

**SUBCHAPTER 4
GENERAL PROVISIONS**

295-401. Introduction. The provisions of this subchapter apply to development and uses in all zoning districts unless otherwise noted elsewhere in this chapter.

295-403. Motor Vehicle Parking. 1. INTRODUCTION. All parking lots and off-street parking spaces shall comply with the requirements of this section.

2. NUMBER OF SPACES. a. Number Required. The number of off-street motor vehicle parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street motor vehicle parking spaces shall be required for uses located in downtown zoning districts. Furthermore, no off-street motor vehicle parking spaces shall be required for uses located in a RED redevelopment district. Prior to issuance of any occupancy or construction permit, documentation that the required off-street motor vehicle parking spaces exist shall be provided to the commissioner of neighborhood services. For a use where the number of required spaces is “as required by the board for special use approval,” the board shall not be bound to require parking spaces, but if any parking spaces are to be required, the requirement shall be specified by the board at the time of special use approval. A planned development shall comply with the minimum parking standards set forth by this code unless otherwise specified in the planned development documents. In addition, all uses shall comply with the applicable bicycle parking requirements of s. 295-404.

Table 295-403-2-a NUMBER OF PARKING SPACES, BY USE	
Uses	No. of Parking Spaces Required
RESIDENTIAL USES	
Single-family dwelling	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling:	
<u>Zoning Districts</u>	<u>Min. ratio of parking spaces to dwelling units*</u>
RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1	1:1
RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, RB2, CS, C9A, IM	2:3
* Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.	
Permanent supportive housing	one for every 5 dwelling units
Transitional housing	one for every 5 dwelling units
Attached single-family dwelling	no min.; max. of 4 spaces
Live-work unit	one for each live/work unit in the building
Mobile home	N.A.
Watchman/service quarters	none
Family day care home	see requirement for dwelling unit type
GROUP RESIDENTIAL USES	
Rooming house	one for every 2 rooms

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Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED BY USE	
Uses	No. of Parking Spaces Required
Convent, rectory or monastery	one per facility
Dormitory	one for every 15 beds or fraction thereof
Fraternity or sorority	one for every 2 rooms
Adult family home	one
<i>Foster Homes</i>	
Foster family home	one
Small foster home	one
Group home or group foster home	one
<i>Shelter Care Facilities</i>	
Family shelter care facility	one
Small group shelter care facility	one
Large group shelter care facility	one
Community living arrangement	one
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
School, elementary or secondary	none
College	none
School, personal instruction	none
COMMUNITY-SERVING USES	
Library	none
Community center	as required by the board for special use approval
Religious assembly	one for every 6 seats in the assembly hall
Cemetery or other place of interment	none
Public safety facility	none
Correctional facility	none
COMMERCIAL AND OFFICE USES	
General office	one for each 500 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. of gross floor area in excess of 2,000 sq. ft.; storage or utility spaces shall not be included when calculating gross floor area
Government office	see general office
Bank or other financial institution	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment
Installment loan agency	see general retail establishment
Cash-for-gold business	see general retail establishment
Pawn shop	see general retail establishment
Retail establishment, general	min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-d; storage or utility spaces shall not be included when calculating gross floor area
Garden supply or landscaping center	see general retail establishment
Home improvement center	see general retail establishment
Secondhand store	see general retail establishment
Outdoor merchandise sales	one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale

Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Space Required
Artist studio	none
Adult retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES	
Medical office	see general office
Health clinic	see general office
Hospital	one for every 4 beds
Medical research laboratory	see general office
Medical service facility	see general office
Social service facility	see general office
Emergency residential shelter	as required by the board for special use approval
Nursing home	one for every 4 beds
GENERAL SERVICE USES	
Personal service establishment	see general retail establishment
Business service	see general retail establishment
Catering service	see general office
Funeral home	one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces
Laundromat	see general retail establishment
Dry cleaning establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment
Household maintenance and repair service	see general retail establishment
Tool/equipment rental facility	see general retail establishment
<i>Animal Services</i>	
Animal hospital/clinic	see general retail establishment
Animal boarding facility	see general retail establishment
Animal grooming or training facility	see general retail establishment
MOTOR VEHICLE USES	
<i>Light Motor Vehicle</i>	
Sales facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted or limited use) or as required by the board (special use)
Repair facility	as required by the board for special use approval
Body Shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)
Wholesale facility	none
<i>Heavy Motor Vehicle</i>	
Sales Facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted use) or as required by the board (special use)
Repair facility	none (permitted use) or as required by the board (special use)
Body shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)

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Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
<i>General Motor Vehicle</i>	
Filling station	as required by the board for special use approval
Car wash	none
Non-restaurant drive-through facility	none
<i>Parking</i>	
Parking lot, principal use	N.A.
Parking lot, accessory use	N.A.
Parking structure, principal use	N.A.
Parking structure, accessory use	N.A.
Heavy motor vehicle parking lot, principal	N.A.
Heavy motor vehicle parking lot, accessory	N.A.
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	one for each sleeping room, plus one additional space
Hotel, commercial	one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above
Hotel, residential	one for every 2 sleeping rooms
Tavern	see general retail establishment
Assembly hall	one for every 1,000 square feet of gross floor area or fraction thereof
Brewpub	see general retail establishment
Restaurant without drive-through facility	see general retail establishment
Restaurant with drive-through facility	see general retail establishment
ENTERTAINMENT AND RECREATION USES	
Park or playground	none
Festival grounds	none
Recreation facility, indoor	see general retail establishment
Recreation facility, outdoor	as required by the board for special use approval
Health club	see general retail establishment
Sports facility	as required by the board for special use approval
Gaming facility	N.A.
Theater	one for every 100 square feet of floor area in the theater auditorium
Convention and exposition center	as required by the board for special use approval
Marina	none
Outdoor racing facility	as required by the board for special use approval
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	none
Mixed-waste processing facility	none
Material reclamation facility	none
Salvage operation, indoor	none
Salvage operation, outdoor	none
Wholesale and distribution facility, indoor	none
Wholesale and distribution facility, outdoor	none
<i>Storage Facilities</i>	
Indoor	none
Self-service	none
Outdoor	none
Hazardous material	none

Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
TRANSPORTATION USES	
Ambulance service	see general office
Ground transportation service	see general office
Passenger terminal	none
Helicopter landing facility	none
Airport	none
Ship terminal or docking facility	none
Truck freight terminal	none
Railroad switching, classification yard or freight terminal	none
INDUSTRIAL USES	
Alcohol beverage facility, micro	none
Alcohol beverage facility, large	none
Food processing	none
Manufacturing, light	none
Manufacturing, heavy	none
Manufacturing, intense	none
Research and development	none
Processing or recycling of mined materials	none
Contractor's shop	see general office
Contractor's yard	none
AGRICULTURAL USES	
Plant nursery or greenhouse	none
Raising of livestock	none
Community Garden	none
Commercial farming enterprise	none
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	see general office
Transmission tower	see general office
Water treatment plant	see general office
Sewerage treatment	see general office
Power generation plant	see general office
Small wind energy system	none
Solar farm	none
Substation/distribution equipment, indoor	see general office
Substation/distribution equipment, outdoor	see general office
TEMPORARY USES	
Seasonal market	none
Temporary real estate sales office	none
Temporary concrete/batch plant	none
Live entertainment special event	none

b. Adjustment to Number Required. For any use except one- or 2-family residential, the number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. One space for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the use in question. Such off-site spaces shall be located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served, except that for a use located in the LB3 district, such spaces shall be located within 1,200 feet of the use. For a non-residential use, the off-site spaces shall not be located on a site containing a wholly residential use. If the use provides a valet parking service, the off-site spaces may be located more than 700 feet or 1,200 feet from the use, as the case may be, provided the property or business owner submits to the department written documentation of permission to use an off-site

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parking lot or structure for valet parking. Off-site parking spaces shall also conform with the regulations of the zoning district in which they are located.

b-2. One space for each on-street parking space that is located immediately adjacent to the site of the use, provided that such on-street space is available for public use during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all city parking regulations and shall measure at least 20 feet long if a parallel space.

b-3. 0.75 spaces for each space in a shared parking facility that serves different uses on a shared site or adjacent sites. An applicant requesting approval of a shared parking facility shall submit survey data substantiating a request for shared parking facility credits. The application shall describe the limits of the area in which the shared parking credits are to apply and the parking space reduction applicable to each use. The number of required parking spaces shall only be reduced if the following criteria are met:

b-3-a. The shared parking spaces shall be maintained as long as the uses they serve are in operation.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide.

b-3-d. The required number of bicycle parking spaces will be provided.

b-3-e. The property owner or owners shall sign and record, with the Milwaukee county register of deeds, a written agreement which is in a form satisfactory to the city attorney and which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the commissioner of neighborhood services.

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

b-5. One space for each space that the use is required to have but does not because the use was previously legally established without the currently required number of parking spaces and without a variance or special use permit from the board.

b-6. A reduction in the number of spaces required may be granted by the board upon a determination that a reduced number of spaces would be appropriate. Such reduction may occur only upon request of the owner, who shall submit survey data to support the argument for reducing the required number of spaces. In order to approve such a reduction, the board shall find either of the following:

b-6-a. The number of spaces needed to serve the use is fewer than the number normally required for this land use.

b-6-b. In the long term, occupancy of the structure or property will not result in an increase in parking demand.

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

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

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

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

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

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

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

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

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

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

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

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

c. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.

d. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

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

295-404. Bicycle Parking. 1. NUMBER OF SPACES. a. Number Required. The number of bicycle parking spaces required for a particular use shall be as specified in table 295-404-1. Bicycle parking spaces shall be required in all zoning districts, including RED redevelopment districts. Prior to issuance of any occupancy permit, documentation that the required bicycle parking spaces exist shall be provided to the commissioner of neighborhood services. A planned development shall comply with the minimum bicycle parking standards set forth by this code unless otherwise specified in the planned development documents.

b. Compliance; When Required. Compliance with the bicycle parking space requirements of table 295-403-2-a shall be required for any of the following:

b-1. Construction of a new building.

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- b-2. Construction of an addition to an existing building.
 - b-3. Substantial improvement of an existing building.
 - b-4. A change in the use classification of an occupancy of any portion of an existing building, as evidenced by an application for a certificate of occupancy.
 - b-5. Reconstruction, reconfiguration or increase in the number of on-site parking spaces that serve a use for which short-term bicycle parking spaces are required. Long-term bicycle parking space requirements shall not be applicable.
 - c. Minimum Required. c-1. Where table 295-404-1 specifies a minimum number of bicycle parking spaces, this number is the minimum number of spaces required. A greater number of bicycle parking spaces may be provided.
 - c-2. The minimum number of bicycle parking spaces required apply to each use on a lot.
 - d. Calculation of Number Required. d-1. Square Footage Basis. The minimum number of bicycle parking spaces required shall be based on the gross square footage of each occupancy, unless information is presented to the commissioner of building inspection that shows actual net habitable or occupied space is a lesser amount. Basement, preparation and mechanical areas shall not be included in the gross square footage used to calculate the number of spaces required.
 - d-2. Multiple Uses. In a building with multiple uses, the minimum number of bicycle parking spaces required shall be calculated by adding the required number of spaces for each proposed use within the building, based on the square footage associated with each use.
 - d-3. Multiple Occupancies; Retail and Office Uses. In a building with multiple retail or office occupancies, the minimum number of bicycle parking spaces required shall be calculated by adding the minimum number of spaces required for each occupancy.
 - d-4. Multiple Buildings. For a property with multiple buildings, the minimum number of bicycle parking spaces required, as well as the locational requirements for those spaces, shall be determined and enforced on a building-by-building basis.
 - e. Spaces Required for a Special Use. For any use classified as a special use, the number of bicycle parking spaces required shall be determined by the board, regardless of the number required by table 295-404-1. The board shall not be bound to require bicycle parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.
- 2. LOCATION OF SPACES.**
- a. Location of Long-Term Spaces. a-1. All required long-term bicycle parking spaces serving an office or retail use greater than 12,000 square feet shall be located indoors, except as provided in subd. 4.
 - a-2. All required long-term bicycle parking spaces serving a residential use containing 4 or more dwelling units shall be located indoors, except as provided in subd. 4.
 - a-3. Indoor bicycle parking spaces may be provided in a bicycle storage room, an integral structured parking area, or other dedicated area located to provide direct access to an entrance a bicyclist may use. If the spaces are on a floor other than the ground floor, an elevator that is sufficiently large to accommodate bicycles, or other reasonable means, shall be provided to access the bicycle parking area.
 - a-4. Long-term bicycle parking may be provided in an approved outdoor structure if the structure meets the accessory-structure placement standards for the district in which it is located or if approved within a detailed plan development or approved by the commissioner of neighborhood services. Long-term spaces for educational uses may be located outdoors provided they meet the location standards for short-term spaces.
 - a-5. A bicycle rack in an indoor bicycle storage room or located in a parking garage shall meet the design and security standards for short-term bicycle storage racks specified in par. b.
 - a-6. A bicycle storage rack may have an upper tier for additional bicycles. However, required bicycle parking spaces shall be provided in bicycle-rack spaces at floor-surface level.
 - a-7. If required long-term bicycle parking spaces are provided in an integral or accessory parking structure, bicycle parking spaces may be distributed throughout the garage, but at least 50 percent of the required spaces shall be on the same level as the vehicular entrance to the structure, or the level closest to entry level in a mixed-occupancy garage, and be not more than 100 feet from that entrance. In addition, bicycle parking areas shall be clearly marked as such and shall be separated from motor vehicle parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a motor vehicle. Furthermore, all required bicycle parking spaces shall be located inside the structure or in areas protected from the weather.

b. Location of Short-Term Spaces. b-1. For convenient access by visitors and patrons, short-term bicycle parking spaces shall be located outdoors and, except as provided in subds. 2 and 3, within 50 feet of the main entrance of the occupancy served. Short-term bicycle parking spaces shall be readily visible to visitors and patrons, and located to allow maximum visibility for security of bicycles. The location of the bicycle parking spaces shall be sufficiently lit and not obstructed in a way that creates difficulty in accessing or locking bicycles.

b-2. Exception for Bicycle Corral. A location for the short-term parking of multiple bicycles, such as a bicycle corral, that does not comply with the 50-foot requirement of subd. 1 may be provided, as long as the first 2 spaces are located within 50 feet of the main entrance of the occupancy served. The bicycle corral shall be located within 100 feet of the path between the entrance to the site and the building entrance, shall not be in a location which discourages its use, such as behind a building or at the far end of the parking lot, and shall meet the design standards of sub. 4-d. A bicycle corral may be located within the public right-of-way subject to approval of the department of public works.

b-3. Spaces to be Provided On-Site Whenever Possible. If space near the entrance of the occupancy served, and visible from that entrance, is available on the lot on which the occupancy is located, the required short-term bicycle parking spaces shall be located on-site. If site layout and building placement do not allow for the required spaces to be located on-site within 50 feet of the entrance of the occupancy served, the required spaces may be located within the public right-of-way, subject to the approval of the department of public works. All required short-term bicycle parking spaces provided in the public right-of-way shall be located within 50 feet of the entrance of the occupancy served, shall allow for safe storage of bicycles, and shall not, in the determination of the department of public works, obstruct pedestrian traffic on the sidewalk.

b-4. Visibility and Signage. Whenever short-term bicycle parking spaces are not visible from the primary street frontage of the occupancy they serve, signage shall be used to direct cyclists safely to the parking spaces.

3. ADJUSTMENT TO NUMBER OF SPACES REQUIRED. a. Long-Term Bicycle Parking. a-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

a-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

a-3. For any individual retail occupancy, not more than 10 long-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

a-4. In elderly multi-family housing, bicycle parking spaces shall be required only for independent living units.

b. Short-Term Bicycle Parking. b-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

b-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

b-3. For any individual retail occupancy, not more than 20 short-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

4. STANDARDS OF DESIGN. a. Bicycle Parking Space. A bicycle parking space provided to comply with the requirements of this section shall be a minimum of 2 feet in width and 6 feet in length, with a vertical clearance of at least 7 feet, and allow for both wheels to be at or near the floor or ground surface. If located outdoors, the space shall be hard-surfaced, well-drained and illuminated. A properly-positioned inverted, U-shaped rack, commonly referred to as a bike staple, shall be considered 2 bicycle parking spaces.

b. Bicycle Rack. b-1. General Design. A bicycle rack used to comply with the requirements of this section shall be a stationary device of steel tubing or stock, not less than one inch in diameter nor more than 3 inches in diameter, or 2.25 inches square, which provides bicycle-locking points between one and 3 feet off the ground and a gap near the bottom for pedal clearance, such that a person can lock a bicycle frame and

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one bicycle wheel to the tubing with a standard, 4-inch-by-8-inch or larger, U-shaped bicycle lock. A bicycle rack shall be securely anchored to the ground or adjacent structure.

b-2. Securing of Bicycles. The rack shall be designed such that there are 2 or more contact points between a bicycle and the rack. A rack which only allows securing of a wheel, such as a low-profile rack, grid rack or comb rack, may not be used to meet the requirements of this section.

b-3. Wave Rack. An existing rack of the type known as a wave rack may be used to comply with the requirements of this section; however, new racks may not use wave racks for provision of new bicycle parking spaces.

b-4. Decorative Rack. A decorative or custom rack that meets all of the requirements of this subdivision shall be permitted.

b-5. Proximity to Ground or Floor. A rack used to meet the requirements of this section shall allow a bicycle to have both wheels on or near the ground or floor surface to ensure the rider does not have difficulty with parking and securing the bicycle. Additional racks providing more than the required number of bicycle parking spaces may be provided in alternative designs, such as wall-hung, vertically-stored or placed on a second, raised tier of storage.

b-6. Townhouses. In townhouse-style dwelling units with private garages, bicycle parking may be accommodated within the garage space. A wall-hung rack is acceptable.

c. Outdoor Enhanced Facilities; Long-Term Bicycle Parking Spaces. An outdoor enhanced facility for long-term bicycle parking spaces shall be coordinated with the overall site layout of the property and follow any placement and setback requirements applicable to an accessory structure. The facility may consist of individual bicycle lockers or a locked common area that accommodates multiple bicycles, provided the facility provides protection from rain or snow and is located on a hard, well-drained surface. For a multiple-bicycle facility, any bike rack used for securing bicycles shall meet the standards of pars. a and b and allow securing of individual bikes. Access aisles, minimum vertical clearance and other standards for bicycle parking spaces shall be met.

d. Bicycle Corral. A bicycle corral shall meet the positioning and spacing standards for bike racks set forth in sub. 5-d. The corral shall be protected from motor vehicles with appropriate guarding as needed for the specific installation.

5. OUTDOOR BICYCLE PARKING POSITIONING. a. Part of Overall Site Layout and Design. Bicycle parking shall be an integral part of the overall site layout and landscape design, and be placed to minimize visual clutter. No bike rack shall be placed in landscaping or in a position that damages adjacent landscaping.

b. Preservation of Pedestrian Circulation. Bicycle parking spaces shall be placed such that they do not interfere with pedestrian circulation on the site, including required pedestrian paths from the street to building entrances and site circulation between entrances. Nor shall bicycle parking spaces obstruct any fire access routes or facilities, access from parking areas, or Americans with Disabilities Act-required circulation features.

c. Protection of Bicycles from Damage. Bicycle parking and motor vehicle parking shall be located in a manner that protects bicycles from damage. To this end, each bicycle parking space shall meet the design standards of sub. 4-a and allow reasonable movement when securing or removing a bicycle.

d. Positioning and Spacing of Racks. Every bicycle rack shall comply with the following standards:

d-1. The rack shall be properly positioned to allow sufficient space to properly lock the frame of a bicycle to the rack.

d-2. Sufficient space shall be provided to allow for access to the rack and for bicycle wheels to extend beyond the rack.

d-3. The positioning of the rack shall not result in bicycles blocking a walkway or conflicting with adjacent site elements, such as parked motor vehicles.

d-4. If the rack is parallel to a walkway, it shall not be placed closer than 18 inches from the edge of the walkway, to avoid blocking the walkway.

d-5. If the rack is an inverted U-type rack placed parallel or perpendicular to a wall or similar obstruction, a minimum distance of 30 inches shall be maintained between the rack and the wall, to ensure a bicycle will fit at proper contact points with the rack.

d-6. When a bicycle rack is positioned parallel to a curb in a parking lot, the rack shall be located not less than 30 inches from the curb. If motor vehicles are parked parallel or perpendicular to the curb, additional space may be required to protect both bicycles and motor vehicles from damage. If a bicycle rack is located on a public sidewalk, the rack shall be placed such that at least 5 feet of pedestrian clearance is maintained and the rack is at least 30 inches from the curb.

d-7. Where inverted U-type racks are positioned parallel to each other or mounted in a series in one row, a minimum distance of 3 feet shall be provided between the racks.

d-8. In a location with multiple rows of bicycle racks, the bicycle parking area shall have access aisles at least 4 feet wide between all rows.

d-9. The rack shall be positioned so that no bicycle parking space is closer than 4 feet from any driveway, crosswalk, egress route, emergency equipment or other object deemed by the commissioner of neighborhood services as needing setback from the rack.

e. Maintenance of Bicycle Parking Facilities. All racks and other facilities associated with the parking of bicycles shall be properly maintained. Proper bolting of racks to the surface shall be required, and corroded or rusted racks which prevent or limit the proper securing of bicycles shall be replaced. In addition, racks shall be kept free of abandoned bicycles to prevent obstructions to short-term users.

6. INDOOR BICYCLE PARKING. A bicycle storage room or other indoor bicycle parking area shall:

a. Meet all applicable standards of sub. 5, including the design and security standards for short-term bicycle racks.

b. Be clearly marked or signed at the location, as well as along access routes if not readily apparent.

c. Shall be appropriately illuminated to allow for safe nighttime use. This requirement shall apply to both the bicycle parking spaces and all access routes leading to them.

7. APPLICABILITY OF RACK DESIGN AND PLACEMENT STANDARDS. The standards of subs. 4-a and 5-a, b and d shall apply to bicycle racks placed in situations where no bicycle parking spaces are required:

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
RESIDENTIAL USES		
Single-family dwelling	none	none
Two-family dwelling	none	none
Multi-family dwelling	one for every 4 dwelling units	one for every 30 dwelling units; min. of 2 spaces
Permanent supportive housing	none	none
Transitional housing	none	none
Attached single-family dwelling	none	none
Live-work unit	none	none
Mobile home	none	none
Watchman/service quarters	none	none
Family day care home	none	none
GROUP RESIDENTIAL USES		
Rooming house	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Convent, rectory or monastery	none	none
Dormitory	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Fraternity or sorority	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Adult family home	none	none

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Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
<i>Foster Homes</i>		
Foster family home	none	none
Small foster home	none	none
Group home or group foster home	none	none
<i>Shelter Care Facilities</i>		
Family shelter care facility	none	none
Small group shelter care facility	none	none
Large group shelter care facility	none	none
Community living arrangement	none	none
EDUCATIONAL USES		
Day care center	none	none
School, elementary or secondary	one per classroom	one per classroom
College	one per classroom	one per classroom
School, personal instruction	one per classroom	one per classroom
COMMUNITY-SERVING USES		
Library	see general office	see general retail establishment
Cultural institution	see general office	see general retail establishment
Community center	see general office	see general retail establishment
Religious assembly	none	one for every 30 seats in the assembly hall; min. of 2 spaces
Cemetery or other place of interment	none	none
Public safety facility	none	none
Correctional facility	none	none
COMMERCIAL AND OFFICE USES		
General office	for an occupancy larger than 12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Government office	see general office	see general office
Bank or other financial institution	see general office	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment	see general retail establishment
Installment loan agency	see general retail establishment	see general retail establishment
Cash-for-gold business	see general retail establishment	see general retail establishment
Pawn shop	see general retail establishment	see general retail establishment
Retail establishment, general	for an occupancy larger than 12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces	one for every 3,000 sq. ft. of gross floor area; min. of 2 spaces
Garden supply or landscaping center	see general retail establishment	see general retail establishment
Home improvement center	see general retail establishment	see general retail establishment
Secondhand store	see general retail establishment	see general retail establishment
Outdoor merchandise sales	none	see general retail establishment
Artist studio	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
Adult retail establishment	see general retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES		
Medical office	see general office	see general office
Health clinic	see general office	see general office
Hospital	see general office	see general office
Medical research laboratory	see general office	see general office
Medical service facility	see general office	see general office
Social service facility	see general office	see general office
Emergency residential shelter	as required by the board for special use approval	as required by the board for special use approval
Nursing home	see general office	see general office
GENERAL SERVICE USES		
Personal service establishment	see general retail establishment	see general retail establishment
Business service	see general office	see general office
Catering service	see general office	see general office
Funeral home	see general office	see general office
Laundromat	see general retail establishment	see general retail establishment
Dry cleaning establishment	see general retail establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment	see general retail establishment
Household maintenance and repair service	see general retail establishment	see general retail establishment
Tool/equipment rental facility	see general retail establishment	see general retail establishment
<i>Animal Services</i>		
Animal hospital/clinic	see general retail establishment	see general retail establishment
Animal boarding facility	see general retail establishment	see general retail establishment
Animal grooming or training facility	see general retail establishment	see general retail establishment
MOTOR VEHICLE USES		
<i>Light Motor Vehicle</i>		
Sales facility	none	none
Rental facility	none	none
Repair facility	none	none
Body shop	none	none
Outdoor storage	none	none
Wholesale facility	none	none
<i>Heavy Motor Vehicle</i>		
Sales facility	none	none
Rental facility	none	none
Repair facility	none	none
Body shop	none	none
Outdoor storage	none	none
<i>General Motor Vehicle</i>		

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Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
Filling station	see general retail establishment	see general retail establishment
Car wash	none	none
Non-restaurant drive-through facility	none	none
<i>Parking</i>		
Parking lot, principal use	none	none
Parking lot, accessory use	none	none
Parking structure, principal use	none	one space for every 50 motor vehicle spaces
Parking structure, accessory use	none	none
Heavy motor vehicle parking lot, principal use	none	none
Heavy motor vehicle parking lot, accessory use	none	none
ACCOMMODATION AND FOOD SERVICE USES		
Bed and breakfast	none	none
Hotel, commercial	see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel	see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel
Hotel, residential	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Tavern	see general retail establishment	see general retail establishment
Brewpub	see general retail establishment	see general retail establishment
Assembly hall	none	one for every 30 seats in the assembly hall; min. of 2 spaces
Restaurant without drive-through facility	see general retail establishment	see general retail establishment
Restaurant with drive-through facility	see general retail establishment	see general retail establishment
ENTERTAINMENT AND RECREATION USES		
Park or playground	none	none
Festival grounds	none	none
Recreation facility, indoor	see general retail establishment	see general retail establishment
Recreation facility, outdoor	none	none
Health club	see general retail establishment	see general retail establishment
Sports facility	none	none
Gaming facility	none	none
Theater	one per screen	4 per screen
Convention and exposition center	none	none
Marina	none	none
Outdoor racing facility	none	none
STORAGE, RECYCLING AND WHOLESALE TRADE USES		
Recycling collection facility	none	none
Mixed-waste processing facility	none	none
Material reclamation facility	none	none
Salvage operation, indoor	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
Salvage operation, outdoor	none	none
Wholesale and distribution facility, indoor	none	none
Wholesale and distribution facility, outdoor	none	none
<i>Storage Facilities</i>		
Indoor	none	none
Self-service	none	none
Outdoor	none	none
Hazardous materials	none	none
TRANSPORTATION USES		
Ambulance service	see general office	see general office
Ground transportation service	see general office	see general office
Passenger terminal	none	none
Helicopter landing facility	none	none
Airport	none	none
Ship terminal or docking facility	none	none
Truck freight terminal	none	none
Railroad switching, classification yard or freight terminal	none	none
INDUSTRIAL USES		
Alcohol beverage facility, micro	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Alcohol beverage facility, large	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Food processing	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, light	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, heavy	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, intense	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Research and development	see general office	see general office
Processing or recycling of mined materials	none	none
Contractor's shop	none	none
Contractor's yard	none	none
AGRICULTURAL USES		
Plant nursery or greenhouse	none	none
Raising of livestock	none	none
Community garden	none	none
Commercial farming enterprises	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
UTILITY AND PUBLIC SERVICE USES		
Broadcasting or recording studio	see general office	see general office
Transmission tower	none	none
Water treatment plant	none	none
Sewage treatment plant	none	none
Power generation plant	none	none
Small wind energy system	none	none
Solar farm	none	none
Substation/distribution equipment, indoor	none	none
Substation/distribution equipment, outdoor	none	none
TEMPORARY USES		
Seasonal market	none	see general retail establishment
Temporary real estate sales office	none	see general retail establishment
Concrete/batch plant, temporary	none	none
Live entertainment special event	none	none

295-405. Landscaping and Screening. 1. INTRODUCTION. a. Purposes. The standards of this section are established to promote and protect the health, safety and general welfare of the public in the following ways:

a-1. Protecting and enhancing the aesthetic quality of the city of Milwaukee by ensuring a well-defined and pedestrian-friendly public realm and by screening parking lots and unsightly uses and site features from public streets.

a-2. Mitigating the effects of excessive light, noise, and dust in neighborhoods by screening parking lots and unsightly uses and site features from adjacent properties and providing buffers between incompatible uses.

a-3. Increasing Milwaukee’s urban tree canopy, providing areas for stormwater infiltration and improving water quality in streams, rivers and in Lake Michigan.

b. Applicability. b-1. New Construction. Any new building, parking lot or other site improvement shall comply with the requirements of this section. When a new principal building is added to a premises, and occupies at least 10 percent of the site area, the entire premises shall comply with the requirements of this section.

b-2. Addition or Expansion. When an existing parking lot is expanded by 25 percent or more within a 2-year period, the entire property shall be brought into compliance with the landscaping and screening requirements of this section. If the parking lot is expanded by less than 25 percent, compliance shall only be required for the added area.

b-3. Repaving or Reconstruction. When 25 percent or more of an existing parking lot is repaved or reconstructed within a 2-year period, the entire parking lot shall be brought into compliance with the landscaping and screening requirements of this section. If less than 25 percent of the parking lot is repaved or reconstructed, compliance shall only be required for the repaved or reconstructed area. For the purposes of this subdivision, repaving includes activities such as removing the top layer of asphalt through milling and replacing with new asphalt, applying a surface course of new asphalt on top of existing asphalt, or pulverizing and stabilizing existing asphalt. Reconstruction means replacement of the underlying base structure of a parking lot. Ordinary maintenance and repairs, including infrared patching, crack filling, seal coating and line striping, shall not necessitate application of the landscaping or screening requirements of this section.

b-4. Change in Use. When a use requiring screening changes, or an additional use requiring screening is added, the entire premises on which that use is located shall be brought into compliance with the landscaping and screening requirements of this section.

b-5. Substantial Improvement. When a substantial improvement is made to a principal building, the entire premises on which that principal building is located shall be brought into compliance with the landscaping and screening requirements of this section.

b-6. Applicability Waiver. If the landscaping and screening requirements of this section are applicable because of a repaving or reconstruction project, a change in use or a substantial improvement to a principal building, and the commissioner of neighborhood services determines that strict compliance with the requirements of this section is not possible, the commissioner may waive part or all of the landscaping and screening requirements provided that they are complied with to the fullest extent possible. If the commissioner determines that a waiver is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance. Screening requirements may also be waived by the commissioner in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the use or object to be screened is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions. Parking lot landscaping requirements described in s. 295-405-3-c may be waived in whole or in part if the commissioner finds one or more of the following to be true:

b-6-a. Full compliance is not possible due to site dimensions or the location of existing buildings.

b-6-b. Full compliance would result in the number of parking spaces being reduced to below the minimum number required by s. 295-403-2.

b-6-c. Full compliance would result in the number of existing parking spaces being reduced by more than 10%, and a parking demand study indicates that a greater number of spaces is necessary to accommodate anticipated parking demand.

b-6-d. The adverse environmental effects of non-compliance with parking lot landscaping requirements will be offset by other mitigation measures approved by the commissioner, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

c. Landscaping and Screening Plan Required. Prior to issuance of any permit for a site modification in which landscaping or screening is required by this section, a landscaping and screening plan illustrating how compliance with the standards of this section will be achieved shall be submitted to the department of neighborhood services for approval. The landscaping and screening plan shall be accurately drawn to scale and include the following:

c-1. Location of all existing and proposed buildings and the location of adjacent buildings if within 5 feet of the common property line.

c-2. The location of property lines, adjacent rights-of-way, and features within rights-of way, including curb lines, driveways, sidewalks, street trees, light poles, transit stops, transit shelters, on-street parking spaces and loading areas.

c-3. The location of all on-site motor vehicle and bicycle parking spaces, including the exact number of spaces provided, and the square footage of all motor vehicle parking and operating areas, except those areas within structures.

c-4. The location, size and type of all permanent site features relevant to the landscaping plan, including but not limited to landscape areas, fences, walls, outdoor seating, pedestrian paths, lighting fixtures and signage.

c-5. The location, size, type, and quantity of all proposed plant materials and existing plant materials to be retained, along with a key or table referencing all plants by common or scientific name.

c-6. The location of mechanical equipment, trash and recycling collection equipment, dumpster and waste storage areas, substation/distribution equipment, and truck berths for loading docks, if applicable.

c-7. North arrow and scale.

d. Implementation Schedule. Required landscaping, screening and green infrastructure shall be installed as soon as practical, preferably prior to occupancy. A delay in the installation of plantings may be permitted by the department of neighborhood services for up to six months after permit issuance due to season.

e. Encroachment into Public Right-of-Way. Landscaped areas may encroach into the public right-of-way, but fences and walls used for screening shall not be constructed in the public right-of-way. No tree or shrub may be planted in the public right-of-way unless such planting is authorized by a permit issued by the commissioner of public works pursuant to s. 116-52. At no point may plants or other landscaping elements obstruct or encroach on public sidewalks.

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f. Maintenance. All required landscaping materials, including trees, plants and fences or walls, shall be properly maintained and replaced as necessary to maintain code compliance. In addition, any future alterations shall meet the minimum requirements of this section. Features shall be kept free of refuse and debris. Plant material shall be regularly maintained in a healthy, vigorous condition, free from disease, pests and noxious species. Maintenance shall include weeding, edging, mulching, fertilizing, trimming, sweeping, pruning and deadheading. Failure to regularly maintain the required landscaping, screening or green infrastructure shall constitute a violation of this section.

g. Vision Triangle. g-1. General. A vision triangle shall be provided at each intersection of 2 streets, an alley and a street, or an access drive and a street in the zoning districts specified in this paragraph. A vision triangle shall not be required at a residential driveway used exclusively by a single-family or 2-family dwelling.

g-2. Description. A vision triangle is the triangular area formed by connecting the point of intersection of the curbs at the intersection of 2 streets, or the point of intersection of the alley or driveway line with the side of sidewalk closest to the property line, with 2 other points each located an equal distance away from the point of intersection along the 2 lines that intersect. Where sidewalks are not present, the point of intersection shall be 4 feet from the street side of the property line, along the alley or driveway line extended.

g-3. Required Vision Triangles. The measured distance along the intersecting lines, as specified in subd. 2, shall be the following:

g-3-a. In all zoning districts, 10 feet for the intersection of an access drive and a street.

g-3-b. In the RS6, RT4, RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

g-3-c. In the RS5, RT3 and RM3 zoning districts, 20 feet for the intersection of 2 streets or an alley and a street.

g-3-d. In the RS1 to RS4, RT1 and RT2, RM1 and RM2, RO1, NS1, LB1, RB1, IO1, IL1 and PK zoning districts, 25 feet for the intersection of 2 streets or an alley and a street.

g-3-e. In all other zoning districts, no vision triangle shall be required at the intersection of 2 streets or an alley and a street.

g-4. Objects Within Vision Triangle. Opaque fences and other opaque objects, such as coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width, shall be permitted.

2. LANDSCAPING AND SCREENING ELEMENTS. a. Canopy Trees. a-1. General. When used to meet the requirements of this section, canopy trees shall be of a deciduous street tree variety with a leaf and branch structure that creates a uniform crown and an opaque tree canopy. In addition:

a-1-a. Tree species shall be approved by the commissioner of neighborhood services. The planting of ash trees and female ginkgo trees is prohibited.

a-1-b. Ornamental trees shall be considered canopy trees if they meet the minimum size requirements. Ornamental trees shall be set back at least 5 feet from any sidewalk. No more than 50 percent of total trees required may be ornamental trees.

a-1-c. Canopy trees located within 20 feet of the street lot line may be credited toward street frontage screening requirements.

a-1-d. Trees in the abutting public right-of-way immediately adjacent to the property may be counted towards the landscaping and screening requirements of this section if authorized by a permit issued by the commissioner of public works pursuant to s. 116-52.

a-2. Tree Size. A canopy tree shall be at least 2.5-inch-caliper size at the time of planting measured as diameter at breast height, except that 2 canopy trees of at least 1.5-inch-caliper size may be substituted for one tree of 2.5-inch-caliper size, provided that the planting area required for each tree is not reduced below the minimum required.

a-3. Planting Areas for Canopy Trees. An area used for planting canopy trees shall have a minimum of 100 square feet of surface area and a minimum of 150 cubic feet of planting soil per tree. A planting area for canopy trees may include modular suspended pavement systems that contain healthy non-compacted soil, and the permeable surface area of such systems may be counted toward the minimum surface area required.

a-4. Credit for Existing Canopy Trees. An existing canopy tree on the premises may be counted towards the minimum tree requirements provided it complies with the standards of this subsection and no soil within 5 feet of the tree is disturbed. In addition:

a-4-a. An existing canopy tree greater than 12-inch-caliper size may be counted as 2 trees if no soil within 10 feet of the tree is disturbed.

a-4-b. An existing canopy tree greater than 18-inch-caliper size may be counted as 3 trees if no soil within 15 feet of the tree is disturbed.

a-5. Tree Diversity. When a site has 10 or more trees, no single species may comprise more than 50 percent of trees used to meet the requirements of this section.

b. Landscaped Areas. b-1. General. Landscaped areas consist of planting beds filled with low-level or eye-level plants. Low-level plants include low shrubs, perennials and ornamental grasses. Eye-level plants include evergreen trees and tall shrubs. When used for screening, low-level plants are intended to define spaces and allow for natural surveillance, while eye-level plants are intended to completely obscure the view of the use being screened. The type and number of plants required is determined by the use being screened, the presence of a fence or wall and the size of the landscaped area. Low shrubs are shrubs that are expected to grow to a mature height of not more than 4 feet, while tall shrubs are shrubs that are expected to grow to a mature height of not less than 6 feet. Low and tall shrubs may be deciduous shrubs or evergreen shrubs.

b-2. Planting Soil. Landscaped areas shall have healthy non-compact planting soil at least 18 inches deep.

b-3. Plant Combinations. When landscaped areas allow for multiple plant types, any equivalent combination of the permitted plant types may be used. One low or tall shrub is equivalent to 2 perennials or ornamental grasses. One evergreen tree is equivalent to 2 low or tall shrubs or 4 perennials or ornamental grasses.

b-4. Plant Size. Minimum and maximum plant sizes for low-level and eye-level plants are specified in table 295-405-2-b-4.

Table 295-405-2-b-4 PLANT SIZE			
	Minimum Container Size at Time of Planting	Minimum Height at Time of Planting	Maximum Height at Maturity
Perennials/ ornamental grasses	1 gallon	1 ft.	4 ft.
Low shrubs	3 gallons	1.5 ft.	4 ft.
Tall shrubs	3 gallons	4 ft.	none
Evergreen trees	n/a	6 ft.	none

c. Fences and Walls. c-1. General. Where a masonry wall, ornamental metal fence or opaque fence is used to meet the minimum screening requirements of this section, it shall be consistent with the type of fence required, the opacity and height standards for the use being screened, and the screening method selected. Where no fence is required, a fence or wall of any type is permitted if otherwise permitted in the zoning district. If any fence other than an ornamental metal fence is present between a use requiring screening and a street lot line, such fence shall be set back behind the required landscaped area as viewed from the street.

c-2. Masonry Walls. A masonry wall is intended to replace low-level and eye-level plants where space for sufficient planting does not exist. Where a masonry wall is used to meet minimum screening requirements, it shall be constructed of attractive, high-quality, durable-finish materials such as brick, cast stone, decorative block or stucco over standard concrete masonry blocks. The color, texture and type of materials used on masonry walls shall be similar to or compatible with the materials used on the building located on the premises where screening is required. If the primary structure on the premises is not of masonry construction, a solid wall at least 8 inches thick constructed of non-masonry materials may be used if approved by the commissioner of neighborhood services. An ornamental metal fence may be constructed atop a masonry wall, or a masonry wall may have openings consisting of ornamental metal fencing, provided the fence or wall meets the opacity requirements for the use being screened and the screening method selected. Where plants are not required due to the presence of a masonry wall, they are permitted and encouraged. Gabion walls are not considered masonry walls for the purposes of this section.

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c-3. Ornamental Metal Fences. An ornamental metal fence is intended to complement low-level and eye-level plants where space for planting is limited. Where an ornamental metal fence is used to meet minimum screening requirements, it shall have decorative metal pickets at least 0.75 inches wide and spaced no farther apart than an average of 6 inches on center. The standards for picket width and spacing may be waived by the commissioner of neighborhood services for custom metal fences of exceptional design with an opacity of not less than 15%. When a custom fence has an opacity of more than 50%, it shall be set back behind the required landscaping as viewed from the street. An ornamental metal fence may include piers constructed of masonry, stone, or wood. An ornamental metal fence may be constructed atop a masonry wall or have solid portions consisting of masonry, provided the fence meets the opacity requirements for the use being screened and the screening method selected. In an industrial district, a welded wire metal fence may be used as an alternative to an ornamental metal fence. A welded wire metal fence shall be rigid and composed of architectural metal panels or heavy-duty welded wire mesh with coated metal wires at least 1/8 inch in diameter (10 gauges or less).

c-4. Opaque Fences. An opaque fence is intended to completely obscure the view of the use being screened. An opaque fence may be constructed of masonry, stone, metal, wood, vinyl or composite material, gabions filled with stone material, or a combination of such materials. Chain link fences with slats or mesh screening are not considered opaque fences.

c-5. Masonry Piers. An ornamental metal fence or opaque fence used to meet minimum screening requirements shall have masonry piers if located in the LB3 zoning district or a downtown zoning district, or where used as an alternative to masonry walls as allowed by s. 295-405-3-a-4-b. Masonry piers shall be spaced not more than 25 feet apart and also provided on corners and at changes in direction. Masonry piers shall be at least 16 inches wide and 16 inches deep with a minimum height of 3 feet. The color, texture and type of materials used on masonry piers shall be similar to or compatible with the materials used on the building located on the premises where screening is required. If such building is not of masonry construction, the piers may be omitted or constructed of non-masonry materials if approved by the commissioner of neighborhood services.

c-6. Prohibited Fence or Wall Materials. A fence or wall used to meet the minimum screening requirements may not include corbeled masonry blocks or other dry stack blocks, structural corrugated metal, metal siding or a metal panel and batten system, or exterior insulation and finish systems (EIFS) or simulated stucco products.

c-7. Gaps in Fences and Walls. Where a fence or wall is used to meet the minimum screening requirements of this section, such fence or wall shall be provided throughout the length of the landscaped area except in the following circumstances:

c-7-a. Adjacent to Canopy Trees. In order to facilitate proper growth of canopy trees, a fence or wall is not required within 5 feet of new or existing trees.

c-7-b. Access Points. Gaps in a fence or wall may occur as necessary to accommodate vehicle and pedestrian access, bicycle parking spaces and transit shelters. A fence or wall is not required within 10 feet of an access drive.

c-7-c. Public Amenities. Gaps in a fence or wall may occur as necessary to accommodate public art, water features, street furniture or other public amenities.

c-8. Grade Changes. If there is an elevation difference between a use or object being screened and the street or adjacent property, the height of fences and walls shall be measured from the point of highest elevation.

d. Green Infrastructure. Green infrastructure is any combination of landscaping, facilities, or equipment that captures rain water at or near the site where it falls by infiltration into the soil, evapotranspiration by plants, or storage for reuse. The following green infrastructure features may be used for parking lot landscaping as described in s. 295-405-3-c:

d-1. Permeable Paving. Permeable paving is a surface paved with permeable pavers, porous concrete or porous asphalt that allows water infiltration into the soil. A parking lot or motor vehicle operating area paved with permeable paving shall comply with the standards of s. 252-74.

d-2. Rain Garden. A rain garden is a landscaped area specifically designed to capture and infiltrate storm water and filled with deep-rooted plants.

d-3. Bioswale. A bioswale is a depressed area designed to capture and infiltrate stormwater runoff and remove pollutants. Constructed wetlands and other bio-retention facilities may also be considered bioswales for the purposes of this section.

d-4. Rain Water Catchment Area. A rain water catchment area is an area from which rainfall flows into a rain garden, bioswale or other bio-retention facility.

e. Other Landscaping and Screening Elements. e-1. Berms. Berms are permitted in all zoning districts except downtown districts. A berm may not be used to meet the minimum screening requirements of this section.

e-2. Bollards. Bollards are permitted in all circumstances but may not be used to meet the minimum requirements of this section.

e-3. Boulders. Boulders and other hard, round elements greater than 18 inches in diameter with irregular surfaces meant to appear eroded by nature are prohibited within 10 feet of a street property line. Masonry objects and structures with flat, finished surfaces are permitted as a means to mark a gateway condition, provide pedestrian seating, or to define a street edge. Retaining walls consisting of boulders or stones are permitted, but may not be used to meet the minimum screening requirements of this section.

3. LANDSCAPING AND SCREENING REQUIREMENTS FOR LIGHT MOTOR VEHICLE PARKING LOTS AND VEHICLE OPERATING AREAS. a. Screening of Light Motor Vehicle Parking Lots and Vehicle Operating Areas from Public Streets. a-1. Purpose. The purpose of screening light motor vehicle parking lots and vehicle operating areas from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee.

a-2. When Required. Screening is required when a light motor vehicle parking lot or vehicle operating area is less than 20 feet from a street property line, provided screening is not required:

a-2-a. For a light motor vehicle parking lot or vehicle operating area with less than 5 parking spaces and less than 2,500 square feet of combined vehicle parking and operating area.

a-2-b. From alleys or at access drive locations.

a-3. Options for Screening from Streets. Screening shall be installed and maintained between the parking lot or vehicle operating area and the street by one, or a combination, of the options described in table 295-405-3-a.

a-4. Reduced Standards for Existing Parking Lots. When screening requirements are applicable because of a repaving or reconstruction, a change in the use being screened or a substantial improvement to an existing building, the following exceptions apply:

a-4-a. Reduced Landscaped Area. The minimum width of the landscaped area in table 295-405-3-a may be reduced by up to 50% if necessary to maintain existing pavement. No reduction shall be permitted for a principal use parking lot or where the maximum number of parking spaces allowed by s. 295-403-2 is exceeded.

a-4-b. Alternative to Masonry Walls. When existing pavement is less than 5 feet from the street lot line, an ornamental metal fence with masonry piers may be used in lieu of a masonry wall under option "C" in table 295-405-3-a.

a-5. Eye-level Visibility. In order to promote natural surveillance of both parking lots and public streets, low shrubs, perennials or ornamental grasses shall not be allowed to grow taller than 4 feet, and portions of fences or walls above 4 feet in height shall be less than 50% opaque. Trees shall be kept to a minimum height of 6 feet at the lowest branches.

a-6. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage. Trees planted adjacent to the parking lot rather than between the parking lot and the street may also be counted as part of required screening provided they are within 20 feet of the street lot line and within 20 feet of the parking lot.

a-7. Public Amenities. Public amenities, such as transit shelters, benches, bicycle racks, sculptures, fountains and similar features, may be integrated as part of the required screening. Screening requirements may be reduced as needed to accommodate public amenities.

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Table 295-405-3-a			
OPTIONS FOR SCREENING PARKING LOTS AND VEHICLE OPERATING AREAS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	4 low shrubs or 8 perennials/ornamental grasses per 10 linear ft.	4 low shrubs or 8 perennials/ornamental grasses per 20 linear ft.	none
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 tree per 40 linear ft.
Fence/wall required	none	ornamental metal fence	masonry wall
Minimum fence/wall height	none	3 ft.	3 ft.
Fence/wall opacity requirement	Portions above 4 ft. shall be at least 50% open	Portions above 4 ft. shall be at least 50% open	Portions below 3 ft. shall be at least 50% opaque; portions above 4 ft. shall be at least 50% open

b. Screening of Light Motor Vehicle Parking Lots and Vehicle Operating Areas from Residential Districts. b-1. Purpose. The purpose of screening light motor vehicle parking lots and vehicle operating areas from residential districts is to mitigate the visual impact of parking lots in neighborhoods, to reduce glare from headlights and other sources, and to protect residential properties from the potential negative effects of excessive light, noise or dust.

b-2. When Required. Screening is required when a light motor vehicle parking lot or vehicle operating area is within 20 feet of an adjacent property in a residential zoning district, provided screening is not required:

b-2-a. For a light motor vehicle parking lot or vehicle operating area with less than 5 parking spaces and less than 2,500 square feet of combined parking and vehicle operating area.

b-2-b. Where a parking lot abuts an alley, another parking lot on an adjacent property, or a shared access drive.

b-2-c. Where an adjoining building or opaque masonry wall at least 4 feet in height is less than 5 feet from the interior lot line.

b-3. Options for Screening from Residential Districts. Screening shall be installed and maintained between the parking lot or vehicle operating area and the interior lot line by one, or a combination, of the options described in table 295-405-3-b. Screening requirements vary depending on whether the parking lot abuts a side yard, rear yard or front yard.

b-4. Screening from Vacant Parcels. If no building exists on an adjacent property in a residential zoning district, screening is required unless the commissioner of neighborhood services determines it unnecessary. Areas adjacent to the minimum front setback required on the vacant parcel shall be screened as if adjacent to a front yard.

Table 295-405-3-b OPTIONS FOR SCREENING LIGHT MOTOR VEHICLE PARKING LOTS AND VEHICLE OPERATING AREAS FROM RESIDENTIAL DISTRICTS				
		Option A	Option B	Option C
Adjacent to a Side or Rear Yard	Minimum width of landscaped area	10 ft.	5 ft.	none
	Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
	Fence/wall required	none	opaque fence or wall	masonry wall
	Fence/wall minimum height	none	4 ft.	4 ft.
	Fence/wall opacity requirement	none	portions below 4 ft. shall be 100% opaque	portions below 4 ft. shall be 100% opaque
Adjacent to a Front Yard	Minimum width of landscaped area	10 ft.	5 ft.	none
	Type and minimum number of plants required in landscaped area	2 low shrubs or 4 perennials/ornamental grasses per 5 linear ft.	2 low shrubs or 4 perennials/ornamental grasses per 10 linear ft.	none
	Fence/wall required	none	ornamental fence or opaque fence or wall	masonry wall
	Fence/wall minimum height	none	3 ft.	3 ft.
	Fence/wall opacity requirement	none	portions above 4 ft. shall be at least 50% open	portions below 3 ft. shall be at least 50% opaque; portions above 4 ft. shall be at least 50% open

c. Parking Lot Landscaping Requirements. c-1. Purpose. The purpose of parking lot landscaping is to break down the scale of large expanses of pavement, increase the urban tree cover, reduce heat build-up by providing shade for paved areas, reduce the impact of storm water runoff on the city’s storm sewers, and improve water quality in streams, rivers and Lake Michigan.

c-2. Where Required. Parking lot landscaping is required at any site with 5 or more off-street surface parking spaces.

c-3. Amount Required. A minimum of one canopy tree and 100 square feet of landscaped area is required for every 4 parking spaces or fraction thereof, provided:

c-3-a. Parking spaces within structures, designated motorcycle parking spaces and bicycle parking spaces are not included when determining the minimum amount of landscaping required.

c-3-b. Trees and landscaped areas used to meet the screening requirements of this section shall be counted toward total parking lot landscaping requirements.

c-4. Location and Distribution. Trees, landscaped areas and green infrastructure used to meet the requirements of this section shall be located within 50 feet of the parking lot. No portion of a parking lot or motor vehicle operating area may be more than 100 feet from an interior or perimeter landscaped area or more than 150 feet from an interior or perimeter canopy tree. Large parking fields shall be divided into areas of not more than 50,000 square feet each through the use of landscaped islands, peninsulas or medians.

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c-5. Landscaped Areas. Landscaped areas shall be planted with low shrubs, perennials or ornamental grasses. A minimum of 4 low shrubs, or 8 perennials or ornamental grasses, are required per 100 square feet of landscaped area. Equivalent combinations of plants may be used, with 2 perennials or ornamental grasses equivalent to one low shrub.

c-6. Reduction Permitted for Green Infrastructure. The landscaping requirement may be reduced to not less than one tree and 100 square feet of landscaped area per 8 parking spaces if the following amounts of green infrastructure features are provided as a substitute for trees and landscaped areas:

c-6-a. Permeable Paving. One hundred square feet of permeable paving may be substituted for one tree and 100 square feet of landscaped area.

c-6-b. Rain Gardens. One hundred square feet of rain garden with a rain water catchment area of at least 1,000 square feet may be substituted for one tree and 100 square feet of landscaped area.

c-6-c. Bioswales. Fifty cubic feet (375 gallons) of bio-retention capacity with a rain water catchment area of at least 1,000 square feet may be substituted for one tree and 100 square feet of landscaped area.

c-7. Reduction Permitted for Existing Parking Lots. When landscaping requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building, and compliance with the requirements of this paragraph would result in a loss of more than 10% of total parking spaces or would result in the number of spaces being reduced to below the minimum number required by s. 295-403-2, the amount of landscaping required by subd. 3 may be reduced to a minimum of one tree and 100 square feet of landscaped area per 8 parking spaces, and may be further reduced to not less than one tree and 100 square feet of landscaped area per 16 parking spaces through the use of green infrastructure features as specified in subd. 6. This provision does not apply to principal use parking lots or when the maximum number of parking spaces allowed by s. 295-403-2 is exceeded.

4. LANDSCAPING AND SCREENING REQUIREMENTS FOR HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS. a. Screening of Heavy Motor Vehicle Parking Lots, Outdoor Vehicle Storage Areas and Contractor's Yards from Public Streets. a-1. Purpose. The purpose of screening heavy motor vehicle parking lots, vehicle storage areas and contractor's yards from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee. Plantings used for screening may be low-level or eye-level plantings, or a combination of low-level and eye-level plantings, depending on the amount of natural surveillance desired.

a-2. Where Required. Screening is required where a heavy motor vehicle parking lot, outdoor vehicle storage area, or contractor's yard is visible from an adjacent public street.

a-3. Options for Screening from Streets. Screening shall be installed and maintained between the heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard and the street by one, or a combination, of the options described in table 295-405-4-a.

a-4. Reductions Permitted. The minimum width of the landscaped area in table 295-405-4-a may be reduced by up to 50 percent if either of the following is true:

a-4-a. Screening requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building.

a-4-b. The heavy motor vehicle parking lot, outdoor storage area or contractors yard has an area of less than 15,000 square feet.

a-5. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage.

a-6. Light Motor Vehicle Sales Facility. Where screening along a street is required for a light motor vehicle display area associated with a light motor vehicle sales facility, it shall be provided in the same manner as for a light motor vehicle parking lot as described in sub. 3-a, except that the number of plants required may be reduced by 50%.

a-7. Heavy Motor Vehicle Sales Facility. Where screening along a street is required for a heavy motor vehicle display area associated with a heavy motor vehicle sales facility, it shall be provided in the same manner as for a heavy motor vehicle parking lot as described in table 295-405-4-a, except that the number of plants required may be reduced by 50%.

Table 295-405-4-a			
OPTIONS FOR SCREENING HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 shrubs or 4 perennials/ornamental grasses per 5 linear ft.	1 evergreen tree or 2 shrubs or 4 perennials/ornamental grasses per 10 linear ft.	none
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 canopy tree per 40 linear ft.
Fence/wall required	none	ornamental metal fence	masonry wall
Fence/wall minimum height	none	4 ft.	4 ft.
Fence/wall opacity requirement	none	none	portions below 4 ft. shall be at least 50% opaque

b. Screening of Heavy Motor Vehicle Parking Lots, Outdoor Vehicle Storage Areas and Contractor's Yards from Non-Industrial Districts. b-1. Purpose. The purpose of screening heavy motor vehicle parking lots, outdoor vehicle storage areas and contractor's yards from non-industrial districts is to mitigate the visual impact of such uses on neighborhoods and to protect non-industrial properties from the potential negative effects of excessive light, noise or dust.

b-2. Where Required. Screening is required where a heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard is visible from an adjacent property in a non-industrial zoning district. This includes a property directly across an alley. However, screening is not required where an adjoining building or opaque masonry wall at least 6 feet in height is less than 5 feet from the common property line.

b-3. Options for Screening from Non-Industrial Districts. Screening shall be installed and maintained between the heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard and the interior lot line by one, or a combination, of the options described in table 295-405-4-b.

b-4. Reductions Permitted. The minimum width of the landscaped area in table 295-405-4-b may be reduced by up to 50 percent if either of the following is true:

b-4-a. Screening requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building.

b-4-b. The heavy motor vehicle parking lot, outdoor storage area or contractor's yard has an area of less than 15,000 square feet.

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Table 295-405-4-b			
OPTIONS FOR SCREENING HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS FROM NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	None
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

- 5. LANDSCAPING AND SCREENING REQUIREMENTS FOR OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OTHER OUTDOOR OPERATIONAL AREAS RELATED TO STORAGE, RECYCLING OR WHOLESALE TRADE USES, TRANSPORTATION USES OR INDUSTRIAL USES.**
- a. Screening of Outdoor Storage Facilities, Outdoor Salvage Operations and Outdoor Operational Areas from Public Streets.
- a-1. Purpose. The purpose of screening outdoor storage facilities, outdoor salvage operations and outdoor operational areas from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee.
- a-2. Where Required. Screening is required when an outdoor storage facility, outdoor salvage operation, or other outdoor operational area related to a storage, recycling or wholesale trade use, transportation use or industrial use is visible from an adjacent public street.
- a-3. Options for Screening from Streets. Screening shall be installed and maintained between the outdoor storage facility, outdoor salvage operation or outdoor operational area and the street by one, or a combination, of the options described in table 295-405-5-a.
- a-4. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage.

Table 295-405-5-a			
OPTIONS FOR SCREENING OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OUTDOOR OPERATIONAL AREAS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	None
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 canopy tree per 40 linear ft.
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

b. Screening of Outdoor Storage Facilities, Outdoor Salvage Operations and Outdoor Operational Areas from Non-Industrial Districts. b-1. Purpose. The purpose of screening outdoor storage facilities, outdoor salvage operations and outdoor operational areas from non-industrial districts is to mitigate the visual impact of such uses on neighborhoods and to protect residential properties from the potential negative effects of excessive light, noise or dust.

b-2. Where Required. Screening is required when an outdoor storage facility, outdoor salvage operation, or other outdoor operational area related to a storage, recycling or wholesale trade use, transportation use or industrial use is visible from an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

b-3. Options for Screening from Non-Industrial Districts. Screening shall be installed and maintained between the outdoor storage facility, outdoor salvage operation or outdoor operational area and the interior lot line by one, or a combination, of the options described in table 295-405-5-b.

Table 295-405-5-b			
OPTIONS FOR SCREENING OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OUTDOOR OPERATIONAL AREAS FROM NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

6. SCREENING REQUIREMENTS FOR UTILITARIAN SITE FEATURES AND EQUIPMENT. a.

Screening of Mechanical Equipment, Trash and Recycling Collection Equipment and Dumpster Storage Areas. a-1. Purpose. The purpose of screening mechanical equipment, trash and recycling collection equipment and dumpster storage areas is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

a-2. Where Required. Screening is required when mechanical equipment, trash or recycling collection equipment or a dumpster storage area is visible from an adjacent public street or an adjacent property in a non-industrial zoning district, including a property directly across an alley, except that screening is not required for:

a-2-a. Mechanical equipment or a dumpster storage area at a wholly residential property with 4 units or less.

a-2-b. Mechanical equipment or a dumpster storage area incorporated into the structure it serves.

a-2-c. A dumpster storage area for a building constructed before October 1, 2002.

a-2-d. Screening of mechanical equipment if that screening is waived by the commissioner of neighborhood services in whole or in part because the equipment is integrated with or used to display public art.

a-3. Options for Screening. Screening shall be installed and maintained between the mechanical equipment, trash and recycling collection equipment, or dumpster storage area and the area of visibility by one, or a combination, of the options described in table 295-405-6-a.

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TABLE 295-405-6-a OPTIONS FOR SCREENING MECHANICAL EQUIPMENT, TRASH AND RECYCLING COLLECTION EQUIPMENT AND DUMPSTER STORAGE AREAS FROM STREETS AND NON- INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	4 ft.	4 ft.
Fence/wall opacity requirement	none	portions below 4 ft. shall be 100% opaque	portions below 4 ft. shall be 100% opaque

b. Screening of Loading Docks and Truck Berths. b-1. Purpose. The purpose of screening loading docks and truck berths is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

b-2. Where Required. Screening is required where berths for more than 2 truck bays are visible from an adjacent public street or an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

b-3. Options for Screening. Screening shall be installed and maintained between the loading docks or truck berths and the area of visibility by one, or a combination, of the options described in table 295-405-6-b.

TABLE 295-405-6-b OPTIONS FOR SCREENING LOADING DOCKS AND TRUCK BERTHS FROM STREETS AND NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

c. Screening of Outdoor Substation/Distribution Equipment. c-1. Purpose. The purpose of screening outdoor substation/distribution equipment is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

c-2. Where Required. Screening is required where outdoor substation/distribution equipment or associated structures are visible from a public street or an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

c-3. Options for Screening. Screening shall be installed and maintained between the substation/distribution equipment and all associated structures and the area of visibility by one, or a combination, of the options described in table 295-405-6-c.

TABLE 295-405-6-c OPTIONS FOR SCREENING OUTDOOR SUBSTATION/DISTRIBUTION EQUIPMENT FROM STREETS AND NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall; shall be set back at least 5 ft. from any street property line
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

7. ADAPTATIONS FROM FORMER LANDSCAPING CODE. a. Landscaping Types. Any development agreement, board of zoning appeals condition, overlay zone, planned development district, policy statement, planning document, or other relevant document which refers to a landscaping type or types formerly described in this section shall have the following meaning:

a-1. Type “A” landscaping means 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row in a planting area at least 5 feet in width and a minimum of one canopy tree every 25 feet.

a-2. Type “B” landscaping means 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row in a planting area at least 5 feet in width, an ornamental metal fence or masonry wall at least 3 feet in height, and a minimum of one canopy tree every 25 feet.

a-3. Type “C” landscaping means a 3-foot-tall ornamental fence atop a 3-foot-tall masonry wall, to establish a 6-foot combination masonry wall/ornamental metal fence, and a minimum of one canopy tree every 25 feet.

a-4. Type “D” landscaping means one row of shrubs with plants spaced a maximum of 3 feet on center for light motor vehicle display areas, or 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row for heavy motor vehicle display, in a planting area not less than 5 feet in width, and a minimum of one canopy tree every 25 feet. If located in an LB2 or LB3 district, an ornamental metal fence or masonry wall at least 3 feet in height is also required.

a-5. Type “E” landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center in a landscape area at least 15 feet in width, a 6-foot-tall opaque fence, and a minimum of one canopy tree every 25 feet. If a chain link fence is present, 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row are required.

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a-6. Type "F" landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center in a landscape area at least 5 feet in width, a 6-foot-tall opaque fence, and a minimum of one canopy tree every 25 feet. If a chain link fence is present, 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row are required and the width of the landscaped area shall be increased to 15 feet.

a-7. Type "G" landscaping means 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row, or one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center and an opaque fence or wall one foot taller than the object being screened. If a chain link fence is present, the landscaped area shall be at least 15 feet in width. If a loading dock is present, trees are also required.

a-8. Type "H" landscaping means one row of 6-foot-tall shrubs spaced a maximum of 8 feet on center, a 6-foot-tall opaque fence or wall, and one canopy tree every 25 feet. The fence or wall shall be reduced to 3.5 feet where adjacent to a residential front yard. When a parking lot or structure provides parking for single-family or 2-family dwellings, educational uses or community serving uses, shrubs and trees are not required.

a-9. Type "I" landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in a landscaped area at least 10 feet in width, a 6-foot-tall ornamental metal fence or masonry wall, and a minimum of one tree every 25 feet. If a masonry wall is provided, shrubs are not required.

295-407. Signs. 1. PURPOSE. The sign regulations in this section apply to signs on private property. The specific purposes of these regulations are to:

- a. Provide each sign user an opportunity for effective identification by applying uniform standards to entire zoning districts.
- b. Ensure that all signs are architecturally compatible and are in scale with building design.
- c. Maintain and enhance the quality of the city's appearance.
- d. Enable consumers to identify establishments offering goods and services to meet their needs.
- e. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.
- f. Protect residential districts adjoining non-residential districts from adverse impacts of excessive signs.
- g. Regulate signs attached to structures and extending into the public right-of-way.

2. ON-PREMISE SIGNS. a. General. a-1. Sign Construction. All signs shall meet the design and construction specifications of ch. 244.

a-2. **Maximum Sign Area.** The maximum sign area shall be as specified in the regulations for the applicable zoning district, unless additional sign area is authorized by a master sign program approved pursuant to s. 295-1017.

a-3. **Number.** See regulations for the applicable zoning district.

a-4. **Measurement of Display Area.** The display area of a sign shall be measured in accordance with s. 295-205-5.

a-5. **Illumination.** The light source for an illuminated sign shall be screened and shielded so that it is not visible from a residential district or beyond the curb line.

b. **Sign Types.** For the purpose of distinguishing different sign types and, thus, different size limitations, the following standards are set forth:

b-1. **Freestanding Signs. b-1-a. Type A Freestanding Signs.** A type A freestanding sign is characterized by a continuous sign base that extends from grade to the display area and is at least 75% as wide as the display area of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as "monument signs."

b-1-b. **Type B Freestanding Signs.** A type B freestanding sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. Other types of freestanding signs which do not have the characteristics of a type A sign are included in this category. This type may be mounted on one or multiple poles, or may have a monument-type bases.

b-1-c. **Location.** No freestanding sign may project over a property line.

b-2. **Wall Signs. b-2-a. Type A Wall Signs.** A type A wall sign is one with a display area that does not have a background that is designed as an integral part of the sign. Only individual letters or symbols may be

internally illuminated. This type of sign includes, but is not limited to: individual raised letters attached to the wall; letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back-lit; non-illuminated pin-set letters; carved entablature-type signs; other general individual-letter, non-illuminated signs. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-b. Type B Wall Signs. A type B wall sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign with a display area that is parallel to the building façade is also included in this category. Other types of wall signs which do not have the characteristics of a type A sign, including but not limited to board signs and painted-on wall signs, are included in this category. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-c. Standard for Wall Signs. No wall sign shall be erected or maintained to extend more than one-half of its height above the top of the exterior wall to which it is attached.

b-2-d. Exemption from Display Area Limitation. A professional nameplate, street address sign, historical tablet or marker, or sign indicating membership in a civic, business or professional organization shall not be included when calculating the total display area of wall signage provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-3. Awning Signs. b-3-a. Type A Awning Signs. A type A awning sign is one with letters or symbols applied to or integral with an opaque, non-translucent material covering an awning structure. Such sign may be illuminated from a general building lighting source above the awning.

b-3-b. Type B Awning Signs. A type B awning sign is one with letters or symbols applied to or integral with a translucent material covering an awning-like structure. Such sign may be internally illuminated.

b-3-c. Awnings Projecting Beyond Street Lines. Any awning which projects beyond a street line shall comply with the applicable regulations of ss. 245-6, 245-6.5 or 245-7.

b-4. Projecting Signs. b-4-a. Type A Projecting Signs. A type A projecting sign is one with a display area that does not have a background that is designed as an integral part of the sign, except that a non-illuminated wood or metal board-type sign or a permanent banner sign shall be considered a type A projecting sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back lit; non-illuminated pin-set letters. If individual letters are used on the sign, they shall be applied to or affixed to a projecting board or to a cabinet not more than 12 inches thick in order for the sign to be considered within the type A category.

b-4-b. Type B Projecting Signs. A type B projecting sign is one with a display area that has an illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. Other types of projecting signs which do not have the characteristics of a type A sign are included in this category.

b-4-c. Maximum Projection. A projecting sign shall not project more than 4 feet from the building face to which it is attached.

b-4-d. Minimum Clearance. A minimum clearance of 10 feet between grade and the bottom of the sign shall be provided, except in the historic third ward (the area designated by common council resolution 870501), where the minimum clearance shall be 8.5 feet.

b-4-e. Projection into Right-of-Way. All projecting signs shall comply with the applicable provisions of s. 244-10.

b-5. Canopy and Hood Signs. b-5-a. Type A Canopy and Hood Signs. A type A canopy or hood sign is characterized by individual letters or symbols which may be internally illuminated. It may also include a sign panel which is integral to the hood or canopy structure, except that the illuminated letters and symbols are cut from an opaque panel. In order for a canopy or hood sign consisting of individual letters affixed to a cabinet to be considered a type A sign, the cabinet shall be not more than 12 inches thick.

b-5-b. Type B Canopy and Hood Signs. A type B canopy or hood sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign which is hung from or mounted on top of a canopy or hood. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

b-5-c. Canopies and Hoods Projecting Beyond Street Lines. Any canopy or hood sign which projects beyond a street line shall comply with the applicable regulations of ss. 245-7 or 245-10.

b-6. Roof Signs. b-6-a. Type A Roof Signs. A type A roof sign is characterized by individual letters or symbols which may be internally illuminated and shall be attached to a framework that is as invisible as possible and does not create a background that could become an integral part of the sign.

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b-6-b. **Type B Roof Signs.** A type B roof sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. It may also include a sign panel which is integral to the structure, but creates a background that becomes an integral part of the sign.

b-7. **Permanent Window Signs.** b-7-a. **General Regulations.** A permanent window sign is characterized by individual letters or symbols painted or placed on the glazed portion of a window such that window transparency of at least 75% is maintained. A neon sign, board-type sign or plastic-faced box sign placed in a window shall also constitute a permanent window sign. Not more than 25% of the glazed area of a window may be covered by permanent window signs. The display area of a permanent window sign shall be calculated in accordance with s. 295-205-5. In no case shall permanent window signs reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-b. **Opaque Backgrounds.** Not more than 25% of the glazed portion of a window may be opaquely painted for the purpose of creating a sign or sign background. In no case shall such painting reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-c. **Permanent Window Signage in Excess of 25% of Window Area.** Permanent window signs or opaque window painting may exceed 25% of the area of a window provided the area of such signs or painting is included in the calculation and regulation of wall signage on the premises.

b-7-d. **Exemption from Display Area Limitation.** Informational signs placed in windows, including but not limited to signs pertaining to hours of operation, the "OPEN" or "CLOSED" status of the establishment, credit cards honored or membership in civic, business or professional organizations, shall not be included when calculating the display area of permanent window signs provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-8. **Temporary Window Signs.** A temporary window sign is characterized by advertising on paper, cardboard or other flexible material placed inside the glazed portion of a window, said advertising typically, but not always, referring to a sale, promotion or other event that is temporary in nature. Temporary window signs shall meet the following standards:

b-8-a. The aggregate area of all temporary window signs in a window shall not exceed 25% of the area of the glazed portion of the window. This temporary window signage is in addition to any conforming permanent window signage in the same window.

b-8-b. Temporary window signs shall be located on the inside of a window, facing out.

b-8-c. Temporary window signs shall be displayed for not more than 30 days in one calendar year.

b-8-d. Temporary window signs installed prior to October 1, 2002 shall be removed within 30 days.

3. SPECIAL SIGN TYPES. a. **Temporary Banner Signs; General.** Temporary banner signs are prohibited, except the following or signs permitted under par. b, which shall be permitted provided such signs are attached or supported in accordance with the applicable provisions of s. 244-5:

a-1. Temporary banner signs for construction projects, provided such signs meet the size limitations for the zoning districts in which they are located. Such signs may be placed on construction fences if the site is vacant.

a-2. Temporary banner signs for grand openings. Such signs shall not be displayed for more than 60 days.

a-3. Temporary banner signs advertising special events, such as but not limited to anniversary celebrations, but not including sales promotions. Not more than 2 signs of this type may be erected on a premises in one calendar year, and the cumulative display period for such signs shall not exceed 60 days. A convention and exposition center shall be exempt from the time and number limitations of this subdivision for banners advertising events at the facility.

b. **Temporary Banner Signs; Large Buildings.** Whenever an existing or proposed building is 4 stories or greater in height and has at least 50,000 square feet of gross floor area, the number and display area of temporary banner signs may exceed the limitations of par. a and the sign limitations for the zoning district in which the building is located if the following standards are met:

b-1. The purpose of the temporary banner signs is to do either or both of the following:

b-1-a. Advertise the conversion of the building into condominium form of ownership.

b-1-b. Market a new or fully-renovated building for sale or lease.

b-2. All temporary banner signs meet the following design standards:

b-2-a. Signs permitted pursuant to this paragraph shall be rigid, board-type signs or signs made of fabric or other flexible material that are rigidly affixed to the building at all corners of each sign.

b-2-b. The display area of temporary banner signs for each building façade shall not exceed one percent of the gross area of the building facade. Signs may be mounted on a maximum of 2 building faces.

b-2-c. If the site on which the building is located contains more than one principal building, each principal building may have temporary banner signs as permitted in this paragraph.

b-2-d. On a site of 2 acres or less, the maximum display area of a temporary freestanding banner sign shall be 48 square feet. On a site larger than 2 acres, the maximum display area of a temporary freestanding banner sign shall be 96 square feet. The maximum height of all temporary freestanding banner signs shall be 14 feet. Only one temporary freestanding banner sign shall be permitted on each site. This sign shall be in addition to temporary wall banner signs permitted under this paragraph.

b-2-e. No sign permitted pursuant to the provisions of this paragraph may face an existing building on an adjacent lot or across a public right-of-way if the sign is within 50 feet of that building.

b-3. Temporary banner signs shall not cover windows or doors, be hung on or adjacent to fire escapes or be hung over other facilities or equipment deemed necessary for the safety of the building.

b-4. All temporary banner signs shall be removed within 6 months of the date the permit for the signs was issued.

b-5. All temporary banner signs shall be maintained in good condition. Weathered or torn signs shall be removed or replaced.

b-6. Temporary banner signs shall be in compliance with any additional overlay district regulations, renewal district regulations or other applications that also apply to the site.

c. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

d. Menu Boards. Menu boards for fast-food/carry-out restaurants shall be permitted provided they have a maximum display area of 30 square feet or as approved by the board as part of the plan of operation for a special use. The maximum height of menu boards shall be 6 feet. The display area of menu boards shall be excluded when calculating the total display area of signs on a premises.

e. Entrance/Exit Signs. Entrance and exit signs shall be permitted provided the display area of such signs does not exceed 6 square feet and a business name or advertising does not occupy more than one-third of the display area. Such signs shall be excluded when calculating the total display area of signs on a premises. If an entrance or exit sign exceeds 6 square feet in area, or if a business name or advertising occupies more than one-third of the display area, the portion of the sign in excess of 6 square feet or the portion containing a business name or advertising, respectively, shall be included in the calculation of total display area of signs on the premises.

4. AUTOMATIC CHANGEABLE MESSAGE SIGNS. For purposes of this subsection, an automatic changeable message sign is a type B on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs. In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. In addition to the provisions of pars. a and b, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

c-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

c-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

c-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

c-4. Audio speakers and all forms of pyrotechnics are prohibited.

c-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

c-5-b. A permit holder may appeal the commissioner of neighborhood services' order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-6. The commissioner of neighborhood services may enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

c-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

d. In addition to the provisions of pars. a and b, on-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The illuminated message displayed on an automatic changeable message sign facing the property line of a residence in a planned development district or of a residence in a residential district other than R01 or R02 shall not be located within 35 feet of the property line. An automatic changeable message sign shall be considered facing a property line if the face of the sign is not more than 30 degrees from perpendicular to the property line. A changeable message sign located on the premises of an elementary or secondary school, college and religious assembly shall be exempt from the 35-foot setback provision, but is subject to all other provisions of this section.

d-2. The vertical geometric plane of a sign's illuminated face shall be not more than 30 degrees from perpendicular to the property line of the nearest neighboring property zoned residential.

d-3. Daytime sign light output from 30 minutes before sunrise to 30 minutes after sundown shall be limited to 465 lumens. Nighttime sign light output from 30 minutes after sundown to 30 minutes before sunrise shall be limited to 28 lumens.

d-4. Any sign creating spill light or glare, as defined in s. 80-19, shall be declared a nuisance as provided in s. 80-19.

d-5. No sign shall interfere in any way with the clear visibility of any traffic control signal.

d-6. Every sign shall be equipped with an automatic dimmer/shut-off mechanism to automatically dim illumination or shut the sign off if illumination limits are exceeded. Every sign shall also be equipped with a mechanism to freeze the display, display a static image or shut off the sign in case of display malfunction.

5. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

6. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.

7. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

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8. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that:

d-1. In the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in s. 12.04(1)(a), Wis. Stats.

d-2. If the sign is located in a residential zoning district, the sign does not exceed 6 square feet.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.

e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. 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.

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

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k. In addition to presenting a tower design which can accommodate multiple reception/transmission systems and related equipment as required by par. j, the permit applicant shall provide a written statement indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users. To the extent not precluded by physical, mechanical or regulatory limitations, the tower owner or developer shall allow for co-location of reception/transmission systems on the tower at fair market rental rates. The statement may be accompanied by supporting documentation which describes the tower owner or developer's record of making space on the owner or developer's other towers available to other users.

L. If the tower will be used for the transmission of television or radio signals, the tower owner or developer shall provide evidence that construction of the tower may ultimately lead to a net reduction in the total number of transmission towers in the city.

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

2. **ABANDONED TOWERS.** Whenever any transmission tower has ceased to be used for the transmission or reception of radio frequency waves for a period of 12 consecutive months, such tower shall be considered abandoned. An abandoned transmission tower shall be removed within 90 days of the end of such 12-month period. Any discontinuance of transmission tower use caused by governmental action and without any contributing fault by the tower user whose use of the tower was discontinued shall not be considered in calculating the length of discontinuance.

3. **RECONSTRUCTION OF NONCONFORMING TOWERS.** Notwithstanding the provisions of s. 295-415, a nonconforming transmission tower which is destroyed or damaged by fire, storm or other casualty, to the extent that the cost of reconstruction exceeds 50% of the tower's market value at the time of such loss, may be reconstructed provided that the tower owner complies with all applicable requirements for transmission towers specified in sub. 1, and provided that the height of the new tower does not exceed the height of the tower that was destroyed or damaged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

295-415. Nonconformities. 1. PURPOSE. The purpose of this section is to establish regulations governing nonconforming lots, structures and uses and, further, to:

- a. Allow nonconforming lots to be used for single-family homes and accessory structures.
- b. Permit structural alteration or enlargement, but not reconstruction, of nonconforming nonresidential structures that contain conforming uses.
- c. Permit structural alteration, enlargement or reconstruction of nonconforming residential structures or uses.
- d. Encourage nonconforming special uses to obtain board approval, but to allow such uses to continue without being subject to many of the restrictions that are customarily imposed on nonconforming uses.
- e. Allow nonconforming prohibited uses of structures and land to continue, with ordinary repairs and maintenance, but to encourage that such structures and land eventually be used in a conforming manner.
- f. Encourage the alteration, repair and maintenance of conforming uses in nonconforming structures and nonconforming special uses as long as the alteration, repair or maintenance is consistent with this code and with any applicable elements of the city's comprehensive plan.

2. NONCONFORMING SPECIAL USES. a. Enlargement, Alteration or Intensification. No nonconforming special use, or the buildings, site features or structures associated with such use, shall be enlarged, altered or intensified without the approval of the board except as follows:

a-1. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of a nonconforming special use without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this code, and the addition, enlargement, expansion or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan.

a-2. Site Plan Changes. Parking areas, landscaping, signs, canopies, fences, awnings or similar site features for a nonconforming special use may be expanded, enlarged or rebuilt without board approval provided that the expansion, enlargement or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not expand or intensify the nonconformity. In addition, whenever any such change to the parking area of a nonconforming special use occurs, the parking plan for such parking area shall be subject to approval by the commissioner of public works.

a-3. Repairs and Maintenance. The buildings, site features and structures of a nonconforming special use may be repaired and maintained in compliance with this code without board approval.

b. Change Of Use. A non-conforming special use may be changed to another special use enumerated under the regulations of the district in which the use is located only with board approval.

c. Discontinuance Of Use. If the nonconforming special use of a structure, or of a structure and premises in combination, is discontinued for a period of 12 months, such use shall not be resumed thereafter without approval of the board. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming special use, shall not be considered when calculating the length of discontinuance.

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d. Deterioration Or Damage. If a structure occupied by a nonconforming special use has deteriorated or is damaged such that its reconstruction ratio, as calculated pursuant to par. e, exceeds 50%, the nonconforming special use shall not be resumed except with approval of the board.

e. Reconstruction Ratio. A reconstruction ratio shall be computed as follows:

$$\begin{array}{l}
 \text{Reconstruction} \\
 \text{Ratio} \\
 \text{(percent)}
 \end{array}
 = \frac{\text{Estimated cost of restoring the structure to its prior condition}}{\text{Estimated cost of duplicating the entire pre-existing structure}}$$

Estimates of reconstruction ratios shall be based on building industry standard unit costs.

3. NONCONFORMING PROHIBITED USES OCCUPYING STRUCTURES. a. Nonconforming Prohibited Uses. A nonconforming prohibited use may be continued subject to the following regulations:

a-1. Deterioration or Damage. If a structure occupied by a nonconforming prohibited use has deteriorated or is damaged in excess of 50% of its assessed value, the nonconforming prohibited use shall cease operation and shall not be resumed thereafter.

a-2. Extension of Use. The nonconforming prohibited use shall not be intensified, enlarged or extended to other parts of the structure, or extended to occupy any lands outside the structure, that were not occupied by the nonconforming prohibited use on the date such use became a nonconforming prohibited use.

a-3. Change of Use. The nonconforming prohibited use may be changed to another use permitted in the district in which the nonconforming use presently occupying the structure is located, or to a use permitted in a more restrictive district, provided such change will not intensify use of the structure.

a-4. Discontinuance of Use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the provisions of this chapter.

a-5. Conforming Structures. Conforming structures occupied by nonconforming prohibited uses may be altered or relocated to any other location on the same lot, provided that such structure continues to conform with the requirements of the district in which it is located.

b. Exception For Nonconforming Prohibited Residential Uses. A nonconforming prohibited residential use may be extended, by alteration or enlargement of a structure, by not more than 25% of the existing habitable floor area or 400 square feet, whichever is less, provided that the number of dwelling units is not increased.

4. NONCONFORMING STRUCTURES. a. Repair And Maintenance. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance.

b. Enlargements, Alterations Or Relocation. b-1. A nonconforming structure, not to include a parking lot, occupied by only conforming uses may be enlarged or structurally altered provided that the enlargement or structural alteration does not exceed 50% of the existing gross floor area and does not increase the existing dimensional nonconformity of the structure or create additional nonconformities.

b-2. A nonconforming structure, not to include a parking lot, occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated.

b-3. A nonconforming structure occupied by a nonconforming prohibited use shall not be enlarged or relocated.

c. Deterioration or Damage. A nonconforming structure, except for a parking lot, which has deteriorated or is damaged by fire or other casualty shall not be reconstructed unless either of the following is true:

c-1. Such reconstruction will not increase the dimensional nonconformity of the structure.

c-2. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. Exception For Nonconforming Residential Structures. A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

5. NONCONFORMING VACANT LOTS. In any district in which single-family dwellings are permitted, one single-family dwelling and permitted accessory structures may be erected on any vacant, single nonconforming lot, provided that:

a. The lot has been legally created.

b. The setback and lot coverage requirements of the district are complied with.

c. The lot complies with all other applicable regulations of the district.

6. NONCONFORMING PROHIBITED USES OF LAND. No nonconforming prohibited use of land shall be:

a. Extended beyond the area of land occupied by, or devoted to, the nonconforming prohibited use.

b. Intensified.

c. Relocated, in whole or in part, to any portion of the same lot not theretofore occupied by the nonconforming prohibited use, unless the use will thereafter conform to all applicable regulations of the district in which it is located.

d. Changed to any use other than a use that is a permitted use or special use in the district in which it is located, subject to board approval of any special use.

e. Resumed if discontinued for a period of 12 months. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming prohibited use, shall not be considered when calculating the length of discontinuance.

7. NONCONFORMING USES AND STRUCTURES IN SHORELAND-WETLAND DISTRICTS.

a. Environmental Control Facilities. This section shall not limit the repair, reconstruction, renovation, remodeling or expansion of any environmental control facility in existence on May 7, 1982.

b. Boat Houses. The maintenance and repair of boat houses which were legally constructed but which are located below the ordinary high-water mark of any navigable waters shall comply with s. 30.121, Wis. Stats.

8. PARKING NONCONFORMITIES. a. Enlargements of Existing Buildings. Whenever an existing principal building is enlarged, parking spaces shall be provided for the enlargement in accordance with s. 295-403 and the off-street parking requirement for the building's use and zoning district, even if the building in its pre-enlargement state was not in compliance with applicable off-street parking requirements.

b. Change of Use. If the use of a premises is changed to a use having a greater requirement for parking spaces than the previous use, additional parking spaces shall be provided for the new use in accordance with s. 295-403 and the applicable off-street parking requirement for that particular use and zoning district. If the principal building was erected before February 19, 1953, the number of parking spaces added shall be the difference between the number required for the previous use and the number required for the new use. This paragraph does not apply in a downtown zoning district, other than the C9A district, where a use is changed to a permitted use in that district.

c. Reduction in Number of Spaces Provided; When Allowed. Any parking spaces provided as accessory to an existing principal use or structure as of October 1, 2002 shall not be reduced in number below the requirements of this chapter. Any parking spaces which are provided on or after October 1, 2002 as accessory to an existing principal use or structure but which are not required by this chapter need not meet the number-of-parking-spaces requirements of this chapter, but shall meet the design standards of s. 295-403-3.

10. CONTINUATION OF NONCONFORMITIES. All nonconforming lots, nonconforming structures and nonconforming prohibited uses, including nonconforming prohibited uses which were special uses approved by the board at the time they became nonconforming, may continue subject to the restrictions in this section. However, once a nonconforming prohibited use is replaced by a conforming use, the use shall not be changed back to a nonconforming prohibited use. In addition, where an existing special use which has been approved by the board is rendered nonconforming by a change in the zoning map, such use may be continued as a

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nonconforming use provided that it receives board approval as a special use, notwithstanding the new prohibited-use status of the use. The regulations of this section shall not apply to any change to an existing structure or any change in the use of a structure or of land for which a permit was issued prior to the amendment of this chapter which created the nonconformity.

295-417. Reconstruction of Residential Uses. Notwithstanding any provision of this chapter, any residential use existing on October 1, 2002 may be reconstructed to its existing dimensions and number of dwelling units. This exception shall not apply to accessory structures. For a nonconforming prohibited residential use, the building permit for reconstruction shall be obtained within 18 months of the date of the demolition, fire or other casualty that destroyed the previous structure.

295-419. Filling or Grading of Land. Whenever the filling or grading of land, as defined in s. 289-1, will result in an increase in elevation above the existing finished grade, at any location on a lot, that exceeds the maximum allowable height of a wholly opaque fence at that particular location on the lot under the fence height regulations of the relevant zoning district, the filling or grading may only be permitted upon the granting of a special use permit by the board. A permit for the filling or grading may also be required pursuant to ch. 289. For purposes of this section, when calculating elevation above existing finished grade, the height of existing or proposed fences shall be included.

295-421. Native Vegetation. All land development or redevelopment activities shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants. This shall not include preservation of Canada thistle, leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

295-423. Agricultural Uses. Every community garden or commercial farming enterprise shall comply with the relevant provisions of chs. 68, 78, 79, 200 and 275.

[Pages 765-770 are blank]