

**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 files:

- 150534      A substitute ordinance relating to various provisions of the zoning code.
- 160162      An ordinance relating to registration of residential and commercial buildings and condominium units.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #284)</b>				i-ii v-vi	i-ii v-vi
Chapter 200 Table				1-2	1-2
200-33-7	rp	160162	7/1/2016	33-34	33-34
200-33-44.2-0	am	160162	7/1/2016	46a-46f	46a-46f
200-33-44.2-a	am	160162	7/1/2016	“	“
200-33-44.2-d	am	160162	7/1/2016	“	“
200-33-44.3	am	160162	7/1/2016	“	“
200-33-48-a	am	160162	7/1/2016	“	“
200-33-49.5	rp	160162	7/1/2016	“	“
200-51.5-0	am	160162	7/1/2016	53-64f	53-64
200-51.5-1	am	160162	7/1/2016	“	“
200-51.5-2	rc	160162	7/1/2016	“	“
200-51.5-3-0	am	160162	7/1/2016	“	“
200-51.5-3-a	am	160162	7/1/2016	“	“
200-51.5-3-b	am	160162	7/1/2016	“	“
200-51.5-3-c	rp	160162	7/1/2016	“	“
200-51.5-3-d	ra	160162	7/1/2016	“	“
200-51.5-3-e	ra	160162	7/1/2016	“	“
200-51.5-3-f	rp	160162	7/1/2016	“	“
200-51.5-4-0	am	160162	7/1/2016	“	“
200-51.5-4-g	am	160162	7/1/2016	“	“
200-51.5-5	rc	160162	7/1/2016	“	“
200-51.5-6-0	am	160162	7/1/2016	“	“
200-51.5-6-a	am	160162	7/1/2016	“	“
200-51.5-6-b	am	160162	7/1/2016	“	“
200-51.5-6-c	am	160162	7/1/2016	“	“
200-51.5-6-d	am	160162	7/1/2016	“	“

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200-51.5-7-b	am	160162	7/1/2016	53-64f	53-64
200-51.5-7-c	am	160162	7/1/2016	"	"
200-51.5-8-d	am	160162	7/1/2016	"	"
200-51.5-9	am	160162	7/1/2016	"	"
200-51.9	cr	160162	7/1/2016	"	"
200-52	rp	160162	7/1/2016	"	"
200-53	rp	160162	7/1/2016	"	"
295-405-1-a (table)	am	150534	7/1/2016	739-740	739-740
295-405-1-c (table)	corr.			743-744	743-744
295-407-9-a	am	150534	7/1/2016	755-756	755-756
295-501-2-b	am	150534	7/1/2016	771-782	771-782
295-503-1 (table)	am	150534	7/1/2016	"	"
295-503-2-j-0	am	150534	7/1/2016	"	"
295-503-2-j-1	am	150534	7/1/2016	"	"
295-503-2-p-1	am	150534	7/1/2016	"	"
295-503-2-q	rn to	150534	7/1/2016	"	"
	295-503-2-r				
295-503-2-q	cr	150534	7/1/2016	"	"
295-503-2-r	rn to	150534	7/1/2016	"	"
	295-503-2-s				
295-503-2-s	rn to	150534	7/1/2016	"	"
	295-503-2-t				
295-503-2-t	rn to	150534	7/1/2016	"	"
	295-503-2-u				
295-503-2-u	rn to	150534	7/1/2016	"	"
	295-503-2-v				
295-503-2-v	rn to	150534	7/1/2016	"	"
	295-503-2-w				
295-503-2-w	rn to	150534	7/1/2016	"	"
	295-503-2-x				
295-503-2-x	rn to	150534	7/1/2016	"	"
	295-503-2-y				
295-503-2-y	rn to	150534	7/1/2016	"	"
	295-503-2-z				
295-505-2-f (table)	am	150534	7/1/2016	789-790	789-790
295-603-1 (table)	am	150534	7/1/2016	813-822	813-822
295-603-2-o	rn to	150534	7/1/2016	"	"
	295-603-2-p				
295-603-2-o	cr	150534	7/1/2016	"	"
295-603-2-p	rn to	150534	7/1/2016	"	"
	295-603-2-q				
295-603-2-q	rn to	150534	7/1/2016	"	"
	295-603-2-r				
295-603-2-r	rn to	150534	7/1/2016	"	"
	295-603-2-s				

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295-603-2-s	rn to 295-603-2-t	150534	7/1/2016	813-822	813-822
295-603-2-t	rn to 295-603-2-u	150534	7/1/2016	"	"
295-603-2-u	rn to 295-603-2-w	150534	7/1/2016	"	"
295-603-2-u	cr	150534	7/1/2016	"	"
295-603-2-v	rn to 295-603-2-x	150534	7/1/2016	"	"
295-603-2-w	rn to 295-603-2-y	150534	7/1/2016	"	"
295-603-2-x	rn to 295-603-2-z	150534	7/1/2016	"	"
295-603-2-y	rn to 295-603-2-aa	150534	7/1/2016	"	"
295-603-2-z	rn to 295-603-2-bb	150534	7/1/2016	"	"
295-603-2-aa	rn to 295-603-2-cc	150534	7/1/2016	"	"
295-603-2-bb	rn to 295-603-2-dd	150534	7/1/2016	"	"
295-605-2 (table)	am	150534	7/1/2016	"	"
295-703-1 (table)	am	150534	7/1/2016	845-850	845-850
295-703-2-g	rc	150534	7/1/2016	"	"
295-703-2-p	rn to 295-703-2-r	150534	7/1/2016	"	"
295-703-2-p	cr	150534	7/1/2016	"	"
295-703-2-q	rn to 295-703-2-s	150534	7/1/2016	"	"
295-703-2-q	cr	150534	7/1/2016	"	"
295-703-2-r	rn to 295-703-2-t	150534	7/1/2016	"	"
295-703-2-s	rn to 295-703-2-u	150534	7/1/2016	"	"
295-703-2-t	rn to 295-703-2-v	150534	7/1/2016	"	"
295-703-2-u	rn to 295-703-2-w	150534	7/1/2016	"	"
295-703-2-v	rn to 295-703-2-x	150534	7/1/2016	"	"
295-703-2-w	rn to 295-703-2-y	150534	7/1/2016	"	"
295-703-2-x	rn to 295-703-2-z	150534	7/1/2016	"	"

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295-803-1 (table)	am	150534	7/1/2016	873-880	873-880
295-803-2-g	am	150534	7/1/2016	"	"
295-803-2-z	rn to 295-803-2-aa	150534	7/1/2016	"	"
295-803-2-z	cr	150534	7/1/2016	"	"
295-803-2-aa	rn to 295-803-2-bb	150534	7/1/2016	"	"
295-803-2-bb	rn to 295-803-2-cc	150534	7/1/2016	"	"
295-803-2-cc	rn to 295-803-2-dd	150534	7/1/2016	"	"
295-803-2-dd	rn to 295-803-2-ee	150534	7/1/2016	"	"
295-803-2-ee	rn to 295-803-2-ff	150534	7/1/2016	"	"
295-803-2-ff	rn to 295-803-2-gg	150534	7/1/2016	"	"
295-803-2-gg	rn to 295-803-2-hh	150534	7/1/2016	"	"
295-803-2-hh	rn to 295-803-2-ii	150534	7/1/2016	"	"
295-803-2-ii	rn to 295-803-2-jj	150534	7/1/2016	"	"
295-803-2-jj	rn to 295-803-2-kk	150534	7/1/2016	"	"
295-803-2-kk	rn to 295-803-2-LL	150534	7/1/2016	"	"
295-803-2-LL	rn to 295-803-2-mm	150534	7/1/2016	"	"
295-803-2-mm	rn to 295-803-2-nn	150534	7/1/2016	"	"
295-803-2-nn	rn to 295-803-2-oo	150534	7/1/2016	"	"
295-803-2-oo	rn to 295-803-2-pp	150534	7/1/2016	"	"
295-803-2-pp	rn to 295-803-2-qq	150534	7/1/2016	"	"
295-903-2-b-2	am	150534	7/1/2016	905-906	905-906
295-905-2-a (table)	am	150534	7/1/2016	911-912	911-912
295-905-2-b-7	rn to 295-905-2-b-8	150534	7/1/2016	915-918	915-918
295-905-2-b-7	cr	150534	7/1/2016	"	"

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295-905-2-b-8	rn to 295-905-2-b-9	150534	7/1/2016	915-918	915-918
295-905-2-b-9	rn to 295-905-2-b-10	150534	7/1/2016	"	"
295-905-2-b-10	rn to 295-905-2-b-11	150534	7/1/2016	"	"
295-905-2-b-11	rn to 295-905-2-b-12	150534	7/1/2016	"	"
295-905-2-b-12	rn to 295-905-2-b-13	150534	7/1/2016	"	"
295-905-2-b-13	rn to 295-905-2-b-14	150534	7/1/2016	"	"
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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  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

revised 6/14/2016  
Suppl. #285



**CITY OFFICIALS**

**2016 to 2020**

**Mayor**  
Tom Barrett

**Council President**  
Ashanti Hamilton

**The Common Council**  
(By Aldermanic District)

1. Ashanti Hamilton
2. Cavalier Johnson
3. Nik Kovac
4. Robert J. Bauman
5. James A. Bohl, Jr.
6. Milele A. Coggs
7. Khalif Rainey
8. Robert G. Donovan

9. Chantia Lewis
10. Michael Murphy
11. Mark A. Borkowski
12. Jose Perez
13. Terry Witkowski
14. Tony Zielinski
15. Russell W. Stamper, II

**City Clerk:** Jim Owczarski  
**Deputy:** Richard G. Pfaff

**City Attorney**  
Grant F. Langley

**City Comptroller**  
Martin Matson

**City Treasurer**  
Spencer Coggs

**Municipal Judges**

Branch 1  
Valarie Hill

Branch 2  
Derek Mosley

Branch 3  
Phil Chavez

## PREFEACE

In 1986, volume 2 of the Milwaukee Code of Ordinances was printed in its current format of an updateable looseleaf. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its user.

Volume 2, which contains chapters numbering 200 to 299, contains building and zoning regulations. Other looseleaf volumes include Volume 1 (Regulatory Ordinances), Volume 3 (Administrative Ordinances), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager  
Legislative Reference Bureau  
April, 2016

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 14, 2016.

6/14/2016  
Suppl. #285



**Administration and Enforcement 200-Table**

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ADMINISTRATION AND ENFORCEMENT**

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200-01	Department of Neighborhood Services	200-22.5	Registration of Residential Properties Pending Foreclosure
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		200-28	Issuance of Permits
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200-10	Enforcement of Former Code of Laws	200-32	Permit Fees
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SUBCHAPTER 5  
FEES

**200-33. Fees.** Upon the issuance of a permit as required by s. 200-24, by the commissioner of neighborhood services, and before the license or permit shall be in effect, the applicant shall pay to the city a fee or fees as listed in this section. Other fees may be charged and collected by the department of neighborhood services or department of city development as provided in this section.

**1. AIR AND SUBTERRANEAN SPACE.**

a. Applications for air and subterranean space leases shall be accompanied by a fee of \$200.

b. There shall be a processing fee of \$5 for each air and subterranean space lease.

**2. ALTERATIONS AND REPAIRS.**

a. The fee for all alterations, remodeling, repairs and repairing fire damage to all buildings, structures and equipment shall be computed at 1% of the cost of construction.

b-1. The minimum fee for one and 2-family dwellings and accessory structures shall be \$60.

b-2. The minimum fee for all other structures and buildings shall be \$80.

b-3. The fees for the application of thin veneers shall be as follows:

b-3-a. One- and 2-family dwellings and accessory buildings: \$60.

b-3-b. All other buildings and structures: \$80.

c. Repairs which do not involve a structural part of an existing building or structure, room arrangement, fenestration, exits, stairways, electrical work, plumbing, equipment or fire protection can be made without permit provided the repairs are not in conflict with any regulation of the code.

d. There shall be a processing fee of \$5 for each alteration or repair.

**3. APPEALS.** The fee required to appeal a decision of the commissioner of neighborhood services or commissioner of city development to the standards and appeals commission shall be \$100 except the fee required to appeal a decision of the commissioner of neighborhood services or commissioner of city development under s. 218-4 shall be \$300.

**4. AWNINGS.** a. The permit fee for the erection of fixed, movable and fabric- covered stationary awnings projecting beyond the street line shall be computed at 1% of the cost of construction.

b. The minimum fee shall be \$60 per awning.

c. The fee for recovering or alterations to existing awnings shall be 1/2 of the fee calculated under par. a, except that the minimum fee shall be \$60.

d. There shall be a processing fee of \$5 for each permit issued.

**4.5. BOARDING.** A fee of \$125 shall be charged for the boarding of a structure.

**5. BUILDING PERMITS.**

a. Commercial Buildings and Residential Buildings Containing 3 or More Units, New Construction and Additions.

a-1. The fee for all commercial buildings and structures and residential buildings containing 3 or more units shall be computed per square foot, using the definition set forth in s.200-08-86.2, as follows:

a-1-a. Residential buildings containing 3 or more units: \$0.32 per square foot.

a-1-b. Industrial and manufacturing buildings: \$0.26 per square foot.

a-1-c. All other commercial buildings: \$0.30 per square foot.

a-2. The minimum fee shall be \$200.

b. Dwellings, New Construction and Additions.

b-1. The fee for all one-and 2-family dwellings shall be computed at \$0.32 square foot, using the definition set forth in s.200-08-86.2.

b-2. The minimum fee shall be \$120.

c. Structures Accessory to One- and 2-family Dwellings. c-1. The fee for garages and other structures of more than 150 square feet in area accessory to one- and 2-family dwellings shall be computed at \$0.20 per square foot of area. The minimum fee shall be \$60.

c-2. The fee for sheds and other structures accessory to one- and 2-family dwellings and not more than 150 square feet in area shall be \$60.

d. Footing and Foundation Permits.

d-1. The fee for footing and foundation permits shall be computed at \$0.10 per square foot of floor area of the first floor of the building or structure.

d-2. The minimum fee for one- and 2-family dwellings and accessory structures shall be \$175.

d-3. The minimum fee for all other buildings and structures shall be \$200.

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e. Odd Structures. The fee for permanent odd structures, such as parking lots, reviewing stands and tank towers or additions thereto shall be computed at 1% of the cost of construction. The minimum fee shall be \$60.

f. Hoop Houses. There shall be no building permit fee for a hoop house.

g. There shall be a processing fee of \$5 for each type of building or structure permit issued under this subsection.

**6. CANOPIES.** a. The permit fee for hoods, canopies, and marquees projecting, and roofed sidewalks beyond a street line shall be computed at 1% of the cost of construction.

b. The minimum fee shall be \$60.

c. There shall be a processing fee of \$5 for each permit issued.

**8. CERTIFICATE OF LEGALITY.** The fee for certification as to the legality of a building or structure on a given premises shall be \$100.

**8.5. CERTIFICATES OF OCCUPANCY.**

a. Certificates of Occupancy.

a-1. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of less than 10,000 square feet open lots, outdoor storage and outdoor circuses shall be \$225.

a-2. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of 10,000 square feet or more shall be \$425.

a-3. The required fee for certificates of occupancy in sites with multiple existing buildings shall be \$375 per 10,000 square feet, with a minimum of \$375.

a-4. The required fee for certificates of occupancy in new buildings with gross areas of less than 10,000 square feet shall be as follows:

a-4-a. Common areas: \$75.

a-4-b. Each rental or condominium tenant area: \$50.

a-4-c. Portions of rental or condominium areas: \$50.

a-4-d. Residential apartment buildings not in condominium ownership: \$50 if all dwelling units are completed at the time of inspection.

a-5. The required fee for certificates of occupancy in new buildings with gross area of more than 10,000 square feet shall be as follows:

a-5-a. Common areas: \$125.

a-5-b. Each rental or condominium tenant area of less than 10,000 square feet: \$50.

a-5-c. Each rental or condominium tenant area of more than 10,000 square feet: \$100.

a-5-d. Portions of rental or condominium areas less than 10,000 square feet: \$50.

a-5-e. Portions of rental or condominium areas more than 10,000 square feet: \$100.

a-5-f. Residential apartment buildings not in condominium ownership: \$100 if all dwelling units are completed at the time of inspection.

a-6. The required fee for certificates of occupancy not requiring inspections shall be \$75

a-7. The required fee for certificates of occupancy with a single inspection shall be \$150.

a-8. The required fee for duplicate certificates of occupancy shall be \$50.

a-9. The required fee for certificates of occupancy for changes to a business name shall be \$50.

a-10. The required fee for a certificate of occupancy for a commercial farming enterprise shall be \$25.

b. Conditional Certificate of Occupancy. The application fee for a conditional certificate of occupancy shall be \$150. This fee shall be payable at the time the application is submitted to the department.

c. Temporary Certificate of Occupancy. c-1. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of 10,000 square feet or less shall be \$100.

c-2. The fee for a temporary certificate of occupancy for buildings with gross area of greater than 10,000 square feet shall be \$150.

d. There shall be a processing fee of \$5 for each certificate of occupancy.

**8.8. CODE ENFORCEMENT FEE.** A monthly fee of \$50 may be charged for failure to comply with an order to correct any condition in violation of chs. 223 or 295.

**8.9. COMMERCIAL BUILDING COURTESY INSPECTION.** A fee of \$250 shall be charged for a commercial building courtesy inspection.

**9. CONDITIONAL PERMIT.**

a. The application fee for a conditional permit shall be \$150. This fee shall be payable at the time the application is submitted to the department.

b. There shall be a processing fee of \$5 for each conditional permit.

**10. COPIES OF RECORDS; CERTIFIED.**

b. The fee for posting a placard pursuant to s. 200-11-6 upon any single family premise shall be \$60.

c. The fee for posting a placard pursuant to s. 200-11-6 upon any 2-or 3-family premise shall be \$120.

d. The fee for posting a placard pursuant to s. 200-11-6 upon any premise with 4 or more residential units shall be \$180.

e. The fee for posting a placard pursuant to s. 200-11-6 upon any commercial building not containing residential units shall be \$180.

f. The placard posting fee shall be assessed and collected as a special tax against the real estate upon which the placard is posted and shall be a lien upon the real estate.

**44. PRESSURE PIPING SYSTEMS HANDLING FLAMMABLE AND COMBUSTIBLE LIQUIDS.** a. The permit fee for all flammable and combustible liquids piping systems which utilize pressure piping or a suction system shall be 1% of the cost of construction. The minimum permit fee shall be \$50. All installations used for the storage of flammable and combustible liquids which utilize a pressure piping system or a suction system shall be inspected at least once every 3 years. The fee for each periodic inspection shall be \$50.

b. There shall be a processing fee of \$5 for each permit issued.

**44.2. PROPERTY REGISTRATION FEE.**

a. The initial registration fee for a residential or commercial building, a condominium unit or a condominium association shall be \$40.

b. There shall be a fee of \$40 for filing a new application in the event of a change in ownership, and, unless excepted from the fee pursuant to s. 200-51.5-5-b, there shall be a fee of \$40 for any other new or subsequent filing of an application required under s. 200-51.5.

c. There may be a fee of \$40 for correcting any error or omission on an application filed with the department

d. Owners, operators, condominium association operators and resident agents of condominium associations registered under s. 200-51.5 may request and the department shall issue written verification of the contents of the department's registration file for their buildings, units, or associations (as the case may be).

e. Payment of any unpaid fees or charges shall be made prior to the acceptance of the application by the department.

**44.3. PROPERTY REGISTRATION ENFORCEMENT FEE.** A monthly fee of \$75 may be charged for failure to comply with an order to register a property, unit or association as required by and in accordance with s. 200-51.5.

**44.5. PUBLICLY ACCESSIBLE COLLECTION BIN PROVIDER AND BIN PERMITS.**

a. Permits shall be issued for a period of one year beginning on October 1, and ending on the following September 30. Those publicly accessible collection bin provider and bin permits whose permits are due to expire April 30, 2009 shall be extended to expire on September 30, 2009.

b-1. The permit fee for a publicly accessible collection bin provider shall be \$500.

b-2. The permit renewal fee for a publicly accessible collection bin provider shall be \$500.

c-1. The permit fee for each publicly accessible collection bin shall be \$50.

c-2. The permit renewal fee for each publicly accessible collection bin shall be \$50.

d. There shall be an additional fee of \$25 for filing a late renewal application for either permit.

e. The fee for retrieval of a publicly accessible collection bin from a designated holding location shall be \$250 for each bin. (See s. 239-13.)

**45. PUMPS, FLAMMABLE LIQUID.**

a. The permit fee for the installation of flammable liquid pumps or dispensers on any premises shall be computed at \$15 for each pump, dispenser or nozzle.

b. The permit fee for replacements shall be the same rate as for a new installation.

c. Minimum fee: \$75.

d. There shall be a processing fee of \$5 for each permit issued.

**46. RAZING.** a. The permit fee for the razing or demolishing of any building or structure shall be \$40 plus \$0.002 per cubic foot of the volume of the building.

b. The permit fee for interior demolition of any building or structure shall be computed at 1% of the cost of demolition. The minimum fee shall be \$60.

c. If, as a result of noncompliance with an order to raze or rehabilitate a property, the city must take action to issue a contract to raze the property, the following contract administration charges shall be assessed before a rehabilitation permit is issued:

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c-1. Evaluation of bids, letting contracts and notifying contractor: \$200 plus 20% of parcel demolition bid.

c-2. If a parcel is razed on contract by the city, the cost of demolition plus \$125 will be assessed against the real estate as a special charge

d. There shall be a processing fee of \$5 for each permit issued under par. a or b.

### 47. REGISTRATION OF RESIDENTIAL PROPERTY PENDING FORECLOSURE.

a. The fee for registration of a residential property pending foreclosure, as required by s. 200-22.5-4 shall be \$300.

b. If a completed registration form is not received by the commissioner within 5 working days of initiation of the foreclosure proceedings, or if the registration fee required in par. a is not received by the commissioner upon registration, there shall be an additional late fee of \$25.

### 48. REINSPECTION FEE.

a. To compensate for inspectional and administrative costs, a fee of \$100 may be charged for any reinspection to determine compliance with an order to correct conditions of provisions of the code under the jurisdiction of the department of neighborhood services or assigned to the department, except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$200 may be charged for each subsequent reinspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall upon delinquency be a lien upon the real estate and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

b. To compensate for inspectional and administrative costs, a \$50 fee may be charged for any inspection or reinspection when a contractor requests an inspection for permit related work and the work is not ready at the time of the requested inspection. Failure to pay additional reinspection fees after one notice may result in withholding future permits.

49. RENEWING OF PERMIT. a. The fee for renewing a permit, which has been revoked in accordance with s. 200-31 by the commissioner of neighborhood services or commissioner of city development, shall be 50% of the total original permit fees paid.

b. There shall be a processing fee of \$5 for renewing a permit.

49.2. REPEAT LITTER CHARGE. To compensate for inspectional, administrative and equipment costs, the commissioner may issue a \$100 charge for the 3rd and each subsequent violation of s. 79-12 on any property in a 12-month period.

### 50. SEWAGE DISPOSAL SYSTEM.

a. The examination fee for each sewage disposal system permit shall be \$100.

b. The examination fee shall not be refunded to the applicant irrespective of whether or not the permit for which application is made is granted or denied by the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding.

c. There shall be a processing fee of \$5 for each sewage disposal system permit.

51. SIGNS. a. The permit fee for the construction and alteration of all outdoor signs shall be 1% of the cost of signage, with a minimum fee of \$50.

b-1. The annual maintenance fee for projecting signs that project into the public right-of-way shall be \$35.

b-2. The annual maintenance fee for a free standing sign that encroaches into the public right-of-way shall be \$33.

c. The annual maintenance fee for off premises signs shall be computed as follows:

c-1. For off premises signs with a display area of less than 100 square feet in area: \$44 for the first display area on a sign and \$22 for each additional display area.

c-2. For off premises signs with a display area of 100 to 300 square feet in area: \$56 for the first display area on a sign and \$22 for each additional display area.

c-3. For off premises signs with a display area over 300 square feet in area: \$67 for the first display area on a sign and \$22 for each additional display area.

c-4. If a lot contains 2 or more off premises signs, the fee schedule for the largest sign on the lot shall apply.

d. Replacement of lost or destroyed sign plates: \$10 per plate.

e. There shall be a processing fee of \$5 for each permit issued.

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**51.5. SPECIAL FEES.** The commissioner of neighborhood services or the commissioner of city development may establish special fees where the existing fee structure does not specifically cover the services to be provided by the department of neighborhood services or department of city development or the type of work being done. These special fees shall be based upon the direct and indirect costs of the services being provided by the department of neighborhood services or department of city development.

**51.7 SPECIAL PRIVILEGE ENFORCEMENT FEE.** A monthly fee of \$25 may be charged for failure to comply with an order issued under s. 245-12.

**52. SPRINKLER, STANDPIPE AND SUPPRESSION SYSTEMS.** a. Installation and Repairs. The permit fees for the installation of new suppression systems and all repairs, additions and alterations or removal of existing suppression systems shall be computed at the following rates:

a-1. Chemical suppression systems. 1.5% of the cost of the system; minimum fee \$60.

a-2. Fire protection water supply piping, underground or exposed. Each 100 feet or fraction thereof: \$60.

a-3. Hydrants. Each hydrant: \$30; minimum fee: \$60.

a-4. Fire hose standpipe systems. Hose connections (fire department first aid or combined): \$10 each outlet; minimum fee: \$60.

a-5. Fire pumps: \$120 each.

a-6. Sprinkler heads.

a-6-a. 1-15 sprinkler heads: \$90.

a-6-b. 16-100 sprinkler heads: \$150.

a-6-c. For each additional 100 heads or fraction thereof above 100 heads: \$60.

a-7. A reinspection fee for noncompliance of fire suppression permit work: \$75.

b. Tests. Inspection for witnessing tests of new and existing suppression systems at the following rates:

b-1. Chemical suppression systems: \$60 per hour or fraction thereof.

b-2. Deluge system trip test: \$60 per hour or fraction thereof.

b-3. Dry valve trip test: \$60 per hour or fraction thereof.

b-4. Fire pump test, each pump: \$60 per hour or fraction thereof.

b-5. Hydrostatic test, one hour: \$60.

b-6. Hydrostatic test, 2 hours: \$120.

b-7. Dry system air test (24 hour test): \$60.

b-8. Water supply sprinkler system flow test: \$60 per hour or fraction thereof.

b-9. Standpipe system flow test: \$60 per hour or fraction thereof.

b-10. Retests: same rate as original tests.

b-11. Reinspection fee: \$75.

c. Periodic Inspections.

c-1. Chemical suppression: \$30 each; minimum fee: \$60.

c-2. Fire hose standpipe systems (fire department first aid or combined): \$10 each outlet; minimum fee \$60.

c-3. Sprinkler systems:

c-3-a. 0-200 heads: \$80 minimum fee.

c-3-b. 201-500 heads: \$80 for the first 200 heads, plus \$20 per 100 heads, or fraction thereof, up to 500 heads.

c-3-c. 501-1,000 heads: \$140 for the first 500 heads, plus \$20 per 100 heads, or fraction thereof, up to 1,000 heads.

c-3-d. 1,001-5,000 heads: \$240 for the first 1,000 heads, plus \$20 per 100 heads, or fraction thereof, up to 5,000 heads.

c-3-e. Over 5,000 heads: \$1,040 for the first 5,000 heads, plus \$20 per 100 heads, or fraction thereof, over 5,000 heads.

c-4. Spray booths: \$30 each; minimum fee: \$60.

c-5. Water curtains: \$30 each; minimum fee: \$60.

c-6. Reinspection fee because of noncompliance on fire suppression system violations: \$75.

c-7. Sprinkler and standpipe annual inspections.

c-7-a. Period inspection-hydrant, fee per hydrant: \$30. c-7-b. Periodic inspection-hydrant, minimum fee: \$60.

d. There shall be a processing fee of \$5 for each permit issued.

**54. STATIONARY ENGINEER.** Permits to operate as regulated under s. 223-9 shall be issued on an annual basis and shall be valid from January 1 until December 31.

a. The fee for the initial permit and renewals shall be \$30. Failure to renew a permit within 30 days of expiration shall result in a lapse of the permit to operate.

b. Whenever a permit is allowed to lapse, the applicant shall pay a reinstatement fee of \$40.

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### 55. STREET-WALK BASEMENTS.

- a. The permit fee for street-walk basements shall be computed at 1% of the cost of construction. The minimum fee shall be \$50.
- b. The fee for alterations shall be the same rate as a new installation.
- c. There shall be a processing fee of \$5 for each permit issued.

### 56. STREET-WALK OPENINGS.

- a. The permit fee for all covered openings in street walks shall be computed at \$5 per square foot of openings. The minimum fee shall be \$50.
- b. An annual inspection maintenance fee shall be assessed thereafter at \$5 for each covered opening.
- c. The minimum annual fee for any one premises shall be \$40. This includes new and existing installations.
- d. The fee for alterations shall be computed at the same rate as a new installation.
- e. There shall be a processing fee of \$5 for each permit issued.

**57. SUBTERRANEAN SPACE LEASES.** a. Applications for subterranean space leases shall be accompanied by a fee of \$200.

b. There shall be a processing fee of \$5 for lease. (See Air and Subterranean Space lease fee.)

### 58. TANKS, LIQUID STORAGE.

- a. The permit fee for the installation of tanks for the storage of any liquids regulated by this code, above or underground or in buildings or structures, shall be computed at \$30 for each 1,000 gallons or fraction thereof of tank capacity.
- b. The minimum fee shall be \$80 per tank.
- c. The maximum fee shall be \$240 per tank.
- d. The fee for replacements shall be computed at the same rate as a new installation.
- e. The permit fee for the removal or abandonment of tanks used for the storage of any liquids regulated by this code, whether above ground, underground or in buildings or structures, shall be \$10 per 1,000 gallons of maximum tank capacity, with a minimum fee of \$110. The permit fee for the removal or abandonment of underground home heating oil tanks in one- or 2-family dwellings shall be \$60. These fees cover the first inspection and one reinspection. A fee equal to one-half the original permit fee may be assessed for each subsequent reinspection. The maximum fee shall be \$290.

f. The permit fee for upgrading a tank or system shall be \$15 per \$1,000 of construction costs. The minimum permit fee shall be \$75.

g. The permit fee for the installation of a stage II vapor recovery system shall be \$160.

h. There shall be a processing fee of \$5 for each permit issued.

### 59. TANKS, NATURAL GAS.

a. The permit fee for the installation of tanks or holders for manufactured or natural gas shall be computed at \$0.15 for each 100 cubic feet of maximum capacity of each tank.

b. The fee for replacements shall be computed at the same rate as a new installation.

c. Minimum fee: \$80.

d. Maximum fee: \$240.

e. The permit fee for tanks used for temporary heat (less than 90 days) shall be \$30.

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

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

**61. TENTS.** a. The permit fee for the erection of any tent on any one site shall be \$10 for each tent.

b. The minimum fee shall be \$50.

c. There shall be a processing fee of \$5 for each tent permit issued.

**61.5. TITLE SEARCH.** The fee for a written report on pending special charges and information on pending work orders in the department shall be \$40 per address.  
**61.7. TRAINING AND TECHNOLOGY SURCHARGE.** There shall be a training and technology surcharge of 1.4% on each permit fee, plan examination fee, inspection fee, fee for service, and any other fee charged by the department of neighborhood services, with exceptions determined by the commissioner.

**62. UNDERGROUND FIRE PROTECTION PIPING FOR FOAM LINES.** a. The permit fee for the installation of new piping and for additions and alterations to existing underground fire protection piping for foam lines shall be \$50 for each 100 feet or fraction thereof.

- b. The minimum fee shall be \$60.
- c. There shall be a processing fee of \$5 for each permit issued.

**64. VACANT BUILDING REGISTRATION CERTIFICATE.** a. Each vacant building registration certificate shall be issued and shall be valid for 6 months from the date the certificate is issued.

b. There shall be no fee for the initial registration for each building.

c. There shall be a vacant building inspection renewal fee of \$250 for each building.

d. Any building in violation of any of the provisions of s. 200-51.7 at the time of any 6-month inspection shall be charged a vacant building inspection renewal fee of \$500.

e. Any building continuing to be in violation of any of the provisions of s. 200-51.7 at the time of any 6-month inspection shall be charged a vacant building inspection renewal fee in increasing increments of \$250 at each renewal to a maximum of \$1,000.

f. Vacant building inspection fees shall be charged against the real estate and shall be assessed and collected as a special charge. (See s. 200-51.7.)

g. A fee of \$50 shall be imposed if the department is unable to gain access to the structure for the inspection pursuant to s. 200-51.7-7 at the scheduled time.

**64.5. VARIANCES.** The fee to petition the commissioner for a variance as provided in s. 200-16.5 shall be \$100.

**65. VARIANCES, STATE BUILDING CODE.** a. The fee required to petition the commissioner for a variance shall be \$550.

b. There shall be a processing fee of \$5 for each petition issued.

**66. WOOD STOVE OR PREFABRICATED FIREPLACES.** a. The permit fee for the installation of wood stoves or prefabricated fireplaces shall be \$50.

b. There shall be a processing fee of \$5 for each permit issued.

**67. ZONING, BOARD OF APPEALS.**

Appeals and applications for variances and special use approvals shall be subject to the following fee schedule. Fees shall not be refunded after a notice of appeal is filed except by appeal to the board. The state of Wisconsin and its political subdivisions shall not be required to pay filing fees.

a. Notice of appeal and application for review fee: \$125. An applicant filing under this subsection shall pay a filing fee which shall be applied as a credit toward any action requested by an applicant under pars. b to m. The filing fee is not refundable.

b. Dimensional variances: \$350 per variance requested.

c. Use variances (per variance requested), based on lot area:

c-1. 0-10,000 square feet: \$350.

c-2. 10,001-20,000 square feet: \$650.

c-3. Over 20,000 square feet: \$950.

d. Special uses (per special use requested) based on lot area:

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

d-2. 10,001-20,000 square feet: \$400.

d-3. Over 20,000 square feet: \$500.

e. Name changes: \$300.

f. Billboards: \$650 per sign face.

g. On premise signs: roof signs, freestanding signs and projecting signs:

g-1. 0-50 square feet: \$250.

g-2. 51-100 square feet: \$350.

g-3. Over 100 square feet: \$450.

h. Transmission towers: \$950.

i. Application for an extension of time to comply with conditions imposed in a previous decision of the board: \$300.

j. Appeal on order of the department: \$275.

L. Request for a rehearing: \$275 plus all applicable fees.

m. All other requests: \$275.

**68. ZONING APPEALS, ORIGINAL APPLICATION REVIEW.** The fee for review of a board of zoning appeals original application by department staff, when such review is required, shall be \$50, except that no fee shall be required when the application pertains to a one- or 2-family dwelling.

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### 69. ZONING, PLAN COMMISSION/COMMON COUNCIL.

a. Planned Development. a-1. The fee for an application to establish a planned development shall be \$2,500.

a-2. The fee for a planned development amendment application shall be \$1,500.

a-3. The fee for an application for a minor modification to a planned development shall be \$500.

b. Overlay Zone Plan Review. The fee for plan review in a development incentive overlay zone or a site plan review overlay zone shall be \$1,500.

c. Zoning Amendment. c-1. The fee for a zoning map amendment pursuant to s. 295-307, other than creation or amendment of a development incentive overlay zone or a site plan review overlay zone, shall be \$1,500.

c-2. The fee for a zoning map amendment to create a development incentive overlay zone or a site plan review overlay zone shall be \$2,500. The fee for a zoning map amendment to amend an existing development incentive overlay zone or site plan review overlay zone shall be \$1,500.

d. Overlay Zone-related Appeal. The fee for an application to appeal denial of a permit based on failure to meet development, performance or design standards of an overlay zone shall be \$150.

e. Deviation From a Performance or Design Standard of an Overlay Zone. The application fee for a deviation from a performance or design standard of an overlay zone shall be \$150.

f. All fees under this subsection are nonrefundable.

70. ZONING STATEMENT. The required fee for a signed statement as to current zoning shall be \$100 plus \$75 per hour for research.

**200-47. Authority for Change in Occupancies and Uses.** The commissioner is authorized to approve any change in the occupancy and use of any existing building, structure, or premises or part thereof within any one group of occupancies and uses, as regulated by this code, if the proposed occupancy or use does not fully conform to all of the regulations of this code applicable thereto, provided it is obvious that such change in the occupancy or use will not extend or increase the hazards of fire, health, and public safety, and when not in violation of the regulations of ch. 295.

**200-48. Abandonment of Occupancy, Use Rights and Privileges.** Whenever a lawful nonconforming occupancy or use of any existing building, or structure, premises or part thereof is changed to an occupancy or use conforming to the regulations of ch. 295 or to a conforming type of construction applicable to such building, structure, premises, or part thereof, as regulated by this code, thereafter any such existing building, structure, premises or part thereof shall not again be occupied or used for any nonconforming occupancy and use rights and privileges. If a nonconforming building or structure, or use is abandoned for one year, the legal nonconforming use of occupancy of that building or structure shall cease and the use of that building or structure shall thereafter be restricted to a legal use or occupancy. If a nonconforming open storage occupancy and use on any premises is vacated for a period of 6 months, then any future occupancy and use of the premises shall conform to the regulations of ch. 295.

**200-49. Voiding of Occupancy Applications.** If an applicant for a certificate of occupancy does not make use of the application, either by not using the premises or not complying with required regulations of the code within a period of 6 months, such application shall be declared void and no new use of the premises shall be made until a new certificate of occupancy or certificate of zoning has been procured.

**200-50. Change in Floor Loads.** If the occupancy or use of any existing building or structure or part thereof is changed to any occupancy or use permitted by this code but imposing greater floor loads, then the structural and load carrying portions of such building or structure shall be strengthened to conform with the regulations of this code for such new occupancy or use.

**200-51. Rental Units. 1. INSPECTION.** Any owner of a rental dwelling unit may request that such unit be inspected by the commissioner. The commissioner shall examine such dwellings to determine if they conform to code standards. Should the commissioner find code violations, the appropriate building code orders will be issued.

**2. ISSUANCE OF CERTIFICATE.** Once the dwelling unit or units conform to code, the commissioner shall issue a certificate of occupancy which shall contain the following information:

- a. The address of the property.
- b. The owner's name.
- c. A statement specifying that the dwelling unit conforms to all requirements of ch. 275.
- d. The date of such conformance.
- e. The signature of the commissioner.

**200-51.5. Property Registration. 1. PURPOSE.** Registration of residential and commercial buildings, and condominium units and associations is essential for the proper enforcement of the city's building and zoning code and to safeguard persons, property and general welfare.

**2. DEFINITIONS.**

- a. "Address" means any location at which first-class mail can be received.
- b. "Authorized contact person" means a natural person with charge, care and control of the property, and in the case of a condominium association, a condominium resident agent.
- c. "Condominium association" means an association, as defined in s. 703.02 (1m), Wis. Stats.
- d. "Condominium-resident agent" means a resident agent as defined in s. 703.23, Wis. Stats.
- e. "Common elements" means common elements as defined in s. 703.02 (2), Wis. Stats.
- f. "Domicile" means the building or unit at issue which is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. It is the one residence that controls for determining the owner's legal rights and privileges such as voting rights, vehicle registration, driver licensure.

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g. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to present use and enjoyment of the premises. The term includes, but is not limited to, a trustee, a trust, a life-estateholder, a remainderman, a condominium association, a land contract grantee (buyer), a general partnership, a limited partnership, a limited liability partnership, a corporation, a limited liability company, and a cooperative.

h. "Owner-occupied" means the owner is domiciled in the subject building or unit.

### 3. REGISTRATION REQUIRED.

a. Registration Required. Except as specified in sub. 4, the following shall file with the department on forms provided by the department, a registration in compliance with this section:

a-1. Owners of residential or commercial buildings. One registration form for each tax-key-numbered parcel containing a residential or commercial building.

a-2. Owners of commercial condominium units. One registration form for each tax-key-numbered unit.

a-3. Owners of non-owner-occupied residential condominium units. One registration form for each tax-key-numbered unit.

a-4. Condominium associations. One registration form for the common elements that are part of the condominium.

b. Multiple Buildings on Same Tax-Key Number. Multiple buildings on a parcel with a single tax key number shall be registered on one application.

c. Registration After Death. In the event of death of the owner of a building or condominium unit required to be registered under this section, the subsequent owner shall file an application within 15 days after conveyance from the estate or other acquisition of interest. In the event of death of an authorized contact person required under this section, the owner or condominium association, as the case may be, shall have 60 days after that death to file an application naming a new authorized contact person.

d. Registration After Conveyance or Change in Ownership. In the event of any conveyance of any building or condominium unit required to be registered under this section, the new owner shall file a new registration form and pay the fee required within 15 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 15 days of the date

of court-confirmation of the sale. New registration forms are required in the event of change in ownership, including, but not limited to, conveyances between an individual and a business entity, and conveyances between business entities.

4. EXCEPTIONS. The following are exempt from having to file registration forms required under this section:

a. Owners of owner-occupied one and 2-family buildings where the ownership is recorded with the Milwaukee county register of deeds.

b. Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee county register of deeds.

c. Owners of jails, convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Milwaukee county register of deeds.

d. Owners of hospitals and residential facilities licensed by the city of Milwaukee or the state of Wisconsin where the ownership is recorded with the Milwaukee county register of deeds.

e. Government-owned buildings where the ownership is recorded with the Milwaukee county register of deeds.

f. Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Milwaukee county register of deeds until actual occupancy of any such building or any unit in any such building commences.

g. Owners of residential and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file a registration form unless otherwise exempt under this subsection.

h. Condominium associations responsible for 2-unit residential buildings.

5. REGISTRATION FORM. Registration forms shall be provided by the department and shall at least contain the following:

a. The tax-key number and address of the parcel containing the residential or commercial building or condominium unit.

b. The legal name of the property owner.

c. The legal name, address and telephone number of the authorized contact person.

**6. REGISTRATION FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION.**

a. If any information listed on a previously filed registration form changes, within 15 days of the change in information a new registration form shall be filed with, and the requisite fee shall be paid to, the department. Any registration form filed later than that 15-day period shall result in doubling of the fee and subject the required filer to sanctions.

b. Except as provided in par. a, there shall be no fee for the filing of an amendment to an existing registration form where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land-contract buyer paying off the land contract and becoming the fee-title holder or with the land-contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

c. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a grantee with a life estate, or an estate for years, or where the grantor has made a conveyance but reserved a life estate, or an estate for years, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one of the grantors or one of the grantees is domiciled in the building or unit after the conveyance.

d. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a trust, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one trust settler or one trust beneficiary is domiciled in the building or unit after the conveyance.

e. The commissioner may refund fees paid in error to the department.

f. See s. 200-33-44.2 and 44.3 for fees associated with this section.

**7. SELLER NOTIFICATION FORMS.**

a. The department shall provide seller notification forms.

b. An owner who conveys any ownership interest in any building or condominium unit required to be registered under this section shall file a seller notification form with the department within 15 days of the conveyance, providing the name and address of the buyer and date of conveyance. There shall be no fee for the filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying owner was also required, but failed to, file a registration form under this section.

c. Upon satisfaction of a land contract registered under this section, the land-contract seller shall file a seller notification form with the department within 15 days after the satisfaction, providing the name and address of the land-contract buyer and date of conveyance in satisfaction of the land contract. There shall be no fee for the timely filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying land-contract seller was also required, but failed to, file a registration form under this section.

**8. SERVICE OF ORDER.** a. Any order issued under this section shall identify the section of the code to which the order applies in accordance with s. 200-12-2-b.

b. Service of orders shall be in accordance with s. 200-12-3.

c. The order may also be posted on the premises.

d. The commissioner may issue an order to the owner, the condominium association, the condominium-resident agent, or the authorized contact person, requiring the owner or condominium association to comply with this section.

**9. ENFORCEMENT; SANCTIONS.**

a. Enforcement Fee. If there is a failure to comply within the time set forth in any order issued under this section, or a failure to file an application as required under this section within the time set forth in this section, the commissioner may assess the owner or association a monthly registration enforcement fee under s. 200-33-44.3 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

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b. Penalties. Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any application required under this section shall be subject to the penalties provided in s. 200-19. Any authorized contact person providing false, misleading or fraudulent information on any registration form required under this section shall also be subject to the penalties provided in s. 200-19.

10. APPEALS. Appeals of orders and notices under this section shall be made pursuant to s. 200-17.

### 200-51.7. Vacant Building Registration.

1. FINDINGS. The common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vacant buildings become havens for vandalism, arson and drug crimes, representing not only a clear drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety. The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore directs the chief of police, fire chief and the commissioner of neighborhood services, as provided in this section, to charge the owner or entity functioning as a trustee of an owner of such property the costs of any public safety services rendered to the property while non-compliant with this section.

2. PURPOSE. Registering of residential buildings or any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building they are situated in does not exceed 95%.

### 3. DEFINITIONS. In this section:

a. "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

b. "Secured" means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.

c. "Vacant" means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant. An owner occupied single family home or owner occupied 2-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

d. "Violation" means that an order has been issued by the department and the conditions forming the basis for the order have not been fully abated.

e. "Unsecured" means any building that does not meet the definition of secured.

### 4. REGISTRATION REQUIRED.

a. The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee as prescribed in s. 200-33-64 for each such building with the department on forms provided by the department.

b. In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within the 7-county area as described in s. 200-51.5-2-j.

c. The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee as

prescribed in s. 200-33-64 for each registered building.

d. If, at the time of any 6-month inspection by the city, the building is in violation of any provision of this section, the owner shall pay a vacant building inspection renewal fee as provided in s. 200-33-64.

**5. EXEMPTIONS.** The following are exempt from the provisions of this section:

a. Property owned by governmental bodies and the housing authority.

b. Abandoned residential property pending foreclosure while subject to s. 200-22.5.

c. Property that is vacant as a result of a natural disaster and covered by emergency response requirements issued by the commissioner.

d.d-1. Property that is undergoing an active renovation or rehabilitation, provided a written plan for such renovation or rehabilitation has been submitted to and approved by the commissioner in accordance with subd. 2. The commissioner may revoke his or her approval of an exemption under this paragraph for violation of any condition or provision of application for such approval, for violation of any ordinance, law, lawful order or Wisconsin statute relating to the property, or if in the opinion of the commissioner the continuation of the exemption will be contrary to this section's purpose of safeguarding persons, property and general welfare.

d-2. An owner may request an exemption pursuant to subd. 1 by filing with the commissioner a written application and plan for the subject renovation or rehabilitation on a form furnished for such purpose. All plans submitted for approval shall include:

d-2-a. The legal description of the lot or parcel of land as obtained from official records.

d-2-b. The name and address of the owner of the premises.

d-2-c. The name and address of the person or contractor completing the work.

d-2-d. A detailed description of the renovation or rehabilitation.

d-2-e. The projected cost of the renovation or rehabilitation.

d-2-f. The time frame for completion of the renovation or rehabilitation.

e. A single family home or owner-occupied 2-family dwelling residential property that has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

f. Residential condominium and rental units in buildings whose vacancy rate does not exceed 95%.

g. Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in the 7 county area as defined in 200-51.5-2-j.

**6. OWNER RESPONSIBILITIES.** The owner of any building that has become vacant shall:

a. Enclose and secure the building as provided in sub. 7.

b. Maintain the building in a secure and closed condition until the building is again occupied or demolished.

c. Acquire or otherwise maintain liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the commissioner.

**7. MINIMUM REQUIREMENTS FOR VACANT BUILDINGS.** The owner of any vacant building for which registration is required by this section shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice. If any owner of a vacant building does not provide access to the property at the scheduled time, the commissioner may apply for and obtain a special inspection warrant pursuant to s. 66.0119, Wis. Stats. In addition, failure to provide access to the property at the scheduled time shall subject the property owner to the fees specified in s. 200-33-64-g. In addition to any other applicable requirements, vacant buildings shall comply with the following requirements:

a. Lot Maintenance Standards. Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

a-1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 9 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.

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a-2. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with s. 79-13.

a-3. Junk, rubbish, waste and any material that creates a health, safety or fire hazard, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.

a-4. No portion of the lot nor any structure, vehicle, receptacle or object on the premises shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage.

a-5. The lot shall be maintained so that water does not accumulate or stand on the ground.

a-6. All fences and gates shall be maintained in sound condition and in good repair.

b. Exterior Maintenance Standards. The exterior of the building shall be enclosed, secured and maintained to meet the following:

b-1. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition adequate to support the building and protected against the entry of rodents or other animals.

b-2. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals.

b-3. Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building, or the opening shall be secured in accordance with s. 275-32-7. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.

b-4. The roof shall be adequately supported and maintained in weathertight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building.

b-5. Chimneys and flues shall be kept in sound, functional, weathertight condition and in good repair.

b-6. Every outside stair or step shall be maintained in sound condition and in good

repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.

c. Interior Maintenance Standards. The interior of any building shall be maintained in accordance with the following:

c-1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.

c-2. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.

c-3. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.

c-4. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.

c-5. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.

c-6. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

d. Building Security Standards. The following apply to the securing of vacant buildings:

d-1. All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of s. 275-32-7.

d-2. If a building has been vacant for 6 months or longer, or upon any renewal of the registration statement, the building owner shall implement and provide proof satisfactory to the department that in addition to complying with the security standards in subd. 1, it is secured. If the building fails to be secured as determined by the commissioner or the commissioner's designee, then the building shall be boarded in accordance with s. 275-32-7.

d-3. If the owner has provided proof that a building is secured and based on an inspection by the department the building is found to be in violation, the commissioner shall send by first class mail a written notice of the violation to the person responsible for day-to-day supervision

and management of the building or to the authorized agent for service of process or to the owner of record. Within 30 days of the mailing of the notice of violation, the owner shall be required to either comply with subd. 2 or restore the building to a secured state and also install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

**8. ISSUANCE OF MODIFICATIONS.**

Upon written application by an owner or an owner's agent, the commissioner may approve a modification of any provision of this section, including the requirement for inspections and fees, provided the spirit and functional intent of the section will be observed and the public health, welfare and safety will be assured. The decision of the commissioner concerning a modification shall be made in writing and the application for a modification and the decision of the commissioner concerning such modification shall be retained in the permanent records of the department.

**9. RULES AND REGULATIONS.**

The commissioner may issue rules and regulations for the administration of this section.

These rules may specify additional board-up materials which may be used when securing a building, if proof is provided satisfactory to the commissioner that the materials will perform in a manner equivalent to, or better than, the materials specified in this section.

**10. PENALTY.** a. Failure to Register.

Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building as required under sub. 4 shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

b. Failure to Secure and Maintain.

Any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building that fails its duty to secure and maintain the property as required under sub. 6 or 7 shall, upon conviction, forfeit not less than \$350 nor more than \$1,500, together with the cost of the action, and in default of payment

thereof may be imprisoned in an appropriate county facility as allowed by law.

**10.5. MAINTENANCE OR SECURING OF VACANT BUILDING BY CITY.** a. Common Council Findings. Notwithstanding the penalty provisions of sub. 10, the commissioner shall promptly, pursuant to s. 66.0119, Wis. Stats., petition the court for a special inspection warrant to enter upon the premises of a vacant building and immediately take all actions necessary to ensure the building is compliant with subs. 6-a and b and 7 if the common council, by resolution, makes findings that:

a-1. The property owner or entity functioning as a trustee of the owner has failed to secure and maintain the property as required by sub. 6 or 7.

a-2. The lack of proper securing or maintenance of the property by the owner or entity functioning as a trustee of the owner is resulting in the permissive waste of the property.

a-3. The property is of substantial and extraordinary historic, architectural or commercial value to the surrounding neighborhood and to the city as a whole.

b. Cost Recovery. Whenever, pursuant to this subsection, the commissioner takes actions necessary to ensure that a building is compliant with subs. 6-a and b and 7, all costs of such actions shall be charged as a lien upon the property and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

**11. CHARGE FOR PUBLIC SAFETY SERVICES.**

a. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The chief of police or fire chief shall provide a record of each service rendered to the property and the costs of services, investigation, administration and enforcement to the commissioner of neighborhood services. The costs of the services, investigation, administration and enforcement by any police or fire personnel may be charged to the owner or entity functioning as a trustee of an owner and in whole or in part. Appeal of the determination of the chief of police or fire chief imposing costs against the owner or entity functioning as a trustee of an owner may be submitted to the administrative review appeals board as provided by s. 320-11.

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b. Cost Recovery. Upon receipt of a cost referral letter from the chief of police or fire chief pursuant to par. a., the commissioner of neighborhood services shall charge any premises owner or entity functioning as a trustee of an owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. A notice of intent to charge shall be issued to the premises owner or entity functioning as a trustee of an owner along with notice that, if the property is brought into compliance with the vacant building registration program within 30 days of the notice, the public safety service charge shall not be issued. If the property is not brought into compliance within 30 days, all costs shall be charged as a lien upon such premises and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

### 200-51.9. Registration of Rental Property and Rental Units.

Notwithstanding the provisions of ss. 200-22.5, 200-51.5, 200-51.7 or any other real-property registration ordinance, the only information that shall be required to register a rental property or rental unit is:

1. The name of the owner.
2. The name of an authorized contact person, as defined in s. 200-51.5-2-a.
3. The address at which the authorized contact person may be contacted.
4. The telephone number at which the authorized contact person may be contacted.

### 200-57. Community Garden Permit. 1.

**PERMIT REQUIRED.** No person may establish or maintain a community garden without first obtaining a community garden permit from the commissioner of city development or the commissioner's designee.

2. **APPLICATION.** Application for a community garden permit shall be made on a form provided therefor by the commissioner or designee. The application shall contain the following information:

a. The name of the organization that will be operating the community garden, as well as the name, address and home telephone number of an authorized representative of the organization who will be responsible for overall operation of the community garden.

b. The types of vegetables, fruits, flowers or other plants that are expected to be grown on the site.

c. The anticipated daily hours of operation of the community garden.

d. The average and maximum numbers of persons expected to be present at the community garden on a given day.

e. A description of pedestrian and vehicular access to the site.

f. A description of where persons coming to the community garden by motor vehicle are likely to park their vehicles, including any parking restrictions in effect in the anticipated parking area.

g. Whether any motorized vehicles or farm equipment will be brought onto the site, including the means of transporting the vehicles or equipment to and from the site and any provisions for storing the vehicles or equipment on the site.

h. Whether operation of the community garden will involve the application of pesticides or herbicides and, if so, information on the types of pesticides or herbicides that will be applied, the name of the individual or business who will be making the application and a description of measures that will be taken to warn persons entering the community garden site of the presence of these chemicals.

3. **COMMUNITY OUTREACH.** At the time of submitting an application for a community garden permit, the applicant shall submit to the commissioner of city development or the commissioner's designee a description of the applicant's outreach to the surrounding neighborhood to develop public awareness of, and support for, the proposed community garden. The outreach may include, but shall not be limited to, circulation of petitions of support or distribution of fliers in the surrounding neighborhood.

4. **APPROVAL OR DENIAL OF PERMIT.** Upon receipt of a completed application for a community garden permit, the commissioner of city development or the commissioner's designee shall submit the application to the local common council member for review. The commissioner or commissioner's designee shall approve and issue the permit unless the common council member, within 10 days of receipt of the application, notifies the commissioner or commissioner's designee that the local common council member opposes issuance of the permit. The commissioner shall issue a permit unless:

a. The applicant is not a group of individuals or a public or non-profit organization, in which case the applicant does not fit the definition of "community garden" in s. 295-201.

b. The applicant has had a community garden permit revoked at some time in the past 3 years.

c. Operation of the community garden will unreasonably disrupt the safe and orderly use of any street, alley or other public place as a result of vehicular traffic or parking related to the community garden.

d. Operation of the community garden will degrade the surface of the adjacent public right-of-way through the tracking of dirt and other materials onto the public right-of-way, damaging of turf, creation of ruts, damaging of curbs and so forth.

e. Operation of the community garden will occur at such hours or at such intensity as to disturb the peace of the surrounding neighborhood.

f. The community garden will not be in compliance with all applicable standards and requirements of this code.

g. The common council member in whose district the community garden will be located opposes the issuance of the permit based on the criteria in pars. a to f.

5. FEE. There shall be no fee for a community garden permit.

6. REVOCATION OF PERMIT. The commissioner of neighborhood services may revoke a community garden permit upon determining that the community garden is not in compliance with any provision of this chapter or ch. 68, 78, 79 or 275.

7. APPEAL. An applicant whose application for a community garden permit has been denied, or a permit holder whose permit has been revoked, may appeal the denial or revocation to the standards and appeals commission in accordance with the provisions of s. 200-17.

**200-61. Architectural Review Board. 1. PURPOSE AND FINDINGS.** The common council finds that the physical and architectural character of certain neighborhoods and locations in the city require special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of significant historical, cultural, social or commercial attributes. In order to promote this goal, an architectural review board is created to review all applications for the alteration, rehabilitation or construction of any

building, structure or site in a designated district, except for those exempted under sub. 10, prior to the issuance of permits under s. 200-24 by the department of city development.

2. DEFINITIONS. In this section:

a. "Alteration" means any material change in the exterior appearance of any building, structure or site in the district.

b. "Board" means the architectural review board.

c. "Certificate of appropriateness" means a certificate issued by the board approving the alteration, rehabilitation or construction of any building, structure or site in the district.

d. "Design guidelines" means guidelines adopted by the common council for the alteration, rehabilitation or construction of any building, structure or site in the district.

e. "District" means the area designated by common council resolution 870501 as business improvement district #2 or the area designated by common council resolution 110693 as the East Side architectural review district. "District" also means such additional areas as may be designated by the common council. Each district created hereunder shall have a separate board.

f. "Rehabilitation" means the improvement of property through repair or alteration.

g. Structure shall include, but is not limited to, a temporary or permanent sign or advertisement placed or erected on the exterior of any building, structure, site or in the public way in the district.

3. COMPOSITION. a. The board shall be composed of 7 members. The members shall consist of one member of the historic preservation commission appointed by its chair; the commissioner of the department of neighborhood services or the commissioner's designee; one member of the common council representing the district under sub. 2-e or the council member's designee, and 4 citizen members appointed by the mayor and confirmed by the common council. A majority of the citizen members shall own or occupy property in the district. Citizen members and the historic preservation commission member shall be appointed for terms of 3 years or until their successors are appointed and confirmed. Members may be reappointed to succeeding terms.

a-1. The common council board member may designate an alternate in writing by filing with the city clerk's office. The alternate

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may represent the common council member and exercise all powers of the member when such member is unable to attend board meetings.

b. With respect to any board for any district created after February 18, 2005, 2 of the initial citizen members shall be appointed for one year; one for 2 years and one for 3 years.

c. Citizen members shall be exempt from city service provisions.

d. Citizen members may be removed for cause by the mayor.

e. Board members shall receive no compensation.

f. No member of the board shall vote on any matter that materially affects the property, income or business interest of that member or creates the appearance of a conflict of interest.

**4. FUNCTIONS, POWERS AND DUTIES.** The board shall:

a. Adopt by-laws, rules and procedures concerning the operation of the board.

b. Designate one of its citizen members, or retain the services of a consultant, as its administrative officer to perform administrative functions pursuant to the direction of the board and to draft decisions, findings and orders for consideration by the board.

c. Utilize the design guidelines when reviewing applications for certificates of appropriateness for the alteration, rehabilitation and construction of buildings, structures and sites in the district.

d. Issue certificates of appropriateness with or without conditions for the alteration, rehabilitation or construction of any building, structure or site in the district.

e. Advise and assist property owners and other persons and groups, regarding the design guidelines, programs and regulations concerning the district.

f. Work closely with the department of neighborhood services to provide training and technical assistance on issues relating to the design, preservation, repair, renovation and maintenance of buildings, structures and sites in the district.

g. Make recommendations to the common council regarding amendments to the design guidelines and the designation of additional areas for inclusion in the district.

**5. CERTIFICATE OF APPROPRIATENESS.** No person or entity shall, with respect to the exterior of any building, structure or site in the district, alter, rehabilitate, or reconstruct all or any part of, undertake any new

construction with respect to, or permit any work to be performed upon a building, structure or site, nor shall the commissioner of city development issue a permit for any such work unless a certificate of appropriateness has been issued by the board, as provided in this subsection.

a. Application. Applications for a certificate of appropriateness shall be obtained from and filed with the district office which address shall be on file in the city clerk's office.

b. Review. b-1. Upon receipt of an application for a certificate of appropriateness for the alteration, rehabilitation or construction of any building, structure or site in the district, the board shall review it at its next regular meeting, provided the application is complete and is received before the board's published deadline for the receipt of applications.

b-2. The board may designate one or more persons to administratively approve applications for certificates of appropriateness that comply with the design guidelines without board review, provided that the board shall first adopt a written policy on the types of projects which may be administratively approved.

b-3. Except as provided in subd. 2, the board shall review the proposed alteration, rehabilitation or construction project to determine if it complies with the design guidelines. If the proposed project complies with the design guidelines, the board shall find the proposed project appropriate and issue a certificate of appropriateness. If the board finds that the proposed project does not comply with the guidelines, the board shall deny the application and provide written notice of this denial to the applicant within 30 days of such denial.

b-4. In the event that the board denies an application for a certificate of appropriateness pursuant to subd. 3, the applicant may request a public hearing before the board by submitting a written request to the district office within 30 days of the date of denial.

c. Public Hearing. c-1. Upon receipt of a written request for a public hearing on the board's denial of an application for a certificate of appropriateness, the board shall schedule the hearing within 45 days of receipt of the request.

c-2. Notice of the public hearing shall be sent by certified mail, return receipt requested, addressed to the applicant's address as stated in the application. Notice shall also be posted by the city clerk, sent to the common council member representing the district and sent, via first class mail, to all recorded owners of

property within 500 feet of the building, structure or site in the district that is the subject of the public hearing. Notice shall be provided not less than 10 days prior to the date of the public hearing.

c-3. The notice of public hearing may require the applicant to provide supplemental information, including, but not limited to, photographs, plans, floor plans, elevations or detailed drawings of any building, structure, site or portion thereof.

c-4. The board may grant adjournments for any reason upon good cause.

c-5. At the public hearing the applicant shall be entitled to call witnesses and present evidence in support of the application for the certificate of appropriateness. The board shall take testimony from and consider the evidence of any person in attendance at the hearing. An audiotape record shall be made of all proceedings at the public hearing. Such audiotapes shall be made available to any person upon payment of the reasonable costs to process and reproduce such tapes.

c-6. After all evidence has been received, the board shall review the record to determine whether, notwithstanding non-compliance with the design guidelines, the application for a certificate of appropriateness should be granted. In making this determination the board shall consider:

c-6-a. Whether the proposed work would alter or affect any significant architectural feature of the building, structure or site upon which the work is to be done.

c-6-b. Whether the proposed alteration, rehabilitation or construction would harmonize with the character and appearance of neighboring buildings, structures or sites within the district.

c-6-c. Whether the proposed alteration, rehabilitation or construction would be consistent with an approved comprehensive land use plan for the district.

c-6-d. The existence of extraordinary circumstances under which strict adherence to the design guidelines would cause a substantial hardship on the applicant provided, however, that such hardship is not self-imposed or based solely on economic grounds.

c-7. Following review of the record from the public hearing, the board shall either affirm its denial of the application for a certificate of appropriateness or grant the application. If denial of the application is affirmed, the board shall notify the applicant of its decision by certified mail, return receipt requested, within 30

days of its decision. The board shall set forth the findings of fact that constitute the basis for its decision. All decisions of the board shall be filed with the commissioners of neighborhood services and city development.

d. Appeals. Applicants may appeal to the common council the denial of an application for a certificate of appropriateness following a public hearing. Appeals shall be in the form of a written request filed with the city clerk within 30 days after the mailing of the certified letter containing the board's decision. The city clerk shall file the appeal with the common council. The council shall hold a public hearing on the appeal and shall, by a majority vote of its members, affirm or reverse the decision of the board.

e. Resubmission of Application. Whenever an application for a certificate of appropriateness is denied, the proposed alteration, rehabilitation or construction project is ineligible for reconsideration for a period of one year following the denial.

f. The board shall issue a certificate of appropriateness within 30 days of the board's decision granting such application or within 30 days of a decision of the common council reversing the denial of an application of a certificate of appropriateness by the board after public hearing.

**6. OTHER PERMITS AND APPROVALS REQUIRED.** The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other necessary permits and approvals required by the city. All other ordinances, rules and regulations of the city remain applicable.

**7. COMPLIANCE WITH CERTIFICATES OF APPROPRIATENESS.**

a. Within 12 months of the issuance of the certificate of appropriateness, work on the project must begin, shall at all times be in compliance with the certificate and be completed within 24 months of the issuance of the certificate of appropriateness, or the certificate shall be subject to revocation by the board. The board may grant extensions to complete a project upon good cause.

b. Projects approved, started and not completed prior February 18, 2005, shall be granted an extension of 24 months from February 18, 2005.

c. Failure to comply with a certificate of appropriateness shall be a violation of this section. In the event work is being performed without, or not in accordance with, a certificate

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of appropriateness, the board shall request that a stop work order be issued by the commissioner of neighborhood services.

**8. PERMIT REVOCATION.** Any permit issued by the commissioner of city development under the terms of this section may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

**9. EXCEPTIONS.** a. The Henry W. Maier Festival grounds, except for the grounds' perimeter fences, are exempt from the provisions of this section.

b. Ordinary routine maintenance and repair of buildings, structures or sites may be undertaken without a certificate of appropriateness, provided that the work involves routine maintenance or repair of existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the exterior appearance and does not require the issuance of a building permit.

**10. VIOLATIONS.** a. Whenever the commissioner of neighborhood services determines that a violation of this section exists or has reasonable grounds to believe that such a violation exists, the commissioner is authorized to order the owner to correct the violation or issue a stop work order, if requested, as provided in sub. 7-c.

b. Any person violating any provision of this section shall be subject to the penalties under s. 200-19.

"For legislative history of chapter 200, contact the Legislative Reference Bureau."

Table 295-405-1-a

**PERIMETER LANDSCAPING AND EDGE TREATMENT REQUIREMENTS BY USE AND ZONING DISTRICT**

**Key:**

required - this is the minimum landscaping/edge treatment requirement for this land use in the specified zoning district  
 allowed - this landscaping/edge treatment type may be used as an alternative to the "required" type for this land use in specified zoning district not permitted - this landscaping/edge treatment type cannot be used for this particular use in the specified zoning district  
 use not permitted - this land use is not permitted in this zoning district; therefore, no required landscaping type is specified

Type of use	Light Motor Vehicle Parking: Vehicle Operating Area			Motor Vehicle Sales Lot	Heavy Motor Vehicle Parking: Storage Yards; Contractors' Yards; Outdoor Salvage Operations			Mechanical Equipment, etc.	Lt. Motor Veh. Parking Next to Res. Use
	Type A	Type B	Type C		Type D	Type E	Type F		
Zoning District									
NS2, LB2, RB2	not permitted	required	allowed	required	not permitted	required	allowed*	required	required
LB3	not permitted	required**	allowed	required	not permitted	required	allowed*	required	required
NS1, LB1, RB1, CS	required	allowed	not permitted	required	required	allowed	allowed*	required	required
C9A-C9H	not permitted	required	allowed	use not permitted	not permitted	required	allowed*	required	required
IM, IC	not permitted	required	allowed	required	not permitted	required	allowed*	required	required
I02, IL2	not permitted	required	allowed	required	required	allowed	allowed*	required	required
I01, IL1	required	allowed	allowed	required	required	allowed	allowed*	required	required
IH	required	allowed	allowed	required	not permitted	required	allowed*	required	required
PK, TL	required	allowed	allowed	use not permitted	use not permitted	use not permitted	use not permitted	required	required
RM5-RM7, R02	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	use not permitted	required	required
RT3-RT4, RM3-RM4	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	use not permitted	required	required
RS1-RS6, RT1-RT2, RM1-RM2, ROI	required	allowed	not permitted	use not permitted	use not permitted	use not permitted	use not permitted	required	required

\*Not permitted for outdoor storage (except heavy motor vehicle outdoor storage) or outdoor salvage operations.  
 \*\*Masonry piers required, per table 295-405-1-c.

## 295-405-1-b-1 Zoning

b-1. Type "A" Landscaping (Standard Parking Lot Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, but not fences or walls. Fences are allowed, but not required. Plantings in the low-level and high-level zones shall create a continuous edge of plants. However, the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-2. Type "B" Landscaping (Standard Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, as well as fences or walls. Fences or walls shall clearly define the street edges of properties. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-3. Type "C" Landscaping (Modified Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It reduces the width of the setback and drops the base-shrub requirement in exchange for upgraded edge elements such as low-level walls. In order to maintain the low-level edge, a wall of at least 3 feet in height is required. Higher fences or walls are allowed. Fences or walls shall clearly define the street edges of properties. The crown of trees in the high-level zone shall create a continuous street edge, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets. Low-level shrubs, plantings and grasses are allowed and encouraged.

b-4. Type "D" Landscaping (Motor Vehicle Sales Lot Landscaping). This type is primarily intended for application along street frontages of motor vehicle sales and display lots. It requires regularly-spaced trees and continuous, lower-height base shrubs. Unlike the type A requirement, base shrubs need only grow to a height of 2 feet. This type requires fences or walls in the LB2 district, but in all other districts fences and walls are optional. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-5. Type "E" Landscaping (Heavy Motor Vehicle Parking Lots; Storage Yards, Contractors' Yards, Outdoor Salvage Operations). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots or storage yards. It requires regularly-spaced trees and continuous base shrubs, as well as an opaque fence or wall behind the landscaped area. The landscaped area is required to be wider than the type "F" landscaped area. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-6. Type "F" Landscaping (Urban Edge Heavy Motor Vehicle Parking Lots; Storage Yards, Contractors' Yards, Outdoor Salvage Operations). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots and storage yards. It requires regularly-spaced trees and continuous base shrubs located in a standard-width landscaping buffer. Fences or walls are also required, shall be located closer to the street than required landscaping and shall clearly define the street edges of properties. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-7. Type "G" Landscaping (Object Screening). This type is primarily intended to surround or visually separate utilitarian objects from street frontages. Examples of items to be screened with type "G" landscaping include mechanical equipment or enclosures, dumpsters and other trash collection equipment, and loading docks. This type of landscaping does not require trees, but does require screening from the ground level to at least 6 feet above grade. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

**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
<b>Allowable Fence/Wall</b>	Masonry wall	up to 6 ft. high	up to 6 ft. high	up to 4 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high
	Decorative metal fence	up to 6 ft. high	up to 6 ft. high; lowest 3 ft. shall be solid wall	up to 6 ft. high	not permitted	not permitted	allowed, but a second row of shrubs shall be required	up to 9 ft. high	Up to 9 ft. high
	Wood fence, open	up to 4 ft. high	not permitted	if not in LB2, up to 3.5 ft. high	not permitted	not permitted	not permitted	not permitted	not permitted
	Wood fence, opaque	up to 4 ft. high	not permitted	if not in LB2, up to 3.5 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high
	Chain link fence (coated wire only)	up to 6 ft. high	not permitted	not permitted	not permitted	optional if fence has slats or mesh screening; up to 6 ft. high	optional if fence has slats or mesh screening; up to 6 ft. high	optional if fence has slats or mesh screening; up to 6 ft. high	not permitted with or without slats or mesh screening

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
Trees and Shrubs Required & Allowed	Minimum landscaped area width	5 ft.	sufficient for wall, trees and optional shrubs	5 ft.	15 ft.	5 ft. ; 15 ft. if a chain-link fence is present	sufficient to accommodate required plantings; 15 ft. if a chain-link fence is present	sufficient to accommodate fence/wall and optional trees/shrubs	10 ft.
	Deciduous street-type trees	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	allowed but not required unless a loading dock is present	1 every 25 feet or where required by s. 295-405-1-b-8	minimum 1 every 25 feet.
	Ornamental tree option	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	optional	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 feet if landscaped area is at least 10 ft. wide
	Shrub spacing requirement	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	low-level shrubs, plantings and grasses are allowed and encouraged, but not required due to wall requirement	if light motor vehicle display: one row with plants a max. of 3 ft. on center; if heavy motor vehicle display, 2 staggered rows with plants a max. of 4 ft. on center in each row	one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row	one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	option or, where required by s. 295-405-1-b-8, one row with plants a max. of 8 ft. on center

- 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, feather signs 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.

## 295-413-1-a Zoning

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.

## SUBCHAPTER 5 RESIDENTIAL DISTRICTS

**295-501. Purposes.** The regulations of this subchapter are intended to promote, preserve and protect residential neighborhoods. These regulations allow for some non-residential uses, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. These standards preserve the character of neighborhoods by providing 6 different zones with different densities and development standards. The site development standards allow for flexibility of development while maintaining compatibility within the city's various neighborhoods. In addition, the regulations provide certainty to property owners, developers and neighbors about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating the need for future growth. The purposes of the individual residential districts are as follows:

**1. SINGLE-FAMILY RESIDENTIAL DISTRICTS.** a. RS1-RS5 Districts. The purpose of the RS1-RS5 districts is to promote, preserve and protect neighborhoods intended for single-family dwellings and having a character slightly more suburban than the RS6 district. These districts require larger lots, larger setbacks and a smaller lot coverage than the RS6 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RS6 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. RS6 District. The purpose of the RS6 single-family district is to promote, preserve and protect neighborhoods intended primarily for single-family dwellings with traditional urban character. This district allows smaller lots, smaller setbacks and a higher lot coverage than the other single-family districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800's and early 1900's. This district also allows traditional corner commercial establishments commonly found in more urban neighborhoods.

**2. TWO-FAMILY RESIDENTIAL DISTRICTS.** a. RT1-RT2 Districts. The purpose of the RT1-RT2 districts is to promote, preserve and protect neighborhoods intended primarily for one- and 2-family dwellings. Properties in these districts typically have larger setbacks and smaller lot coverage than those found in the RT3 or RT4 districts. Commercial uses are not allowed in these districts. The neighborhoods found in RT1 and RT2 districts feature a regular platting standard and a more uniform pattern of development than those of the RT3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. RT3 District. The purpose of the RT3 district is to promote, preserve and protect neighborhoods intended primarily for two-family dwellings with a traditional urban character. This district, much like the RT4 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. However, it does not allow the establishment of new, multi-family buildings. The neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform than those of the RT4 district.

c. RT4 District. The purpose of the RT4 district is to promote, preserve and protect neighborhoods intended primarily for 2-family dwellings while also permitting a mixture of single-family dwellings and small multi-family dwellings of 3 or 4 units. This district, much like the RT3 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800s and early 1900s. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

**3. MULTI-FAMILY RESIDENTIAL DISTRICTS.** a. RM1-RM2 Districts. The purpose of the RM1-RM2 districts is to promote, preserve and protect neighborhoods intended primarily for low- to medium-density multi-family uses with a more suburban character. These districts require larger lots, larger setbacks and a smaller lot coverage than the RM3 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RM3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

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b. RM3 District. The purpose of the RM3 district is to promote, preserve, and protect neighborhoods intended primarily for medium-density residential uses with an urban character. This district, much like the RM4-RM7 districts, allows smaller lots, smaller setbacks and higher lot coverage than the RM1-RM2 districts. However, the neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform and of a lower density than those of the RM4-RM7 districts. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

c. RM4-RM7 Districts. The purpose of the RM4-RM7 districts is to promote, preserve and protect neighborhoods intended primarily for high-density multi-family residential uses. These districts allow a wide range of lot sizes, smaller setbacks, and a high percentage of lot coverage. They also allow neighborhood-serving commercial establishments commonly found in urban neighborhoods.

4. RESIDENTIAL AND OFFICE DISTRICTS. a. RO1 District. The purpose of the RO1 district is similar to that of the RM1 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have larger setbacks and lower lot coverage than properties in the RO2 district. The neighborhoods found in this district feature a more uniform pattern of development than neighborhoods in the RO2 district. Neighborhoods in this district were platted and developed in large part in the mid- to late-1900s, with some areas recently developed.

b. RO2 District. The purpose of the RO2 district is similar to that of the RM7 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have smaller setbacks and greater lot coverage than properties in the RO1 district. The neighborhoods found in this district were platted and developed in large part in the late 1800s and early 1900s.

**295-503. Uses. 1. USE TABLE.** Table 295-503-1 indicates the use classifications for various land uses in the residential districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-503-1:

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

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

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

d. "N" indicates a prohibited use.

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use S = Special Use		L = Limited Use N = Prohibited Use		Zoning Districts					
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
<b>RESIDENTIAL USES</b>									
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling	L	L	Y	Y	Y	Y	Y	Y	Y
Multi-family dwelling	N	N	L	L	L	Y	Y	Y	Y
Permanent supportive housing	N	N	N	N	N	Y	Y	Y	Y
Transitional housing	N	N	N	N	S	S	S	S	S
Attached single-family dwelling	N	N	L	L	L	Y	Y	Y	Y
Live-work unit	N	N	N	L	L	L	L	Y	Y
Mobile home	N	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	N	N
Family day care home	L	L	L	L	L	L	L	L	L
<b>GROUP RESIDENTIAL USES</b>									
Rooming house	N	N	N	N	S	S	S	S	S
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	N	N	N	N	S	S	S	S	S
Fraternity or sorority	N	N	N	N	S	S	S	S	S
Adult family home	L	L	L	L	L	L	L	L	L
<i>Foster Homes</i>									
Foster family home	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small foster home	L	L	L	L	L	L	L	L	L
Group home or group foster home	L	L	L	L	L	L	L	L	L
<i>Shelter Care Facilities</i>									
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small group shelter care facility	L	L	L	L	L	L	L	L	L
Large group shelter care facility	N	N	N	N	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	L
<b>EDUCATIONAL USES</b>									
Day care center	L	L	L	L	L	L	L	L	L
School, elementary or secondary	Y	Y	Y	Y	Y	Y	Y	Y	Y
College	N	N	N	N	S	S	S	Y	Y
School, personal instruction	N	L	N	L	L	N	L	Y	Y
<b>COMMUNITY-SERVING USES</b>									
Library	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cultural institution	N	L	N	L	L	L	L	L	L
Community center	N	S	N	N	S	S	S	S	S
Religious assembly	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cemetery or other place of interment	N	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N	N	N	N	N

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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-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02	
<b>COMMERCIAL AND OFFICE USES</b>										
General office	N	L	N	L	L	N	L	Y	Y	
Government office	N	L	N	L	L	N	L	Y	Y	
Bank or other financial institution	N	L	N	L	L	N	L	Y	Y	
Currency exchange, payday loan or title loan agency	N	N	N	N	N	N	N	N	N	
Installment loan agency	N	N	N	N	N	N	N	N	N	
Cash-for-gold business	N	N	N	N	N	N	N	N	N	
Pawn shop	N	N	N	N	N	N	N	N	N	
Retail establishment, general	N	L	N	L	L	N	L	L	L	
Garden supply or landscaping center	N	N	N	N	N	N	N	N	N	
Home improvement center	N	N	N	N	N	N	N	N	N	
Secondhand store	N	N	N	N	N	N	N	S	S	
Outdoor merchandise sales	N	N	N	N	N	N	N	N	N	
Artist studio	N	L	N	L	L	N	L	Y	Y	
Adult retail establishment	N	N	N	N	N	N	N	N	N	
<b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>										
Medical office	N	L	N	L	L	N	L	Y	Y	
Health clinic	N	N	N	N	N	N	S	S	S	
Hospital	N	N	N	N	N	N	N	N	N	
Medical research laboratory	N	N	N	N	N	N	N	N	N	
Medical service facility	N	N	N	N	N	N	N	N	N	
Social service facility	N	N	N	N	S	N	S	S	S	
Emergency residential shelter	N	N	N	N	N	S	S	S	S	
Nursing home	N	S	N	N	S	S	S	S	S	
<b>GENERAL SERVICE USES</b>										
Personal service	N	L	N	L	L	N	L	Y	Y	
Business service	N	S	N	L	S	N	S	L	L	
Building maintenance service	N	N	N	N	N	N	N	N	N	
Catering service	N	L	N	L	L	N	L	L	L	
Funeral home	N	L	N	L	L	N	L	Y	Y	
Laundromat	N	N	N	L	N	N	N	L	L	
Dry cleaning establishment	N	L	N	L	L	N	L	L	L	
Furniture and appliance rental and leasing	N	N	N	N	N	N	N	N	N	
Household maintenance and repair service	N	N	N	N	N	N	N	N	N	
Tool/equipment rental facility	N	N	N	N	N	N	N	N	N	
<i>Animal Services</i>										
Animal hospital/clinic	N	N	N	N	N	N	N	N	N	
Animal boarding facility	N	N	N	N	N	N	N	N	N	
Animal grooming or training facility	N	N	N	N	N	N	N	N	N	
<b>MOTOR VEHICLE USES</b>										

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-RT2	RT3	RT4	RM1-RM2	RMS-RM7	R01	R02
<i>Light Motor Vehicle</i>									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body Shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
Wholesale facility	N	N	N	N	N	N	N	N	N
<i>Heavy Motor Vehicle</i>									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
<i>General Motor Vehicle</i>									
Filling station	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Drive-through facility	N	N	N	N	N	N	N	L	L
<i>Parking</i>									
Parking lot, principal use	N	S	N	N	S	S	S	S	S
Parking lot, accessory use	Y	L	Y	Y	L	Y	L	Y	L
Parking structure, principal use	N	N	N	N	N	N	S	S	S
Parking structure, accessory use	N	N	N	N	N	Y	Y	Y	L
Heavy motor vehicle parking lot, principal	N	N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory	N	N	N	N	N	N	N	N	N
<b>ACCOMMODATION AND FOOD SERVICE USES</b>									
Bed and breakfast	S	L	L	L	L	L	L	Y	Y
Hotel, commercial	N	N	N	N	N	N	N	N	S
Hotel, residential	N	N	N	N	N	N	N	N	Y
Tavern	N	L	N	L	L	N	L	N	S
Brewpub	N	N	N	N	N	N	N	N	N
Assembly hall	N	N	N	N	N	N	N	N	S
Restaurant, sit-down	N	L	N	L	L	N	L	Y	Y
Restaurant, fast-food/carry-out	N	L	N	L	L	N	L	L	L
<b>ENTERTAINMENT AND RECREATION USES</b>									
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N	N
Recreation facility, indoor	N	N	N	N	N	N	N	S	S
Recreation facility, outdoor	N	N	N	N	N	N	N	N	N

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Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	Zoning Districts							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
Health club	N	N	N	N	N	N	N	Y	Y
Sports facility	N	N	N	N	N	N	N	N	N
Gaming facility	N	N	N	N	N	N	N	N	N
Theater	N	N	N	N	N	N	N	L	L
Convention and exposition center	N	N	N	N	N	N	N	N	N
Marina	N	N	N	N	N	N	N	N	N
Outdoor racing facility	N	N	N	N	N	N	N	N	N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>									
Recycling collection facility	N	N	N	N	N	N	N	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	N	N
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	N
<i>Storage Facilities</i>									
Indoor	N	N	N	N	N	N	N	N	N
Outdoor	N	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N	N
<b>TRANSPORTATION USES</b>									
Ambulance service	N	N	N	N	N	N	N	N	N
Ground transportation service	N	N	N	N	N	N	N	N	N
Passenger terminal	N	N	N	N	N	N	N	N	N
Helicopter landing facility	N	N	N	N	N	N	N	N	N
Airport	N	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N
<b>INDUSTRIAL USES</b>									
Alcohol beverage facility, micro	N	N	N	N	N	N	N	N	N
Alcohol beverage facility, large	N	N	N	N	N	N	N	N	N
Food processing	N	N	N	N	N	N	N	N	N
Manufacturing, light	N	N	N	N	N	N	N	N	N
Manufacturing, heavy	N	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N	N
Research and development	N	N	N	N	N	N	N	N	N
Processing or recycling of mined materials	N	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	N	N	N
Contractor's yard	N	N	N	N	N	N	N	N	N

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-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
<b>AGRICULTURAL USES</b>									
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y	Y	Y	Y	Y
Commercial farming enterprise	S	S	S	S	S	S	S	S	S
<b>UTILITY AND PUBLIC SERVICE USES</b>									
Broadcasting or recording studio	N	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N	N
Small wind energy system	L	L	L	L	L	L	L	L	L
Solar farm	Y	Y	Y	Y	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L	L
<b>TEMPORARY USES</b>									
Seasonal market	L	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of 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.

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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 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 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. 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, RT3, 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 27<sup>th</sup> Street and North 35<sup>th</sup> Street), a maximum of 8 guest rooms shall be permitted.

p. Tavern. p-1. In the RS6, RT3, 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. Assembly Hall. q-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

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

q-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

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

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

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

t-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

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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.

t-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.

t-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.

u. 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.

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

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

w. Seasonal Market. w-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.

w-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.

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

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

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

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

x. Temporary Real Estate Sales Office. x-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.

x-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of this subchapter.

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

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

y. Temporary Concrete/Batch Plant. y-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.

y-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.

y-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.

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

y-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.

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

z. Live Entertainment Special Event. z-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.

z-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.

z-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. 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-Residential 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.

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

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

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

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

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

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

**295-505. Design Standards. 1. INTRODUCTION.** The purposes of the design standards of this section are to:

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

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

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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' comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Residential development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction of principal buildings in residential districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for principal buildings are set forth in table 295-505-2. These standards apply to non-residential buildings as well as residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Front Setback Standards. b-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the front lot line that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 30% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall meet the standards of this paragraph. The remaining 70% or less of the front façade may be set back farther from the street than the required setback, but not closer to it.

b-2. Setback Average and Range. When table 295-505-2 specifies that the minimum front setback for a principal building in a residential district shall be determined by averaging, the front setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

b-3. Determination of "Front." b-3-a. Interior Lot. The street frontage shall be the "front."

b-3-b. Corner Lot. The "front" of a corner lot shall be along the same street as the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street lot line with the smallest dimension shall be the "front." An interior lot separated by an alley or other public way not exceeding 20 feet in width from the corner lot being developed shall be considered to be immediately adjacent to that corner lot.

b-3-c. Through Lot. When a lot has only 2 street frontages and those frontages are on opposite sides of the lot, the "front" of the lot shall be along the same street as the fronts of the immediately adjacent interior lots. When the fronts of the immediately adjacent lots are on different streets, the permit applicant shall specify which street frontage is the "front."

b-3-d. Lot with More than 2 Frontages. When a lot is bounded by more than 2 streets, the permit applicant shall specify which street frontage is the "front."

b-4. Required Setback For New Construction. When table 295-505-2 requires use of an average to determine front setback, the average shall be determined using the most applicable of the following methods:

**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 ramp has skirting material to screen the areas beneath the ramp. 2. The ramp is kept in a reasonably good state of repair and maintenance. 3. Trees or shrubs displaced by the ramp shall be relocated or replaced.			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, but never closer than 18 inches from a side property line.			
Chimney	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.			

## 295-505-2-i Zoning

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.

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
USES	Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use		Zoning Districts			
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<b>EDUCATIONAL USES</b>								
Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	S	S	S	S	S	S	S	S
College	Y	Y	Y	Y	Y	Y	Y	Y
School, personal instruction	Y	Y	Y	Y	Y	Y	Y	Y
<b>COMMUNITY-SERVING USES</b>								
Library	Y	Y	Y	Y	Y	Y	Y	Y
Cultural institution	Y	Y	Y	Y	Y	Y	Y	Y
Community center	S	S	S	S	S	S	S	S
Religious assembly	S	S	S	S	S	Y	Y	Y
Cemetery or other place of interment	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N	N	N	N
<b>COMMERCIAL AND OFFICE USES</b>								
General office	Y	Y	Y	Y	Y	Y	Y	Y
Government office	Y	Y	Y	Y	Y	Y	Y	Y
Bank or other financial institution	Y	Y	Y	Y	Y	Y	Y	Y
Currency exchange, payday loan or title loan agency	S	S	S	S	S	S	S	S
Installment loan agency	S	S	S	S	S	S	S	S
Cash-for-gold business	S	S	S	S	S	S	S	S
Pawn shop	S	S	S	S	S	S	S	S
Retail establishment, general	L	L	L	L	L	L	L	L
Garden supply or landscaping center	N	N	Y	Y	Y	Y	Y	Y
Home improvement center	N	N	S	S	S	Y	Y	Y
Secondhand store	S	S	S	S	S	S	S	S
Outdoor merchandise sales	S	S	S	S	S	S	S	S
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	N	N	S	S	N
<b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>								
Medical office	Y	Y	Y	Y	Y	Y	Y	Y
Health clinic	S	S	S	S	S	S	S	S
Hospital	N	N	S	S	S	S	S	S
Medical research laboratory	N	N	S	S	S	S	S	Y
Medical service facility	N	N	S	S	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	S	S	S	S	S	S	S	S
Nursing home	S	S	Y	Y	Y	Y	Y	Y
<b>GENERAL SERVICE USES</b>								
Personal service	Y	Y	Y	Y	Y	Y	Y	Y
Business service	Y	Y	Y	Y	Y	Y	Y	Y
Building maintenance service	N	N	S	S	S	Y	Y	Y
Catering service	Y	Y	Y	Y	Y	Y	Y	Y
Funeral home	Y	Y	Y	Y	Y	Y	Y	Y
Laundromat	Y	Y	Y	Y	Y	Y	Y	Y

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Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
USES	Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use		Zoning Districts			
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y
Furniture and appliance rental and leasing	S	S	Y	Y	Y	Y	Y	Y
Household maintenance and repair service	Y	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y
<i>Animal Services</i>								
Animal hospital/clinic	L	L	L	L	L	L	L	L
Animal boarding facility	L	L	L	L	L	L	L	L
Animal grooming or training facility	L	L	L	L	L	L	L	L
<b>MOTOR VEHICLE USES</b>								
<i>Light Motor Vehicle</i>								
Sales facility	N	N	S	S	S	Y	Y	S
Rental facility	L	L	L	L	L	Y	Y	Y
Repair facility	N	N	S	S	S	S	S	S
Body shop	N	N	S	S	S	S	S	S
Outdoor storage	N	N	S	S	S	S	S	S
Wholesale facility	L	L	L	L	L	L	L	L
<i>Heavy Motor Vehicle</i>								
Sales facility	N	N	S	S	S	S	S	S
Rental facility	N	N	S	S	S	S	S	S
Repair facility	N	N	N	N	S	S	S	N
Body shop	N	N	N	N	S	S	S	N
Outdoor storage	N	N	N	N	S	S	S	N
<i>General Motor Vehicle</i>								
Filling station	N	N	S	S	S	S	S	S
Car wash	N	N	L	L	L	L	L	L
Drive-through facility	L	L	L	L	L	L	L	L
<i>Parking</i>								
Parking lot, principal use	L	L	L	L	L	Y	L	L
Parking lot, accessory use	Y	L	Y	L	L	Y	Y	Y
Parking structure, principal use	S	S	L	L	L	L	L	L
Parking structure, accessory use	Y	L	Y	L	L	Y	Y	Y
Heavy motor vehicle parking lot, principal use	N	N	S	S	S	S	S	S
Heavy motor vehicle parking lot, accessory use	S	S	S	S	S	S	S	S
<b>ACCOMMODATION AND FOOD SERVICE USES</b>								
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	Y
Tavern	L	L	Y	Y	Y	Y	Y	Y
Brewpub	S	S	Y	Y	Y	Y	Y	Y
Assembly hall	L	L	L	L	L	L	L	L
Restaurant, sit-down	Y	Y	Y	Y	Y	Y	Y	Y
Restaurant, fast-food/carry-out	L	L	L	L	Y	L	L	L
<b>ENTERTAINMENT AND RECREATION USE</b>								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts						
USES	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Festival grounds	N	N	N	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	S	S	S	S
Recreation facility, outdoor	S	S	S	S	S	S	S	S
Health club	Y	Y	Y	Y	Y	Y	Y	Y
Sports facility	N	N	S	S	S	S	S	S
Gaming facility	N	N	N	N	N	N	N	N
Theater	L	L	Y	Y	Y	Y	Y	Y
Convention and exposition center	N	N	S	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility	N	N	N	N	N	N	N	N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>								
Recycling collection facility	S	S	S	S	S	S	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	S
Salvage operation, outdoor	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	S	S	L	L	L	L	L	Y
Wholesale and distribution facility, outdoor	N	N	S	S	S	S	S	S
<i>Storage Facilities</i>								
Indoor	S	S	L	L	L	L	L	Y
Outdoor	N	N	S	S	S	S	S	S
Hazardous materials	N	N	N	N	N	N	N	N
<b>TRANSPORTATION USES</b>								
Ambulance service	N	N	S	S	S	Y	Y	S
Ground transportation service	N	N	S	S	S	S	S	L
Passenger terminal	N	N	Y	Y	Y	Y	Y	Y
Helicopter landing facility	N	N	S	S	S	S	S	S
Airport	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N
<b>INDUSTRIAL USES</b>								
Alcohol beverage facility, micro	N	N	L	L	L	L	L	Y
Alcohol beverage facility, large	N	N	N	N	N	N	N	N
Food processing	N	N	L	L	L	L	L	L
Manufacturing, light	N	N	L	L	L	L	L	L
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	N	S	S	S	S	S	S
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	L	L	L	L	L	L
Contractor's yard	N	N	S	S	S	S	S	S
<b>AGRICULTURAL USES</b>								
Plant nursery or greenhouse	S	S	S	S	S	S	S	S

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Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts						
USES	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
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
<b>UTILITY AND PUBLIC SERVICE USES</b>								
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
<b>TEMPORARY USES</b>								
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.

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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. Assembly Hall. o-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

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

o-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

p. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

w. Food Processing. w-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.

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

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

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

x. 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.

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

y-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.

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

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

aa. Seasonal Market. aa-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.

aa-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.

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

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

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

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

bb. Temporary Real Estate Sales Office. bb-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.

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

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

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

cc. Temporary Concrete/Batch Plant. cc-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.

cc-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.

cc-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.

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

cc-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.

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

dd. Live Entertainment Special Event. dd-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.

dd-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.

dd-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.

## 295-605 Zoning

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-residential buildings shall apply. Single-family and 2-family dwellings shall meet the design standards of subch. 5, as cross-referenced in table 295-605-2. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

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

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

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

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

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

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

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE									
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts							
Uses		C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Hotel, residential		Y	Y	Y	Y	Y	Y	Y	N
Tavern		S	Y	Y	Y	Y	Y	Y	Y
Brewpub		N	Y	Y	Y	Y	Y	Y	Y
Assembly hall		L	L	Y	Y	L	Y	Y	Y
Restaurant, sit-down		L	Y	Y	Y	Y	Y	Y	Y
Restaurant, fast-food/carry-out		L	L	L	L	L	L	L	L
<b>ENTERTAINMENT AND RECREATION USES</b>									
Park or playground		Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds		N	N	N	N	N	N	N	N
Recreation facility, indoor		S	S	Y	Y	Y	Y	Y	Y
Recreation facility, outdoor		N	S	S	S	N	N	S	S
Health club		L	L	Y	Y	L	Y	Y	Y
Sports facility		S	S	Y	Y	Y	Y	Y	Y
Gaming facility		S	S	S	S	S	S	S	S
Theater		N	Y	Y	Y	Y	Y	Y	Y
Convention and exposition center		N	N	N	Y	Y	Y	Y	N
Marina		N	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility		N	N	N	N	N	N	N	N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>									
Recycling collection facility		N	S	S	N	N	N	S	S
Mixed-waste processing facility		N	N	N	N	N	N	N	N
Material reclamation facility		N	N	N	N	N	N	N	N
Salvage operation, indoor		N	N	N	N	N	N	N	N
Salvage operation, outdoor		N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor		N	S	S	N	N	S	Y	Y
Wholesale and distribution facility, outdoor		N	N	N	N	N	N	N	N
<i>Storage Facilities</i>									
Indoor		N	S	S	N	N	S	L	Y
Outdoor		N	N	N	N	N	N	N	N
Hazardous materials		N	N	N	N	N	N	N	N
<b>TRANSPORTATION USES</b>									
Ambulance service		N	N	N	N	N	N	S	S
Ground transportation service		N	N	N	N	N	N	L	Y
Passenger terminal		S	S	S	S	S	S	Y	Y
Helicopter landing facility		N	S	S	S	S	S	S	S
Airport		N	N	N	N	N	N	N	N
Ship terminal or docking facility		N	N	N	N	N	N	Y	Y
Truck freight terminal		N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal		N	N	N	N	N	N	Y	Y

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Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use	L=Limited Use			Zoning Districts				
S=Special Use	N=Prohibited Use							
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
<b>INDUSTRIAL USES</b>								
Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y
Alcohol beverage facility, large	N	N	N	N	N	N	L	L
Food processing	N	L	L	N	L	L	Y	Y
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	Y	Y	N	Y	Y	Y	Y
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	S	Y
Contractor's yard	N	N	N	N	N	N	S	Y
<b>AGRICULTURAL USES</b>								
Plant nursery or greenhouse	N	N	N	N	N	N	N	S
Raising of livestock	N	N	N	N	N	N	N	N
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprises	N	N	N	N	N	N	N	N
<b>UTILITY AND PUBLIC SERVICE USES</b>								
Broadcasting or recording studio	N	Y	Y	Y	L	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	S	S	S	S	S	S	S	S
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	Y
<b>TEMPORARY USES</b>								
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. 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. g-1. The use shall not be located in the street level area.

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

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

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

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

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.

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- 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 subs. 1 and 2 are not met, the use shall be prohibited.
- p. Ground Transportation Service. The facility is owned or operated by a governmental unit.
- q. Alcohol Beverage Facility, Micro. q-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- q-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
- q-3. No production of distilled spirits shall be permitted.
- r. Light Manufacturing. r-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- r-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- r-3. The use shall not generate noise or odors in violation of ch. 80.
- r-4. All manufacturing activities shall occur within an enclosed building.
- r-5. At the street level, the street frontage of the building shall be used for retail sales.
- s. 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.
- t. Food Processing. 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 food processing activities shall occur within an enclosed building.
- u. Transmission Tower. u-1. The tower shall comply with the applicable provisions of s. 295-413.
- u-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.
- u-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.
- v. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
- w. Seasonal Market. w-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.
- w-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.

- w-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
  - w-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
  - w-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
  - w-6. The site shall be restored to its previous condition following termination of the market operation.
  - x. Temporary Real Estate Sales Office.
    - x-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.
    - x-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5
    - x-3. Customer-accessible restrooms shall be provided.
    - x-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.
  - y. Temporary Concrete/Batch Plant.
    - y-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.
    - y-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.
    - y-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.
    - y-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.
    - y-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.
    - y-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.
  - z. Live Entertainment Special Event.
    - z-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.
    - z-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.
    - z-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.

295-705-1 Zoning

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 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Bank or other financial institution	S	S	N	Y	N
Currency exchange, payday loan or title loan agency	N	N	N	S	N
Installment loan agency	N	N	N	S	N
Cash-for-gold business	N	N	N	S	N
Pawn shop	N	N	N	S	N
Retail establishment, general	N	N	L	Y	N
Garden supply or landscaping center	N	Y	Y	Y	N
Home improvement center	N	Y	L	Y	N
Secondhand store	N	N	L	S	N
Outdoor merchandise sales	N	N	N	L	N
Artist studio	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	S	N
<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>					
Medical office	S	N	N	Y	N
Health clinic	L	N	N	S	N
Hospital	N	N	N	N	N
Medical research laboratory	Y	Y	Y	Y	N
Medical service facility	N	S	N	N	N
Social service facility	N	S	N	S	N
Emergency residential shelter	N	N	N	N	N
Nursing home	N	N	N	N	N
<b>GENERAL SERVICE USES</b>					
Personal service	N	N	N	Y	N
Business service	Y	S	Y	Y	N
Building maintenance service	S	Y	Y	S	N
Catering service	Y	Y	Y	Y	Y
Funeral home	N	N	N	Y	N
Laundromat	N	N	N	Y	N
Dry cleaning establishment	N	N	N	Y	N
Furniture and appliance rental and leasing	N	N	N	Y	N
Household maintenance and repair service	N	Y	Y	Y	N
Tool/equipment rental facility	N	Y	N	Y	N
<i>Animal Services</i>					
Animal hospital/clinic	N	Y	N	L	Y
Animal boarding facility	N	Y	N	L	Y
Animal grooming or training facility	N	Y	N	L	Y
<b>MOTOR VEHICLE USES</b>					
<i>Light Motor Vehicle</i>					
Sales facility	L	S	N	S	S
Rental facility	L	S	N	S	S
Repair facility	L	S	N	S	L
Body shop	L	S	N	S	L
Outdoor storage	L	Y	N	S	Y
Wholesale facility	Y	Y	N	Y	Y
<i>Heavy Motor Vehicle</i>					
Sales facility	L	Y	N	S	Y

295-803-1 Zoning

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Rental facility	L	Y	N	S	Y
Repair facility	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor storage	L	S	N	S	Y
<i>General Motor Vehicle</i>					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Drive-through facility	S	S	N	S	S
<i>Parking</i>					
Parking lot, principal use	Y	Y	S	L	Y
Parking lot, accessory use	Y	Y	L	L	Y
Parking structure, principal use	Y	Y	S	L	Y
Parking structures, accessory use	Y	Y	L	L	Y
Heavy motor vehicle parking lot, principal use	S	L	N	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	L	Y	Y
<b>ACCOMMODATION AND FOOD SERVICE USES</b>					
Bed and breakfast	N	N	N	Y	N
Hotel, commercial	L	N	N	Y	N
Hotel, residential	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly Hall	N	N	N	L	N
Restaurant, sit-down	L	L	L	Y	L
Restaurant, fast-food/carry-out	L	L	L	L	L
<b>ENTERTAINMENT AND RECREATION USES</b>					
Park or playground	S	S	S	S	S
Festival grounds	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	N
Recreation facility, outdoor	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention and exposition	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing facility	N	N	N	N	S
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>					
Recycling collection facility	S	Y	N	S	Y
Mixed-waste processing facility	N	L	N	S	L
Material reclamation facility	N	N	N	N	L
Salvage operation, indoor	L	L	N	L	L
Salvage operation, outdoor	N	S	N	S	S
Wholesale and distribution facility, indoor	Y	Y	Y	Y	Y
Wholesale and distribution facility, outdoor	S	Y	S	S	Y

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use	L=Limited		Zoning Districts		
S=Special Use	N=Prohibited				
Uses	I01/I02	IL1/IL2	IC	IM	IH
<b>Storage Facilities</b>					
Indoor	Y	Y	L	Y	Y
Outdoor	N	Y	N	S	Y
Hazardous materials	N	N	N	N	S
<b>TRANSPORTATION USES</b>					
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
<b>INDUSTRIAL USES</b>					
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
<b>AGRICULTURAL USES</b>					
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
<b>UTILITY AND PUBLIC SERVICE USES</b>					
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
<b>TEMPORARY USES</b>					
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

## 295-803-1 Zoning

### 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.

d-6. 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.

- e. Cultural Institution. e-1. In the IM district, the use shall be located on an arterial or collector street and on a site that is at least 10,000 square feet in area.
- e-2. In the IC district, the use shall be located on an arterial or collector street and limited to an art gallery.
- f. General Office or Government Office. 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-industrial principal use and has been occupied by such non-industrial principal use within the past 12 months.
- g. Retail Establishment, General. The use is primarily a showroom sales facility where the majority of items on display are purchased in bulk or by order, or are produced on site. This includes, but is not limited to, building products, interior fixtures and furnishings, antiques and items produced on site. The sales facility is primarily open to contractors and building industry professionals, but is also open to the general public.
- h. Home Improvement Center. h-1. The use shall not exceed 15,000 square feet in gross floor area.
- h-2. Outdoor storage related to home improvement sales or storage shall not be located in the front setback.
- i. Secondhand Store. Resale of used merchandise shall be limited to building and finishing materials, household and office fixtures and furnishings, and home improvement supplies.
- j. Outdoor Merchandise Sales. j-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.
- j-2. The premises contains at least one enclosed, permanent building.
- j-3. No used merchandise is offered for sale.
- k. Health Clinic. The use shall be located on an arterial or collector street.
- L. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- m. Light Motor Vehicle Sales Facility or Heavy Motor Vehicle Sales Facility. The facility was in operation on October 1, 2002 and has been in operation within the past 12 months.
- n. Light Motor Vehicle Rental Facility or Heavy Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- o. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. o-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- o-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- o-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- o-4. In the IO1 and IO2 districts, the repair facility or body shop was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- p. Light Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- q. Heavy Motor Vehicle Repair Facility or Heavy Motor Vehicle Body Shop. q-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- q-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- q-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- q-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- r. Heavy Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- s. Parking Lot, Principal Use. s-1. The width of the paved parking area shall not exceed 45 feet as measured from side lot line to side lot line.
- s-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
- s-3. No alley shall be relied upon for vehicular circulation purposes.
- s-4. The parking lot shall not be located on a corner lot.t. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- u. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.

## 295-805-2-v Zoning

- v. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.
- w. Heavy Motor Vehicle Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- x. Commercial Hotel. The use shall be located on an arterial or collector street.
- y. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.
- z. Assembly Hall. z-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
  - z-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
  - z-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- aa. Sit-down Restaurant. aa-1. The use shall be located on an arterial or collector street or on a lot with water frontage.
  - aa-2. The floor area of the restaurant shall not exceed 6,000 square feet.
- bb. Fast-food/Carry-out Restaurant. bb-1. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
  - bb-2. The use shall be located on an arterial or collector street.
- cc. Health Club. The use shall be located on an arterial or collector street.
- dd. Marina. No indoor or outdoor storage of boats shall be permitted as an exclusive or primary use. If this standard is not met, the use shall be a prohibited use.
- ee. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- ff. Material Reclamation Facility. The use shall be contained entirely within a building and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m. and 7 a.m.
- gg. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.
- hh. Storage Facility, Indoor. hh-1. The use is located in a building constructed before the effective date of this ordinance [March 18, 2016].
  - hh-2. If located on the first floor, the use is not located within 25 feet of the primary street façade of the building.
- ii. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.
- jj. 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.
- kk. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
  - LL. Transmission Tower. LL-1. The tower shall comply with the applicable provisions of s. 295-413.
  - kk-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.
- mm. Substation/Distribution Equipment, Outdoor. mm-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
  - mm-2. No structure associated with the use shall be located within 25 feet of a street lot line.
- nn. Seasonal Market. nn-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.
  - nn-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.
  - nn-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
  - nn-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

- nn-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
- nn-6. The site shall be restored to its previous condition following termination of the market operation.
- oo. Temporary Real Estate Sales Office. oo-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.
- oo-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.
- oo-3. Customer-accessible restrooms shall be provided.
- oo-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.
- pp. Temporary Concrete/Batch Plant. pp-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.
- pp-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.
- pp-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.
- pp-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.
- pp-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.
- pp-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.
- qq. Live Entertainment Special Event. qq-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.
- qq-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.
- qq-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

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- 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 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, 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>Table 295-903-2-a PARKS DISTRICT USE TABLE</b>		<b>Zoning District</b>
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
<b>Uses</b>		PK
Outdoor racing facility		N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>		
Recycling collection facility		N
Mixed-waste processing facility		N
Material reclamation facility		N
Salvage operation, indoor		N
Salvage operation, outdoor		N
Wholesale and distribution facility, indoor		N
Wholesale and distribution facility, outdoor		N
<i>Storage Facilities</i>		
Indoor		N
Outdoor		N
Hazardous materials		N
<b>TRANSPORTATION USES</b>		
Ambulance service		N
Ground transportation service		N
Passenger terminal		L
Helicopter landing facility		N
Airport		N
Ship terminal or docking facility		N
Truck freight terminal		N
Railroad switching, classification yard or freight terminal		N
<b>INDUSTRIAL USES</b>		
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		N
Processing or recycling of mined materials		N
Contractor's shop		N
Contractor's yard		N
<b>AGRICULTURAL USES</b>		
Plant nursery or greenhouse		L
Raising of livestock		L
Community garden		Y
Commercial farming enterprise		S
<b>UTILITY AND PUBLIC SERVICE USES</b>		
Broadcasting or recording studio		N
Transmission tower		L
Water treatment plant		Y

**295-903-2-b Zoning**

<b>Table 295-903-2-a PARKS DISTRICT USE TABLE</b>		<b>Zoning District</b>
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
<b>Uses</b>		PK
Sewerage treatment plant		N
Power generation plant		N
Small wind energy system		Y
Solar farm		Y
Substation/distribution equipment, indoor		S
Substation/distribution equipment outdoor		L
<b>TEMPORARY USES</b>		
Seasonal market		L
Temporary real estate sales office		N
Concrete/batch plant, temporary		L
Live entertainment special event		L

- b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.
  - b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.
  - b-1-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-1-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 or cultural institution 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-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be located in a structure owned by a governmental entity.
- b-3. General Retail Establishment or Fast-Food/Carry-Out Restaurant. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.
  - b-3-b. The establishment shall be located in a structure owned by a governmental entity.
  - b-3-c. The establishment shall be ancillary to park and recreational uses.
  - b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores and fast-food/carry-out restaurants open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.
- b-4. Sit-down Restaurant. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.
  - b-4-b. The establishment shall be located in a structure owned by a governmental entity.
  - b-4-c. The establishment shall be ancillary to park and recreational uses.
- b-5. Marina. Indoor sales or storage shall not be permitted.
- b-6. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
- b-7. Transmission Tower. b-7-a. The tower shall comply with the applicable provisions of s. 295-413.
  - b-7-b. The tower shall not exceed 60 feet in height.
- b-8. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
  - b-8-b. No structures associated with the use shall be located within 25 feet of a property line.
- b-9. Seasonal Market. b-9-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>Table 295-905-2-a</b>	
<b>INSTITUTIONAL DISTRICT USE TABLE</b>	
Y=Permitted Use	L=Limited Use
S=Special Use	N=Prohibited Use
<b>Uses</b>	<b>Zoning District</b>
	TL
Community center	S
Religious assembly	Y
Cemetery or other place of interment	Y
Public safety facility	Y
Correctional facility	S
<b>COMMERCIAL AND OFFICE USES</b>	
General office	Y
Government office	Y
Bank or other financial institution	L
Currency exchange, payday loan agency or title loan agency	S
Installment loan agency	S
Cash-for-gold business	S
Pawn shop	S
Retail establishment, general	L
Garden supply or landscaping center	N
Home improvement center	N
Secondhand store	N
Outdoor merchandise sales	N
Artist studio	Y
Adult retail establishment	N
<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>	
Medical office	Y
Health clinic	S
Hospital	S
Medical research laboratory	Y
Medical service facility	S
Social service facility	S
Emergency residential shelter	S
Nursing home	Y
<b>GENERAL SERVICE USES</b>	
Personal service	L
Business service	L
Building maintenance service	S
Catering service	S
Funeral home	Y
Laundromat	S
Dry cleaning establishment	S
Furniture and appliance rental and leasing	N
Household maintenance and repair service	N
Tool/equipment rental facility	N
<i>Animal Services</i>	
Animal hospital/clinic	N

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Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE		
Y=Permitted Use	L=Limited Use	Zoning District
S=Special Use	N=Prohibited Use	
<b>Uses</b>		TL
Animal boarding facility		N
Animal grooming or training facility		N
<b>MOTOR VEHICLE USES</b>		
<i>Light Motor Vehicle</i>		
Sales facility		N
Rental facility		N
Repair facility		N
Body shop		N
Outdoor storage		N
Wholesale facility		N
<i>Heavy Motor Vehicle</i>		
Sales facility		N
Rental facility		N
Repair facility		N
Body shop		N
Outdoor storage		N
<i>General Motor Vehicle</i>		
Filling station		N
Car wash		N
Drive-through facility		L
<i>Parking</i>		
Parking lot, principal use		S
Parking lot, accessory use		Y
Parking structure, principal use		S
Parking structure, accessory use		S
Heavy motor vehicle parking lot, principal use		N
Heavy motor vehicle parking lot, accessory use		N
<b>ACCOMMODATION AND FOOD SERVICE USES</b>		
Bed and breakfast		S
Hotel, commercial		N
Hotel, residential		N
Tavern		N
Brewpub		N
Assembly hall		L
Restaurant, sit-down		S
Restaurant, fast-food/carry-out		L
<b>ENTERTAINMENT AND RECREATION USES</b>		
Park or playground		Y
Festival grounds		Y
Recreation facility, indoor		S

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. Assembly Hall. b-7-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

b-7-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

b-7-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

b-8. Restaurant, Fast-Food/Carry-Out. b-8-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-8-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-9. Transmission Tower. b-9-a. The tower shall comply with the applicable provisions of s. 295-413.

b-9-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-10. Utility Substation/Distribution Equipment, Outdoor. b-10-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-10-b. No structure associated with the use shall be located within 25 feet of a street lot line.

b-11. Seasonal Market. b-11-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.

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b-11-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-11-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

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.

b-11-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-11-f. The site shall be restored to its previous condition following termination of the market operation.

b-12. Temporary Real Estate Sales Office. b-12-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-12-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch.

5.

b-12-c. Customer-accessible restrooms shall be provided.

b-12-d. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

b-13. Temporary Concrete/Batch Plant. b-13-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-13-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-13-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-13-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-14. 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 commission as part of the city’s comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Development and alteration of institutional facilities should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow a certain degree of land use diversity within the zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

b. Principal Building Standards. b-1. General. Table 295-905-3-b contains the design requirements for principal buildings in the institutional district.

b-2. Height Limitation When Adjacent to Residential District. The maximum height of an institutional building at the minimum required setback located adjacent to or across a street or alley from a residential or a non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the institutional building may be increased by one foot for every 2 feet the building is set back from the required setback line.

Table 295-905-3-b PRINCIPAL BUILDING DESIGN STANDARDS	
Type of use:	Refer to design standards in residential or commercial subch. for this district
Institutional (educational uses, community- serving uses and hospitals)	RM6 (s.295-505-2)
Commercial or other non-institutional	LB2 (s.295-605-2)
Residential	RM6 (s.295-505-2)

c. Accessory Structure Standards. Accessory structures in the institutional district shall comply with the design standards of s. 295-505-3.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type “G” landscaping, as described in s. 295-405.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type “G” landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. General. Table 295-905-3-d-5 contains the regulations for on-premise and off-premise signs in the institutional district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Sign Limitation Based on Lineal Footage. Where table 295-905-3-d-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building façade. In each 25-foot segment, the square footage of all 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 façade 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.

d-5-c. 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.

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<b>Table 295-905-3-d-5 INSTITUTIONAL DISTRICT SIGN STANDARDS</b>	
	TL
<i>Freestanding Signs (permitted)</i>	
Maximum number	1 per street frontage per building
Type "A" max. display area (sq. ft.)	100
Type "B" max. display area (sq. ft.)	40; 60 if set on or in a base constructed of masonry materials
Maximum height (ft.)	14
<i>Wall Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	75
Type "B" max. display area (sq. ft.)	32
<i>Projecting Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	50
Type "B" max. display area (sq. ft.)	25
<i>Awning Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	50
<i>Canopy and Hood Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	50
Type "B" max. display area (sq. ft.)	25
<i>Roof Signs (type "A" permitted only)</i>	
Maximum number	1 per building
Type "A" max. display area (sq. ft.)	100
Type "B" max. display area (sq. ft.)	NA
<i>Off-premise Signs (not permitted)</i>	

d-5-d. 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-e. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the institutional district provided it does not exceed 48 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the institutional district provided it does not exceed 36 square feet.

d-5-f. 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.

**Building maintenance (continued)**

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