

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 2**

**SUMMARY**

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

190982      A substitute ordinance relating to regulations for accessory structures in residential zoning districts.

---

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #313)</b>					
				i-ii v-vi	i-ii v-vi
295-201-7	am	190982	12/13/2019	661-662	661-662
295-201-40	cr	190982	12/13/2019	"	"
295-201-412	cr	190982	12/13/2019	675-676	675-676
295-201-447.5	cr	190982	12/13/2019	"	"
295-201-544	am	190982	12/13/2019	679-680	679-680
295-201-666	cr	190982	12/13/2019	683-684	683-684
295-205-15-b	am	190982	12/13/2019	697-698	697-698
295-505-3 (table)	am	190982	12/13/2019	793-794	793-794
295-505-3-c	am	190982	12/13/2019	795-796	795-796
295-505-3-e	am	190982	12/13/2019	"	"

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

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

Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed



**CITY OFFICIALS**

**2016 to 2020**

**Mayor**  
Tom Barrett

**Council President**  
Ashanti Hamilton

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

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

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

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

**City Attorney**  
Grant F. Langley

**City Comptroller**  
Martin Matson

**City Treasurer**  
Spencer Coggs

**Municipal Judges**

Branch 1  
Valarie Hill

Branch 2  
Derek Mosley

Branch 3  
Phil Chavez

## PREFEACE

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

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

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

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

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

Keith Broadnax, Manager  
Legislative Reference Bureau  
January 2019

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through November 26, 2019.

11/26/2019  
Suppl. #314



**SUBCHAPTER 2  
DEFINITIONS AND RULES OF MEASUREMENT**

**295-201. Definitions.** In this chapter, unless otherwise defined in a specific subchapter:

1. **ACCESS DRIVE** means a roadway leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.
3. **ACCESSORY BUILDING** means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.
7. **ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, arbors, pergolas, flagpoles, air conditioners, open pavilions and awnings.
9. **ACCESSORY USE** means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.
13. **ADULT FAMILY HOME** means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
15. **ADULT RETAIL ESTABLISHMENT** means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.
17. **AIRPORT** means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.
19. **AIRPORT PERIMETER FEATURE** means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.
20. **ALCOHOL BEVERAGE PRODUCTION FACILITY, MICRO** means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.
- 20.5. **ALCOHOL BEVERAGE PRODUCTION FACILITY, LARGE** means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.
21. **ALLEY** means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.
23. **ALTERATION** means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
25. **AMBULANCE SERVICE** means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.
27. **ANIMAL BOARDING FACILITY** means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

## 295-201-29 Zoning

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

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

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

**35.** APARTMENT BUILDING. See MULTI-FAMILY DWELLING.

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

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

**40.** ARBOR. See PERGOLA.

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

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

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

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

**49.** ATTACHED SINGLE-FAMILY DWELLING means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

**51.** AUTOMOBILE. See LIGHT MOTOR VEHICLE.

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

**55.** BANK OR OTHER FINANCIAL INSTITUTION means a depository institution, mortgage banker, mortgage broker or mortgage loan originator, as defined in s. 224.71, Wis. Stats. This term does not include a currency exchange, a payday loan agency, an installment loan agency or a title loan agency.

**56.5.** BASEMENT means any enclosed area of a building having its floor below grade on all sides.

**57.** BED AND BREAKFAST means an establishment which:

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

b. Provides meals only to renters of rooms in the establishment.

c. Is the owner's personal residence.

d. Is occupied by the owner at the time of rental.

e. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

**58.** BICYCLE PARKING SPACE, LONG-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by an employee, resident, student, commuter or other person expected to park his or her bicycle for approximately 3 hours or more.

**58.5.** BICYCLE PARKING SPACE, SHORT-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by a customer, patron, client, visitor, messenger or other person expected to park his or her bicycle for less than approximately 3 hours.

**59.** BILLBOARD. See SIGN, OFF-PREMISE.

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

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

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

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

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

**401.** NONCONFORMING STRUCTURE means, except in s. 295-415-9, a structure which was legally constructed but which no longer complies with the dimensional requirements of the zoning district in which it is located. In s. 295-415-9, "nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of s. 295-1011 for the area of the floodplain which it occupies.

**402.** NONCOMFORMING USE means, in s. 295-415-9, an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of s. 295-1011 for the area of the floodplain which it occupies. In all other sections, "nonconforming use" shall have the meaning established in subs. 393, 395 or 399, as applicable.

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

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

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

**412.** OPEN PAVILION means a freestanding canopy that provides shade or rain coverage over a patio or deck not more than 3 feet above grade.

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

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

**416.** OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

**419.** OUTDOOR MERCHANDISE SALES means retail sale of produce, other foodstuffs or any of the products listed in sub. 505, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot

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

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

**425.** PARCEL. See LOT.

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

## 295-201-429 Zoning

**429.** PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

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

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

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

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

**441.** PASSENGER TERMINAL means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term includes a bank, general retail establishment, personal service, light motor vehicle rental facility, tavern, fast-food/carry-out restaurant or sit-down restaurant when any such use is an accessory use located within the terminal structure. This term does not include an airport or heliport.

**443.** PAWN SHOP means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Wisconsin pursuant to s. 134.71, Wis. Stats.

**445.** PAYDAY LOAN AGENCY means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

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

**447.5.** PERGOLA means a vertical structure without a solid roof or solid walls, but which may include lattice. It is typically used for decoration, to provide support for plants, or to frame a view.

**448.** PERMANENT SUPPORTIVE HOUSING means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

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

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

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

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

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

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

**523.** SEASONAL MARKET means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

**525.** SECONDHAND STORE means an establishment in which used merchandise is sold at retail. This term does not include a cash-for-gold business, a pawn shop or an antique or collectibles store, jewelry store or other general retail establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 295-201-553 Zoning

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

**555.** SIGN, ABANDONED means:

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

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

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

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

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

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

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

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

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

**573.** SIGN, HOOD means a sign attached to, painted on or suspended from a hood. This term includes signs commonly referred to as "marquee signs."

**575.** SIGN, MOBILE. See SIGN, PORTABLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**659.** THEATER means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

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

**663.** TOOL/EQUIPMENT RENTAL FACILITY means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

**664.** TOW TRUCK means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery and transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

**664.5.** TRANSITIONAL HOUSING means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

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

**666.** TRELIS. See PERGOLA.

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

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

**671.** UNIVERSITY. See COLLEGE.

## 295-203 Zoning

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

**675.** VARIANCE, DIMENSIONAL means permission from the board to depart from any of the literal requirements of this chapter except use regulations, including but not limited to a departure from an area, setback, frontage, height, bulk, density or design requirement.**676.** VARIANCE, USE means permission from the board to depart from any of the use regulations of this chapter.

**676.3.** VEHICLE OPERATING AREA means an area adjacent to a street lot line where motor vehicles are operated, including but not limited to such areas located on the premises of filling stations, automatic teller machines, drive-through facilities and car washes.

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

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

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

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

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

**690.** WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by s. 66.0403(1)(m), Wis. Stats. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

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

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

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

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

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

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

**295-203. Use Definitions.** This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables. **1. RESIDENTIAL USES.** a. "Single-family dwelling" means a building containing one dwelling unit.

b. "Two-family dwelling" means a building containing 2 dwelling units.

c. "Multi-family dwelling" means a building containing more than 2 dwelling units.

d. "Permanent supportive housing" means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

e. "Transitional housing" means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

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

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

d. Where a sign contains elements of both type A and type B signs, neither element shall exceed the maximum size for its sign type, and the combined area of both elements shall not exceed 100% of the combined total permitted area for the 2 sign types. For example, a freestanding sign in an LB1 district could include a 40-square-foot type A element (40% of the maximum size of 100 square feet) and a 30-square-foot type B element (60% of the maximum size of 50 square feet).

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

- a. Attic space having less than 7 feet of head room.
- b. Any space devoted to off-street parking or loading.
- c. A utility room or furnace room.

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

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

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

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

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

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

- a. Eaves projecting less than 2.5 feet from a building.
- b. Trellises, arbors, pergolas and similar structures which do not have solid roofs.
- c. The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway that is less than 36 inches above grade.

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

a. **Horizontal Distances.** When determining distances for setbacks and structure dimensions, all distances shall be measured along a horizontal line from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances shall not be measured by following the topography of the land.

b. **Shortest Distances.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the 2 objects, features or points.

c. **Vehicle Stacking or Travel Areas.** Minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, shall be measured down the center of the vehicle maneuvering lane. For example, a curving driveway or travel lane is measured along the arc of the driveway or traffic lane.

## **295-205-19 Zoning**

d. Distance Between Uses. Whenever the provisions of this chapter require measuring the distance between existing and proposed uses, the distance shall be measured as the shortest distance between lot lines of the 2 uses.

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

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

a. The transmission tower height shall include the height of any reception/transmission systems extending above the top of the tower.

b. Transmission tower height shall be measured in feet.

c. For a freestanding tower, the height of such tower shall be the height of the tower above finished grade, measured at the center of the tower.

d. Unless otherwise noted in this chapter, whenever a transmission tower is mounted to a building or other structure, the height of such tower shall be considered to include both the height of the tower itself plus the height of the building or structure from the ground to the lowest point of attachment.

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

**[Pages 699 to 710 are blank]**

<p align="center"><b>Table 295-505-3</b> <b>ACCESSORY STRUCTURE DESIGN STANDARDS</b></p>								
	Garage	Shed	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Pergola, trellis or arbor	Open pavilion
Included in lot coverage calculation?	Yes	Yes	No	No	Yes	Yes	No	Yes
Minimum front setback	Same as principal building; if the garage door faces the front of the lot, an additional 4 ft. shall be required.	Same as principal building.	No restriction.	Same as principal building.	Same as principal building.	Same as principal building.	No restriction.	Same as principal building.
Minimum side street setback	Same as principal building, but not closer to side street than any existing principal building.		No restriction.	Same as principal building.		Same as principal building.	No restriction.	No restriction.
Minimum rear street setback	Average in accordance with s. 295-505-2-e.					No restriction.	No restriction.	Average in accordance with s. 295-505-2-e.
Minimum side setback when located in the side yard	Same as principal building.	Same as principal building.	No restriction.	Up to property line; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	Same as principal building.	Same as principal building.	Same as principal building.
Minimum side setback when located in the rear yard	1.5 feet; 4 feet if access crosses side lot line from an alley.	1.5 feet.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	No restriction.	1.5 feet.

295-505-3 Zoning

<p align="center"><b>Table 295-505-3</b> <b>ACCESSORY STRUCTURE DESIGN STANDARDS</b></p>								
	Garage	Shed	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Pergola, trellis or arbor	Open pavilion
Minimum rear setback	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley.	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open	4 feet; may be reduced to 1.5 feet if there is no alley.	No restriction.	1.5 feet.
Maximum height of sidewall	10 feet.	8 feet.	No restriction.	No restriction.	No restriction.	10 feet.	8 feet.	Not applicable.
Maximum overall height	24 feet or the height of the principal building, whichever is less.	14 feet.	Not applicable.	Not applicable.	Not applicable.	14 feet.	14 feet.	10 feet.

c. Maximum Lot Coverage. See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area. Total lot coverage may be increased to 22% if at least 7% of the coverage is for an open pavilion.

d. Maximum Number. Not more than 2 accessory buildings may be located on a single lot.

e. Maximum Size. For any lot occupied solely by a single-family or 2-family dwelling, no garage or deck shall exceed 1,000 square feet in area and no open pavilion shall exceed 500 square feet in area.

f. Garages and Sheds. f-1. General. An accessory building that is 150 square feet or less in area shall meet the requirements for sheds set forth in table 295-505-3. An accessory building that is greater than 150 square feet in area shall meet the requirements for garages set forth in table 295-505-3. A carport or similar roofed structure shall meet the requirements for either garages or sheds, depending on the size of the structure.

f-2. Location. A garage or shed may be located in the rear yard of the principal structure. A garage or shed may also be located in the side yard, provided it is not in the required side setback area of the principal structure. Garages and sheds shall not be permitted in front yards.

f-3. Roof Overhang. A roof overhang may project into a required setback area up to one-third of the required setback. Gutters shall not be considered part of a roof overhang.

f-4. Dormers. Dormers shall be permitted provided that, in the aggregate, they are no wider than half of the length of the roof, begin no closer than 4 feet from either of the gable ends and have a roof pitch of at least 3:12.

f-5. Sidewall Height. The maximum height of a garage or shed sidewall shall be as specified in table 295-505-3. The height of a sidewall shall be measured from the level of the grade to a horizontal line even with the bottom edge of the fascia board. Where rafter tails are exposed, measurement shall be to a horizontal line even with the bottom edge of the rafters.

f-6. Parapet Walls. A parapet wall on a flat-roofed garage may extend up to 2 feet above the permitted sidewall height.

f-7. Rooftop Decks. Railings for a rooftop deck may extend up to 3.5 feet above the maximum sidewall height if they are at least 50% open. Portions of a parapet wall may also extend up to 3.5 feet above the permitted sidewall height if these sections are no wider than half the width of the side of the garage on which they are located.

f-8. Roof Type. A shed may have a gambrel-style roof. A garage may have a gambrel-style roof only if the principal building has a gambrel-style roof. When a gambrel-style roof is used, its pitch shall be similar to the roof pitch of the principal building.

f-9. Attachment to Principal Building. A garage or shed may be attached to a principal building. If an attached garage or shed has no second-floor living space, it shall be included in the lot coverage calculation for accessory structures, rather than the lot coverage calculation for the principal building. In addition, an attached garage or shed with no second-floor living space shall be subject to the setback requirements for an accessory building, rather than the setback requirements for a principal building.

f-10. Exception for Small Lots. Notwithstanding the limitations of subd. 1, a garage shall be permitted to have an area of at least 484 square feet.

g. Uncovered Wheelchair Lifts and Ramps. Uncovered wheelchair lifts and ramps shall be permitted within required setback areas in accordance with the provisions of table 295-505-2-f. Adjacent deck areas shall also be in compliance with the applicable provisions of this table. Uncovered wheelchair lifts and ramps shall not be included in the calculation of lot coverage of accessory structures.

h. Decks and Stoops. h-1. General. Decks and stoops shall meet the requirements set forth in table 295-505-3. Decks and stoops are classified into the following 4 categories on the basis of height above grade:

h-1-a. At grade to not more than one foot above grade.

h-1-b. More than one foot above grade to not more than 3 feet above grade.

h-1-c. More than 3 feet above grade to not more than 7 feet above grade.

h-1-d. More than 7 feet above grade.

h-2. Exception. Notwithstanding the requirements of table 295-505-3, a principal building may have a deck or stoop up to 3 feet above grade in the front or side street setback provided the area of the deck or stoop does not exceed 25 square feet.

h-3. Stairs. Stairs leading to a permitted deck, stoop or building entrance may be located in a required setback area.

h-4. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

h-4-a. The deck is more than 30 feet from any property line.

## 295-505-4 Zoning

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

h-4-c. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

i. Open Trellises and Arbors. An open trellis or arbor may be located in the front yard, side yard or rear yard in accordance with table 295-505-3.

j. Children's Playhouse. A playhouse shall not be subject to any of the regulations of this subsection, except that no playhouse shall be located in the front yard or the required side setback.

k. Swimming Pools. An in-ground or above-ground swimming pool shall not be subject to any of the regulations of this subsection, except that no swimming pool shall be located in the front yard or the required side setback.

L. Mechanical Equipment. L-1. Permitted Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers, satellite dishes and utility boxes shall be permitted only in portions of side yards and rear yards outside required setback areas. Air conditioning condensers may also be placed in the required setback areas of principal buildings to the extent allowed by table 295-505-2-f.

L-2. Wood-burning Furnaces. Because of their potential to create adverse off-site effects, outdoor wood-burning furnaces are prohibited in all residential districts.

m. Portable Moving and Storage Containers. No portable moving and storage container shall be placed on a lot in a residential zoning district for more than 30 days.

n. Chicken Coops. Chicken coops, under s. 78-6.5, shall not be subject to any of the regulations of this subsection if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height

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

p. Accessory Structures for Agricultural Uses. p-1. Permitted Structures. The following accessory structures supporting the raising of livestock, a community garden or a commercial farming enterprise shall be permitted:

p-1-a. Sheds.

p-1-b. Large agricultural structures.

p-1-c. Hoop houses.

p-2. Maximum Number. Not more than one shed and one large agricultural structure may be located on a single lot. The number of hoop houses on a single lot is unlimited.

p-3. Lot Coverage. The total lot coverage of all sheds, large agricultural structures and hoop houses on a single lot shall not exceed 70% of lot area. The total lot coverage of sheds and large agricultural structures on a single lot shall not exceed 15% of lot area.

p-4. Setbacks. p-4-a. The minimum front setback, side street setback or rear street setback for a shed, large agricultural structure or hoop house shall be the average plus 5 feet.

p-4-b. The minimum side setback or rear setback for a shed, large agricultural structure or hoop house shall be 5 feet.

p-5. Maximum Height. p-5-a. The maximum height of the sidewall of an agricultural accessory structure shall be 8 feet for a shed, 10 feet for a large agricultural structure and 14 feet for a hoop house.

p-5-b. The maximum overall height of an agricultural accessory structure shall be 10 feet for a shed, 14 feet for a hoop house, 14 feet for a large agricultural structure on a vacant lot, and 24 feet or the height of the principal building for a large agricultural structure on a lot containing a principal building.

q. Other Accessory Structures. Miscellaneous accessory structures shall meet the requirements applicable to the most similar accessory building or site feature for which requirements have been established.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in residential zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a residential zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. Parking spaces may be located in a rear yard or the portion of a side yard that is beyond the required setback. Parking spaces shall not be located within the front yard or in the side setback, rear street setback or side street setback of the principal building.