feet. Permits for such temporary buildings or structures for counters, platforms and stands shall be limited to 90 days.

2. a. Temporary buildings and structures such as reviewing stands or platforms, and other miscellaneous buildings and structures conforming to the regulations of this code, and sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work, may be erected on any premises by special permit from the commissioner of city development for a limited period of time. Such temporary buildings and structures shall be removed upon the expiration of the time limit stated on such permit. For such buildings and structures erected on any public thoroughfare, permits shall be obtained from the department of public works.

b. The commissioner of city development may require that canopies used for protection purposes around construction work be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner of city development and a separate permit issued for their construction.

3. A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy.

239-10. Display Garages. Display garages may be erected on a premises as an accessory building for a legally permitted business use for a limited period of time as prescribed by the commissioner.

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 and 4 and the applicable provisions of ch. 295.

b. As an alternative to requirements in s. 239-1-4 for footings and foundations, an accessory shed may have an approved hard surface. Approved hard surfaces shall include but not be limited to concrete of at least 3 inches in thickness, 2 inches of macadam laid on 3 inches of gravel, or patio block laid on 3 inches of gravel.

c. When of type VB or petrochemical-based construction, a shed or accessory structure shall not be less than 10 feet from the principal building on the premises, except that the distance may be reduced to not less than 3 feet when the exterior walls of such structure is protected with not less than one-hour fire resistance construction.

2. Accessory sheds shall be anchored to the ground in a manner approved by the department of neighborhood services.

3. All accessory structures larger than accessory sheds shall comply with the regulations for detached private garages in s. 239-1.

LEGISLATIVE HISTORY
CHAPTER 239

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
239-1	cr	85-1396	12/20/85	1/1/86
239-1-1-b	am	86-975	9/23/86	10/10/86
239-1-1-b	am	020467	8/1/2002	8/20/2002
239-1-2-a-0	am	86-975	9/23/86	10/10/86
239-1-2-a-2	am	020467	8/1/2002	8/20/2002
239-1-2-a-3	am	020467	8/1/2002	8/20/2002
239-1-2-a-4	am	020467	8/1/2002	8/20/2002
239-1-2-b	am	980939	10/30/98	11/18/98
239-1-2-b	am	020467	8/1/2002	8/20/2002
239-1-3	rp	911204	11/5/91	11/22/91
239-1-4	rp	991763	5/14/2002	10/1/2002
239-1-4	am	060491	9/26/2006	10/13/2006
239-1-4	am	121706	4/9/2013	4/26/2013
239-1-5	am	020467	8/1/2002	8/20/2002
239-1-5	rn to 239-1-4	991763	5/14/2002	10/1/2002
239-1-5	am	060491	9/26/2006	10/13/2006
239-1-6	rn to 239-1-5	991763	5/14/2002	10/1/2002
239-1-7	rn to 239-1-6	991763	5/14/2002	10/1/2002
239-1-7-b-0	am	020467	8/1/2002	8/20/2002
239-1-7-b-7	am	020467	8/1/2002	8/20/2002
239-1-8	am	980963	12/18/98	1/1/99
239-1-8	rn to 239-1-7	991763	5/14/2002	10/1/2002
239-1-9	cr	84-809-a	2/24/87	3/13/87
239-1-9	rn to239-1-8	991763	5/14/2002	10/1/2002
239-1-10	cr	890409	6/27/89	7/18/89
239-1-10	rn to 239-1-9	991763	5/14/2002	10/1/2002
239-2	cr	85-1396	12/20/85	1/1/86
239-2	rc	951206	6/25/96	7/13/96
239-2-2	rc	991763	5/14/2002	10/1/2002
239-2-2	am	110738	11/30/2011	12/17/2011
239-2-3	am	86-799	6/28/88	7/16/88
239-2-3	rp	991763	5/14/2002	10/1/2002
239-2-3-h	cr	110738	11/30/2011	12/17/2011
239-2-4	rp	991763	5/14/2002	10/1/2002
239-2-4	am	991763	5/14/2002	10/1/2002
239-2-4-b	am	901415	12/21/90	1/12/91
239-2-4-b	am	980963	12/18/98	1/1/99
239-2-4-c	rc	891608	11/27/90	12/15/90
239-2-5	rp	991763	5/14/2002	10/1/2002
239-2-6	rp	991763	5/14/2002	10/1/2002
239-2-6-e-1	rc	980963	12/18/98	1/1/99
239-2-7	rn 239-2-3	991763	5/14/2002	10/1/2002
239-2-7	cr	110738	11/30/2011	12/17/2011
239-2-7-d	am	020064	5/14/2002	6/1/2002
239-2-7-f	rn to 239-2-7-g	010491	8/2/2001	8/18/2001
239-2-7-f	cr	010491	8/2/2001	8/18/2001
239-2-8	rn to 239-2-4	991763	5/14/2002	10/1/2002

239-2-8-c-2	am	86-799	6/28/88	7/16/88
239-2-8-c-3	am	872587	6/7/88	6/24/88
239-2-8-c-3	am	881378	12/20/88	1/13/89
239-2-9	rn to 239-2-5	991763	5/14/2002	10/1/2002
239-2-11	rp	991763	5/14/2002	10/1/2002
239-3	cr	85-1396	12/20/85	1/1/86
239-3-2	am	020467	8/1/2002	8/20/2002
239-3-3	am	020467	8/1/2002	8/20/2002
239-4	cr	85-1396	12/20/85	1/1/86
239-5	cr	85-1396	12/20/85	1/1/86
239-6	cr	85-1396	12/20/85	1/1/86
239-6-2-a	am	020467	8/1/2002	8/20/2002
239-6-2-b	am	020467	8/1/2002	8/20/2002
239-6-2-c	am	020467	8/1/2002	8/20/2002
239-7	cr	85-1396	12/20/85	1/1/86
239-7-3	cr	110088	6/14/2011	7/1/2011
239-8	cr	85-1396	12/20/85	1/1/86
239-8	am	980134	5/27/98	6/13/98
239-8	am	020467	8/1/2002	8/20/2002
239-9	cr	85-1396	12/20/85	1/1/86
239-9-1	am	020467	8/1/2002	8/20/2002
239-9-2	am	921187	11/20/92	12/11/92
239-9-2	am	980963	12/18/98	1/1/99
239-9-3	cr	85-1396-a	5/6/86	5/23/86
239-10	cr	85-1396	12/20/85	1/1/86
239-11	cr	872164	3/8/88	3/25/88
239-11-1-a	am	991763	5/14/2002	10/1/2002
239-11-1-a	am	071525	4/9/2008	5/1/2008
239-11-1-c	cr	071525	4/9/2008	5/1/2008
239-11-2	am	980963	12/18/98	1/1/99
239-11-2	am	151199	3/29/2016	4/15/2016
239-12	cr	031738	5/25/2004	6/12/2004
239-12	am	060491	9/26/2006	10/13/2006
239-13	cr	070329	10/23/2007	11/9/2007
239-13-1-c	rn to 239-13-1-d	081474	6/16/2009	7/3/2009
239-13-1-c	cr	081474	6/16/2009	7/3/2009
239-13-3-c-4	am	081474	6/16/2009	7/3/2009
239-13-3-c-7	cr	081474	6/16/2009	7/3/2009
239-13-7-a	am	081474	6/16/2009	7/3/2009
239-13-7-c	am	081474	6/16/2009	7/3/2009
239-13-7-e	am	081474	6/16/2009	7/3/2009
239-13-7-i	am	081474	6/16/2009	7/3/2009
239-13-7-k	cr	081474	6/16/2009	7/3/2009
239-13-7-L	cr	081474	6/16/2009	7/3/2009
239-13-7-m	cr	081474	6/16/2009	7/3/2009
239-13-7-n	cr	081474	6/16/2009	7/3/2009
239-13-8	am	071366	2/26/2008	3/14/2008

(Pages 341-356 are blank)

3. SIGNS AND ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on any part of a roofed sidewalk (covered walk). The name, street number, or character of the business may be indicated on the vertical portion only, not to exceed 8 inches in height.

245-14. Air and Subterranean Space Lease Structures. 1. There is created a committee on air and subterranean space lease structures composed of the following or their designees:

a. Commissioner of neighborhood services.

b. Commissioner of public works.

c. City engineer.

d. Planning director, department of city development.

e. City real estate agent.

1.5. An assistant city attorney shall be assigned to the committee by the city attorney to provide legal advice for the conduct of the committee and the drafting of the necessary documents.

2. Such committee shall have for its duties the coordination of all air space and subterranean lease requests which are made to the city of Milwaukee pursuant to s. 66.0915(3) and (4), Wis. Stats.

3. The committee shall design all forms to be used, and the commissioner of neighborhood services shall distribute application forms to those requesting the same. The members of the committee shall elect one of their members chair to preside over the committee for a term at the pleasure of the committee. Verbatim reports of the committee activities need not be kept unless the committee so decides. Completed applications shall be returned to the commissioner of neighborhood services or his or her representative on the committee, together with the building plans, plot plans and other data that will show the elevations, location, height and site of the proposed structure, its relationship to adjoining buildings, and a memorandum of ownership showing the last recorded owner of all of the properties proposed to be joined by the air or subterranean space structure.

4. The application and additional submissions, in duplicate, shall be accompanied by the fee specified in s. 200-33, special privileges, etc., which shall be paid to the city treasurer, and the commissioner of neighborhood services shall submit the original of the application to the city clerk, who shall transmit the same to the common council for introduction at its next regularly scheduled meeting. A combination air space and subterranean lease shall require individual leases and a separate application and fee shall be required for each. Such fee shall not be returnable, nor shall such fee be waived at any time. The council, on receipt thereof, shall refer the same jointly to an appropriate committee of the common council, the city plan commission and the special committee on air and subterranean space lease structures, and shall be transmitted to the special committee for investigation.

5. The special committee may meet with the applicant from time to time, and may request additional information, maps, drawings, documents, plans and other information from the applicant relative to the request. When the special committee completes its investigation, it shall make a written report thereof, attach it to the common council file and transmit same to the city plan commission.

6. Upon receipt of the entire file from the special committee, the city plan commission shall review the same, make its recommendations thereon in writing, attach such recommendations to the file and return such file to the special committee. Upon receipt thereof, the special committee shall transmit the entire file including the suggested lease fee to the committee of the common council to which it was referred.

7. The common council committee may make further references of the file to such other boards, commissions or officers for any further information that it may deem necessary, or may return the file to the special committee with instructions or for additional information.

8. This section is intended to be procedural only and is not intended to supersede or nullify any other section of the Milwaukee code, or the building and zoning code.

LEGISLATIVE HISTORY
CHAPTER 245

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 45	rc	77-558	7/26/77	8/12/77
45-4-2	am	82-1876	2/15/83	3/3/83
45-4-3	am	82-1876	2/15/83	3/3/83
45-4.5	cr	79-559	10/23/79	11/8/79
45-4.6	cr	79-1565	12/21/79	1/8/80
Ch. 245	rn from ch. 45	85-1396	12/20/85	1/1/86
245-1	am	85-1396	12/20/85	1/1/86
245-1-5	cr	091615	5/25/2010	6/12/2010
245-1-6	cr	091615	5/25/2010	6/12/2010
245-3	am	85-1396	12/20/85	1/1/86
245-3-1	am	86-676	7/29/86	8/16/86
245-3-1	am	980963	12/18/98	1/1/99
245-3-2	am	980963	12/18/98	1/1/99
245-4	am	85-1396	12/20/85	1/1/86
245-4	rc	091615	5/25/2010	6/12/2010
245-4.5	rc	091615	5/25/2010	6/12/2010
245-4.6	rp	091615	5/25/2010	6/12/2010
245-4-10	am	991763	5/14/2002	10/1/2002
245-4-12	am	882295	5/16/89	6/3/89
245-4-14.5	cr	86-979	10/14/86	10/31/86
245-4-19	am	020467	8/1/2002	8/20/2002
245-4-21	am	991763	5/14/2002	10/1/2002
245-4-28	cr	980249	6/16/98	7/3/98
245-4-29	cr	030307	11/25/2003	12/16/2003
245-4-30	cr	081573	5/5/2009	5/22/2009
245-4.5-2	am	85-1396	12/20/85	1/1/86
245-4.5-2-a	am	921114	11/20/92	12/11/92
245-4.5-2-a	am	991763	5/14/2002	10/1/2002
245-4.5-4	am	031602	6/15/2004	7/2/2004
245-4.6-1	am	980963	12/18/98	1/1/99
245-4.6-3	am	980963	12/18/98	1/1/99
245-4.6-4	am	85-1396	12/20/85	1/1/86
245-4.6-4-a	am	980963	12/18/98	1/1/99
245-5-1	am	85-1396	12/20/85	1/1/86
245-5-2	am	85-1396	12/20/85	1/1/86
245-5-3	am	85-1396	12/20/85	1/1/86
245-5-3-c	cr	990819	5/19/2000	6/8/2000
245-5-4	am	85-1396	12/20/85	1/1/86
245-5-4	am	120914	11/8/2012	1/1/2013
245-5-4-a	am	980963	12/18/98	1/1/99
245-6	rc	091615	5/25/2010	6/12/2010
245-6-7	am	86-676	7/29/86	8/16/86
245-6-7	rc	991763	5/14/2002	10/1/2002
245-6-7	rc	021287	5/13/2003	5/30/2003
245-6.5	cr	86-676	7/29/86	8/16/86
245-6.5	rp	091615	5/25/2010	6/12/2010

245-6.5-7 and 8	rn	871339	10/27/87	11/13/87
245-6.5-7	cr	871339	10/27/87	11/13/87
245-6.5-7	rc	991763	5/14/2002	10/1/2002
245-6.5-7	rc	021287	5/13/2003	5/30/2003
245-7	am	85-1396	12/20/85	1/1/86
245-7	rc	091615	5/25/2010	6/12/2010
245-7-7	rc	991763	5/14/2002	10/1/2002
245-7-7	rc	021287	5/13/2003	5/30/2003
245-7-8	am	030307	11/25/2003	12/16/2003
245-7-9	cr	030307	11/25/2003	12/16/2003
245-8	am	85-1396	12/20/85	1/1/86
245-8	rp	091615	5/25/2010	6/12/2010
245-8-7	am	991763	5/14/2002	10/1/2002
245-9	am	85-1396	12/20/85	1/1/86
245-9	rp	091615	5/25/2010	6/12/2010
245-9-7	am	991763	5/14/2002	10/1/2002
245-10	am	85-1396	12/20/85	1/1/86
245-10-1	am	091615	5/25/2010	6/12/2010
245-10-7	am	991763	5/14/2002	10/1/2002
245-10-7	am	091615	5/25/2010	6/12/2010
245-10-8	cr	091615	5/25/2010	6/12/2010
245-10-9	cr	091615	5/25/2010	6/12/2010
245-11	am	85-1396	12/20/85	1/1/86
245-11	am	091615	5/25/2010	6/12/2010
245-11-1	am	980963	12/18/98	1/1/99
245-11-2	am	881465	11/11/88	12/9/88
245-11-2	am	980249	6/16/98	7/3/98
245-12	am	85-1396	12/20/85	1/1/86
245-12-1	am	001458	2/27/2001	3/16/2001
245-12-2	am	881930	3/7/89	3/25/89
245-12-2	am	980963	12/18/98	1/1/99
245-12-2	rc	091268	2/9/2010	2/26/2010
245-12-2	rc	091665	5/4/2010	7/20/2010
245-12-3-b	am	86-342	7/29/86	8/16/86
245-12-3-b	am	080754	10/7/2008	10/24/2008
245-12-3-b	am	081687	5/5/2009	5/22/2009
245-12-3-b	am	091665	5/4/2010	7/20/2010
245-12-3-c	am	980963	12/18/98	1/1/99
245-12-3-c	am	051188	1/18/2006	2/4/2006
245-12-3-d	rn to 245-12-3-e	061340	4/17/2007	5/4/2007
245-12-3-d	cr	061340	4/17/2007	5/4/2007
245-12-3-e	am	001458	2/27/2001	3/16/2001
245-12-3-e	rn to 245-12-3-f	061340	4/17/2007	5/4/2007
245-12-3-f	am	980963	12/18/98	1/1/99
245-12-3-f	rn to 25-12-3-g	061340	4/17/2007	5/4/2007
245-12-4	rc	86-1461	4/7/87	4/24/87
245-12-4	am	980963	12/18/98	1/1/99
245-12-5	rn to 245-12-6	081687	5/5/2009	5/22/2009
245-12-5	cr	081687	5/5/2009	5/22/2009
245-12-5	am	091665	5/4/2010	7/20/2010

245-12-7	cr	081687	5/5/2009	5/22/2009
245-12-7	rc	091665	5/4/2010	7/20/2010
245-12.5	cr	051188	1/18/2006	2/4/2006
245-13	am	85-1396	12/20/85	1/1/86
245-13-2	am	001458	2/27/2001	3/16/2001
245-14	am	85-1396	12/20/85	1/1/86
245-14-1	rc	051188	1/18/2006	2/4/2006
245-14-1-a	am	980963	12/18/98	1/1/99
245-14-1.5	cr	051188	1/18/2006	2/4/2006
245-14-2	am	001458	2/27/2001	3/16/2001
245-14-3	am	980963	12/18/98	1/1/99
245-14-3	am	151199	3/29/2016	4/15/2016
245-14-4	am	871340	10/27/87	1/1/88
245-14-4	am	980963	12/18/98	1/1/99
245-14-4	am	151199	3/29/2016	4/15/2016

[Pages 425-426 are blank]

Table 261-97-3-a

Population Outdoor Assembly	Frontage on, or Open Space Having Access to
Up to 1,000	1 street
Up to 5,000	2 streets
Up to 10,000	3 streets
Over 10,000	4 streets

b. Where more than one street is required, an available public park, unoccupied field or open space not less than 30 feet wide, approved as an area of refuge, may be used in lieu of required streets in excess of one street.

c. A fenced place of outdoor assembly shall have at least 2 exits from the enclosure. If more than 6,000 persons are to be accommodated, there shall be at least 3 exits; and, if more than 9,000, there shall be at least 4 exits. Exits shall be distributed uniformly in an approved manner.

d. Access to required exits from a fenced outdoor assembly shall be by means of aisles of passageways with access to a street or approved open space.

e. The aggregate width of exits or a fenced outdoor assembly shall be provided for the number of persons for which an area is designed. Such exits shall be computed on the basis of 22 inches per 100 persons.

4. PUBLIC PASSAGEWAYS. a. Public passageways shall be provided for the normal number of persons for which the area is designed, and the width thereof shall be computed as regulated in sub. 3-e but in no case shall such width be less than 44 inches. Such public passageways shall be designed and apportioned as to prevent congestion and confusion.

b. Where 2 or more such public passageways lead into one public passageway in the direction of travel to an exit, such combined public passageway shall be at least equal in width to the combined width of merged public passageways.

c. Aisles having seats on both sides shall not be less than 42 inches in width. Aisles having seats on one side only shall not be less than 24 inches wide. Cross aisles shall not be less than 48 inches in width.

261-98. Beer Gardens. 1. DEFINITION. In this section "beer garden" means an outdoor accessory use on a premises licensed and operated year round as a class "B" establishment under ch. 90 and which is used for recreation, entertainment or dining purposes, whether or not enclosed in whole or part by a fence or a tent.

2. APPLICATION. This section applies to all beer gardens licensed on or after May 13, 1989 and to those beer gardens previously licensed and does not apply to municipally-owned facilities.

3. HEALTH DEPARTMENT REGULATIONS. No beer garden may be approved or be operated unless it meets the requirements of the health department and has obtained the necessary licenses or permits required by city code.

4. TENTS. Tents used in conjunction with beer gardens shall meet the requirements of s. 261-42, and all applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended.

5. HEATING EQUIPMENT. Any heating equipment located in or serving a tent shall meet the applicable requirements of ch. SPS 364, Wis. Adm. Code, as amended.

6. CAPACITY. The nominal capacity of a beer garden shall be calculated on the basis of one person for each 10 square feet of ground area enclosed or intended to be used as a beer garden. A sign indicating the capacity of the beer garden shall be posted in the beer garden as required under s. 252-1.

7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT. All beer garden areas not contained within a tent shall comply with the following:

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. The total exit width shall be not less than 22 inches per 100 persons with a minimum width of 36 inches per exit.

b. If a beer garden is enclosed and the fence or enclosure is in excess of 4 feet in height, the exit openings shall meet the applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended, except that lighted exit signs and exit directional signs are not required in beer

gardens. Gates and exit doors shall be marked with a sign of 5-inch letters with the words "exit" or "emergency exit only".

c. Exits from the beer garden through buildings located on the same premises or from such buildings through the beer garden shall be permitted, providing the width of the exits shall accommodate both the capacity of the building as calculated in the code for the building use and the capacity of the beer garden as calculated in this section.

d. Exterior exit stairways which serve beer gardens shall comply with provisions of this code for exit stairways except that enclosures are not required.

8. OPEN FLAME DEVICES. No unapproved open flame device shall be permitted in a beer garden.

9. FIRE EXTINGUISHERS. Portable fire extinguishers shall be provided as set forth in chs. SPS 361 and 362, Wis. Adm. Code, as amended.

10. TOILET AND SANITARY FACILITIES. a. Toilet rooms and sanitary facilities shall be provided for males and females in connection with all beer gardens. The number of toilets required shall be based upon the code requirements for taverns and restaurants rather than general assembly and, where special conditions exist, additional toilets may be required by the health department to provide for proper sanitation. Toilet rooms in the building on the licensed premises may be used to meet the minimum requirement for the beer garden if sufficient toilet rooms exist to meet the total number required from both areas. Beer gardens which have net areas of 250 square feet or less are not required to be provided with toilet facilities.

b. Portable toilets and handwashing facilities shall be permitted in lieu of permanent facilities, provided that the beer garden is used less than 180 days per calendar year.

11. NONABSORBENT CLEANABLE SURFACES. All food preparation areas and back bar areas shall be placed upon a hard surface which is nonabsorbent and easily cleanable. Such surfaces shall be fitted with drains and equipment so plumbed that these surfaces do not remain wet as a result of the food and drink handled in these areas.

12. PERMIT. Applicants for beer garden permits shall submit to the department of city development a dimensioned site plan and floor plan at the time of the application. It is the obligation of the operator to submit any revision to these plans to the department of city development.

261-101. Toilet Rooms. Separate toilet rooms shall be provided for males and females in connection with all places of outdoor assembly.

.

LEGISLATIVE HISTORY
CHAPTER 261

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Chapter 261 in existence, 1986-2002				
ch. 261	cr	85-1396	12/20/85	1/1/86
ch. 261	rp	020467	8/1/2002	8/20/2002
261-01	am	980939	10/30/98	11/18/98
Chapter 262 renumbered to 261 and amended, 2002-present				
ch. 262	rn to 261	020467	8/1/2002	8/20/2002
261-01	rp	020467	8/1/2002	8/20/2002
261-10	rp	060520	9/26/2006	10/13/2006
261-35	am	991763	5/14/2002	10/1/2002
261-42-3-c	cr	060491	9/26/2006	10/13/2006
261-98-4	am	020467	8/1/2002	8/20/2002
261-98-4	am	121706	4/9/2013	4/26/2013
261-98-5	am	020467	8/1/2002	8/20/2002
261-98-5	am	151199	3/29/2016	4/15/2016
261-98-7-a	am	991763	5/14/2002	10/1/2002
261-98-7-b	am	020467	8/1/2002	8/20/2002
261-98-7-b	am	151199	3/29/2016	4/15/2016
261-98-9	am	020467	8/1/2002	8/20/2002
261-98-9	am	111233	1/18/2012	2/4/2012
261-98-10-a	am	020467	8/1/2002	8/20/2002
261-101	am	020467	8/1/2002	8/20/2002
261-103	rp	131559	5/13/2014	8/1/2015
261-103-2-a	am	030175	6/3/2003	6/20/2003
261-103-2-e	cr	030175	6/3/2003	6/20/2003
261-103-4-0	rc	030175	6/3/2003	6/20/2003
261-103-5	am	081724	5/5/2009	5/22/2009
261-103-5-a	am	030175	6/3/2003	6/20/2003
261-103-5-a	am	091396	4/13/2010	4/17/2010
261-103-5-b-5	cr	030175	6/3/2003	6/20/2003
261-103-5-c-0	am	030175	6/3/2003	6/20/2003
261-103-5-d	rc	030175	6/3/2003	6/20/2003
261-103-5-f	am	991763	5/14/2002	10/1/2002
261-103-6	rn to 261-103-7	030175	6/3/2003	6/20/2003
261-103-6	cr	030175	6/3/2003	6/20/2003
261-103-6-a	am	081724	5/5/2009	5/22/2009
261-103-6-a	am	091396	4/13/2010	4/17/2010
261-103-6-b	rc	991763	5/14/2002	10/1/2002
261-103-7	rn to 261-103-8	030175	6/3/2003	6/20/2003
261-103-8	rn to 261-103-9	030175	6/3/2003	6/20/2003
261-103-9	rn to 261-103-10	030175	6/3/2003	6/20/2003
Chapter 262 history, 1986-2002				
262-01	am	85-1396-a	5/6/86	5/23/86
262-10-1	rc	85-109-b	4/15/86	5/1/86
262-10-1	rc	941797	6/6/95	6/23/95
262-10-2-b	am	980963	12/18/98	1/1/98
262-10-2-e-1-a	am	86-465	6/17/86	7/9/86
262-35	am	882295	5/16/89	6/3/89

262-42-1	rn to 262-42-2	950719	9/27/95	10/14/95
262-42-1	cr	950719	9/27/95	10/14/95
262-42-1	rc	960077	6/25/96	7/13/96
262-42-2	rn to 262-42-3	950719	9/27/95	10/14/95
262-42-2	rc	960077	6/25/96	7/13/96
262-42-2-a-0	am	882295	5/16/89	6/3/89
262-42-3	cr	85-1396-a	5/6/86	5/23/86
262-42-3	am	880522	3/7/89	3/25/89
262-42-3	rn to 262-42-4	950719	9/27/95	10/14/95
262-42-5	cr	960077	6/25/96	7/13/96
262-98	cr	881425	4/25/89	5/13/89
262-98-4	am	980939	10/30/98	11/18/98
262-98-5	am	980939	10/30/98	11/18/98
262-98-7-b	am	980939	10/30/98	11/18/98
262-98-9	am	980939	10/30/98	11/18/98
262-98-10-a	am	980939	10/30/98	11/18/98
262-98-12	am	980963	12/18/98	1/1/99
262-103	cr	960375	7/12/96	7/31/96
262-103-5-a	am	980963	12/18/98	1/1/99
262-103-5-c-0	am	980963	12/18/98	1/1/99
262-103-5-d	am	980963	12/18/98	1/1/99
262-103-5-e	am	980963	12/18/98	1/1/99
262-103-8-b	am	980963	12/18/98	1/1/99

[Pages 497-502 are blank]

CHAPTER 263
ENERGY CONSERVATION

263-01. Adoption of State Code. The city of Milwaukee adopts ch. SPS 363, Wis. Adm. Code, as amended, as part of the code.

LEGISLATIVE HISTORY
CHAPTER 263

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 263	cr	85-1396	12/20/85	1/1/86
263-01	am	980939	10/30/98	11/18/98
263-01	am	121706	4/9/2013	4/26/2013
263-01	am	140737	9/23/2014	10/10/2014
263-01	am	151199	3/29/2016	4/15/2016

SUBCHAPTER 2
LICENSING

275-20. Licensing Of Licensed Dwelling Facilities. 1. DEFINITION. In this section, "offer" means to communicate a willingness, desire or intent.

1.1 COMPLIANCE. No person may operate or let to another for occupancy any licensed dwelling facility**,** except in compliance with the requirements of this section.

1.2 POLICY. The common council declares its purposes in adopting these provisions are to:

a. Protect the public health, safety and welfare of the people of the city.

b. Protect the character and stability of residential areas.

c. Correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying licensed dwelling facilities.

1.5. ADOPTION OF STATE CODE. Except as otherwise provided in this subchapter, the city of Milwaukee adopts ch. DHS 195, Wis. Adm. Code, as amended, as part of this code.

2. LICENSE REQUIRED. No person, firm or corporation, either as owner, operator, lessee, manager, officer or agent, may keep, maintain, conduct or operate for gain or profit, or may offer to keep, maintain, conduct or operate for gain or profit, any licensed dwelling facility in the city without first obtaining a license therefor in the manner hereinafter provided.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. In addition, if the applicant is a nonresident of Milwaukee county, the application shall contain the name and street address of a local representative inside the Milwaukee county limits who shall be a natural person upon whom service can be made under this chapter of a summons or other processes issued by any court.

4. PLAN OF OPERATION. An application for a licensed dwelling facility license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. Plans the applicant has to provide security for the premises.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED.

a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. Plan of Operation. If, after the license has been issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

6. LICENSE FEE. See s. 200-33 for the required license fee.

7. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

8. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

9. INVESTIGATION. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

10. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE.

a. General. See s. 85-12.5 for provisions relating to the issuance of a license.

b Occupancy. Each license shall list the maximum number of persons that may reside in the total building or portion thereof for which the license is issued.

c. Expiration. A license shall expire on the date specified, unless sooner suspended or revoked as provided in this section.

12. POSTING. Each license shall be posted in a conspicuous place on the premises.

13. TRANSFER. No license for a licensed dwelling facility may be transferred. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.

14. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

16. DUE PROCESS AND COMMON COUNCIL REVIEW. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration in ss. 85-3 to 85-5 shall apply.

17. CAUSES FOR NONRENEWAL, SUSPENSION OR REVOCATION. In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including sub. 20 and any of the following:

a. A conviction of the licensee, the licensee's agent, manager, operator or any other employe for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed dwelling facility.

b. The licensed dwelling facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

c. The conviction of the licensee, local representative of the licensee or the officers or directors of a corporation, or any employe for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed dwelling facility.

d. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the dwelling facility constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood.

e. The licensed dwelling facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

f. The licensed dwelling facility is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the licensed premises has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

LEGISLATIVE HISTORY
CHAPTER 275

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 275	rn from ch. 51*	85-1396	12/20/85	1/1/86
Ch. 275	rc	86-1766	2/3/87	6/1/87
275-2	cr	901088	11/27/90	12/15/90
275-2	am	921114	11/20/92	12/11/92
275-2	am	980963	12/18/98	1/1/99
275-20	rc	970452	11/25/97	12/16/97
275-20-0	am	050643	10/18/2005	11/4/2005
275-20-1	rn to 275-20-1.2	050643	10/18/2005	11/4/2005
275-20-1	cr	050643	10/18/2005	11/4/2005
275-20-1.5	cr	990090	5/11/99	5/28/99
275-20-1.5	am	081724	5/5/2009	5/22/2009
275-20-2	am	040127	6/15/2004	7/2/2004
275-20-3	am	120914	11/8/2012	1/1/2013
275-20-3	rc	131559	5/13/2014	8/1/2015
275-20-3-0	am	980963	12/18/98	1/1/99
275-20-3-0	am	130299	9/24/2013	10/11/2013
275-20-3-a	am	871174	10/6/87	10/23/87
275-20-3-a	am	990621	7/29/99	8/17/99
275-20-3-d	cr	961690	3/4/97	3/20/97
275-20-4	am	980963	12/18/98	1/1/99
275-20-4	am	990621	7/29/99	8/17/99
275-20-4	am	130299	9/24/2013	10/11/2013
275-20-4	rc	131559	5/13/2014	8/1/2015
275-20-4-i	rp	151320	1/19/2016	2/5/2016
275-20-4-i	rp	151199	3/29/2016	4/15/2016
275-20-4-j	rn to 275-20-4-i	151320	1/19/2016	2/5/2016
275-20-4-k	rn to 275-20-4-j	151320	1/19/2016	2/5/2016
275-20-5	rc	131502	4/22/2014	5/9/2014
275-20-5	rc	131559	5/13/2014	8/1/2015
275-20-5-0	am	130299	9/24/2013	10/11/2013
275-20-5-a-1	am	130299	9/24/2013	10/11/2013
275-20-5-a-3	rp	130299	9/24/2013	10/11/2013
275-20-5-c-1-0	am	130299	9/24/2013	10/11/2013
275-20-6	rc	131559	5/13/2014	8/1/2015
275-20-6-0	am	130299	9/24/2013	10/11/2013
275-20-6-a	am	130299	9/24/2013	10/11/2013
275-20-6-c	am	130299	9/24/2013	10/11/2013
275-20-6-f	rp	130299	9/24/2013	10/11/2013
275-20-7	rn to 275-20-20	131559	5/13/2014	8/1/2015
275-20-7	cr	131559	5/13/2014	8/1/2015
275-20-7-0	am	051471	3/23/2006	4/11/2006
275-20-7-p	rp	130299	9/24/2013	10/11/2013
275-20-7-p-2	am	980963	12/18/98	1/1/99
275-20-7-p-3	am	980963	12/18/98	1/1/99
275-20-7-q	rp	130299	9/24/2013	10/11/2013
275-20-7-q-0	am	050735	10/18/2005	11/4/2005
275-20-8	cr	130299	9/24/2013	10/11/2013
275-20-8	rc	131559	5/13/2014	8/1/2015

* except for 51-2 and 51-17 which were repealed.

275-20-8.2	rp	131559	5/13/2014	8/1/2015
275-20-8.5	cr	130299	9/24/2013	10/11/2013
275-20-8.5	rn to 275-20-17	131559	5/13/2014	8/1/2015
275-20-9	rc	130299	9/24/2013	10/11/2013
275-20-9	rc	131559	5/13/2014	8/1/2015
275-20-9-a	rn to 275-20-9	941797	6/6/95	6/23/95
275-20-9-a	am	980963	12/18/98	1/1/99
275-20-9-b	rp	941797	6/6/95	6/23/95
275-20-9-c	rc	030306	6/24/2003	7/11/2003
275-20-9-d-1	rc	030306	6/24/2003	7/11/2003
275-20-9-d-2	am	030306	6/24/2003	7/11/2003
275-20-9-h-2	am	980963	12/18/98	1/1/99
275-20-9-j	rn to 275-20-9-k	971710	3/3/98	3/24/98
275-20-9-j	cr	971710	3/3/98	3/24/98
275-20-10	rc	131559	5/13/2014	8/1/2015
275-20-11	rc	131559	5/13/2014	8/1/2015
275-20-11-a	am	980963	12/18/98	1/1/99
275-20-12	cr	070549	7/31/2007	8/17/2007
275-20-12	rn to 275-20-22	131559	5/13/2014	8/1/2015
275-20-12	cr	131559	5/13/2014	8/1/2015
275-20-13	cr	131559	5/13/2014	8/1/2015
275-20-14	cr	131559	5/13/2014	8/1/2015
275-20-15	cr	131559	5/13/2014	8/1/2015
275-20-16	am	891827	1/16/90	2/3/90
275-20-16	cr	131559	5/13/2014	8/1/2015
275-20-17-0	am	891827	1/16/90	2/3/90
275-20-17-0	rc	131559	5/13/2014	8/1/2015
275-20-18	cr	131559	5/13/2014	8/1/2015
275-20-19	cr	131559	5/13/2014	8/1/2015
275-20-19-0	am	890136	10/10/89	10/28/89
275-20-19-a	am	890136	10/10/89	10/28/89
275-20-19-a-3	am	921114	11/20/92	12/11/92
275-20-19-b	am	890136	10/10/89	10/28/89
275-20-20	am	871174	10/6/87	10/23/87
275-20-20-a	rp	131559	5/13/2014	8/1/2015
275-20-20-c	rp	131559	5/13/2014	8/1/2015
275-21	cr	131559	5/13/2014	8/1/2015
275-21-3	rp	890991	7/28/92	8/14/92
275-21-6	cr	900249	6/20/90	7/10/90
275-21-6	rc	900512	1/22/91	2/8/91
275-22-3	rp	890991	7/28/92	8/14/92
275-23-6	rp	890991	7/28/92	8/14/92
275-31	cr	901353	12/21/90	1/12/91
275-32-1	am	901353	12/21/90	1/12/91
275-32-3-c	rc	970472	7/25/97	8/13/97
275-32-3-h	rc	911449	7/28/92	8/14/92
275-32-3-h-1-b	am	960621	7/30/96	8/16/96
275-32-3-h-3	am	901353	12/21/90	1/12/91
275-32-3-h-3-a	am	041644	4/12/2005	4/29/2005
275-32-3-i	cr	911449	7/28/92	8/14/92
275-32-3-i-1-a	am	041644	4/12/2005	4/29/2005
275-32-6	am	930944	10/19/93	11/5/93
275-32-7	rc	890682	7/25/89	8/15/89
275-32-7-0	am	041383	2/22/2005	3/11/2005
275-32-7-a-0	am	090428	11/3/2009	1/1/2010
275-32-7-a-2	am	101139	4/12/2011	4/29/2011
275-32-7-a-3	am	090428	11/3/2009	1/1/2010

275-32-7-a-5	am	891307	10/13/89	11/18/89
275-32-7-a-5	am	090428	11/3/2009	1/1/2010
275-32-7-a-7	am	090428	11/3/2009	1/1/2010
275-32-7.5*	cr	041383	2/22/2005	3/11/2005
275-32-9	rc	86-1824	5/5/87	6/1/87
275-32-10	am	930944	10/19/93	11/5/93
275-32-12	cr	892299	11/6/90	11/23/90
275-32-13	cr	010409	8/2/2001	8/18/2001
275-32-13-b-1	am	030997	11/25/2003	12/16/2003
275-32-13-c	rc	030997	11/25/2003	12/16/2003
275-32-13-c-8	rc	020062	5/14/2002	6/1/2002
275-32-13-d-2	am	030997	11/25/2003	12/16/2003
275-32-13-d-3	am	030997	11/25/2003	12/16/2003
275-32-13-d-8	am	030997	11/25/2003	12/16/2003
275-32-13-e-0	am	030997	11/25/2003	12/16/2003
275-32-13-g-1	am	021706	4/15/2003	4/25/2003
275-32-13-g-1	rc	030997	11/25/2003	12/16/2003
275-32-13-g-2	am	021706	4/15/2003	4/25/2003
275-32-13-g-2	rc	030997	11/25/2003	12/16/2003
275-32-13-g-3	am	021706	4/15/2003	4/25/2003
275-32-13-g-3	rc	030997	11/25/2003	12/16/2003
275-32-13-g-4	cr	040385	7/27/2004	8/13/2004
275-32-13-h-0	am	030997	11/25/2003	12/16/2003
275-32-13-h-11	am	030997	11/25/2003	12/16/2003
275-32-13-i-2	am	030997	11/25/2003	12/16/2003
275-32-13-i-4-b	am	030997	11/25/2003	12/16/2003
275-32-13-i-4-b	am	040043	6/15/2004	7/2/2004
275-32-13-i-4-g	am	030997	11/25/2003	12/16/2003
275-33-1	am	86-1824	5/5/87	6/1/87
275-33-1	am	901353	12/21/90	1/12/91
275-33-5	rc	911449	7/28/92	8/14/92
275-33-7	cr	912132	3/24/92	4/10/92
275-34	cr	901353	12/21/90	1/12/91
275-34-3	am	930176	6/15/93	7/2/93
275-35	cr	950357	7/28/95	8/16/95
275-35-1	am	970497	11/21/97	12/16/97
275-35-4	am	971310	12/16/97	1/8/98
275-35-5	rc	971310	12/16/97	1/8/98
275-35-5-b	am	960621	7/30/96	8/16/96
275-35-5-b	am	970497	11/21/97	12/16/97
275-35-5-d	rp	970497	11/21/97	12/16/97
275-35-6	rp	991634	2/29/2000	3/17/2000
275-35-7	rp	971310	12/16/97	1/8/98
275-36	cr	99338-1	4/11/2000	4/29/2000
275-40-2	am	901353	12/21/90	1/12/91
275-42-4-0	am	980134	5/27/98	6/13/98
275-44-2-c	am	921114	11/20/92	12/11/92
275-50-2	am	901353	12/21/90	1/12/91
275-54-4	am	872018	2/18/88	3/8/88
275-54-4	rc	912434	5/26/92	6/12/92
275-60-2	am	901353	12/21/90	1/12/91
275-61-3-f	am	990863	10/19/99	11/5/99

* Section 275-32-7.5 became null and void after 2/28/09 per the sunset provisions of File #041383.

275-61-3-f	am	111233	1/18/2012	2/4/2012
275-62-2	am	86-1824	5/5/87	6/1/87
275-62-4	cr	901353	12/21/90	1/12/91
275-81-1-b	am	901353	12/21/90	1/12/91
275-81-5	rc	921198	11/20/92	12/11/92
275-81-5-b	am	901353	12/21/90	1/12/91
275-81-5-b	am	920147	6/16/92	7/3/92
275-81-5-b	am	940652	2/14/95	3/3/95
275-81-5-b	am	121382	5/13/2014	5/31/2014
275-81-5-c	am	930944	10/19/93	11/5/93
275-81-5-c	am	040043	6/15/2004	7/2/2004
275-81-6	am	901353	12/21/90	1/12/91
275-81-6	am	040043	6/15/2004	7/20/2004
275-81-7 to 12	rp	901353	12/21/90	1/12/91
275-82-1	am	901353	12/21/90	1/12/91
275-82-2-a	rn	951360	1/23/96	2/9/96
275-82-2-a-2	cr	951360	1/23/96	2/9/96
275-82-3	am	921114	11/20/92	12/11/92
275-82-3	am	980963	12/18/98	1/1/99
275-90*	cr	970595	11/4/97	11/21/97
275-91*	cr	970595	11/4/97	11/21/97
275-92*	cr	970595	11/4/97	11/21/97

* Sections 275-90, 275-91 and 275-92 became null and void after 11/21/99 per the sunset provisions of File #970595.

[This page blank]

SUBCHAPTER 3
ADMINISTRATION, ENFORCEMENT AND APPEALS

295-301. Authority. The administration of this chapter shall be vested in the commissioner of city development and commissioner of neighborhood services, with the commissioner of neighborhood services charged with the duty and authority to issue certificates of occupancy and construction permits. The commissioner of neighborhood services 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 employes 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 has been issued by the commissioner of neighborhood services. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of neighborhood services for a period of up to 180 days for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional certificate of occupancy shall not imply that the board or common council is going to approve the applicant's request. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

1. The applicant has applied for a certificate of occupancy and paid the required fees.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.

3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. All required inspections have been completed and passed.

5. The applicant agrees to discontinue the use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

6. The applicant agrees to hold the city harmless for any claims resulting from the use of the property during the period the conditional certificate of occupancy is in effect.

295-304. Conditional Construction Permits. A conditional construction permit may be issued by the commissioner of neighborhood services for a period of up to 180 days for the development of land or the erection, alteration, relocation, extension or substantial improvement of a structure, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional construction permit shall not imply that the board or common council will approve the applicant's request. A conditional construction permit may be issued only when the following criteria have been met:

1. The department has determined that plans for the proposed construction are in compliance with the building code and with all aspects of the zoning code except those provisions for which a permit denial letter has been sent to the applicant.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.

3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

295-305. Temporary Use Permits. A temporary use permit authorizing any of the temporary uses listed in the use tables of the various zoning districts, except a live entertainment special event, for which no temporary use permit is required, may be issued by the commissioner of neighborhood services 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 neighborhood services.

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

3. FINDINGS. To approve the application for a temporary use, the commissioner of neighborhood services 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 of neighborhood services 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.

295-306. Council Member Notification of Certain Limited Uses. Whenever the department issues a certificate of occupancy for any small group shelter care facility, small foster home, group home, group foster home or community living arrangement classified by this chapter as a limited use in the zoning district in which the facility is located, the department shall provide written notice of such issuance, including the location and description of the facility, to the local common council member. Notification by electronic mail shall be deemed sufficient for compliance with this requirement.

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 submit to the common council a petition requesting the zoning map amendment.

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, the affidavit required by s. 295-313 and the required fee, a valid petition, the affidavit required by s. 295-313 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. In the case of any map amendment relating to a floodplain overlay zone, the department shall also submit the amendment and the notice of public hearing to the Wisconsin department of natural resources.

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 the 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 immediately adjacent extending 100 feet therefrom, 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.

a. Referral of Text Amendment. Upon introduction of an ordinance to amend zoning code text to the common council, the city clerk shall simultaneously refer the ordinance to the city plan commission and to the zoning code technical committee.

b. Zoning Code Technical Committee. b-1. Composition. The zoning code technical committee shall be composed of one representative each from 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. The representative of the legislative reference bureau shall serve as chair of the committee.

b-2. Staff. Staff for the zoning code technical committee shall be provided by the city clerk's office.

b-3. Procedure. The zoning code technical committee shall review each proposed zoning text amendment referred to it for legality and enforceability, administrative efficiency and consistency with the format of the zoning code. Within 30 days of the date on which the city clerk refers the proposed text amendment to the committee, the committee shall provide a report of its findings with respect to these 3 criteria, as well as any recommended changes to the proposed amendment, to the zoning, neighborhoods and development committee.

c. City Plan Commission. The city plan commission shall hold a class 2 public hearing on the proposed zoning text amendment and, after receiving a report from the department, submit its report and recommendation to the zoning, neighborhoods and development committee.

d. 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. The zoning, neighborhoods and development committee may provide a recommendation to the common council prior to receipt of a report from the zoning code technical committee if the 30-day period described in par. b-3 has lapsed.

e. 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 neighborhood services 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 a. Correction of Violation. 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.

b. Periodic Property Inspection Program. b-1. The commissioner of neighborhood services shall establish a periodic property inspection program to monitor properties to confirm that activities and uses of the properties are in compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

b-2. Inspection intervals shall be determined by the commissioner of neighborhood services based on the nature of the business or operation and its potential for negative impacts upon the health, safety and welfare of the public and the impacts on the quality of life within the immediate neighborhood and surrounding community. The commissioner of neighborhood services reserves the right to increase inspection intervals at a property in the case of documented non-compliance.

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 of neighborhood services or omits, neglects or refuses to do any act required by this

f-8-e. Topography at l0-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.

g. Filling or Grading of Land. For a filling or grading project for which a special use permit is required by s. 295-419, the applicant shall submit a plan, prepared at a recognized engineering or architectural scale, that includes:

g-1. The existing and proposed topography of the site at a contour interval of 2 feet. All topographic information shall be prepared to city datum by a registered professional engineer or land surveyor.

g-2. The existing and proposed grades of the lot at each corner of the lot, at each corner of any existing or proposed buildings and at the center of the street pavement at the lot lines extended.

g-3. The existing and proposed grades of all driveways and parking lots.

g-4. Drainage patterns, or special drainage devices proposed, as well as spot elevations at the top and bottom of all drainage swales, if applicable.

g-5. Spot elevations of all significant cut and fill areas.

g-6. Locations of existing or proposed buildings.

g-7. Locations and heights of existing and proposed fences.

g-8. Locations of any recorded easements as well as above- or below-ground utilities.

g-9. The date of the plan, the north arrow and graphic scale.

g-10. A schedule for the project indicating the duration of the project, phasing and the proposed handling of interim conditions including, but not limited to, stockpiling of materials and equipment storage.

g-11. The proposed use of the site after the completion of the project.

g-12. The hours of the day and days of the week when the filling or grading activity will occur.

g-13. A description of the measures that will be taken to minimize the impacts, on the surrounding area, of noise, truck traffic and dust generated by the filling or grading activity.

g-14. Any other information as may be reasonably requested by the city.

h. Additional Findings for Day Care Centers. No special use permit for a day care center, other than an adult day care center, shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:

h-1. The proposed day care center will not be located within 500 feet of an adult retail establishment.

h-2. If the day care center is not located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library as a principal use, the facility will not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This finding shall not be required for a day care center that is in operation as a nonconforming use or that has been granted a special use permit by the board.

i. Additional Finding for a Group Home, Group Foster Home, Community Living Arrangement, Small Group Shelter Care Facility or Large Group Shelter Care Facility. No special use permit for a group home, group foster home, community living arrangement, small group shelter care facility or large group

shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:

i-1. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home, community living arrangement, small group shelter care facility or large group shelter care facility.

i-2. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee. This provision shall not apply to an applicant for a special use permit for a small or large group shelter care facility.

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. In the case of a use variance, the applicant shall also submit the affidavit required by s. 295-313.

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. In the case of a fence variance, written notice of the hearing need only be provided to owners of abutting properties, to the owner of the property determined by the department to be directly across the street from the premises, and to owners of properties on each corner opposite the premises if the property to which the variance would apply is a corner lot.

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; Dimensional Variance. In the case of a dimensional variance request, compliance with the code requirement from which the variance is requested would unreasonably prevent the property owner from using his or her property for a permitted purpose or would otherwise be unnecessarily burdensome.

d-6. Hardship; Use Variance. 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.

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 and 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 and identify the provisions of the zoning code applicable to 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.

f. Actions. The board may reverse or affirm, wholly or partially, or may modify the 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. APPEALS OF ORDERS. a. Purpose. To avoid results inconsistent with the purposes of this chapter, orders issued by the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code may be appealed to the board. This subsection establishes general provisions for appeals of orders of the commissioner of neighborhood services relating to enforcement of the zoning code.

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.

c. Deadline for Appeal. An appeal of an order of the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code shall be made in writing within 20 days of the date the order was issued, unless the order requires compliance in less than 20 days. Whenever an order requires compliance in less than 20 days, the appeal shall be made in writing before the end of the term required for compliance. If notification of the order is made by mail, any appeal of the order shall be made in writing within 30 days of the date of the order, unless the order requires compliance in less than 30 days. Whenever an order delivered by mail requires compliance in less than 30 days, the appeal shall be made in writing before the end of a period equal to the term required for compliance plus 5 additional days. In no case, however, shall the appeal period be longer than 30 days. Citations issued by the commissioner of neighborhood services may not be appealed to the board.

d. Grounds for Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the zoning code applicable to the appeal. Grounds for appeal shall include at least one of the following:

d-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

d-2. A description of how it is claimed a standard or review criterion was incorrectly applied.

d-3. A description of how the order creates an inconsistency with the city’s comprehensive plan or the code of ordinances.

e. 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.

f. 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.

g. Actions. The board may reverse or affirm, wholly or partially, or may modify, the order being appealed.

h. Standards. An order of the commissioner of neighborhood services shall not be reversed or modified unless there is demonstrated evidence that the order:

h-1. Resulted from an error or abuse of discretion.

h-2. Resulted from an incorrect application of a standard or review criterion.

h-3. In not supported by the evidence in the record.

h-4. Is inconsistent with the city’s comprehensive plan or the code of ordinances.

7. APPEALS OF PERMIT DENIALS; OVERLAY ZONES. a. Purpose. To avoid results inconsistent with the purposes of this chapter, any denial of a permit by the commissioner of neighborhood services on the basis of failure to meet performance or design standards of a neighborhood conservation, development incentive or site plan review overlay zone may be appealed to the city plan commission. This subsection establishes general provisions for appeals of permit denials relating to development in these overlay zones.

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. Furthermore, no off-street parking spaces shall be required for uses located in a RED redevelopment district Prior to issuance of any occupancy or construction permit, documentation that the required parking spaces exist shall be provided to the commissioner of neighborhood services. 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, the requirement shall be specified by the board at the time of special use approval.

Table 295-403-2-a
NUMBER OF PARKING SPACES, BY USE

Uses	No. of Parking Spaces Required
RESIDENTIAL USES	
Single-family dwelling	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling: Zoning Districts — Min. ratio of parking spaces to dwelling units* RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1 — 1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, 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.	
Permanent supportive housing	one for every 5 dwelling units
Transitional housing	one for every 5 dwelling units
Attached single-family dwelling	no min.; 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 USES	
Rooming house	one for every 2 rooms

Table 295-403-2-a
NUMBER OF PARKING SPACES REQUIRED BY USE

Uses Required	No. of Parking Spaces
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 (limited use) or as required by the board (special use)
School, elementary or secondary	none
College	none
School, personal instruction	none
COMMUNITY-SERVING USES	
Library	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 500 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. of gross floor area in excess of 2,000 sq. ft.; storage or utility spaces shall not be included when calculating gross floor area
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
Installment loan agency	see general retail establishment
Cash-for-gold business	see general retail establishment
Pawn shop	see general retail establishment
Retail establishment, general	min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-e; storage or utility spaces shall not be included when calculating gross floor area
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

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses Required	**No. of Parking Spaces**
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	
Alcohol beverage facility, micro	none
Alcohol beverage facility, large	none
Food processing	none
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 livestock	none
Community Garden	none
Commercial farming enterprise	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	see general office
Power generation plant	see general office
Small wind energy system	none
Solar farm	none
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. For any use except one- or 2-family residential, the number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. 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, except that for a use located in the LB3 district, such spaces shall be located within 1,200 feet of the use. For a non-residential use, the off-site spaces shall not be located on a site containing a wholly residential use. If the use provides a valet parking service, the off-site spaces may be located more than 700 feet or 1,200 feet from the use, as the case may be, provided the property or business owner submits to the department written documentation of permission to use an off-site

parking lot or structure for valet parking. 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 during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all city parking regulations and shall measure at least 20 feet long if a parallel space.

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.

b-3-d. The required number of 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 of neighborhood services.

b-4. A reduction of 25% in the number of parking spaces required if the use is located in the area bounded by Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west or is within 1,000 feet of any regularly scheduled bus stop. This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in the designated area and in locations in close proximity to bus stops. A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner of neighborhood services determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.

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 structure or property will not result in an increase in parking demand.

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

c. For a newly-constructed commercial building or commercial building addition with over 2,000 square feet of floor area, a minimum of one bicycle parking space shall be provided for each 2,000 square feet of floor area.

d. Shared Parking Required When Feasible. d-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner of neighborhood services a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of share parking facilities is infeasible.

d-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner of neighborhood services a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

e. Exception to Exceed Maximum Number of Parking Spaces. e-1. The number of parking spaces provided for a general retail establishment, or for any land use for which the parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner of neighborhood services finds one or more of the following to be true:

e-1-a. The additional spaces will be located in a parking structure.

e-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

e-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

e-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner of neighborhood services, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

e-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner of neighborhood services a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

e-3. If the commissioner of neighborhood services determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

3. STANDARDS OF DESIGN. a. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner of neighborhood services, except that spaces designated for compact cars shall contain at least 120 square feet. A minimum of 50% of the required parking spaces in a parking area shall be designated for compact cars.

b. Paving. All areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

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 forward 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.

f. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

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. When the use behind perimeter landscaping or edge treatments changes and the new use requires a higher standard of landscaping or edge treatments, the perimeter landscaping or edge treatment shall be upgraded to meet the higher standard.

b. Types of Landscape Treatment. Each of the different landscaping types has its own objectives for the eye-level surveillance area (3 to 6 feet above grade), as well as for the lower zone (below 3 feet above grade) and the higher zone (above 6 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 element 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 follow:

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 single-family or two-family dwellings, educational uses or community-serving uses. Opaque fencing provides screening from the ground to at least 6 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.

b-9. Type “I” Landscaping (Heavy Motor Vehicle Parking Lots, Heavy Motor Vehicle Outdoor Storage, Contractors’ Yards). This type is intended to provide an alternative to types “E” and “F” for the street frontages of heavy motor vehicle parking lots, heavy motor vehicle outdoor storage and contractors’ yards. It has similar tree and shrub requirements, but allows for the installation of a decorative metal fence instead of requiring a wall or opaque fence.

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. Prior to issuance of any permit or certificate of occupancy for a use or change of use for which perimeter landscaping and edge treatments are required by this chapter, a landscaping and screening plan with specifications and an installation schedule shall be submitted to the commissioner of neighborhood services for approval. When interpreting the requirements of table 295-405-1-c, the following standards shall apply:

Table 295-405-1-c
FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES

		Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping	Type F Landscaping	Type G Landscaping	Type H Landscaping	Type I Landscaping
Required Fence/Wall	Fence or wall required?	optional	yes ; if located in LB3, masonry piers required	yes	yes if located in LB2 or LB3	yes	yes	optional	yes	yes
	Fence/wall height requirements	fence optional; see below	3 ft. min.; 6 ft. max.	6 ft.	if provided, 3 ft. min.; 6 ft. max.	6 ft. min.; 9 ft. max.	6 ft. min.; 9 ft. max.	to top of object plus one ft. (min.); 9 ft. max	6 ft.; shall be reduced to 3.5 ft. when adjacent to a residential front yard	6 ft. min,; 9 ft. max.
	Fence/wall materials required	fence not required	masonry or decorative metal; if located in LB3, masonry piers required	combination masonry/decorative metal	if LB2 or LB3, masonry or decorative metal; other districts, fences are optional	any opaque fence type	any opaque fence type	any opaque fence type	any opaque fence type	masonry or decorative metal
	Fence/wall opacity	fence not required	no opacity standard	solid in lower 3 ft.	no opacity standard	100%	100%	100%	100%	no opacity standard
	Fence/wall location in landscaped area	if provided, adjacent to parking	anywhere within landscaped area	anywhere within landscaped area	anywhere within landscaped area	behind landscaping	behind landscaping	between object being screened and area of visibility	adjacent to residential property line	Anywhere within land-scaped area

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. Established trees shall not be removed and replaced with trees of smaller caliper, even if those trees meet the standards of this subsection.

2. INTERIOR PARKING LOT LANDSCAPING. a. Trees and Shrubs Required. Interior parking lot landscaping shall be required for any parking lot having an area of at least 7,500 square feet. Two trees and 2 shrubs shall be planted for every 8 spaces or fraction thereof, and may be planted in clusters. These landscaped areas shall cover at least 5% of the surface area of the parking lot. 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 and linden, that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. The planting of ash trees and female gingko trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.

b. Applicability. b-1. The requirements of this subsection shall apply to both the construction of new parking lots and the reconstruction of existing parking lots.

b-2. 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.

c. Plan Required. Prior to issuance of any permit for a use for which interior parking lot landscaping is required by this chapter, a landscaping plan with specifications and an installation schedule shall be submitted to the commissioner of neighborhood services for approval.

d. Waiver of Tree and Shrub Requirements. The tree and shrub planting and preservation requirements of par. a may be waived by the commissioner of neighborhood services if interior parking lot landscaping is to be used for bioretention, bioswales, infiltration basins or rain gardens and the commissioner of neighborhood services approves an alternative landscaping beautification plan for the parking lot.

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.

4. STORM WATER TREATMENT. Any landscaping installed pursuant to this section or any other provision of this chapter, including but not limited to required landscaping for motor vehicle display areas, parking lots, storage yards, outdoor equipment and residential buffers, may be used for storm water treatment purposes.

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 continuous sign base that extends from grade to the display area and is at least 75% as wide as the display area of the sign. 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 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 a background that is designed as an integral part of the sign. 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 bases.

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 a background that is designed as an integral part of the sign. 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.

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. No sign of this type shall exceed applicable height or area limitations 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

n. A sign on a solar array, provided that:

n-1. The sign contains only the name of the manufacturer, installer or owner and any appropriate warning messages.

n-2. Only one sign per solar array shall be permitted.

n-3. The display area of the sign shall not exceed 6 square feet.

n-4. The sign is used solely for educational or acknowledgement purposes.

9. 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.

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.

295-409. Lighting. In all zoning districts, with the exception of automatic changeable message signs, as provided in s. 295-407-4-d, 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 minimum 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	1
51-150 feet	2
151-250 feet	4
251-350 feet	6
over 350 feet	6 plus 2 for each 100 feet or fraction thereof over 350 feet

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.

m. No existing transmission tower shall be located within 500 feet of the proposed tower location.

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.

295-414. Small Wind Energy Systems. 1. GENERAL REQUIREMENTS. A small wind energy system shall comply with the use regulations of the applicable zoning district and with the following requirements:

a. Setbacks. The wind tower for a small wind energy system shall be set back a distance equal to its total height from:

a-1. Any public right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

a-2. Any overhead utility line, unless written permission is granted by the affected utility.

a-3. Any property line abutting property that is not residentially zoned, unless written permission is granted by the owner of the abutting property.

b. Access. b-1. All ground-mounted electrical and control equipment shall be labeled or secured to revent unauthorized access.

b-2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

c. Electrical Wires. All electrical wires associated with the small wind energy system, other than the grounding wires, wires necessary to connect the wind generator to the tower wiring and wires necessary to connect the tower wiring to the disconnect junction box, shall be located underground.

d. Lighting. The wind tower and generator shall not be artificially lighted unless such lighting is required by the federal aviation administration.

e. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a different color or finish was approved by the commissioner of neighborhood services at the time of permit issuance.

f. Signs. No signs shall be permitted other than signs identifying the manufacturer, installer or owner, appropriate warning signs, and one sign with a display area not exceeding 18 square feet that is used solely for educational or acknowledgement purposes..

g. Code Compliance. The small wind energy system, including the tower, shall comply with all applicable state construction and electrical code provisions.

h. Utility Notification And Interconnection. If the small wind energy system is connected to an electric utility, it shall comply with the public service commission of Wisconsin's Rules for Interconnecting Distributed Generation Facilities.

2. ABANDONMENT. a. Notice of Abandonment. A small wind energy system that is out of service for a continuous 12-month period shall be deemed to have been abandoned. The commissioner of neighborhood services may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days of receipt of the notice. The commissioner of neighborhood services shall withdraw the notice of abandonment and notify the owner of the withdrawal if the owner provides information that demonstrates the small wind energy system has not been abandoned.

b. Removal of Abandoned System. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of the notice of abandonment. If the owner fails to remove the wind generator from the tower, the commissioner of neighborhood services may pursue a legal action to have the wind generator removed at the owner's expense.

3. METEOROLOGICAL TOWERS. A meteorological tower is a structure, including a tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, anemometers and vanes, date logger, instrument wiring and telemetry devices, that is used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. A meteorological tower shall be permitted under the same standards and removal requirements as a small wind energy system.

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.

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use	**Zoning Districts**							
Uses	RS1-RS5	RS6	RT1-RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
AGRICULTURAL USES								
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y	Y	Y	Y
Commercial farming enterprise	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	L	L	L	L	L	L	L	L
Solar farm	Y	Y	Y	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of October 1, 2002. 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 October 1, 2002. 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 in a single building. 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 employes 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. If this standard is not met, the facility is classified as a day care center and subject to the limited use standards for day care centers.

e-2. For a facility licensed by the state of Wisconsin, there shall be no other family day care home in the building as of April 6, 2001.

e-3. For a facility certified by Milwaukee county, there shall be no other family day care home in the building as of May 30, 2003.

e-4. The family day care home shall not operate between the hours of 12 a.m. and 6 a.m.

e-5. Signage shall be in conformance with s. 295-505-5-d.

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

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

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

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

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

h-2. If the use is located in an RS1 to RS6 or RT1 to RT3 district, not more than 8 clients shall reside on the premises. In all other residential districts, not more than 15 clients 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.

h-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

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

i. Day Care. i-1. The day care center shall be located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library, shall meet the minimum outdoor play space requirement of s. DCF 251.06(11), Wis. Adm. Code, and shall meet the off-street parking requirement for the existing principal use. If any of these standards are not met, a day care center is a special use.

i-2. Day care centers, including family day care homes classified as day care centers because they do not meet the standard of par. e-1, shall not be permitted in residential structures in the RS1 to RS6, RT1 to RT3 and RM1 and RM2 districts. In all other residential zoning districts, a day care center in a residential structure shall be classified as a special use.

i-3. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

i-4. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, religious assembly, community center, cultural

institution or library as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

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 RS6, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited 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. This provision shall not apply to a convenience store, personal service, sit-down restaurant or fast-food/carry-out restaurant which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

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. Drive-through Facility. The facility shall be attached to a bank or other financial institution.

m. Parking Lot, Accessory Use. The parking lot shall not be located between a street façade of the principal building and a street lot line.

n. 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.

o. 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.

p. Tavern. p-1. In the RS6, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, a tavern shall be classified as a special use. If the structure does not meet either the first or second of these standards, a tavern shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

p-2. In RO1 and RO2 districts, the use shall either:

p-2-a. Meet the conditions of subd. 1; or

p-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.

q. Theater. The capacity of the theater building shall not exceed 49 persons.

r. Raising of Livestock. The use is limited to the raising of chickens or bees, as permitted under ch. 78.

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

s-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.

s-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.

s-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.

t. Small Wind Energy System. The total height of the tower shall not be more than 10 feet higher than the maximum building height for the zoning district in which the tower is located.

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

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 signage regulations of this subchapter.

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 of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

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

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 of neighborhood services 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 of neighborhood services shall exclude any building with a setback that is at least 25 percent less that 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 of neighborhood services 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 or Alleys. c-1-a. 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-1-b. Where a side property line abuts an alley, the minimum setback shall be the lesser of the 2 required side setbacks.

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 a side street.

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 be located between the minimum and maximum required setbacks.

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 that 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 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. Compliance with Minimum Height Requirement. At least 50% of a structure’s roof shall meet the minimum height requirement. In the case of a pitched roof, this standard shall be applied to the ridge of the roof. In the case of a flat roof, this standard shall apply to the entire surface area of the roof.

h-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

h-2-a. Chimneys and flues.

h-2-b. Water towers or tanks other than those located on the roof of a building.

h-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.

h-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

h-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.

h-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 set back from side lot lines a distance equal to one-half the height of the building or portion thereof.

h-2-g. Transmission towers which are in compliance with the height-related standards of s. 295-503-2-r.

h-2-h. Buildings in the RM7 district which have a floor area ratio of less than 4:1.

h-2-i. Solar farms and solar arrays.

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.	Shall not encroach into required setback; however, stairs leading to a porch may encroach.
Uncovered wheelchair ramp	Permitted in setback only if: 1. The commissioner of neighborhood services 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.			Permitted anywhere in rear setback area.
Uncovered wheelchair lift	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.			
Planter	Permitted anywhere in a setback area, but shall not exceed 4 feet in height.			
Air-conditioning condenser	Not permitted unless set back at least 50 feet and entirely screened.		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 facade 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.			

h-3. 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. i-1. 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.

i-2. Table 295-505-2-i provides minimum building height and minimum front façade width requirements that are to be applied, in certain zoning districts, in place of the lot coverage standards of table 295-505-2. The standards in table 295-505-2-i apply only to single-family, 2-family and multi-family dwellings.

i-3. For any interior lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-3-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-3-b. If the area of the lot is more than 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

i-4. For any corner lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-4-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-4-b. If the area of the lot is more than 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

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.

b-8. Tow Trucks. No tow truck may be parked on a lot in a single-family, 2-family or multi-family zoning district unless the tow truck is parked inside a building.

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 property line 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. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling 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 October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, 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 in Front Yards. A fence located in a front yard 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 piers constructed of masonry, wood or other approved materials, 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 of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

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. Signs for Dwellings. b-1. Single-family, 2-family and 3-family Dwellings. Except for permitted temporary signs, no other signage shall be allowed.

b-2. Multi-family Dwellings. Internally illuminated signs shall be prohibited.

c. Elementary and Secondary Schools, Colleges and Religious Assembly. c-1. Changeable Message Signs. Changeable message signs, both automatic and manual, shall be permitted

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 continuous 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 internally-illuminated sign or one externally-illuminated type “B” sign, provided the sign does not exceed 6 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 district. All signs in the RO2 district shall comply with the sign standards for the NS2 district.

Table 295-603-1
COMMERCIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

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

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	LB3	RB1	RB2	CS
Raising of livestock	S	S	S	S	S	S	S	S
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprise	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	N	Y	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	Y	Y	Y	Y	Y	Y
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Family Day Care Home. a-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.

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

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

a-4. Signs shall not be permitted.

a-5. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

b. Adult Family Home or Small Group Shelter Care Facility.

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

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

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

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

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.d-2. Not more than 15 clients shall reside on the premises.

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

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

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

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

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

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

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

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

i-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.

i-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.

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

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

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

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

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

i-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.

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

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

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

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

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

j-3. The facility shall not be located within 150 feet of a residential use.

j-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.

j-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.

k. Parking Lot, Principal Use. k-1. In the NS1, NS2, LB2, LB3, RB2 and CS districts:

k-1-a. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line, except in the LB3 district this dimension shall not exceed 45 feet.

k-1-b. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.

k-1-c. No alley shall be relied upon for vehicular circulation purposes.

k-1-d. The parking lot shall not be located on a corner lot.

k-2. In the LB1 district, the parking lot shall function in an accessory manner and shall be used exclusively by owners of a different premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.

L. Parking Lot, Accessory Use. L-1. The parking lot shall not be located between the street façade of a principal building and a street lot line. This standard shall not apply to any use listed in the "motor vehicle uses" section of table 295-603-1

L-2. In the LB3 district, the width of the paved parking area adjacent to the primary street frontage shall not exceed 45 feet as measured from the principal building to the side lot line.

m. 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.

n. Tavern. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use and has been occupied by such non-residential use within the past 12 months.

o. Fast-food/Carry-out Restaurant. 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.

p. Theater. The capacity of the building shall not exceed 49 persons.

q. Light Motor Vehicle Wholesale Facility. Not more than 3 vehicles to be sold shall be stored on the premises.

r. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. r-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.

r-2. Storage of hazardous materials, as described in s. 295-201-627, shall be prohibited.

s. Ground Transportation Service. s-1. Not more than 15 vehicles shall be stored on the premises at any one time.

s-2. The vehicle storage area shall meet the applicable perimeter landscaping and residential buffer standards of s. 295-405-1.

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

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

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

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

u. Food Processing. u-1. The gross floor area devoted to the use shall not exceed 3,600 square feet in the LB3 district and 20,000 square feet in other districts.

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

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

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

v. 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.

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

w-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.

x. Substation/Distribution Equipment, Outdoor. x-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

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

y. Seasonal Market. y-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.

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

in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

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

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

y-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.x-6. The site shall be restored to its previous condition following termination of the market operation.

z. Temporary Real Estate Sales Office. z-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.

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

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

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

aa. Temporary Concrete/Batch Plant. aa-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.

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

aa-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.

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

aa-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.

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

bb. Live Entertainment Special Event. bb-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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 non-residential and multi-family buildings are set forth in table 295-605-2. When a building contains both residential and non-residential uses, the design standards for non-

i-3-c. Transparent Glass. Glass in windows or doors used to meet the glazing requirement shall not obscure clear vision and shall transmit at least 65% of visible daylight (visible transmittance ≥.65), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement.

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. In no case shall display racks and fixtures, in combination with permitted signs, 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 of neighborhood services. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

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

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

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

i-6. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

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

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

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

a-3. No side setback shall be required.

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

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

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

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

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

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

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

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

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

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

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 October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened with type ”G” landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-3.

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

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

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

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

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

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

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

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

g-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.
RB1, RB2 and LB3	72 sq. ft.

g-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.

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

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.

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

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

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

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

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

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

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

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

e-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

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

f. 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 Lot, Principal Use or Accessory Use. L-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control.

L-2. If located in the C9D district, the parking lot is located in subdistrict B.

m. Parking Structure, Principal Use. At least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.

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

n-2. If the structure is in the C9C, C9E, C9F or C9G district, at least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.

o. Storage Facility, Indoor. o-1. The structure to be occupied was constructed prior to the effective date of this ordinance [March 20, 2015].

o-2. The indoor storage facility is not located on the first floor of an existing structure.

o-3. If the standards of subds. 1 and 2 are not met, the use shall be prohibited.

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

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

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

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

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

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

r. Food Processing. 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 food processing activities shall occur within an enclosed building.

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

s-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.

s-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.

t. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened with type “G” landscaping, as described in s. 295-405.

u. Seasonal Market. u-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.

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

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

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

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

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

v. Temporary Real Estate Sales Office. v-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.

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

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

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

w. Temporary Concrete/Batch Plant. w-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.

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

w-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.

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

w-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.

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

x. Live Entertainment Special Event. x-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.

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

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

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

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

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

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 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.

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

Table 295-705-1
DOWNTOWN DISTRICTS DESIGN STANDARDS

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

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.

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

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

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

a-1. The size of the development site (W).

a-2. The amount of surface open space (X).

a-3. The amount of qualifying roof top open space (Y).

a-4. The size of an interior atrium or mall (Z).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e-4. It will be designed and intended primarily for use by the public or by the employes, 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-p.

a-8. Solar farms and solar arrays.

b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 295-705-7
DOWNTOWN DISTRICT SIGN CLASSIFICATIONS

	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
On -premise								
Awning	L	L	L	L	L	L	L	L
Canopy	L	L	L	L	L	L	L	L
Hood	L	L	L	L	L	L	L	L
Wall	L	L	L	L	L	L	L	L
Freestanding	L	L	L	L	L	L	L	L
Roof	L	L	L	L	L	L	L	L
Projecting	N	L	L	L	L	L	L	L
Marquee	N	L	L	L	L	L	L	L
Off-premise								
All	N	L	N	N	N	L	N	N

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

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

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

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

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

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

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

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

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

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

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

Table 295-803-1
INDUSTRIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited S=Special Use N=Prohibited		Zoning Districts			
Uses	I01/I02	IL1/IL2	IC	IM	IH
Storage Facilities					
Indoor	Y	Y	L	Y	Y
Outdoor	N	Y	N	S	Y
Hazardous materials	N	N	N	N	S
TRANSPORTATION USES					
Ambulance service	Y	Y	N	S	Y
Ground transportation service	S	Y	N	S	Y
Passenger terminal	Y	Y	Y	Y	Y
Helicopter landing facility	S	S	S	S	S
Airport	N	Y	N	N	N
Ship terminal or docking facility	N	Y	N	N	Y
Truck freight terminal	N	S	N	S	L
Railroad switching, classification yard or freight terminal	N	Y	Y	Y	Y
INDUSTRIAL USES					
Alcohol beverage facility, micro	Y	Y	Y	Y	Y
Alcohol beverage facility, large	S	L	Y	S	Y
Food processing	Y	Y	Y	Y	Y
Manufacturing, light	Y	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	S	Y
Manufacturing, intense	N	N	N	N	N
Research and development	Y	Y	Y	Y	Y
Processing or recycling of mined minerals	N	N	N	N	S
Contractor's shop	Y	Y	Y	Y	Y
Contractor's yard	Y	Y	N	Y	Y
AGRICULTURAL USES					
Plant nursery or greenhouse	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y
Commercial farming enterprise	Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES					
Broadcasting or recording studio	Y	S	Y	Y	S
Transmission tower	L	L	L	L	L
Water treatment plant	Y	Y	Y	Y	Y
Sewerage treatment plant	N	Y	N	N	Y
Power generation plant	N	S	N	N	Y
Small wind energy system	Y	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	Y	Y	S	Y
Substation/distribution equipment, outdoor	L	Y	L	L	Y
TEMPORARY USES					
Seasonal market	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L
Live entertainment special event	L	L	L	L	L

2. LIMITED USE STANDARDS.

a. Single-Family Dwelling, Two-Family Dwelling, Multi-Family Dwelling, Permanent Supportive Housing, Attached Single-Family Dwelling, Family Day Care Home, Convent, Rectory or Monastery, Foster Family Home or Family Shelter Care Facility. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b. Adult Family Home or Small Group Shelter Care Facility.

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

b-1-b. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

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

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

b-2-c. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

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

c-2. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

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

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

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

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

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

nn. Temporary Real Estate Sales Office. nn-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.

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

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

nn-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

oo. Temporary Concrete/Batch Plant. oo-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.

oo-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

oo-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.

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

oo-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.

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

pp. Live Entertainment Special Event. pp-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.

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

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

3. ADDITIONAL SPECIAL USE STANDARDS. a. Currency Exchange, Payday Loan Agency, Title Loan Agency, Cash-for-Gold Business or Pawn Shop. No special use permit for a currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

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

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

b. Transitional Housing, Rooming House, Dormitory, Fraternity or Sorority or Large Group Shelter Care Facility. No special use permit for transitional housing or a rooming house, dormitory, fraternity or sorority, or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 par. 2-q.

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 Industrial Buildings. Industrial buildings may be converted to non-industrial uses as permitted by table 295-803-1 or as approved by the board. The design standards for non-industrial and residential buildings specified in table 295-805-2 shall apply to new construction only. Converted buildings shall not be subject to these design standards.

c. Exception to Height Limitations. Solar farms and solar arrays shall not be subject to any height limitations established by table 295-805-2.

b-9-b. If flowers, plants or Wisconsin-grown farm constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-9-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

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

b-9-f. The site shall be restored to its previous condition following termination of the market operation.

b-10. Temporary Concrete/Batch Plant. b-10-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-10-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 of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-10-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-10-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

b-10-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-10-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-11. Live Entertainment Special Event. b-11-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-11-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-11-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

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. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

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. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as is possibly practicable or be separated by a building.

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

d-5-d. 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.

d-5-e. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

e. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

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
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
STORAGE, RECYCLING AND WHOLE SALE 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	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
Food processing	N
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	

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
Plant nursery or greenhouse	S
Raising of livestock	Y
Community garden	Y
Commercial farming enterprise	Y
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
Small wind energy system	Y
Solar farm	Y
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. Group Home or Group Foster Home. b-1-a. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, community living arrangement or another group home or group foster home.

b-1-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home or group foster home.

b-1-c. Prior to initial licensure of the group home or group foster home by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home or group foster home, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., with the local government representative being the local common council member or the council member's designee.

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

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

b-3. Community Living Arrangement. b-3-a. All residents of the community living arrangement, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, group home, group foster home or another community living arrangement.

b-3-b. Not more than 15 clients shall reside on the premises.

b-3-c. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a community living arrangement.

b-3-d. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

b-4. Day Care Center. b-4-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-4-b. The use shall not operate between the hours of 12 a.m. and 5 a.m.

b-4-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-4-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library, cultural institution or religious assembly as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-5. 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-6. Drive-Through Facility. b-6-a. A queuing lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

b-6-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 or drive-through facility associated with a convenience store, personal service, sit-down restaurant or fast food/carry-out restaurant which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-6-c. The facility shall not be located within 150 feet of a residential use.

b-6-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-6-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-7. Restaurant, Fast-Food/Carry-Out. b-7-a. The use shall be located in a building containing at least one other principal use classified as a permanent use in this district.

b-7-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-8. Transmission Tower. b-8-a. The tower shall comply with the applicable provisions of s. 295-413.

b-8-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-9. Utility Substation/Distribution Equipment, Outdoor. b-9-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-9-b. No structure associated with the use shall be located within 25 feet of a street lot line.

b-10. Seasonal Market. b-10-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-10-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-10-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-10-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

b-10-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-10-f. The site shall be restored to its previous condition following termination of the market operation.

b-11. Temporary Real Estate Sales Office. b-11-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-11-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

b-11-c. Customer-accessible restrooms shall be provided.

b-11-d. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

b-12. Temporary Concrete/Batch Plant. b-12-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-12-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 of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-12-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-12-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m. b-12-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-13. Live Entertainment Special Event. b-13-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-13-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.

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

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

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

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

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 ensure 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 of neighborhood services unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a neighborhood conservation overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

g. Appeals. An appeal of denial of a permit based on failure to meet performance criteria or development or design standards of a neighborhood conservation overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a neighborhood conservation overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9

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.

g. Amendment of Zone Boundaries. Amendment of the boundaries of an interim study overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

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.

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 of neighborhood services 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.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a development incentive overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council, signed by owners of 50% or more of the area of all land included in the zone and accompanied by the affidavit required by s. 295-313. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

g. Appeals. An appeal of denial of a permit based on failure to meet the performance standards of a development incentive overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a development incentive overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9.

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.

e. Amendment of Zone Boundaries. Amendment of the boundaries of a site plan review overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

f. Appeals. An appeal of denial of a permit based on failure to meet the design standards of a site plan review overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

g. Deviations. An application requesting a deviation from a performance or design standard of a site plan review overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9.

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.