

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

SUMMARY

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

- 190910 A substitute ordinance increasing various fees and forfeitures.
- 190983 A substitute ordinance relating to various revisions to the zoning code.
- 191317 An ordinance relating to a hazardous vacant building placarding system for first responder.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #314)				v-vi	v-vi
Ch. 200 Table				1-2	1-2
200-33-1-b	am	190910	1/1/2020	33-46f	33-46f
200-33-2-b-1	am	190910	1/1/2020	"	"
200-33-2-b-2	am	190910	1/1/2020	"	"
200-33-2-d	am	190910	1/1/2020	"	"
200-33-4-d	am	190910	1/1/2020	"	"
200-33-5-a-1	am	190910	1/1/2020	"	"
200-33-5-a-1-a	am	190910	1/1/2020	"	"
200-33-5-a-1-b	am	190910	1/1/2020	"	"
200-33-5-a-1-c	am	190910	1/1/2020	"	"
200-33-5-a-2	am	190910	1/1/2020	"	"
200-33-5-b	am	190910	1/1/2020	"	"
200-33-5-c	am	190910	1/1/2020	"	"
200-33-5-d	am	190910	1/1/2020	"	"
200-33-5-e	am	190910	1/1/2020	"	"
200-33-5-g-2	am	190910	1/1/2020	"	"
200-33-5-h	am	190910	1/1/2020	"	"
200-33-6-c	am	190910	1/1/2020	"	"
200-33-8.5-d	am	190910	1/1/2020	"	"
200-33-9-b	am	190910	1/1/2020		
200-33-11-h-1	am	190910	1/1/2020	"	"
200-33-11-j	am	190910	1/1/2020	"	"
200-33-11-r	am	190910	1/1/2020	"	"
200-33-11-yr	am	190910	1/1/2020	"	"
200-33-13.5-c	am	190910	1/1/2020	"	"
200-33-14.5-b	am	190910	1/1/2020	"	"

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
200-33-16-b	am	190910	1/1/2020	33-46f	33-46f
200-33-17	am	1190910	1/1/2020	"	"
200-33-19-c	am	190910	1/1/2020	"	"
200-33-20-b	am	190910	1/1/2020	"	"
200-33-21-b	am	190910	1/1/2020	"	"
200-33-22-b	am	190910	1/1/2020	"	"
200-33-23-L	am	190910	1/1/2020	"	"
200-33-23-m-1	am	190910	1/1/2020	"	"
200-33-24-b	am	190910	1/1/2020	"	"
200-33-28-b	am	190910	1/1/2020	"	"
200-33-29-b	am	190910	1/1/2020	"	"
200-33-30-c	am	190910	1/1/2020	"	"
200-33-34-b	am	190910	1/1/2020	"	"
200-33-43-o	am	190910	1/1/2020	"	"
200-33-43-p-1	am	190910	1/1/2020	"	"
200-33-44-b	am	190910	1/1/2020	"	"
200-33-44.2-a	am	190910	1/1/2020	"	"
200-33-44.2-b	am	190910	1/1/2020	"	"
200-33-44.2-c	am	190910	1/1/2020	"	"
200-33-45-d	am	190910	1/1/2020	"	"
200-33-46-d	am	190910	1/1/2020	"	"
200-33-48-a	am	190910	1/1/2020	"	"
200-33-49-b	am	190910	1/1/2020	"	"
200-33-50-c	am	190910	1/1/2020	"	"
200-33-51-e	am	190910	1/1/2020	"	"
200-33-52-d	am	190910	1/1/2020	"	"
200-33-55-c	am	190910	1/1/2020	"	"
200-33-56-e	am	190910	1/1/2020	"	"
200-33-57-b	am	190910	1/1/2020	"	"
200-33-61-c	am	190910	1/1/2020	"	"
200-33-61.5	am	190910	1/1/2020	"	"
200-33-62-c	am	190910	1/1/2020	"	"
200-33-65-b	am	190910	1/1/2020	"	"
200-33-66-b	am	190910	1/1/2020	"	"
200-51.8	cr	191317	12/27/2019	59-64	59-64b
295-201-151	ra to 295-201-403	190983	12/27/2019	665-666	665-666
295-201-499	rc	190983	12/27/2019	675-678	675-678
295-201-501	rc	190983	12/27/2019	"	"
295-201-636	cr	190983	12/27/2019	681-692	681-692
295-201-640	cr	190983	12/27/2019	"	"
295-201-640.5	cr	190983	12/27/2019	"	"
295-203-8-n	am	190983	12/27/2019	"	"
295-203-9-g	rc	190983	12/27/2019	"	"
295-203-9-h	rc	190983	12/27/2019	"	"

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295-403-2-a (table)	am	190983	12/27/2019	725-726	725-726
295-404-1-b-5	rc	190983	12/27/2019	729-730	729-730
295-404-1 (table)	am	190983	12/27/2019	735-736	735-736
295-503-1 (table)	am	190983	12/27/2019	775-780	775-780
295-503-2-i-1	am	190983	12/27/2019	"	"
295-503-2-j-0	am	190983	12/27/2019	"	"
295-503-2-j-3	am	190983	12/27/2019	"	"
295-503-2-L	am	190983	12/27/2019	"	"
295-503-2-n	am	190983	12/27/2019	"	"
295-505-2-L-2-a	am	190983	12/27/2019	787-792	787-792
295-505-2-L-2-b	rn to				
	295-505-2-L-2-c	190983	12/27/2019	"	"
295-505-2-L-2-b	cr	190983	12/27/2019	795-798	795-798
295-505-3-f-6	am	190983	12/27/2019	"	"
295-603-1 (table)	am	190983	12/27/2019	813-814	813-814
295-603-2-g-1	rp	190983	12/27/2019	817-818	817-818
295-603-2-g-2	rn to				
	295-603-2-g-1	190983	12/27/2019	"	"
295-603-2-g-3	rn to				
	295-603-2-g-2	190983	12/27/2019	"	"
295-603-2-k-0	am	190983	12/27/2019	"	"
295-603-2-k-2	am	190983	12/27/2019	"	"
295-603-2-n	am	190983	12/27/2019	"	"
295-603-2-q	rp	190983	12/27/2019	"	"
295-605-2 (table)	am	190983	12/27/2019	821-828	821-828
295-605-2-g	am	190983	12/27/2019	"	"
295-605-2-i-2	rc	190983	12/27/2019	"	"
295-703-1 (table)	am	190983	12/27/2019	841-856	841-856
295-703-2-a	am	190983	12/27/2019	"	"
295-703-2-f-0	am	190983	12/27/2019	"	"
295-703-2-i	rc	190983	12/27/2019	"	"
295-703-2-n	am	190983	12/27/2019	"	"
295-703-2-o-2	am	190983	12/27/2019	"	"
295-703-4	cr	190983	12/27/2019	"	"
295-803-1 (table)	am	190983	12/27/2019	873-874	873-874
295-803-2-i-2	am	190983	12/27/2019	877-878	877-878
295-803-2-aa-0	am	190983	12/27/2019	"	"
295-803-2-bb	rp	190983	12/27/2019	"	"
295-805-2 (table)	am	190983	12/27/2019	881-882	881-882
295-903-2-a (table)	am	190983	12/27/2019	903-906	903-906
295-903-2-b-1-a	am	190983	12/27/2019	"	"
295-903-2-b-3-0	am	190983	12/27/2019	"	"
295-903-2-b-3-d	am	190983	12/27/2019	"	"
295-903-2-b-4-0	am	190983	12/27/2019	"	"
295-905-2-a (table)	am	190983	12/27/2019	911-912	911-912
295-905-2-b-4	rc	190983	12/27/2019	915-916	915-916
295-905-2-b-6-0	am	190983	12/27/2019	"	"
295-905-2-b-6-b	am	190983	12/27/2019	"	"
295-905-2-b-8	rp	190983	12/27/2019	"	"

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295-909-3	rc	190983	12/27/2019	921-922	921-922
295-1015-3-a (table)	am	190983	12/27/2019	935-938	935-938
295-1015-3-b-3-0	am	190983	12/27/2019	"	"

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

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through December 17, 2019.

12/17/2019
Suppl. #315

200- Table Administration and Enforcement

	SUBCHAPTER 8
	OCCUPANCY AND USE
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200-43	Temporary Certificate of Occupancy
200-44	Nonconforming Occupancy or Use of Building
200-45	Approval of Existing Occupancies
200-46	Changes in Occupancy or Use
200-47	Authority for Change in Occupancies and Uses
200-48	Abandonment of Occupancy, Use Rights and Privileges
200-49	Voiding of Occupancy Applications
200-50	Change in Floor Loads
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200-51.5	Property Recording
200-51.7	Vacant Building Registration
200-51.8	Hazardous Vacant Building Placarding Program
200-51.9	Registration of Rental Property and Rental Units
200-55	Home Occupations
200-57	Community Garden Permit
200-61	Architectural Review Board

SUBCHAPTER 5
FEES

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

1. AIR AND SUBTERRANEAN SPACE.

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

b. There shall be a processing fee of \$10 for each air and subterranean space lease.

2. ALTERATIONS AND REPAIRS.

a. The fee for all alterations, remodeling, repairs and repairing fire damage to all buildings, structures and equipment shall be computed at 1.3% of the cost of construction.

b-1. The minimum fee for one- and 2-family dwellings and accessory structures shall be \$75.

b-2. The minimum fee for all other structures and buildings shall be \$100.

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

b-3-a. One- and 2-family dwellings and accessory buildings: \$65.

b-3-b. All other buildings and structures: \$85.

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

d. There shall be a processing fee of \$10 for each alteration or repair.

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

4. AWNINGS. a. The permit fee for the erection of fixed, movable and fabric- covered stationary awnings projecting beyond the street line shall be computed at 1.3% of the cost of construction.

b. The minimum fee shall be \$65 per awning.

c. The fee for recovering or alterations to existing awnings shall be 60% of the fee calculated under par. a, except that the minimum fee shall be \$65.

d. There shall be a processing fee of \$10 for each permit issued.

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

5. BUILDING PERMITS.

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

a-1. The fee for all commercial buildings and structures and residential buildings containing 3 or more units shall be computed per square foot, using the definition set forth in s. 200-08-86-2, as follows:

a-1-a. Residential buildings containing 3 or more units: \$0.38 per square foot.

a-1-b. Industrial and manufacturing buildings: \$0.32 per square foot.

a-1-c. All other commercial buildings: \$0.36 per square foot.

a-2. The minimum fee shall be \$210.

b. Dwellings, New Construction and Additions.

b-1. The fee for all one- and 2-family dwellings shall be computed at \$0.38 per square foot, using the definition set forth in s.200-08-86.2.

b-2. The minimum fee shall be \$126.

c. Structures Accessory to One- and 2-family Dwellings. c-1. The fee for garages and other structures of more than 150 square feet in area accessory to one- and 2-family dwellings shall be computed at \$0.26 per square foot of area. The minimum fee shall be \$68.

c-2. The fee for sheds and other structures accessory to one- and 2-family dwellings and not more than 150 square feet in area shall be \$68.

d. Footing and Foundation Permits.

d-1. The fee for footing and foundation permits shall be computed at \$0.11 per square foot of floor area of the first floor of the building or structure.

d-2. The minimum fee for one- and 2-family dwellings and accessory structures shall be \$262.

d-3. The minimum fee for all other buildings and structures shall be \$289.

e. Odd Structures. The fee for permanent odd structures, such as parking lots, reviewing stands and tank towers or additions thereto shall be computed at 1.4% of the cost of construction. The minimum fee shall be \$68.

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

g. Solar PV.

g-1. There shall be no building permit fee for the installation of a solar PV system on one- or 2-family dwellings not required to undergo structural reinforcement or alterations.

g-2. The building permit fees for installations of all other solar PVs shall be as follows:

g-2-a. 0-20 kilowatts: \$74.

g-2-b. 20.1-35 kilowatts: \$105.

g-2-c. 35.1-50 kilowatts: \$158.

g-2-d. 50.1-75 kilowatts: \$210.

g-2-e. 75.1-100 kilowatts: \$263.

g-2-f. Over 100 kilowatts: \$315.

h. There shall be a processing fee of \$10 for each type of building or structure permit issued under this subsection.

6. CANOPIES. a. The permit fee for hoods, canopies, and marquees projecting, and roofed sidewalks beyond a street line shall be computed at 1.3% of the cost of construction.

b. The minimum fee shall be \$65.

c. There shall be a processing fee of \$10 for each permit issued.

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

8.5. CERTIFICATES OF OCCUPANCY.

a. Certificates of Occupancy.

a-1. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of less than 10,000 square feet open lots, outdoor storage and outdoor circuses shall be \$250.

a-2. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of 10,000 square feet or more shall be \$450.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Conditional Certificate of Occupancy. The application fee for a conditional certificate of occupancy shall be \$250. This fee shall be payable at the time the application is submitted to the department.

c. Temporary Certificate of Occupancy. c-1. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of 10,000 square feet or less shall be \$250.

c-2. The fee for a temporary certificate of occupancy for buildings with gross area of greater than 10,000 square feet shall be \$250.

d. There shall be a processing fee of \$10 for each certificate of occupancy.

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

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

9. CONDITIONAL PERMIT.

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

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b. There shall be a processing fee of \$10 for each conditional permit.

10. COPIES OF RECORDS; CERTIFIED. a. The fee for making a certified copy of any public record on file in the office of the commissioner shall be \$2 per certificate plus the reproduction fee established pursuant to s. 81-38.5.

b. The fee for reproducing any size or type of record shall be set by the commissioner equivalent to the actual cost of reproduction. A list of the reproduction fees shall be posted in the appropriate department.

11. ELECTRICAL INSTALLATIONS AND REPAIRS. Electrical repairs involving the replacement of a single existing light fixture, convenience outlet or switch, which do not involve changes to existing wiring, change of a circuit or increase in size of load, can be made without permit, providing these repairs do not conflict with any regulation of this code. The following fees shall be collected when permits are submitted for commercial electrical installation or repair, or for residential remodeling projects that involve any of the following electrical installations or repairs:

- a. Air conditioner outlet for one and 2-family dwelling units: \$20.
- b-1. Air conditioner other than one and 2-family dwellings: \$35 minimum.
- b-2. Air conditioning with heat or roof top unit: \$50.
- c. Capacitor or converter: \$50.
- d. Dimmer: \$5.
- e. Dishwasher: \$15.
- f. Dryer (electric) outlet: \$15.
- g. Feeder:
 - g-1. Up to 400 amps: \$40.
 - g-2. 401-600 amps: \$100.
 - g-3. 601-800 amps: \$140.
 - g-4. 801-1000 amps: \$180.
 - g-5. Over 1000 amps: \$220.
 - g-6. Feeder over 600 volts: \$250.
 - g-7. Feeder switch located at meter main enclosure: \$30.
- h. Fire alarm system:
 - h-1. Fire alarm panel: \$100.
 - h-2. Fire alarm initiating and indicating device: \$7.
 - h-3. Fire pump: \$150.
 - h-4. Fire pump controller: \$75.
- i. Furnace with motor: \$15.
- j. Garbage disposal: \$15.
- k. Generator:
 - k-1. 0-5 KW: \$20.
 - k-2. 6-15 KW: \$30.
 - k-3. 16-30 KW: \$75.
 - k-4. 31-100 KW: \$100.

- k-5. Over 100 KW: \$250.
- L. Heater (electric): \$1 per kilowatt.
- m. Hot tub or swimming pool: \$60.
- n. Fuel pump: \$30.
- o. Luminaire:
 - o-1. Luminaire, new or replacement: \$6.
 - o-2. Luminaire repair: \$2.
- q. Machine - moving picture, stereoptician, x-ray, high frequency therapeutic apparatus, etc.: \$50.
- r. Minimum permit fee: \$85 for installations and repairs in one- and 2-family dwellings; \$95 for installations and repairs in other than one- and 2-family dwellings.
- s. Motor and motor control.
 - s-1. Motor.
 - s-1-a. 0-2 HP: \$5.
 - s-1-b. 2.1-10 HP: \$15.
 - s-1-c. 10.1-20 HP: \$35.
 - s-1-d. 21-50 HP: \$70.
 - s-1-e. 51-100 HP: \$150.
 - s-1-f. 101-150 HP: \$250.
 - s-1-g. Over 150 HP: \$300.
 - s-2. Motor control: \$35.
- t. Outlet for switch, receptacle, device, etc.: \$2.
- u. Range (electric): \$15.
- v. Reactor or rectifier: \$50.
- w. Reinspection fee: w-1. Assessed on second inspection for compliance: \$100. w-2. Each additional inspection after the second: \$200. Failure to pay reinspection fees after one notice may result in the withholding of future permits.
- y. Service with one service switch:
 - y-1. Up to 400 amps: \$100.
 - y-2. 401-600 amps: \$110.
 - y-3. 601-800 amps: \$120.
 - y-4. 801-1000 amps: \$130.
 - y-5. Over 1000 amps: \$140.
 - y-6. Service over 600 volts: \$200.
 - y-7. Each additional service switch: \$25.
- ya. Refrigeration, commercial: \$30.
- yb. Solar PV:
 - yb-1. 0-20 kilowatts: \$70.
 - yb-2. 20.1-35 kilowatts: \$100.
 - yb-3. 35.1-50 kilowatts: \$150.
 - yb-4. 50.1-75 kilowatts: \$200.
 - yb-5. 75.1-100 kilowatts: \$250.
 - yb-6. Over 100 kilowatts: \$300.
- yc. Sump pump: \$5.
- yd. Strip lighting - plug-in strip, similar systems: \$10.
- ye. Transformer:
 - ye-1. 1-10 KVA: \$7.50.

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- ye-2. 11-50 KVA: \$35.
- ye-3. 51-100 KVA: \$75.
- ye-4. 101-200 KVA: \$150.
- ye-5. 201-300 KVA: \$250.
- ye-6. Over 300 KVA : \$350.
- yf. Water heater (electrical): \$15.
- yg. Welding outlet: \$15.
- yh. Whirlpool tub: \$60.
- yi. Wireway, busway, underfloor raceway, gutter, trough: \$10.
- yj. Sign: \$30.
- yk. Special inspection: \$200.
- yL. Requested inspection during non-working hours: \$200.
- ym. Transfer switch: \$35.
- yn. Time clock: \$6.
- yo. Failure to call for inspection: \$75.
- yp. Temporary wiring installation: \$85.
- yq. Fan and motor: \$10.
- yr. There shall be a processing fee of \$10 for each electrical installation or repair permit issued.

13. ELEVATORS.

a. Inspection Fees. Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ch. SPS 318, Wis. Adm. Code, shall be as follows:

a-1. Periodic inspections and reinspections:

a-1-a-1. Class 1, 2, 3 and 6 (up to 4 landings): \$140 for hydraulic elevators, and \$160 for traction elevators.

a-1-a-2. Class 1, 2, 3 and 6 (5-10 landings): \$180 for hydraulic elevators, and \$180 for traction elevators.

a-1-b. Class 1, 2, 3 and 6 (5 to 10 landings): \$140.

a-1-c. Each additional landing \$8.

a-1-d. Class 7: \$320.

a-1-e. Class 2A, 4, 5 and 8: \$160.

a-1-f. Each reinspection of an elevator shall be charged an inspection fee the same as subpars. a to e until the elevator is certified.

a-2. Reinspection of new installation to determine compliance (Classes 2A and 8): \$160. (Classes 1, 2, 3, 4, 5, 6 and 7 for hydraulic elevators): \$240. (Classes 1, 2, 3, 4, 5, 6 and 7 for traction elevators): \$320.

b. Types of Elevator. The following is an identification of the various classes used in par. a:

b-1. Class 1: freight elevators (single belt, double belt and cable controlled sidewalk elevators), sidewalk type elevators and grade level elevators.

b-2. Class 2: passenger and all other freight elevators not in Class 1.

b-3. Class 2A: lifting devices used by the physically disabled.

b-4. Class 3: material lifts.

b-5. Class 4: personnel hoists.

b-6. Class 5: hand power elevators.

b-7. Class 6: dumbwaiters (power).

b-8. Class 7: escalators, moving walks and moving ramps per unit; a single section having a travel of one floor defines an escalator unit.

b-9. Class 8: special purpose personnel elevators.

c. Certificate of Operation. The fee for a certificate of operation shall be \$100.

d. Construction Permit Fees.

d-1. New Installation. The fees for permits required by this subsection shall be charged at the rate of 1.6% of the total cost of installation, with a minimum permit fee of \$800 for a traction elevator, other driving machines, escalator or moving walk. There shall be a minimum permit fee of \$720 for a hydraulic elevator and a minimum permit fee of \$640 for a dumbwaiter, platform lift, stair chair lift or special application elevator.

d-2. Application, Repairs and Remodeling. The fees for the review of alteration, repairs or remodeling of such existing devices by this paragraph shall be charged at the rate of 1.6% of the total cost of installation, with a minimum permit fee of \$400 for a traction elevator, other elevator driver machines, an escalator or a moving sidewalk. There shall be a minimum permit fee of \$360 for a hydraulic elevator, a minimum permit fee of \$320 for a dumbwaiter, platform lift, stair chair lift, or special application elevator.

e. Repair Permit Fees. The fees for installation or alteration permits required by s. SPS 302-15, Wis. Adm. Code, shall be charged at the rate of 1.6% of the total cost of repair, with a minimum fee of \$65.

13.5. EROSION CONTROL. a. The fees for erosion control permits shall be as follows:

a-1. One- and 2- family lots: \$175 per lot.

a-2. Multi-family, commercial, industrial and institutional lots; \$167 per building plus \$5 per 1,000 square feet of disturbed lot area, with a maximum fee of \$2000.

b-1. The plan examination fee for erosion control measures for sites less than one acre shall be \$125.

b-2. The plan examination fee for erosion control measures for all other sites shall be \$175.

c. There shall be a processing fee of \$10 for each erosion control permit issued.

14. EXPLOSIVES. The fee for transporting, storing, selling, delivering, using or having in one's possession any explosives shall be \$115, plus any overtime costs necessary. An additional fee of \$10 shall be charged for each blast. The permit shall be issued and calculated for a maximum 6 month period. Explosive operations which last longer than 6 months must obtain a new permit.

14.3 FAILURE TO REQUEST INSPECTION. The fee for failure to request a required inspection shall be \$250.

14.5. FENCES.
 a. There shall be a \$25 fee for the construction of fences.
 b. There shall be a processing fee of \$10 for each fence construction permit issued.

15.5. FILLING PERMIT AND FILLING PERMIT PLAN REVIEW. a. The fee for a filling permit shall be:

- a-1. \$50 if the filling involves up to 500 cubic yards of fill and the area to be filled does not exceed one-half acre in area.
- a-2. \$250 if the filling involves more than 500 cubic yards or the area to be filled exceeds one-half acre in area.
- a-3. \$10 for each additional 250 cubic yards of fill, or fraction thereof, after the first 750 cubic yards.
- b. The fee for filling permit plan review shall be:
 - b-1. \$100 if the filling involves an area equal to or less than one acre.
 - b-2. \$300 if the filling involves an area greater than one acre.

15.7 FIRE ALARM PANEL SHOP DRAWING REVIEW. The fees for fire alarm panel shop drawing review for existing and new buildings, or parts thereof, shall be as follows:

- a. \$100, if the gross area is up to 5,000 square feet.
- b. \$200, if the gross area is 5,001 to 10,000 square feet.
- c. \$300, if the gross area is 10,001 to 20,000 square feet.
- d. \$400, if the gross area is over 21,000 to 40,000 square feet.
- e. \$500, if the gross area is 40,001 to 50,000 square feet.
- f. \$700, if the gross area is 50,001 to 75,000 square feet.
- g. \$1,000, if the gross area is 75,001 to 100,000 square feet.
- h. \$1,200, if the gross area is 100,001 to 200,000 square feet.
- i. \$3,000, if the gross area is 200,001 to 300,000 square feet.

j. \$4,400, if the gross area is 300,001 to 400,000 square feet.

k. \$5,600, if the gross area is 400,001 to 500,000 square feet.

L. \$6,400, if the gross area is over 500,000 square feet.

16. FIRE ESCAPE. a. The permit fee for the erection of fire escapes shall be computed at 1.3% of the cost of construction with a minimum fee of \$65.

b. There shall be a processing fee of \$10 for each fire escape permit issued.

17. FIRE INSPECTIONS. An annual fee shall be charged, equal to 1.5% of the city portion of the combined gross property tax levy, which is levied upon the inspection property. The minimum fee shall be \$100 and the maximum fee shall be \$525. Fire inspection fees shall be charged against the real estate upon which the inspection takes place, shall be a lien upon the real estate and shall be assessed and collected as a special charge.

17.5. FIRE PREVENTION PERMITS. An annual fee shall be charged upon the approval of the permit during the inspection process as set forth in this subsection. Facilities that qualify under multiple categories will be charged one fee based on the highest fee of the qualified categories. Fire prevention permit fees shall be charged against the real estate and shall be assessed and collected as a special charge.

Note: the references to the International Fire Code are to the 2006 edition of the Code.

a. Aerosol products.
 Aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight when manufacturing, storing or handling.
 International Fire Code Section: 2801.2
 Permit Fee: \$50

b. Amusement buildings
 International Fire Code Section: 403.3
 Permit Fee: \$50

c. Asphalt Kettles
 International Fire Code Section: 303.10
 Permit Fee: \$50

d. Aviation facilities
 International Fire Code Section: 1101.3
 Permit Fee: \$50

e. Battery systems. Stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189L)
 International Fire Code Section: 608.1.1
 Permit Fee: \$50

f. Carnivals and fairs.
 International Fire Code Section: 403.2
 Permit Fee: \$50

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- g. Cellulose nitrate film. Storage, handling or use in any assembly or educational occupancy (Group A and E)
International Fire Code Section: 306.3
Permit Fee: \$50
- h. Combustible dust-producing operations
International Fire Code Section: 1301.2
Permit Fee: \$50
- i. Combustible fibers. Storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m²) Exception: Not required for agricultural storage
International Fire Code Section: 2901.3
Permit Fee: \$50
- j. Compressed gas. Storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle
International Fire Code Section: 3001.2
Permit Fee: \$50

PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT (CUBIC FEET AT TP)
Corrosive	200
Flammable (except cryogenic fluids and liquified petroleum gases).	200
Highly toxic	Any amount
Inert, simple asphyxiant and non-flammable gases	6,000
Oxidizing (including Oxygen)	504
Toxic	Any amount
For SI:	1 cubic foot = 0.02832m ³
Gases	200 cubic feet at (NTP)
Liquids	55 gallons
Solid	1,000 pounds
Type	Inside Outside
	Building (gal.) Building (gal.)
Flammable	More than 1 60
Inert	60 500
Oxidizing (includes oxygen)	10 50

- Physical or health hazard not indicated
above Any amount Any amount
Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading
- n. Cutting and Welding. Sweating pipes and hot works.
International Fire Code Section: 2601.2
Permit Fee: \$50
- o. Dry cleaning plants.
International Fire Code Section: 1201.2
Permit Fee: \$50
- p. Exhibits and trade shows.
International Fire Code Section: 403.3
Permit Fee: \$50
- q. Explosives and fireworks. An operational permit is required for the manufacture, possession, storage, handling, sale or other disposition, transportation or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects or to operate a terminal for handling explosive materials, or to deliver or receive delivery of explosives or explosive materials from a carrier between sunset and sunrise.
International Fire Code Section: 3301.2
Permit Fee: \$50
- r. Explosive vehicle inspection. (Valid for 6 months only).
International Fire Code Section: 3309.6
Permit Fee: \$50
- s. Emergency vehicle access roadway.
International Fire Code Section: 503.1.1
Permit Fee: \$50
- t. Fire hydrants and valves. Operate or use any fire hydrants or valves used for fire suppression service.
International Fire Code Section: 508.5.1.1
Permit Fee: \$50
- u. Flammable and combustible liquids.
International Fire Code Section: 3401.4
Permit Fee: \$50
- u-1. To use or operate a pipeline for the transportation with facilities or flammable or combustible liquids. This requirement shall not apply to the offsite transportation (DOTn) (see s. 3501.1.2 international fire code) nor does it apply to piping systems (see s. 3503.6, International Fire Code).
- u-2. To store, handle or use of Class I liquids in excess of 5 gallons (19L) in a building or in excess or 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:

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u-2-a. The storage or use of Class I liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in the opinion of the fire official or designee would cause an unsafe condition.

u-2-b The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

u-3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment

u-4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes.

u-5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

u-6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.

u-7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than for which the tank was designed and constructed.

u-8. To manufacture, process, blend, or refine flammable or combustible liquids.

International Fire Code Section: 3401.4
Permit Fee: \$50

v. Flammable Gases
International Fire Code Section: 3501.2
Permit Fee: \$50

w. Flammable Solids
International Fire Code Section: 3601.2
Permit Fee: \$50

x. Floor Finishing. Using Class I or Class II liquids exceeding 350 square feet (33 m²)
International Fire Code Section: 1510.1.1
Permit Fee: \$50

y. Fruit and crop ripening
International Fire Code Section: 1601.2
Permit Fee: \$50

z. Fumigation and thermal insecticidal fogging
International Fire Code Section: 1701.2
Permit Fee: \$50

za. Hazardous materials

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See flammable and combustible liquids
Corrosive material	
Gases	See compressed gases
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See explosives
Flammable materials	
Gases	See compressed gases
Liquids	See flammable and combustible liquids
Solids	100 pounds
Highly Toxic materials	
Gases	See compressed gases
Liquids	See flammable and combustible liquids
Solids	100 pounds
Oxidizing materials	
Gases	See compressed gases
Liquids	
Class 4	Any amount
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 gallons
Class 2	100 gallons
Class 1	500 gallons
Organic peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required

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Solids		zg. Industrial ovens	
Class I	Any amount	International Fire Code Section:	2101.2
Class II	Any amount	Permit Fee:	\$50
Class III	10 pounds	zh. Lumber yards and woodworking plants. Storage or processing exceeding 100,000 board feet (8,333 ft ³) (236m ³)	
Class IV	20 pounds	International Fire Code Section:	1901.2
Class V	No permit required	Permit Fee:	\$50
Pyrophoric materials		zi. Liquid or gas fueled vehicles in assembly buildings	
Gases	See compressed gases	International Fire Code Section:	3903.2
Liquids	Any amount	Permit Fee:	\$50
Solids	Any amount	zj. LP Gas. Storage and use inside or outside of any building. Exception:	
Toxic materials		1. Individual containers with 500 gallons (1893L) water capacity or less serving occupancies in Use Group R-3.	
Gases	See compressed gases	2. Operation of cargo tankers that transport LP gas	
Liquids	10 gallons	International Fire Code Section:	3801.2
Solids	100 pounds	Permit Fee:	\$50
Unstable (reactive) materials		zk. Magnesium. Melt, cast, heat treat or grind more than 10 pounds (4.54 kg)	
Liquids		International Fire Code Section:	3606.1.2
Class 4	Any amount	Permit Fee:	\$50
Class 3	Any amount	zL. Miscellaneous combustible storage. Store in any building or upon any premises in excess of 2,500 cubic feet (71m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber cork or similar combustible material	
Class 2	50 pounds	International Fire Code Section:	315.1.2
Water-reactive materials		Permit Fee:	\$50
Liquids		zm. Open burning.	
Class 3	Any amount	International Fire Code Section:	307.2
Class 2	5 gallons	Permit Fee:	\$50
Class 1	55 gallons	Open burning-charitable organizations	
Solids		Permit Fee:	\$10
Class 3	Any amount	zn. Open flames, heat producing appliances, or torches for removing paint.	
Class 2	50 pounds	International Fire Code Section:	308.4.1
Class 1	500 pounds	Permit Fee:	\$50
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.		zo. Organic coatings. Manufacturing operation producing more than 1 gallon (4L) of an organic coating in one day.	
International Fire Code Section:	2701.5	International Fire Code Section:	2001.2
Permit Fee:	\$50	Permit Fee:	\$50
zb. Heliports and Helistops.		zp. Organic peroxides	
International Fire Code Section:	1107.1.1	International Fire Code Section:	3901.2
Permit Fee:	\$50	Permit Fee:	\$50
zc. Highly Toxic Materials.		zq. Oxidizers.	
International Fire Code Section:	3701.1	International Fire Code Section:	4001.2
Permit Fee:	\$50	Permit Fee:	\$50
zd. High-piled storage. Use a building or portion exceeding 500 square feet (46 m ²).			
International Fire Code Section:	2301.2		
Permit Fee:	\$50		
ze. Indoor display of vehicles or equipment.			
International Fire Code Section:	314.4.1		
Permit Fee:	\$50		
zf. Indoor Pyrotechnics			
International Fire Code Section:	3308.2		
Permit Fee:	\$50		

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zr. Places of Assembly/educational. occupancy less than 50 persons
International Fire Code Section: 408.1.1
Permit Fee: \$50

occupancy 50 to 100 persons
Permit Fee: \$100

occupancy over 100 persons
Permit Fee: \$200

zs. Private fire hydrants
International Fire Code Section: 508.5.1.1
Permit Fee: \$50

zt. Pyrophoric materials.
International Fire Code Section: 4101.2
Permit Fee: \$50

zu. Pyroxylin plastics. Storage and handling of more than 25 pounds (11kg) or cellulose nitrate (pyroxylin) plastic and for the assembly or manufacture of articles involving pyroxylin plastics.
International Fire Code Section: 4201.2
Permit Fee: \$50

zv. Refrigeration equipment
International Fire Code Section: 606.1.2
Permit Fee: \$50

zw. Repair Garages, Service Stations and Motor Fuel Dispensing Facilities.
International Fire Code Section: 2201.2
Permit Fee: \$50

zx. Semiconductor Fabrication Facilities - HPM Facilities
International Fire Code Section: 1801.5
Permit Fee: \$50

zy. Special Outdoor Assembly and Events.
International Fire Code Section: 403.1.2
Permit Fee: \$50

zz. Application of Flammable Finishes, Spraying and Dipping.
International Fire Code Section: 1501.2
Permit Fee: \$50

zza. Storage of scrap tires and tire by-products. Establish, conduct or maintain storage of scrap tires and tire by-products exceeding 2,500 cubic feet (71m³) of total volume of scrap tires and for indoor storage of tires and tire by-products.
International Fire Code Section: 2509.2
Permit Fee: \$50

zzb. Temporary membrane structures, tents and canopies.
International Fire Code Section: 2403.2
Permit Fee: \$50

zzc. Tire rebuilding plants.
International Fire Code Section: 2501.2
Permit Fee: \$50

zzd. Torches for removing paint and sweating pipe.
International Fire Code Section: 308.4.1
Permit Fee: \$50

zze. Unstable (reactive) materials.
International Fire Code Section: 4301.2
Permit Fee: \$50

zzf. Waste material and junk yards.
International Fire Code Section: 316.2
Permit Fee: \$50

zzg. Water reactive materials.
International Fire Code Section: 4401.2
Permit Fee: \$50

zzh. Wood products. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6m³).
International Fire Code Section: 1907.1.1
Permit Fee: \$50

18. FIREWORKS DISPLAY. The fee for each fireworks display permit shall be \$200.

18.5. FIREWORKS, WHOLESALING. The permit fee for the selling of fireworks at wholesale shall be \$150 per year.

19. FLAMMABLE LIQUIDS OR SOLIDS, VAULT OR ROOM. a. The permit fee for the installation or alteration of vaults or rooms in any building for the storage or use of flammable solids, liquids or other combustible material shall be computed at the rate of 1.3% of the cost or fraction thereof. The minimum fee shall be \$65.

b. There shall be a fee of \$200 for hazardous materials facilities.

c. There shall be processing fee of \$10 for each permit issued.

20. FLOOD PLAIN FILL PERMIT.

a. The permit fee for placing fill in a flood plain district shall be \$50.

b. There shall be a processing fee of \$10 for each flood plain fill permit issued.

21. FLOOD PLAIN LOCATION CERTIFICATE. a. The required fee for written certificate of location of real estate outside of or within designated flood prone areas shall be \$75.

b. There shall be a processing fee of \$10 for each flood plain location certificate issued.

22. GRANDSTANDS. a. The permit fee for all reviewing stands, amusement park structures, stadia, bleachers, grandstands, portable grandstands or sectional benches shall be computed at \$1 for each lineal foot. The minimum fee shall be \$50.

b. There shall be a processing fee of \$10 for each permit issued.

23. HEATING AND VENTILATING SYSTEMS. a. Heating and Ventilating. The permit fees for installation of heating and ventilating systems and equipment shall be as follows:

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a-1. Heating, incinerator units and wood-burning appliances: \$55 per unit not exceeding 150,000 BTUs of input. For each additional 50,000 BTUs or fraction thereof, an additional fee of \$11 shall be charged.

a-2. Heating and air conditioning distribution systems: \$2 per 100 square feet of conditioned area. The minimum fee shall be \$50.

a-3. Air conditioning and refrigeration units: \$55 per unit not exceeding 3 tons. For each additional ton or fraction thereof, an additional fee of \$6 shall be charged.

a-4. Unit, room and radiant heaters: \$15 per heater. The minimum fee shall be \$35.

a-5. Spray booths: \$5 for each 1,000 cubic-feet-per-minute capacity or part thereof of the spray booth fan or blower. The minimum fee for any installation in any one building shall be \$40.

a-6. Commercial or industrial exhaust hoods: \$175.

b. Testing. The permit fee for the witnessing of an A.S.M.E. welding qualification test shall be \$85.

c. Boilers. The permit fee for the installation or replacement of a boiler shall be \$55 per unit not exceeding 150,000 BTUs of input. For each additional 50,000 BTUs or fraction thereof, an additional fee of \$11 shall be charged.

d. Unfired Pressure Vessels. The permit fee for the installation of an unfired pressure vessel shall be \$55 per vessel.

e. Power Piping. The permit fee for the installation of power piping shall be \$16 per 100 feet of piping. The minimum fee shall be \$55.

f. Repairs. The permit fee for repairs of boilers and pressure vessels shall be \$55.

g. Electronic Monitoring. The permit fee for the installation of electronic monitoring shall be computed at \$105 for each boiler.

h. Periodic Inspections:

h-1. Power boilers:

h-1-a. 0-250 square feet of heating surface: \$130.

h-1-b. Over 250 square feet of heating surface: \$200.

h-2. Heating boilers:

h-2-a. 0-200,000 BTUs: \$90.

h-2-b. Over 200,000 BTUs: \$150.

h-3. Unfired pressure vessels:

h-3-a. 1-12 cubic feet volume: \$75.

h-3-b. Over 12 cubic feet volume: \$110.

h-4. Air conditioning and refrigeration systems: \$75.

i. Reinspection Fee. A fee of \$75 shall be assessed for inspections made by the

department to gain compliance with the rules of ch. 223, after orders have been issued by the department.

j. Hydrostatic tests for boilers and unfired pressure vessels: \$120.

k. Quality Control Review. A fee of \$75 per hour, or fraction thereof, shall be charged for the review of an organization's quality control manual with a minimum of 2 hours.

L. Processing Fee. There shall be a processing fee of \$10 for each permit issued.

m. Counter Processing Fee.

m-1. There shall be a counter processing fee of \$10 per application.

m-2. Effective January 1, 2009, there shall be a fee of \$10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

24. HEATING FROM CENTRAL OR DISTRICT SYSTEM. a. The permit fee for the installation of a heating system in any building supplied by a central or district heating system shall be \$55 per heating system.

b. There shall be a processing fee of \$10 for each permit issued.

24.5. HOME OCCUPATION CERTIFICATE. The fee for a home occupation certificate shall be \$50.

25. INTEREST CHARGES. When an unpaid permit, inspection or license fee is placed on the tax roll for collection, interest will be charged on the unpaid balance of the fee. The interest rate will be the rate currently charged on delinquent taxes. The interest period shall be from the date the payment was originally due to the date the fee was placed on the tax roll.

26. LICENSED DWELLING FACILITIES.

a. License Period. Licenses shall be issued for a period of one year from the date of issuance.

b. Hotels. b-1. The fee for a hotel permit shall be \$325 per year for a hotel or motel with 99 or fewer rooms. For a hotel or motel with more than 99 rooms, the permit fee shall be \$500. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the department of neighborhood services.

b-2. For inspection of a new hotel or motel, a preinspection fee shall be charged as follows:

b-2-a. For a hotel or motel with 50 or less rooms: \$200.

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b-2-b. For a hotel or motel with 50 or more rooms: \$300.

c. Residential Living Facility.

c-1. Type I facility (8 occupants or less): \$83.

c-2. Type II facility (9 occupants or more): \$111.

d. Rooming House: \$166.

e. Second Class Dwelling: \$166.

f. The fee for the processing of a late license renewal application for each licensed dwelling facility shall be \$75, except for late license renewal applications for hotels, motels and rooming houses, which shall be \$25.

(See s. 275-20.)

26.5 MANUFACTURED HOMES.

a. License Fee, Manager. Applications for licenses or renewals shall be filed with the city clerk and shall state the total number of authorized available spaces. The application shall be accompanied by a fee computed at \$100 for each 50 spaces or fraction thereof in the existing or proposed community. The licensee shall file a plat of the manufactured home community with the city clerk.

b. Manufactured Home Occupant. There is imposed on each owner of a nonexempt, occupied manufactured home a monthly parking permit fee determined in accordance with s. 66.0435(3), Wis. Stats. The licensee of a manufactured home community shall be liable for the monthly parking permit fee for any home occupying space in the manufactured home community as well as the owner and occupant, and it shall be the responsibility of the licensee to collect the proper amount from each manufactured home owner or occupant of each manufactured home, and to pay to the city the parking fees on or before the 10th of the month following the month for which such fees are due, in accordance with s. 66.0435(3)(c)5., Wis. Stats.

c. Notice of New Homes. Licensees of a manufactured home community shall furnish information to the city comptroller, the commissioner of assessments and the commissioner of neighborhood services on homes added to their park within 5 days after arrival, on forms furnished by the city in accordance with s. 66.0435(3)(c) and (e), Wis. Stats.

d. Reporting Requirements. Pursuant to s. 66.0435 (c) and (e), Wis. Stats., each licensee of a manufactured home community and each owner of land occupied by a manufactured home shall on or before January 10 and July 10 of each year report to the city treasurer the presence of a manufactured home in the community or on the property.

e. Exemption. If a licensee or land owner believes that an exemption should be granted under s. 66.0435(3)(cm), Wis. Stats., the licensee or landowner shall forward to the administrative review appeals board the basis for the exemption, and after reviewing the information the board may grant the exemption consistent with s. 66.0435(3)(cm), Wis. Stats., and shall forward a copy of the exemption to the city treasurer and the comptroller.

f. Audit. The licensee of every manufactured home community shall at least once each year make available to the city comptroller such records as the city comptroller deems necessary in order to satisfy audit requirements.

g. Change in Licensee. Manufactured home community licenses are not transferable. Any change in licensee shall require the filing of a new application and payment of the appropriate fee pursuant to this subsection.

h. Late Fee. There shall be a late fee of \$25 if a renewal application is filed after the date specified by the city clerk for renewal.

27. MINIMUM FEE. Unless otherwise regulated, a minimum fee of \$50 shall be paid for all permits and plan examinations not otherwise provided for in this section.

28. MORE THAN ONE OCCUPANCY. a. The permit fee for all buildings and structures of more than one occupancy not otherwise regulated in this section shall be at the rates established in this section for each specific occupancy.

b. There shall be a processing fee of \$10 for each permit issued.

28.5. MOTHBALLING. The permit fee for mothballing of an historic structure shall be \$250.

29. MOTOR VEHICLE EXHIBITION. a. The permit fee for a motor vehicle exhibition shall be computed at \$2 per motor vehicle. The minimum fee shall be \$55.

b. There shall be a processing fee of \$10 for each permit issued.

30. MOVING. a. The permit fee for an application for moving a building or structure shall be \$50.

b. An additional fee of \$50 shall be paid for inspection of the filling, grading and site clearance after the moving of a structure.

c. There shall be a processing fee of \$10 for each permit issued.

33. OVERTIME FEES. An overtime fee of \$75 per hour, or fraction thereof, shall be

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charged to any person requesting an inspection at any time other than normal working hours. Minimum hours charged shall be in accordance with union contracts. Inspections of fireworks displays shall be exempt from overtime fees.

34. PERMIT RENEWAL. a. The fee for renewal of a permit in accordance with s. 200-30.2 shall be calculated on the basis of the amount of work authorized by the original permit that remains incomplete at the end of the initial 2-year period or 3-year period, as the case may be.

b. There shall be a processing fee of \$10 for each permit issued.

35. PLAN EXAMINATION, BUILDING, AUTOMATIC SPRINKLER, HEATING AND VENTILATING. a. New Construction, Additions and Alterations.

a-1. Commercial Buildings, Structures and Parking Lots. The plan examination fees for new commercial buildings and structures, additions, alterations and parking lots shall be computed on the basis of square footage, in accordance with the following table. For new commercial buildings and structures, and for additions, square footage shall be calculated as defined in s. 200-08-86.2. For alterations, square footage shall be the square footage of the area to be altered. The plan examination fees for buildings and structures, additions and alterations involving hazardous occupancies shall be double the fees specified in the table.

Square Feet	Fee
Less than 250 (alterations)	\$ 100
Less than 250 (new construction and additions)	\$ 195
250 - 500	\$ 195
501 - 2,000	\$ 320
2,001 - 3,000	\$ 385
3,001 - 4,000	\$ 510
4,001 - 5,000	\$ 635
5,001 - 6,000	\$ 695
6,001 - 7,500	\$ 760
7,501 - 10,000	\$ 960
10,001 - 15,000	\$ 1,020
15,001 - 20,000	\$ 1,085
20,001 - 30,000	\$ 1,380
30,001 - 40,000	\$ 1,760
40,001 - 50,000	\$ 2,395
50,001 - 75,000	\$ 3,275
75,001 - 100,000	\$ 3,875
100,001 - 200,000	\$ 6,805
200,001 - 300,000	\$11,970
300,001 - 400,000	\$17,640
Over 400,000	\$22,680

a-2. One- and 2-family Dwellings. The plan examination fees for construction and alteration of one- and 2- family dwellings and additions thereto shall be computed at \$0.10 per square foot. For new construction and additions, square footage shall be calculated using the definition set forth in s 200-08-86.2. For alterations, square foot footage shall be the square footage of the area to be altered. The minimum fee for new construction and additions shall be \$95. The minimum fee for alterations shall be \$45.

a-3. Garages and Accessory One and 2-Family Properties. The plan review fee for a garage shall be \$50.

a-4. Sheds and Decks Accessory to One and 2-Family Properties. The plan review fee for a shed or deck shall be \$30.

b. Energy Code. The fee for compliance with the state energy code for one-and 2-family dwellings shall be \$45.

c. Hazardous Liquid Storage. The fee for the review of flammable and combustible liquid storage system installation, upgrading or stage II vapor recovery plans shall be \$305.

d. Transmission Towers. The fee for the review of transmission tower plans shall be \$425 and shall include the review of plans for buildings accessory to the tower that are submitted at the same time as the tower plans.

e. Elevators. e-1. New installation. The fee for the review of new elevator installation plans shall be \$400 for a traction elevator, and other elevator driving machines, \$320 for a hydraulic elevator, dumbwaiter, platform lift, stair chair lift, special application elevator, escalator or moving walk.

e-2. Alteration, Repairs and Remodeling. The fee for the review of existing elevator alterations, repairs or remodeling plans shall be \$200 for a traction elevator and other elevator driver machines, \$160 for a hydraulic elevator, dumbwaiter, platform lift, stair chair lift, special application elevator or moving walk.

f. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time after the plan submission is complete and the plan is considered ready for review, shall be 200% of the fees specified in pars. a-1, c, d and e.

36. PLAN EXAMINATION, EXTENSION. The fee for the extension of an approved plan examination shall be 50% of the original plan examination fee, not to exceed \$3,300.

37. PLAN EXAMINATION SUPPRESSION SYSTEMS OTHER THAN SPRINKLER SYSTEMS.

a. The plan examination fee for a suppression system, other than a sprinkler system, shall be computed at 0.6% of the cost of construction. The minimum fee shall be \$60; the maximum fee \$5,500.

b. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time after submission of required documents and fees, shall be computed at 200% of the fees specified in par. a.

39. PLAN EXAMINATION, PETITION FOR STATE MODIFICATION. The fee for processing a petition for an appeal and variance to the Wisconsin department of safety and professional services shall be \$165.

40. PLAN EXAMINATION, PLUMBING. a. Commercial Buildings, New Construction and Additions. The fees for plumbing plan examination apply regardless of the number of fixtures to be installed. Fees shall be computed on the basis of building square footage, as defined in s. 200-08-86.2, as follows:

<u>Square Feet</u>	<u>Fee</u>
3,000 or less	\$ 370
3,001-4,000	\$ 505
4,001 - 5,000	\$ 649
5,001 - 6,000	\$ 735
6,001 - 7,500	\$ 800
7,501 - 10,000	\$ 940
10,001 - 15,000	\$1,000
15,001 - 20,000	\$1,070
20,001 - 30,000	\$1,200
30,001 - 40,000	\$1,645
40,001 - 50,000	\$1,700
50,001 - 75,000	\$2,280
Over 75,000	\$2,600 plus \$0.0075 per sq. ft. over 75,000 sq. ft.

b. Alterations. b-1. The fees for plumbing plan examination relating to alteration or remodeling of buildings, computed on the basis of the number of plumbing fixtures and water-using appliances (e.g., water heater, dishwasher) to be installed, shall be as follows:

<u>Number of Fixtures</u>	<u>Fee</u>
11 - 15	\$ 270
16 - 25	\$ 370
26 - 35	\$ 505
36 - 50	\$ 640
51 - 75	\$ 875
76 - 100	\$1,010
101 - 125	\$1,140
126 - 150	\$1,275
Over 150	\$1,275

plus \$165 for each additional 25 fixtures or fraction hereof

b-2. There shall be no plumbing plan examination for minor alterations consisting of fewer than 11 fixtures. However, plan examination shall be required when fewer than 11 fixtures are to be installed in conjunction with interceptors or garage catch basins; the fee for such examination shall be \$110.

b-3. Multi-purpose Piping. Plumbing plan examination is required for multi-purpose piping systems in one- and 2-family dwelling units and manufactured housing regardless of the number of sprinkler heads. The fee for such examination shall be \$110.

c. Parking Lots, Private Mains and Storm Sewers. The plan examination fee for each private main or storm sewer serving a new building, addition or parking lot shall be \$195. The plan examination fee for storm sewers installed in conjunction with a stormwater management plan shall be \$330.

d. Maximum Fee. The maximum fee for any plumbing plan examination shall be \$8,250.

e. Rejection of Plumbing Plans. Plans that contain substantial errors or omissions may be rejected. A second submission and plan examination fee may be required for reexamination of a plan that has been rejected.

f. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in pars. a, b-1 to 3, c and d.

40.5. PLAN EXAMINATION, CODE CONSULTATION. a. The fee for code consultation regarding the Uniform Dwelling Code shall be \$95 per hour or fraction thereof.

b. The fee for code consultation regarding the Wisconsin Enrolled Commercial Building Code or the Wisconsin Plumbing Code shall be \$185 per hour or fraction thereof.

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40.6. PLAN EXAMINATION, FLOOD PLAIN DEVELOPMENT PLAN REVIEW. An additional development plan review fee of \$250 shall be charged for new construction, additions and alterations of commercial buildings, structures and parking lots located in a flood plain.

41. PLAN EXAMINATION, SIGNS.

The plan examination fee for the construction or alteration of all signs and billboards shall be 0.7% of the cost of signage. The minimum plan examination fee shall be \$60.

41.3. PLAN EXAMINATION, SOLAR PV.

The fee for the examination of commercial solar PV building plans shall be \$250 per system.

41.5. PLAN EXAMINATION, STORM WATER. The fee for processing storm water plans, maps and other pertinent information shall be \$125 per submittal.

42. PLAN EXAMINATION, STRUCTURAL PLANS. The fee for the examination of component submittals, structural plans for precast concrete, laminated wood, beams and other structural elements when submitted separately from the general building plans shall be \$250 per plan.

42.5. PLUMBER OR PLUMBING BUSINESS REGISTRATION. The fee for registration of a master plumber or plumbing business pursuant to s. 225-2 shall be \$60. This fee shall be paid at the time the applicant files the required performance and indemnity bonds.

43. PLUMBING. Plumbing repairs involving replacement of a single faucet or water closet ballcock not involving the extension or replacement of a water supply, waste or vent system can be made without permit providing the repairs do not conflict with any regulation of this code. Upon the issuance of a plumbing permit by the commissioner of city development and before the permit shall be in effect, the applicant shall pay the following fees:

a. For inspection, reinspection, test or retest of building sewer or water service piping extensions from main, curb or lot line: \$75 per 100 feet or fraction thereof, if within the city limits; \$100 per 100 feet or fraction thereof, if outside the city limits.

b. For inspection, reinspection, test or retest of gas piping and building drains, new or extensions of existing, \$75 per 100 feet or fraction thereof.

c. For inspection, reinspection, test or retest of private interceptor main sewers 4" or larger in size: \$75 per 100 feet or fraction thereof (for private interceptor main sewers 8" or larger, an inspection fee must also be paid to the department

of public works infrastructure services division prior to the issuance of a plumbing permit).

d. For inspection, reinspection, test or retest of a private water main: \$65 per 100 feet or fraction thereof.

e. Septic tank and disposal system, \$300; holding tank, \$200.

f. Inspection or reinspection for installation of a well or well pump: \$60 each.

g. Abandonment of Sewer and Water Lateral, Well, Septic System or Holding Tank.

g-1. Inspection or reinspection for abandonment of each sewer and water lateral: \$30 if within the city limits or \$45 if outside the city limits, with minimum fees of \$60 within the city limits and \$85 outside the city limits.

g-2. Inspection or reinspection for abandonment of each well, septic system or holding tank: \$30, with a minimum fee of \$60.

h. Plumbing survey of an existing building to be included with plumbing permit: \$60.

i. Installation and connection of each plumbing fixture or appliance: \$15. The minimum permit fee shall be \$75. The minimum permit fee for the installation of one plumbing fixture in a one or 2-family building shall be \$75.

j. Minimum fee for any inspection, reinspection, test or retest: \$75.

k. See s. 200-33-33 for overtime fees.

L. Review of applications for modification under ch. SPS 382, Wis. Adm. Code: \$75.

m. For the issuance of a 5-year well operation permit: \$90.

n. For the renewal of a 5-year well operation permit: \$90.

o. There shall be a processing fee of \$10 for each plumbing permit issued.

p. Counter Processing Fees.

p-1. There shall be a counter processing fee of \$10 per application.

p-2. Effective January 1, 2009, there shall be a fee of \$10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

43.5. POSTING. a. The fee for posting upon a premise any notice, order or placard pursuant to s. 200-11-6 or s. 218-4, shall be \$60. The posting fee shall be assessed and collected as a special tax against the real estate upon which the notice, order or placard was posted and shall be a lien upon said real estate.

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

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

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

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

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

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

b. There shall be a processing fee of \$10 for each permit issued.

44.2. PROPERTY REGISTRATION FEE.

a. The initial registration fee for a residential or commercial building, a condominium unit or a condominium association shall be \$75.

b. There shall be a fee of \$75 for filing a new application in the event of a change in ownership, and, unless excepted from the fee pursuant to s. 200-51.5-5-b, there shall be a fee of \$75 for any other new or subsequent filing of an application required under s. 200-51.5.

c. There may be a fee of \$75 for correcting any error or omission on an application filed with the department

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

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

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

44.5. PUBLICLY ACCESSIBLE COLLECTION BIN PROVIDER AND BIN PERMITS.

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

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

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

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

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

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

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

45. PUMPS, FLAMMABLE LIQUID.

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

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

c. Minimum fee: \$75.

d. There shall be a processing fee of \$10 for each permit issued.

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

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

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

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

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

d. There shall be a processing fee of \$10 for each permit issued under par. a or b.

47. REGISTRATION OF RESIDENTIAL PROPERTY PENDING FORECLOSURE.

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

b. If a completed registration form is not received by the commissioner within 5 working days of initiation of the foreclosure proceedings, or if the registration fee required in par. a is not received by the commissioner upon registration, there shall be an additional late fee of \$50.

48. REINSPECTION FEE.

a. To compensate for inspectional and administrative costs, a fee of \$175 may be charged for any reinspection to determine compliance with an order to correct conditions of provisions of the code under the jurisdiction of the department of neighborhood services or assigned to the department, except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$350 may be charged for each subsequent reinspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall upon delinquency be a lien upon the real estate and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

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

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

b. There shall be a processing fee of \$10 for renewing a permit.

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

50. SEWAGE DISPOSAL SYSTEM.

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

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

c. There shall be a processing fee of \$10 for each sewage disposal system permit.

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

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

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

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

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

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

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

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

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

e. There shall be a processing fee of \$10 for each permit issued.

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

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

b. Dumpster in the Public Right-of-Way. In the case of a special privilege for the placement of one or more dumpsters in the public right-of-way, a monthly fee for failure to comply with an order issued under s. 245-12 may be charged as follows:

b-1. For the first month, \$250.

b-2. For the second and subsequent months, \$500 per month.

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

a-1. Chemical suppression systems. 1.5% of the cost of the system; minimum fee \$65.

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

a-3. Hydrants. Each hydrant: \$30; minimum fee: \$65.

a-4. Fire hose standpipe systems. Hose connections (fire department first aid or combined): \$10 each outlet; minimum fee: \$65.

a-5. Fire pumps: \$130 each.

a-6. Sprinkler heads.

a-6-a. 1-15 sprinkler heads: \$100.

a-6-b. 16-100 sprinkler heads: \$160.

a-6-c. For each additional 100 heads or fraction thereof above 100 heads: \$65.

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

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

b-1. Chemical suppression systems: \$65 per hour or fraction thereof.

b-2. Deluge system trip test: \$65 per hour or fraction thereof.

b-3. Dry valve trip test: \$65 per hour or fraction thereof.

b-4. Fire pump test, each pump: \$65 per hour or fraction thereof.

b-5. Hydrostatic test, one hour: \$65.

b-6. Hydrostatic test, 2 hours: \$130.

b-7. Dry system air test (24 hour test): \$65.

b-8. Water supply sprinkler system flow test: \$65 per hour or fraction thereof.

b-9. Standpipe system flow test: \$65 per hour or fraction thereof.

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

b-11. Reinspection fee: \$75.

c. Periodic Inspections.

c-1. Chemical suppression: \$30 each; minimum fee: \$65.

c-2. Fire hose standpipe systems (fire department first aid or combined): \$10 each outlet; minimum fee \$65.

c-3. Sprinkler systems:

c-3-a. 0-200 heads: \$90 minimum fee.

c-3-b. 201-500 heads: \$90 for the first 200 heads, plus \$25 per 100 heads, or fraction thereof, up to 500 heads.

c-3-c. 501-1,000 heads: \$150 for the first 500 heads, plus \$25 per 100 heads, or fraction thereof, up to 1,000 heads.

c-3-d. 1,001-5,000 heads: \$265 for the first 1,000 heads, plus \$25 per 100 heads, or fraction thereof, up to 5,000 heads.

c-3-e. Over 5,000 heads: \$1,100 for the first 5,000 heads, plus \$25 per 100 heads, or fraction thereof, over 5,000 heads.

c-4. Spray booths: \$30 each; minimum fee: \$65.

c-5. Water curtains: \$30 each; minimum fee: \$65.

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

c-7. Sprinkler and standpipe annual inspections.

c-7-a. Period inspection-hydrant, fee per hydrant: \$30.

c-7-b. Periodic inspection-hydrant, minimum fee: \$65.

d. There shall be a processing fee of \$10 for each permit issued.

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

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

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

55. STREET-WALK BASEMENTS.

a. The permit fee for street-walk basements shall be computed at 1% of the cost of construction. The minimum fee shall be \$50.

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

c. There shall be a processing fee of \$10 for each permit issued.

56. STREET-WALK OPENINGS.

a. The permit fee for all covered openings in street walks shall be computed at \$5 per square foot of openings. The minimum fee shall be \$50.

b. An annual inspection maintenance fee shall be assessed thereafter at \$5 for each covered opening.

c. The minimum annual fee for any one premises shall be \$40. This includes new and existing installations.

d. The fee for alterations shall be computed at the same rate as a new installation.

e. There shall be a processing fee of \$10 for each permit issued.

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

b. There shall be a processing fee of \$10 for lease. (See Air and Subterranean Space lease fee.)

58. TANKS, LIQUID STORAGE.

a. The permit fee for the installation of tanks for the storage of any liquids regulated by this code, above or underground or in buildings or structures, shall be computed at \$30 for each 1,000 gallons or fraction thereof of tank capacity.

b. The minimum fee shall be \$80 per tank.

c. The maximum fee shall be \$240 per tank.

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

e. The permit fee for the removal or abandonment of tanks used for the storage of any liquids regulated by this code, whether above ground, underground or in buildings or structures, shall be \$10 per 1,000 gallons of maximum tank capacity, with a minimum fee of \$110. The permit fee for the removal or abandonment of underground home heating oil tanks in one- or 2-family dwellings shall be \$60. These fees cover the first inspection

and one reinspection. A fee equal to one-half the original permit fee may be assessed for each subsequent reinspection. The maximum fee shall be \$290.

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

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

h. There shall be a processing fee of \$8 for each permit issued.

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

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

c. Minimum fee: \$80.

d. Maximum fee: \$240.

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

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

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

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

b. The minimum fee shall be \$50.

c. There shall be a processing fee of \$10 for each tent permit issued.

61.5. TITLE SEARCH. The fee for a written report on pending special charges and information on pending work orders in the department shall be \$50 per address.

61.7. TRAINING AND TECHNOLOGY SURCHARGE. There shall be a training and technology surcharge of 1.6% on each permit fee, plan examination fee, inspection fee, fee for service, and any other fee charged by the department of neighborhood services, with exceptions determined by the commissioner.

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

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- b. The minimum fee shall be \$60.
- c. There shall be a processing fee of \$10 for each permit issued.

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

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

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

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

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

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

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

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

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

b. There shall be a processing fee of \$10 for each petition issued.

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

b. There shall be a processing fee of \$10 for each permit issued.

67. ZONING, BOARD OF APPEALS.

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

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

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

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

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

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

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

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

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

d-2. 10,0001-20,000 square feet: \$400.

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

e. Name changes: \$300.

f. Billboards: \$650 per sign face.

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

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

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

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

h. Transmission towers: \$950.

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

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

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

m. All other requests: \$275.

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

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69. ZONING, PLAN COMMISSION/ COMMON COUNCIL.

a. Planned Development.

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

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

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

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

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

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

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

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

f. All fees under this subsection are nonrefundable.

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

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

8. ISSUANCE OF MODIFICATIONS.

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

9. RULES AND REGULATIONS.

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

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

10. PENALTY. a. Failure to Register.

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

b. Failure to Secure and Maintain.

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

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

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

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

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

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

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

11. CHARGE FOR PUBLIC SAFETY SERVICES.

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

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

200-51.8. Hazardous Vacant Building Placarding Program.

1. DEFINITION. In this section, "hazardous vacant building" means any building or other structure that is vacant or abandoned within the meaning of s. 200-51.7-3 and has been ordered closed, removed, shutdown or otherwise vacated under s. 200-12, 200-12.5, 218-4, 218-9 or by court order.

2. WARNING PLACARD AUTHORIZED. The fire chief is authorized to:

a. Mark any hazardous vacant or abandoned building with a first responder warning placard alerting first responders to the existence of the structural or interior hazards at the building of the type that warrant extreme caution when conducting interior firefighting or rescue operations at such building or exterior operations with entry only occurring for known life hazards.

b. Remove a first responder warning placard when the authority responsible for ordering the building closed, removed, shutdown or otherwise vacated lifts the applicable order or otherwise determines that the building is no longer a hazardous vacant building.

3. PLACARD DESIGN AND PLACEMENT. Any hazardous vacant building determined by the fire department to be

especially unsafe in case of fire, under s. 110.1.1, International Fire Code, as amended, shall be identified and marked with one or more first responder warning placards in accordance with the following:

a. Design of Placards.

a-1. A square with a diagonal line from the bottom left corner to the upper right corner shall mean that structural or interior hazards exist and interior firefighting or rescue operations should be conducted with extreme caution.

a-2. A square with 2 diagonal lines, one from the bottom left corner to the upper right corner and another from the bottom right corner to the upper left corner, shall mean that structural or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, with entry only occurring for known life hazards in a known location.

a-3. Additional symbols consistent with current Milwaukee fire department policy shall be used to further designate descriptive hazards on the hazardous vacant building placard.

b. Location and visibility.

b-1. The placard shall be applied on the front of the hazardous vacant building and be visible from the street. Additional placards may be applied to the side of each entrance to the building and on penthouses.

b-2. Each placard shall be 16 inches by 16 inches minimum in size with a white background, orange reflective stripes and an orange reflective border. The stripes and border shall have a 1-inch minimum stroke.

b-3. Symbols shall include red lettering 3 inches minimum in height.

c. Inspections. Prior to receiving a placard, every hazardous vacant building shall be inspected by the department of neighborhood services or a representative of the fire chief.

4. REMOVAL OF PLACARD PROHIBITED. It shall be unlawful for any person, other than authorized city officials or their respective designees, to cover, obliterate, deface, damage or remove any first responder warning placard unless written permission to engage in such activity has first been obtained from the fire chief.

5. NOTICE OF DEMOLITION REQUIRED. If any building marked with a first responder warning placard is to be wrecked, demolished or razed, the owner of the building or the owner's agent shall notify the department of neighborhood services for proper removal.

6. PENALTY FOR VIOLATION. Any person who violates any requirement of this section shall be fined not less than \$500 nor more than \$1,000 for each offense.

7. RULES AND REGULATIONS. The fire chief is authorized to promulgate rules and regulations necessary or appropriate to implement the requirements of this section, including, but not limited to, rules and regulations pertaining to the location, number, size, color, reflective marking, date of application, design, construction, use, symbols or removal of first responder warning placards per current Milwaukee fire department policy.

8. CONSTRUCTION OF SECTION. The marking of a building with a first responder warning placard is informational only and shall not be construed to limit in any way the discretion of the on-scene incident commander or similar fire department personnel. The absence of such warning placard on any building shall not be construed to mean that entry to such building is permitted or that such building is safe or otherwise free of dangerous and hazardous conditions.

200-51.9. Registration of Rental Property and Rental Units. Notwithstanding the provisions of ss. 200-22.5, 200-51.5, 200-51.7 or any other real-property registration ordinance, the only information that shall be required to register a rental property or rental unit is:

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

200-55. Home Occupations.

1. PURPOSE AND INTENT. The purpose and intent of this section is to permit residents of the city a broad choice in the use of their homes as a place of livelihood and the

production or supplementing of personal and family income. This section is also intended to protect residential areas from adverse impacts of activities associated with certain home occupations.

2. CERTIFICATE REQUIRED. Any person engaged in a home business requiring a license or permit from the city must first obtain a certificate of home occupation from the commissioner of neighborhood services and pay the fee specified in s. 200-33-24.5. An application for a certificate of home occupation shall be filed with the department of neighborhood services on forms provided by the department. An inspection may be required prior to issuance of the certificate.

3. REQUIREMENTS. All home occupations shall comply with the requirements provided in ss. 295-503-3-c, 295-603-4-c and 295-803-4-c.

200-57. Community Garden Permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. DROP OFF CENTER USE. The authorized representative of the organization approved for a community garden permit, or his/her designee, may dispose of debris or litter resulting from gardening activities and garden management at the city's drop off centers without charge.

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

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

200-61. Architectural Review Board.

1. PURPOSE AND FINDINGS. The common council finds that the physical and architectural character of certain neighborhoods and locations in the city require special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of significant historical, cultural, social or commercial attributes. In order to promote this goal, an architectural review board is created to review all applications for the alteration, rehabilitation or construction of any building, structure or site in a designated district, except for those exempted under sub. 9, prior to the

issuance of permits under s. 200-24 by the department of city development.

2. DEFINITIONS. In this section:

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

b. "Board" means the architectural review board.

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

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

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

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

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

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

a-1. The common council board member may designate an alternate in writing by filing with the city clerk's office. The alternate may represent the common council member and exercise all powers of the member when such member is unable to attend board meetings.

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

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

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

e. Board members shall receive no compensation.

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

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

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

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

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

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

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

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

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

5. CERTIFICATE OF APPROPRIATENESS. No person or entity shall, with respect to the exterior of any building, structure or site in the district, alter, rehabilitate, or reconstruct all or any part of, undertake any new construction with respect to, or permit any work to be performed upon a building, structure or site, nor shall the commissioner of city development issue a permit for any such work unless a certificate of appropriateness has been issued by the board, as provided in this subsection.

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

b. **Review.**

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

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

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

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

c. **Public Hearing.**

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

c-2. Notice of the public hearing shall be sent by certified mail, return receipt requested, addressed to the applicant's address as stated in the application. Notice shall also be posted by the city clerk, sent to the common council member representing the district and sent, via first class mail, to all recorded owners of property within 500 feet of the building, structure or site in the district that is the subject of the public hearing. Notice shall be provided not less than 10 days prior to the date of the public hearing.

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

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

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

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

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

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

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

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

c-7. Following review of the record from the public hearing, the board shall either affirm its denial of the application for a certificate of appropriateness or grant the application. If denial of the application is affirmed, the board shall notify the applicant of its decision by certified mail, return receipt requested, within 30 days of its decision. The board shall set forth the findings of fact that constitute the basis for its decision. All decisions of the board shall be filed with the commissioners of neighborhood services and city development.

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

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

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

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

7. COMPLIANCE WITH CERTIFICATES OF APPROPRIATENESS.

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

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

c. Failure to comply with a certificate of appropriateness shall be a violation of this section. In the event work is being performed without, or not in accordance with, a certificate of appropriateness, the board shall request that a stop work order be issued by the commissioner of neighborhood services.

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

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

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

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

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

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For legislative history of chapter 200, contact the
Municipal Research Library.

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

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

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

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

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

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

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

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

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

138. DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

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

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

143. DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, repair of damaged structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storing, depositing or extracting materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

144. DISABLED PERSON means a person who is or will be housed in a community living arrangement or other group living facility required to be licensed by the state of Wisconsin and who falls into one or more of the following client groups:

- a. Advanced age.
- b. Irreversible dementia/Alzheimer's disease.
- c. Developmental disability.
- d. Emotionally disturbed/mental illness.
- e. Physical disability.
- f. Terminal illness.

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- g. Traumatic brain injury.
- h. Acquired immunodeficiency syndrome (AIDS).
- i. Alcohol or other drug abuse.
- j. Any other physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having such an impairment, provided the impairment is not related to current, illegal use of, or an addiction to, a controlled substance.

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

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

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

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

155. DUPLEX. See TWO-FAMILY DWELLING.

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

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

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

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

164. ENCROACHMENT INTO THE FLOODWAY means any fill, structure, equipment, building, use or development in the floodway.

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

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

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.

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

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.

- 453.** PET SHOP. See RETAIL ESTABLISHMENT, GENERAL.
- 455.** PLANT NURSERY OR GREENHOUSE means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- 457.** PLAZA means an exterior open space which is open to the public and located between a building and a public street or pedestrian walkway.
- 459.** POWER GENERATION PLANT means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either or both of the following:
- a. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.
 - b. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.
- 461.** PREMISES means one or more lots or portions of lots, including any structures, which are contiguous, under common ownership or control through the use of a permanent deed restriction or a certified survey map, and located entirely within one base zoning district.
- 463.** PRINCIPAL BUILDING or PRINCIPAL STRUCTURE means a building or structure containing the principal use of the lot on which it is located.
- 465.** PRINCIPAL USE means a primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs outdoors, or the definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors.
- 467.** PROCESSING OR RECYCLING OF MINED MATERIALS means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.
- 469.** PUBLIC SAFETY FACILITY means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- 471.** RAILROAD SWITCHING, CLASSIFICATION YARD, OR FREIGHT TERMINAL means a facility for the operation of a line-haul or short-line freight railroad.
- 473.** RAISING OF LIVESTOCK means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- 475.** RECEIVING BODY OF WATER means any water body, watercourse or wetland into which surface waters flow either naturally or from human-made conveyance.
- 477.** RECEPTION/TRANSMISSION SYSTEM means a system of electrical components that emit or receive radio frequency waves, including antennae, communication dishes and similar devices.
- 479.** RECREATION FACILITY, INDOOR means a facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.
- 481.** RECREATION FACILITY, OUTDOOR means a facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or health club.
- 483.** RECREATIONAL VEHICLE. See MOTOR VEHICLE, HEAVY MOTOR VEHICLE or LIGHT MOTOR VEHICLE.

295-201-485 Zoning

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

487. RECYCLING COLLECTION FACILITY means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

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

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

493. RESALE SHOP. See SECONDHAND STORE.

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

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

499. RESTAURANT WITH DRIVE-THROUGH FACILITY means a restaurant where some or all of the food prepared is dispensed to customers in motor vehicles. The drive-through facility may include access lanes, signing, lighting and audio systems.

501. RESTAURANT WITHOUT DRIVE-THROUGH FACILITY means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles.

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

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

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

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

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

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

591. SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which is not installed in accordance with the provisions of s. 244-7-4. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

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

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

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

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

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

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

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

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

609. SITE means a premises.

611. SITE WORK means any of the following:

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

612. SMALL WIND ENERGY SYSTEM means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

613. SOCIAL CENTER. See COMMUNITY CENTER.

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

615.5. SOLAR ARRAY means an accessory system or device that is roof-mounted or ground-mounted with poles or racks that are used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.

616. SOLAR COLLECTOR means a device, structure or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

616.5. SOLAR FARM means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

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

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

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

295-201-623 Zoning

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

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

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

629. STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

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

632. STORAGE FACILITY, SELF-SERVICE means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

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

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

636. STREET-ACTIVATING USE AREA means specific interior rooms and spaces within a use that provides visual activation of the street through windows or other openings. In multi-family residential buildings, examples include lobbies, community rooms, exercise rooms and other similar amenity spaces, but not individual dwelling units. In retail uses, examples include sales areas, break rooms and other active spaces. In office uses, examples include lobbies, conference rooms, amenity spaces and other communal working spaces. In entertainment and accommodation uses, examples include customer seating and waiting areas, and circulation areas. Interior parking areas, storage and locker rooms, restrooms, coat-check areas and other passive spaces not intended to be visually open to the outdoors shall not be considered street-activating uses.

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

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

640. STREET FRONTAGE, BUILDING means the building façade or elevation most closely parallel to the street property line.

640.5. STREET FRONTAGE ZONE, INTERIOR means the floor area measured perpendicular from the building street frontage, where the depth may vary by district or other requirement. This area is defined for restriction on use of the area.

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

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

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

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

648. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

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.

295-203 Zoning

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. TRELLIS. 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.

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.

f. "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.

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

h. "Mobile home" means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

i. "Watchman/service quarters" means one dwelling unit designed for an employee who is employed on the premises.

j. "Family day care home" means a dwelling unit licensed as a day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee County, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

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

2. GROUP RESIDENTIAL USES. a. "Convent, rectory or monastery" means a building used to house the staff of a church or members of a religious order.

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

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

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

e. "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.

f. "Foster family home" means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children by persons other than a relative or guardian of the children.

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

h. "Group home or group foster home" means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

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

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

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

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

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

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

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

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

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

d. "School, 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.

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

b. "Cultural institution" means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

c. "Community center" means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

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

e. "Cemetery or other place of interment" means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

f. "Public safety facility" means a government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.

g. "Correctional facility" means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

5. COMMERCIAL AND OFFICE USES. a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor. Accessory uses may include, but are not limited to, common areas, break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

b. "Government office" means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

c. "Bank or other financial institution" means 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.

d. "Currency exchange" means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

e. "Title loan agency" means an establishment providing loans to individuals in exchange for receiving titles to the borrowers' motor vehicles as collateral.

f. "Payday loan agency" means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

g. "Installment loan agency" means an establishment licensed as a loan company by the Wisconsin department of financial institutions under s. 138.09, Wis. Stats., and providing personal loans that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include a bank or other financial institution, a payday loan agency, a title loan agency or a currency exchange.

h. "Cash-for-gold business" means an establishment primarily engaged in buying used gold or jewelry

i. "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.

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

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

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

m. "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.

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

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

p. "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.

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

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

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

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

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

f. "Social service facility" means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not

limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. "Light motor vehicle wholesale facility" means an office for wholesale trade in light motor vehicles.

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

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

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

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

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

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

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

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

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

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

include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

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

r. "Parking structure, accessory use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include 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.

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

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

9. ACCOMMODATION AND FOOD SERVICE USES. a. "Bed and breakfast" means an establishment which:

- a-1. Provides rooms for rent for short periods of time.
- a-2. Provides meals only to renters of rooms in the establishment.
- a-3. Is the owner's personal residence.
- a-4. Is occupied by the owner at the time of rental.
- a-5. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

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

c. "Hotel, residential" means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

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

e. "Brewpub" means a tavern or restaurant which contains an on-premises alcohol beverage production facility that produces up to 10,000 barrels of fermented malt beverages, 100,000 gallons of vinous spirits or 15,000 gallons of distilled spirits annually, primarily for on-site consumption or retail sale.

f. "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 a meeting space for a club or membership organization. This term does not include a convention center.

g. "Restaurant without drive-through facility" means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles.

h. "Restaurant with drive-through facility" means a restaurant where some or all of the food prepared is dispensed to customers in motor vehicles. The drive-through facility may include access lanes, signing, lighting and audio systems.

10. ENTERTAINMENT AND RECREATION USES. a. "Park or playground" means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

b. "Festival grounds" means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

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c. "Recreation facility, indoor" means a facility for the indoor conduct, viewing or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

d. "Recreation facility, outdoor" means a facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.

e. "Health club" means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

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

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

h. "Theater" means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

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

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

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

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

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

c. "Material reclamation facility" means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, any recycling, salvaging or towing premises, as defined in s. 93-3-21, primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

d. "Salvage operation, indoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or 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.

e. "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.

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

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

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

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.

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 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	Zoning Districts							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
<i>Light Motor Vehicle</i>									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body Shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
Wholesale facility	N	N	N	N	N	N	N	N	N
<i>Heavy Motor Vehicle</i>									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
<i>General Motor Vehicle</i>									
Filling station	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Non-restaurant drive-through facility	N	N	N	N	N	N	N	N	N
<i>Parking</i>									
Parking lot, principal use	N	S	N	N	S	S	S	S	S
Parking lot, accessory use	Y	L	Y	Y	L	Y	L	Y	L
Parking structure, principal use	N	N	N	N	N	N	S	S	S
Parking structure, accessory use	N	N	N	N	N	Y	L	Y	L
Heavy motor vehicle parking lot, principal	N	N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory	N	N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES									
Bed and breakfast	S	L	L	L	L	L	L	Y	Y
Hotel, commercial	N	N	N	N	N	N	N	N	S
Hotel, residential	N	N	N	N	N	N	N	N	Y
Tavern	N	L	N	L	L	N	L	N	S
Brewpub	N	N	N	N	N	N	N	N	S
Assembly hall	N	N	N	N	N	N	N	N	L
Restaurant without drive-through facility	N	L	N	L	L	N	L	Y	Y
Restaurant with drive-through facility	N	N	N	N	N	N	N	N	N
ENTERTAINMENT AND RECREATION USES									
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N	N
Recreation facility, indoor	N	N	N	N	N	N	N	S	S
Recreation facility, outdoor	N	N	N	N	N	N	N	N	N

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

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	Zoning Districts							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
AGRICULTURAL USES									
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y	Y	Y	Y	Y
Commercial farming enterprise	S	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES									
Broadcasting or recording studio	N	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N	N
Small wind energy system	L	L	L	L	L	L	L	L	L
Solar farm	Y	Y	Y	Y	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L	L
TEMPORARY USES									
Seasonal market	L	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS.
 - a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of October 1, 2002. If this standard is not met, a 2-family dwelling is a prohibited use.
 - b. Multi-Family Dwelling.
 - b-1. In an RT1 to RT3 district, the premises was legally established and occupied as a multi-family dwelling as of October 1, 2002. If this standard is not met, a multi-family dwelling is a prohibited use.
 - b-2. In the RT4 district, not more than 4 dwelling units shall be permitted in a single building. If this standard is not met, a multi-family dwelling is a prohibited use.
 - c. Attached Single-Family Dwelling.
 - c-1. In an RT1 to RT3 district, not more than 2 dwelling units may be attached to each other. If this standard is not met, an attached single-family dwelling is a prohibited use.
 - c-2. In the RT4 district, not more than 4 single-family dwellings may be attached to one another.
 - d. Live-work Unit.
 - d-1. The activity and work area shall be accessory to the residential use of the dwelling unit.
 - d-2. The occupant of the unit shall be the primary person involved in the business or activity. Not more than 2 other full-time employees may use the live-work space.
 - d-3. Only goods produced in the live-work unit may be sold there.
 - d-4. No detached garage, shed or exterior space shall be used for the live-work activity.
 - d-5. Signage shall be limited to one non-illuminated wall sign of not more than 2 square feet in area.

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e. Family Day Care Home. e-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located. If this standard is not met, the facility is classified as a day care center and subject to the limited use standards for day care centers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

j. Personal Instruction School, General Office, Government Office, Bank or Other Financial Institution, General Retail Establishment, Artist Studio, Medical Office, Personal Service, Business Service, Catering Service, Funeral Home, Laundromat, Dry Cleaning Establishment, or Restaurant without Drive-through Facility.

j-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

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

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

j-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

j-3. The use shall not operate between the hours of 10 p.m. and 6 a.m. This provision shall not apply to a convenience store, restaurant without drive-through facility or personal service which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

k. Cultural Institution. k-1. The use shall be located on an arterial or collector street.

k-2. The area of the site shall be at least 10,000 square feet.

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

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

n. Parking Structure, Accessory Use. At least 50% of the interior street frontage zone of the street-level area, to a depth of 15 feet, shall be occupied by one or more other uses listed as permitted, with street-activating uses, in the zoning district or otherwise approved by the board.

o. Bed and Breakfast. Not more than 2 guest rooms shall be permitted. In the "Milwaukee Bed and Breakfast District" (the area bounded by West Juneau Avenue, West Michigan Street, North 27th Street and North 35th Street), a maximum of 8 guest rooms shall be permitted.

p. Tavern. p-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, a tavern shall be classified as a special use. If the structure does not meet either the first or second of these standards, a tavern shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

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

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

p-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

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

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

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

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

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

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

t-2. If the tower is located in an RS1 to RS6 district or an RT1 to RT4 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit and shall be

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set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit may be allowed as a special use.

t-3. If the tower is located in an RM1 to RM3 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit or 150 feet, whichever is less, and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

t-4. If the tower is located in an RM4 to RM7 district or an RO1 or RO2 district, the tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

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

v. Substation/Distribution Equipment, Outdoor. v-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

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

w. Seasonal Market. w-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

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

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

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

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

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

x. Temporary Real Estate Sales Office. x-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

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

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

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

y. Temporary Concrete/Batch Plant. y-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

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

y-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

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

y-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

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

z. Live Entertainment Special Event. z-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-4-a. Adjacent Structures. Where immediately adjacent lots contain principal buildings, the front setback dimensions of those structures shall be averaged to establish the average front setback.

b-4-b. No Adjacent Structures. If one or both adjacent lots do not contain principal buildings, the average front setback shall be determined by averaging the front setbacks of the 2 nearest principal buildings located on the same blockface, on adjacent blockfaces on the same side of the street, on the blockface across the street or on the nearest similar street, in that order.

b-5. Required Setback for Addition or Alteration. b-5-a. In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new addition or alteration may come up to the portion of the structure closest to the front property line.

b-5-b. Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new addition or alteration shall be permitted within the front setback range described in subd. 2 or may be placed up to any point between the existing front setback and the setback range.

b-5-c. No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

b-6. Atypical Properties. b-6-a. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner of neighborhood services shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

b-8. Adjustment Due to Topography. Where a sloping front yard rises at least one foot for every 2 feet of run and application of the maximum front setback requirement would result in the front of the proposed building being placed on the slope or within 10 feet of the crest of the sloping front yard, the maximum front setback may be increased to not more than 10 feet back from the crest of the sloping front yard.

b-9. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

b-10. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum front setback otherwise required.

c. Side Setback Standards. c-1. Minimum Setback for Property Adjacent to Developed Parcels or Alleys. c-1-a. A new principal building on a property that is adjacent to another property containing an existing principal building located closer than 1.5 feet from the shared property line shall maintain a minimum dimension of 3 feet from such existing structure, even when table 295-505-2 allows the new structure to be less than 3 feet from the property line.

c-1-b. Where a side property line abuts an alley, the minimum setback shall be the lesser of the 2 required side setbacks.

c-2. Adjustment for Buildings with Excessive Depth. When a structure exceeds the maximum depth specified in table 295-505-2, as measured from the front façade of the building, 1.5 additional feet of side setback shall be required for each additional 10 feet of building depth. Only the portion of the structure which exceeds the maximum building depth shall be required to have the additional setback. This adjustment shall not apply on the side of a lot that abuts an alley or a side street.

c-3. Adjustment for Buildings with Excessive Number of Stories. As specified in table 295-505-2, 4 additional feet of side setback shall be required on each side for each additional story above the maximum number of stories allowed. Only stories above the maximum story shall be required to have these additional setbacks. This adjustment shall not apply on the side of a building that abuts an alley.

d. Side Street Setback Standards. d-1. Build-to Line. Where a maximum side street setback is specified, at least 30% of the side street façade shall be located between the minimum and maximum required setbacks.

d-2. Exception for All Non-Residential Uses. There shall be no minimum side street setback for a principal structure of any non-residential use located on a corner lot.

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d-3. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum side street setback specified in table 295-505-2.

e. Rear Street Setback Standards. e-1. Determination of Required Setback. There shall be no maximum rear street setback. The minimum rear street setback for both new construction and additions to existing structures shall be determined by using the most applicable of the following methods:

e-1-a. Adjacent Structures. Where immediately adjacent lots contain principal or accessory buildings, the rear street setback shall be calculated as the average of the distance between the rear-most façade element or roofed area of the adjacent buildings and the street property line.

e-1-b. No Adjacent Structures. Where one or both of the immediately adjacent lots do not contain buildings, the rear street setback shall be determined by averaging the rear street setbacks of the 2 nearest buildings located on the same blockface, in adjacent blockfaces on the same side of the street, in the blockface across the street or on the nearest similar street, in that order. Buildings included in this calculation may be either principal structures or accessory structures.

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

e-3. Atypical Properties. e-3-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

e-3-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

e-4. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

f. Permitted Setback Intrusions. f-1. General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas. These standards are found in table 295-505-2-f.

f-2. Porches. As used in table 295-505-2-f, the term "porch" refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is considered part of the principal building, or to an uncovered porch, which is considered a deck.

g. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

h. Building Height. h-1. Compliance with Minimum Height Requirement. At least 50% of a structure's roof shall meet the minimum height requirement. In the case of a pitched roof, this standard shall be applied to the ridge of the roof. In the case of a flat roof, this standard shall apply to the entire surface area of the roof.

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

h-2-a. Chimneys and flues.

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

h-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

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

h-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

h-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is set back from side lot lines a distance equal to one-half the height of the building or portion thereof.

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

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

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

Table 295-505-2-f PRINCIPAL BUILDING INTRUSIONS INTO SETBACK AREAS				
Type of Intrusion	Front or Rear Street Setback	Side Street Setback	Side Setback	Rear Setback
Porch	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or be closer than 3 ft. from the side property line and shall be open on all sides.	Shall not encroach into required setback; however, stairs leading to a porch may encroach.
Uncovered wheelchair ramp	Permitted in setback only if: 1. The ramp has skirting material to screen the areas beneath the ramp. 2. The ramp is kept in a reasonably good state of repair and maintenance. 3. Trees or shrubs displaced by the ramp shall be relocated or replaced.			Permitted anywhere in rear setback area.
Uncovered wheelchair lift	Permitted in setback only if: 1. Skirting with a minimum height of 4 feet is provided. 2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions. 3. The lift has skirting material which prevents obstructions to the movement of the chair.			
Planter	Permitted anywhere in a setback area, but shall not exceed 4 feet in height.			
Air-conditioning condenser	Not permitted unless set back at least 50 feet and entirely screened.		Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line.	Permitted anywhere in rear setback area.
Hood or awning	Up to 6 feet	Up to 6 feet	Up to 4 feet, but not closer than 2 feet from any property line	
Eave	Up to 4 feet	Up to 4 feet	Up to 2 feet, or one-half of the required setback, whichever is less.	Up to 4 feet, but not closer than 2 feet from any property line.
Balcony	Up to 4 feet	Up to 4 feet	Not permitted	Up to 4 feet, but not closer than 2 feet from any property line.
Fire escape	Not permitted	Not permitted	Permitted only along a side facing an alley	Up to 6 feet, but not closer than 2 feet from any property line
Bay window	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the facade may have similar protrusions.			
Chimney	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.			

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h-3. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

i. Lot Coverage. i-1. The lot coverage standards set forth in table 295-505-2 relate to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage.

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

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

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

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

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

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

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

j. Multiple Principal Buildings. j-1. Intent. Standards for properties with more than one principal building are established to recognize the various contexts in which this type of development occurs and to allow practical use and improvement of such properties. More than one principal residential building shall be permitted on a lot only as provided in table 295-505-2. Multiple principal non-residential buildings shall be permitted in all residential zoning districts. The standards of this paragraph apply to both multiple principal residential buildings and multiple principal non-residential buildings.

j-2. Distance Between Buildings. The front-to-back minimum distance between 2 principal residential buildings shall be 10 feet. The side-to-side minimum distance between 2 principal residential buildings shall be 5 feet. There shall be no required minimum distance between 2 principal non-residential buildings.

j-3. Side Setback. The minimum side setback shall be as specified in table 295-505-2.

j-4. Rear Setback. Where the rear of a property abuts an alley, the minimum rear setback shall be 4 feet, regardless of the requirement specified in table 295-505-2.

j-5. Lot Coverage. On a lot having multiple principal residential buildings, maximum lot coverage may be increased by up to an additional 15% as long as the accessory building lot coverage is reduced by a corresponding amount.

k. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-505-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit.

L. Design Features. L-1. Intent. The standards of this paragraph are intended to enable a residential building to be compatible with its context, as well as to encourage pedestrian-oriented residential development.

L-2. Entrance Door Orientation.

L-2-a. Standard. Every new principal building shall have a primary entrance door that faces a street.

L-2-b. Multi-Family Use. Every new multi-family use within a building shall have a primary entrance door on a front façade or a side street façade, even if other doors serving individual townhouse-style units, or other uses, are present. The main entrance used by residents and visitors, as well as the door where mail is delivered and deliveries are made, is considered the primary entrance of a multi-family residential use.

L-2-c. Exception. A new principal building may have an entrance door that does not face a street if the building or building site includes physical features that clearly identify the location of the front entrance of the building and are readily visible from the public right-of-way. Examples of such features include, but shall not be limited to, covered stoops, porches, retaining walls and masonry planters.

Table 295-505-2-i			
MINIMUM RESIDENTIAL BUILDING FRONT FACADE WIDTH AND BUILDING HEIGHT			
Lot width (ft.)	Min. building front facade width (ft.)	Min. no. of stories *	Min. building height (ft.)
25	No requirement	1	20
30	No requirement	1	20
31	No requirement	1	20
32	No requirement	1	20
33	No requirement	1	20
34	No requirement	1	20
35	20	1	20
36	22	1	20
37	22	1	20
38	24	1	20
39	24	1	20
40	24	1	20
41	24	1	20
42	24	1	20
43	24	1	20
44	24	1	20
45	24	1	20
46	26	2	25
47	28	2	25
48	30	2	25
49	30	2	25
50	32	2	25
51	32	2	25
52	34	2	25
53	34	2	25
54	34	2	25
55	36	2	25
56	36	2	25
57	38	2	25
58	38	2	25
59	40	2	25
60	40	2	25
More than 60	Width X 0.65	2	25
* If the structure is adjacent to a lot containing a one-story house, a one-story structure shall be permitted regardless of the width of the lot on which it is located.			

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L-3. Overhead Garage Doors Facing Streets. For any new building constructed in the RS6, RT3, RT4 and RM3-RM7 districts, an attached garage which has an overhead garage door that faces the street shall be set back at least 4 feet from the street façade of the main building mass. The following exceptions shall apply:

L-3-a. An overhead garage door may be flush with the street façade of the building if the building has a porch, floor-to-ceiling bay window, balcony, hood, canopy, integral planter, landscaping wall or other significant design feature or combination of features which extend at least 4 feet forward from the wall plane on which the door is placed. A garage door which is recessed within the thickness of the garage wall as a result of typical construction practices shall be considered "flush."

L-3-b. An overhead garage door may be flush with the street façade of the building if at least 40% of the façade on which the door is located is comprised of windows.

L-4. Restricted Building Wall Materials. Unless otherwise noted herein, the following regulations apply to any non-industrial principal building or addition:

L-4-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

L-4-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk. This subparagraph shall not apply to a single- or 2-family dwelling.

m. Garage Door Setback. Garage doors shall be set back a minimum of 4 feet from alley lot lines.

n. Minimum Lot Area for Premises with Mixture of Dwelling Unit Types. n-1. Permanent Supportive Housing. Where permanent supportive housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula $PSF = ((PN/RN) \times LSF)/PN$, where:

n-1-a. PSF is the lot area, in square feet, per permanent supportive housing unit.

n-1-b. PN is the number of permanent supportive housing units.

n-1-c. RN is the total number of residential units both permanent supportive housing units other types of dwelling units.

n-1-d. LSF is total lot area, in square feet.

n-2. Transitional Housing. Where transitional housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula $TSF = ((TN/2)/((TN/2) + GN)) \times LSF/TN$, where:

n-2-a. TSF is the lot area, in square feet, per transitional housing client

n-2-b. TN is the total number of transitional housing clients

n-2-c. GN is the total number of dwelling units, not including transitional housing

n-2-d. LSF is total lot area, in square feet

3. ACCESSORY STRUCTURE STANDARDS. a. Introduction. The design standards for accessory structures in residential districts are set forth in table 295-505-3. These standards apply to accessory structures of permitted non-residential uses in residential districts, as well as to structures which are accessory to residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Principal Building Required. No accessory building shall be located on a lot not containing a principal building, unless the principal use of the lot is for the raising of livestock, a community garden or a

commercial farming enterprise. If a principal building on a lot is removed, any accessory building on the lot shall also be removed within 60 days and the premises made compliant with this code.

c. **Maximum Lot Coverage.** See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area. 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 30 inches 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.

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

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

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

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

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

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

k. 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.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family, 2-family dwelling or community living arrangement with 8 or fewer clients.

b-5. Commercial Vehicles. Not more than one commercial vehicle may be parked on a lot in a single-family, 2-family or multi-family zoning district.

b-6. Recreational Vehicles. Not more than one recreational vehicle, other than a motorcycle or snowmobile, may be parked on a lot in a single-family, 2-family or multi-family district.

b-7. Maximum Vehicle Length, Vehicle Height and Number of Wheels. No vehicle in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels may be parked on a lot in a single-family, 2-family or multi-family district.

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

b-9. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Location. An access drive leading to parking spaces in a permitted rear-yard or side-yard location may be located in a required setback area. An access drive which leads to permitted parking spaces may also be used for parking, but any such parking shall not count toward the parking-space requirements of s. 295-403-2. An access drive may be placed directly adjacent to an interior side property line.

c-2. Configuration. An access drive shall generally traverse the front property line at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-3. Width. An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 3 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a residential zoning district. As in commercial and industrial zoning districts, parking lots, dumpsters and other unsightly site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened in accordance with s. 295-405-6-a, or shall be incorporated into the structure it serves.

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

f-2. Fences in Front Yards. A fence located in a front yard shall not exceed 4 feet in height. However, an ornamental metal fence may be erected to a height of 6 feet. Such ornamental fence may include piers constructed of masonry, wood or other approved materials, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-3. Fences in Side Yards. A fence located in a side yard shall not exceed 4 feet in height. However, a fence may be erected to a height of 6 feet if the entire fence is constructed of chain link, wrought iron or similar open construction or if the area above 4 feet high is at least 50% open. An example of the latter is a

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fence that is opaque to a height of 4 feet and is topped with not more than 2 feet of wood lattice. Any side-yard fence may be erected to a height of 6 feet if it is located more than 10 feet from a side lot line.

f-4. Fences in Rear Yards. A fence located in a rear yard may be erected to a height of 6 feet. However, if the fence is located along a side street or rear street, it shall also comply with subd. f-5.

f-5. Fences Along Side Streets and Rear Streets. A fence located along a side street or rear street property line shall not exceed 4 feet in height, with the following exceptions:

f-5-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless the fence has been erected in accordance with the applicable provisions of ch. 245.

f-5-b. An ornamental fence may be erected to a height of 6 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-6. Fences Enclosing Swimming Pools. A fence which encloses a swimming pool shall also comply with all department of neighborhood services rules and regulations for swimming pools.

f-7. Higher Fences on Abutting Properties. Where a fence is located along a lot line that abuts another property, and a higher fence is permitted directly across the property line on that property, the fence may be erected to the height permitted on the abutting property.

f-8. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

f-9. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

f-10. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirements of s. 295-405.

f-11. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f-12. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

f-13. Fences or Retaining Walls Extending into Public Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

f-14. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited.

g. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or other street shall comply with the vision triangle regulations of s. 295-405-1-g.

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

5. SIGNS. a. General. The design standards for signs in residential districts, except RO1 and RO2 districts, shall be based on the use of the property, as set forth in table 295-505-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B." General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standards in table 295-505-5, which pertain specifically to type "A" and type "B" signs in residential zoning districts.

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

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

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

c-2. Bonus Provision for Freestanding Signs. The maximum display area for a freestanding sign at an elementary or secondary school, college or religious assembly may be increased by up to 50% if the following conditions are met:

c-2-a. Not more than one freestanding sign may be erected on the premises.

c-2-b. The premises shall have at least 240 feet of continuous street frontage.

c-2-c. The base of the sign shall be at least as wide as the display surface of the sign.

c-2-d. Any illumination directed at the sign shall be shielded so that the source of illumination is not visible from any property line.

c-2-e. The sign shall be set back at least 30 feet from any residential use.

d. Family Day Care Homes. Signs shall not be permitted.

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

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Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
USES	Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use		Zoning Districts			
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y
Furniture and appliance rental and leasing	S	S	Y	Y	Y	Y	Y	Y
Household maintenance and repair service	Y	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y
<i>Animal Services</i>								
Animal hospital/clinic	L	L	L	L	L	L	L	L
Animal boarding facility	L	L	L	L	L	L	L	L
Animal grooming or training facility	L	L	L	L	L	L	L	L
MOTOR VEHICLE USES								
<i>Light Motor Vehicle</i>								
Sales facility	N	N	S	S	S	Y	Y	S
Rental facility	L	L	L	L	L	Y	Y	Y
Repair facility	N	N	S	S	S	S	S	S
Body shop	N	N	S	S	S	S	S	S
Outdoor storage	N	N	S	S	S	S	S	S
Wholesale facility	L	L	L	L	L	L	L	L
<i>Heavy Motor Vehicle</i>								
Sales facility	N	N	S	S	S	S	S	S
Rental facility	N	N	S	S	S	S	S	S
Repair facility	N	N	N	N	N	S	S	N
Body shop	N	N	N	N	N	S	S	N
Outdoor storage	N	N	N	N	N	S	S	N
<i>General Motor Vehicle</i>								
Filling station	N	N	S	S	S	S	S	S
Car wash	N	N	L	L	L	L	L	L
Non-restaurant drive-through facility	L	L	L	L	L	L	L	L
<i>Parking</i>								
Parking lot, principal use	L	L	L	L	L	Y	L	L
Parking lot, accessory use	Y	L	Y	L	L	Y	Y	Y
Parking structure, principal use	S	S	L	L	L	L	L	L
Parking structure, accessory use	Y	L	Y	L	L	Y	Y	Y
Heavy motor vehicle parking lot, principal use	N	N	S	S	S	S	S	S
Heavy motor vehicle parking lot, accessory use	S	S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	Y
Tavern	L	L	Y	Y	Y	Y	Y	Y
Brewpub	S	S	Y	Y	Y	Y	Y	Y
Assembly hall	L	L	L	L	L	L	L	L
Restaurant without drive-through facility	Y	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility	S	S	S	S	S	S	S	S
ENTERTAINMENT AND RECREATION USE								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y

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

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

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

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

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

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

g. Secondhand Store.

g-1. All drop-offs of consignment or donated items shall occur inside the building.

g-2. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

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

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

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

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

j-1-b. Washing and cleaning shall be conducted on a line of operation within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

j-1-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations. If access to the line of operation is limited to a single lane, the lane shall be used exclusively for the washing and cleaning operation.

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

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

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

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

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

j-2-b. Washing and cleaning shall be conducted within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

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

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

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

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

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

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

k-4. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

k-5. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

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- L. Parking Lot, Principal Use. L-1. In the NS1, NS2, LB2, LB3, RB2 and CS districts:
- L-1-a. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line, except in the LB3 district this dimension shall not exceed 45 feet.
 - L-1-b. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
 - L-1-c. No alley shall be relied upon for vehicular circulation purposes.
 - L-1-d. The parking lot shall not be located on a corner lot.
- L-2. In the LB1 district, the parking lot shall function in an accessory manner and shall be used exclusively by owners of a different premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.
- m. Parking Lot, Accessory Use. m-1. The parking lot shall not be located between the street façade of a principal building and a street lot line. This standard shall not apply to any use listed in the “motor vehicle uses” section of table 295-603-1
- m-2. In the LB3 district, the width of the paved parking area adjacent to the primary street frontage shall not exceed 45 feet as measured from the principal building to the side lot line.
- n. Parking Structure, Principal Use or Accessory Use. At least 50% of the interior street frontage zone of the street-level area, to a depth of 15 feet, shall be occupied by one or more other uses listed as permitted, with street-activating uses, in the district or otherwise approved by the board.
- o. Tavern. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use and has been occupied by such non-residential use within the past 12 months.
- p. Assembly Hall. p-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
- p-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
 - p-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- r. Theater. The capacity of the building shall not exceed 49 persons.
- s. Light Motor Vehicle Wholesale Facility. Not more than 3 vehicles to be sold shall be stored on the premises.
- t. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. t-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
- t-2. Storage of hazardous materials, as described in s. 295-201-627, shall be prohibited.
- u. Ground Transportation Service. u-1. Not more than 15 vehicles shall be stored on the premises at any one time.
- u-2. The vehicle storage area shall be screened in accordance with s. 295-405-4.
- v. Alcohol Beverage Facility, Micro. v-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- v-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
 - v-3. No production of distilled spirits shall be permitted.
- w. Light Manufacturing. w-1. The gross floor area devoted to the use shall not exceed 3,600 square feet
- w-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
 - w-3. The use shall not generate noise or odors in violation of ch. 80.
 - w-4. All manufacturing activities shall occur within an enclosed building.
- x. Food Processing. x-1. The gross floor area devoted to the use shall not exceed 3,600 square feet in the LB3 district and 20,000 square feet in other districts.
- x-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
 - x-3. The use shall not generate noise or odors in violation of ch. 80.
 - x-4. All food processing activities shall occur within an enclosed building.
- y. Contractor's Shop. All of the contractor's activities, including those activities that are accessory to the principal use, shall be conducted entirely within a building.

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

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Commercial development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction in commercial districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for non-residential and multi-family buildings are set forth in table 295-605-2. When a building contains both residential and non-residential uses, the design standards for non-residential buildings shall apply. Single-family and 2-family dwellings shall meet the design standards of subch. 5, as cross-referenced in table 295-605-2. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

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

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

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

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

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

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

c-2. Setback Averaging. When setback averaging is required, the average setback shall be determined using the formula described in s. 295-505-2-b-4.

c-3. Building Placement. c-3-a. New Buildings. At least 70% of the front façade of any newly constructed principal building shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2. The remaining 30% or less of the front façade may be set back farther from the front lot line than the maximum front setback, but shall not be located closer to the front lot line than the minimum front setback.

c-3-b. Additions and Alterations. Where portions of an existing building are closer to the front lot line than are the front facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the front lot line as the portion of the building closest to the front lot line. Where an existing building is set back farther from the front lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the front lot line as the minimum front setback.

c-3-c. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front façade of the building will no longer be within the required setback range, or will be even farther from the required range than it already is.

c-3-d. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no front setback requirements unless stipulated by the board.

c-3-e. Exception for Maximum Setbacks. Notwithstanding any other provision of this subchapter, when averaging is used to determine the maximum front setback, a maximum setback of 2 feet shall always be permitted.

c-4. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

d. Side Street Setback Standards. d-1. Intent. Side street setback standards are intended to ensure that the façade or other elements of new construction or additions maintain relationships to the secondary street in a manner similar to the corresponding setbacks for buildings of similar use in the immediate vicinity.

d-2. Building Placement. d-2-a. New Buildings. At least 70% of the side street façade of any newly constructed principal building shall be located within the range of the minimum and maximum side street setbacks established by table 295-605-2. The remaining 30% or less of the side street façade may be set back farther from the side street lot line than the maximum side street setback, but shall not be located closer to the side street lot line than the minimum side street setback.

d-2-b. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no side street setback requirements unless stipulated by the board.

e. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

f. Building Height. f-1. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

f-1-a. Chimneys and flues.

f-1-b. Water towers or tanks other than those located on the roof of a building.

f-1-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

f-1-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

f-1-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

f-1-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

f-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-603-2-y.

f-1-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f-1-i. Solar farms and solar arrays.

f-2. Exceptions to Minimum Height Requirement. f-2-a. Motor Vehicle-Related Uses. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

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f-2-b. Additions to Nonconforming Buildings. An addition to an existing building that does not meet the minimum height requirement may be constructed to the same height as the existing building.

f-2-c. Additions to Conforming Buildings. In the LB3 district, an addition not meeting the minimum height requirement may be constructed along a street frontage provided it does not exceed 18 feet in width and meets the minimum height requirement of the LB2 districts. In all districts, an addition to the rear or other non-street wall area of a building shall not be required to meet a minimum height requirement.

f-2-d. Narrow Lots in LB3 District. For a lot located in the LB3 district and measuring 24 feet or less in width along the primary street frontage, the minimum height requirement of the LB2 district shall apply.

f-3. Sidewall Height. At least 70% of the sidewall of the front façade and, when located on a corner lot, at least 70% of the sidewall of the side street façade of any newly constructed principal building shall meet the minimum sidewall height requirement specified in table 295-605-2.

f-4. Minimum Height by Street Frontage. In a district having a minimum building height requirement, at least 70% of the building façade along the primary street frontage shall meet this requirement. On secondary and tertiary street frontages, at least 25% of the building façade shall meet the minimum height requirement.

f-5. Measuring Height. The following standards shall be used to determine compliance with the minimum height requirements specified in table 295-605-2:

f-5-a. Height shall be measured from the average grade level at the front façade to the top of the parapet wall or fascia, except as provided in subpar. c. With a gabled roof or similar wall conditions, the measurement shall be taken at the midpoint of the gable or similar shape.

f-5-b. Height shall be measured for the portion of the façade that is at the front wall line or not more than 10 feet stepped back. The height of a portion of the building that is not at the front wall line, such as a massing of the building that is set back, shall not count towards compliance with the minimum height requirement.

f-5-c. If a gable or irregular roof shape faces the primary street, the measurement shall be taken at the midpoint of the gable or other roof shape. If a gable or irregular roof shape faces the secondary street or a side lot line, the measurement shall be taken at a point 10 feet back from the front façade.

f-5-d. A penthouse for mechanical equipment may not be included when determining compliance with the minimum height requirement unless the penthouse is an integral part of the front façade. Other structures exempt from height limitations, as listed in subd. 1, may not be included when determining compliance with the minimum height requirement.

g. Build-Out Requirement. In a district having a minimum height requirement, the front façade of a building shall be built-out to at least the minimum percentage of the lot street frontage specified in table 295-605-2.

h. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-605-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit. Notwithstanding any other provision of this chapter, any building converted from non-residential use to residential use shall meet the glazing standard specified in table 295-605-2.

i. Design Features. i-1. Intent. The standards of this paragraph are intended to encourage pedestrian-oriented commercial development.

i-2. Entrance Door Orientation. i-2-a. Standard. Every new building shall have a primary entrance door on the front façade.

i-2-b. Multi-Family Use. Every new multi-family use within a building shall have a primary entrance door on a front façade or a side street façade, even if other doors serving individual townhouse-style units, or other uses, are present. The main entrance used by residents and visitors, as well as the door where mail is delivered and deliveries are made, is considered the primary entrance of a multi-family residential use.

i-2-c. Exception. A primary entrance door shall not be required on the front façade if there is a primary entrance door on a side façade and that door is within 20 feet of the front façade.

i-3. Glazing. i-3-a. General. All new principal buildings and additions shall have transparent glass windows on both the primary and secondary street frontages according to the percentages listed in table 295-605-2. In addition, no existing building may be altered in such a way that the amount of glazing is reduced below the amount required herein. Whenever a substantial improvement occurs, the building shall meet the glazing requirements of table 295-605-2 at the time the substantial improvement is completed. Non-glass materials such as transparent plastic may not be used to meet transparency requirements. Car washes and light and heavy motor vehicle repair facilities and body shops shall not be required to meet glazing standards.

i-3-b. Area of Required Glazing. For all commercial districts except the LB3 district, the percentage of lineal frontage of the first floor indicated in table 295-605-2 shall have windows at least 4 feet in height with sills not more than 3 feet 6 inches above the interior floor level. For the LB3 district, the requirements shall be at least 6 feet in height and not more than 2 feet 6 inches above the interior floor level.

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

i-3-d. Interior Spaces. Interior walls parallel to required glazing shall be not less than 6 feet from the plane of the glazing.

i-3-e. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. Display Racks and Fixtures. In no case shall display racks and fixtures, in combination with permitted signs, obscure more than 50% of the glazing area.

i-3-g. Structural Elements. Structural elements of a glazing system that are less than 6 inches in width shall be counted as part of the clear glazing.

i-3-h. Sill Height Exception. In NS1, LB1, RS1 and CS districts, the maximum sill height may be raised to not more than 4 feet 6 inches above the finished floor level.

i-3-i. Rear Street Exception. When a rear street frontage is determined to be a secondary street frontage and the building façade facing that street frontage is more than 25 feet from the rear street property line, there shall be no requirement for glazing.

i-4. Alternatives to Glazing. The following alternative window or wall treatments may be used to meet the glazing requirements of subd. i-3:

i-4-a. Other First-floor Windows Outside the Area of Required Glazing. Clerestory windows or low windows that are at least 3 feet in height may be used to meet the requirements of subpar. i-3-b, and shall only be counted at half the rate of regular windows.

i-4-b. Display Cases. Display cases that are located in the area of required glazing and are at least 4 feet in height may be used to meet the requirements of subpar. i-3-b, but shall only be counted at half the rate of regular windows.

i-4-c. Wall Design. On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner of neighborhood services. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

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

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

i-5. Overhead Garage Doors Facing Streets. For any new building or addition constructed in the NS2, LB2, LB3, or RB2 district, an overhead garage door which faces the street shall be set back at least 4 feet from the front façade of the main building mass.

i-6. Restricted Building Wall Materials. The following regulations apply to any non-industrial principal building or addition:

i-6-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

i-6-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.

i-6-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on

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floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

i-6-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

i-6-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

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

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

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

a-3. No side setback shall be required.

a-4. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required.

Otherwise, no setback shall be required.

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

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

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

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

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

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

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

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

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

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

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

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

b-3. Location of Parking Spaces. The location of parking spaces shall be in accordance with table 295-603-1 and any corresponding limited use standards.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 5 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a commercial zoning district. As in residential and industrial zoning districts, parking lots, dumpsters and similar site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened in accordance with s. 295-405-6-a, or shall be incorporated into the structure it serves.

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

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

f-3. Screening. Where berths for more than 2 truck bays are in a yard facing and visible from a public street or a non-industrial district, the truck berths shall be screened in accordance with s. 295-405-6-b. This requirement may be waived in whole or in part, or compliance with it may be delayed, if visibility of the truck berths is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

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

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

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

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

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

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

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

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

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

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

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

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

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h. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-1-g.

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

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

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

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

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

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

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

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

g-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
NS1 and NS2	36 sq. ft.
LB1, LB2 and CS	48 sq. ft.
RB1, RB2 and LB3	72 sq. ft.

g-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

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

**SUBCHAPTER 7
DOWNTOWN DISTRICTS**

295-701. Purposes. 1. HIGH-DENSITY RESIDENTIAL (C9A). The high-density residential district is designed and intended to serve as a highly urban living environment for those persons or families desirous of a residential location in close proximity to the city's downtown, as delineated in the city's comprehensive plan.

2. RESIDENTIAL AND SPECIALTY USE (C9B). The residential and specialty use district is designed and intended to allow a compatible mix of urban activities which together result in a cohesive district offering a variety of residential, employment-generating, and neighborhood-serving or specialty retail uses.

3. NEIGHBORHOOD RETAIL (C9C). The neighborhood retail district is designed and intended as a convenience shopping district serving surrounding residential neighborhoods.

4. CIVIC ACTIVITY (C9D). The civic activity district is designed and intended to serve as a regional center for office, governmental, educational, cultural and recreational activities. Retail uses should be limited and should be designed to serve employees in the district, patrons of cultural, recreational, or educational activities, or district residents.

5. MAJOR RETAIL (C9E). The major retail district is designed and intended to be a highly active, intensely developed regional shopping district featuring both convenience and shoppers' retail goods and services.

6. OFFICE AND SERVICE (C9F). The office and service district is designed and intended to serve both as a retail trade and a personal and business services district, as well as a major center of office commercial activities.

7. MIXED ACTIVITY (C9G). The mixed activity district is designed and intended to permit a wide range of retail, service, light manufacturing and residential uses. Because of their operational characteristics, many of the uses allowed in the mixed activity district should be relegated to the peripheral portions of the downtown district.

8. WAREHOUSING AND LIGHT MANUFACTURING (C9H). The warehousing and light manufacturing district is designed and intended to permit those manufacturing, warehousing and distribution uses which, because of tradition or because of functional relationships, choose to locate in the peripheral portions of the downtown district.

295-703. Uses. 1. USE TABLE. Table 295-703-1 indicates the use classifications for various land uses in the downtown districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-703-1:

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

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

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

d. "N" indicates a prohibited use.

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Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts						
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
RESIDENTIAL USES								
Single-family dwelling	Y	L	L	L	L	L	L	N
Two-family dwelling	Y	L	L	L	L	L	L	N
Multi-family dwelling	Y	L	L	L	L	L	L	N
Permanent supportive housing	Y	Y	Y	Y	Y	Y	Y	N
Transitional housing	S	S	S	S	S	S	S	N
Attached single-family dwelling	Y	Y	L	L	L	L	L	N
Live-work unit	Y	Y	L	L	L	L	L	S
Mobile home	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	Y
Family day care home	L	L	L	L	L	L	L	N
GROUP RESIDENTIAL USES								
Rooming house	S	S	S	S	S	S	S	N
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	N
Dormitory	S	S	S	S	S	S	S	N
Fraternity or sorority	S	S	S	S	S	S	S	N
Adult family home	L	L	L	L	L	L	L	N
<i>Foster Homes</i>								
Foster family home	Y	Y	Y	Y	Y	Y	Y	N
Small foster home	L	L	L	L	L	L	L	N
Group home or group foster home	L	L	L	L	L	L	L	N
<i>Shelter Care Facilities</i>								
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	N
Small group shelter care facility	L	L	L	L	L	L	L	N
Large group shelter care facility	S	S	S	S	S	S	S	N
Community living arrangement	L	L	L	L	L	L	L	N

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use	L=Limited Use		Zoning Districts					
S=Special Use	N=Prohibited Use							
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
EDUCATIONAL USES								
Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	Y	Y	Y	Y	S	Y	Y	S
College	S	S	S	Y	S	S	Y	Y
School, personal instruction	S	Y	Y	S	S	S	Y	S
COMMUNITY-SERVING USES								
Library	Y	Y	Y	Y	S	Y	Y	N
Cultural institution	L	L	Y	Y	S	Y	Y	N
Community center	S	S	S	S	S	S	S	S
Religious assembly	Y	Y	Y	Y	L	Y	L	N
Cemetery or other place of interment	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	S	N	N	N	N
COMMERCIAL AND OFFICE USES								
General office	L	Y	Y	Y	L	Y	Y	Y
Government office	L	Y	Y	Y	L	Y	Y	Y
Bank or other financial institution	L	Y	Y	Y	Y	Y	Y	N
Currency exchange, payday loan or title loan agency	N	S	S	S	S	S	S	S
Installment loan agency	N	S	S	S	S	S	S	S
Cash-for-gold business	N	S	S	S	S	S	S	S
Pawn shop	N	S	S	S	S	S	S	S
Retail establishment, general	L	Y	Y	Y	Y	Y	Y	S
Garden supply or landscaping center	N	N	N	N	N	N	S	S
Home improvement center	N	N	N	N	N	N	N	S
Secondhand store	S	L	L	S	L	L	Y	S
Outdoor merchandise sales	S	S	S	N	S	S	Y	S
Artist studio	L	Y	Y	N	L	L	Y	S
Adult retail establishment	N	N	N	N	N	N	S	S
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office	L	Y	Y	Y	L	Y	Y	Y
Health clinic	S	S	S	S	L	Y	Y	N
Hospital	S	S	S	S	N	S	S	N
Medical research laboratory	N	S	S	S	S	Y	Y	Y
Medical service facility	N	N	N	N	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	N	S	S	S	N	N	S	N
Nursing home	S	S	S	N	N	N	N	N
GENERAL SERVICE USES								
Personal service	L	Y	Y	Y	Y	Y	Y	N
Business service	S	Y	Y	Y	L	Y	Y	Y

295-703-1 Zoning

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts						
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Catering service	L	S	S	N	N	N	Y	Y
Funeral home	N	S	S	N	N	N	Y	N
Laundromat	S	Y	Y	N	S	Y	Y	N
Dry cleaning establishment	L	Y	Y	Y	Y	Y	Y	N
Furniture and appliance rental and leasing	N	S	S	N	S	S	S	S
Household maintenance and repair service	N	Y	Y	N	Y	N	Y	Y
Tool/equipment rental facility	N	S	S	N	S	N	S	S
<i>Animal Services</i>								
Animal hospital/clinic	N	N	S	N	S	S	S	S
Animal boarding facility	N	N	N	N	N	N	N	N
Animal grooming or training facility	N	N	S	N	S	S	S	S
MOTOR VEHICLE USES								
<i>Light Motor Vehicle</i>								
Sales facility	N	N	N	N	N	N	S	Y
Rental facility	N	L	L	L	L	L	L	L
Repair facility	N	S	S	N	S	S	S	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
Wholesale facility	N	L	L	N	L	L	L	L
<i>Heavy Motor Vehicle</i>								
Sales facility	N	N	N	N	N	N	N	S
Rental facility	N	N	N	N	N	N	S	S
Repair facility	N	N	N	N	N	N	N	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
<i>General Motor Vehicle</i>								
Filling station	N	S	S	S	S	S	S	S
Car wash	N	S	S	S	S	S	S	S
Non-restaurant Drive-through facility	N	S	S	S	S	S	S	S
<i>Parking</i>								
Parking lot, principal use	S	S	S	L	S	S	L	S
Parking lot, accessory use	L	S	S	L	S	S	L	S
Parking structure, principal use	S	S	L	S	L	L	S	S
Parking structure, accessory use	L	L	L	L	L	L	L	L
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	Y
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	S	Y	Y	N	L	L	Y	N
Hotel, commercial	S	Y	Y	Y	Y	Y	Y	N

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE									
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts							
Uses		C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Hotel, residential		Y	Y	Y	Y	Y	Y	Y	N
Tavern		S	Y	Y	Y	Y	Y	Y	Y
Brewpub		N	Y	Y	Y	Y	Y	Y	Y
Assembly hall		L	L	Y	Y	L	Y	Y	Y
Restaurant without drive-through facility		L	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility		N	N	N	N	N	N	N	N
ENTERTAINMENT AND RECREATION USES									
Park or playground		Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds		N	N	N	N	N	N	N	N
Recreation facility, indoor		S	S	Y	Y	Y	Y	Y	Y
Recreation facility, outdoor		N	S	S	S	N	N	S	S
Health club		L	L	Y	Y	L	Y	Y	Y
Sports facility		S	S	Y	Y	Y	Y	Y	Y
Gaming facility		S	S	S	S	S	S	S	S
Theater		N	Y	Y	Y	Y	Y	Y	Y
Convention and exposition center		N	N	N	Y	Y	Y	Y	N
Marina		N	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility		N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recycling collection facility		N	S	S	N	N	N	S	S
Mixed-waste processing facility		N	N	N	N	N	N	N	N
Material reclamation facility		N	N	N	N	N	N	N	N
Salvage operation, indoor		N	N	N	N	N	N	N	N
Salvage operation, outdoor		N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor		N	S	S	N	N	S	S	Y
Wholesale and distribution facility, outdoor		N	N	N	N	N	N	N	N
<i>Storage Facilities</i>									
Indoor		N	S	S	N	N	S	L	Y
Self-service		N	N	N	N	N	N	L	S
Outdoor		N	N	N	N	N	N	N	N
Hazardous materials		N	N	N	N	N	N	N	N
TRANSPORTATION USES									
Ambulance service		N	N	N	N	N	N	S	S
Ground transportation service		N	N	N	N	N	N	L	Y
Passenger terminal		S	S	S	S	S	S	Y	Y
Helicopter landing facility		N	S	S	S	S	S	S	S
Airport		N	N	N	N	N	N	N	N
Ship terminal or docking facility		N	N	N	N	N	N	Y	Y
Truck freight terminal		N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal		N	N	N	N	N	N	Y	Y

295-703-1 Zoning

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Uses	Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use		Zoning Districts			
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
INDUSTRIAL USES								
Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y
Alcohol beverage facility ,large	N	N	N	N	N	N	L	L
Food processing	N	L	L	N	L	L	Y	Y
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	Y	Y	N	Y	Y	Y	Y
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	S	Y
Contractor's yard	N	N	N	N	N	N	S	Y
AGRICULTURAL USES								
Plant nursery or greenhouse	N	N	N	N	N	N	N	S
Raising of livestock	N	N	N	N	N	N	N	N
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprises	N	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	Y	Y	Y	L	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	S	S	S	S	S	S	S	S
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	Y
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Single-family Dwelling, Two-family Dwelling, Multi-family Dwelling, Attached Single-family Dwelling or Live-work Unit. No dwelling unit or accessory parking, storage facilities or mechanical equipment shall be located in the interior street frontage zone of the street level area. The interior street frontage zone, which requires street-activating uses, shall be 15 feet in depth in this district.

b. Family Day Care Home. b-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b-2. There shall be no other family day care home in the same building as of April 6, 2001.

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

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

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

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

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

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

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

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

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

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

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

f. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Catering Service, Dry Cleaning Establishment, Restaurant without Drive-through Facility, or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

g. Religious Assembly, Health Clinic, Business Service, Building Maintenance Service, Bed and Breakfast, Assembly Hall or Broadcasting or Recording Studio. g-1. The use shall not be located in the street level area.

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

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

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

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

h. General Office, Government Office or Medical Office. h-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

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- h-2. In the C9E district, the use shall not be located in the street level area.
- i. Secondhand Store. All drop-offs of consignment or donated items shall occur inside the building.
- j. Artist Studio. j-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
- j-2. In the C9E and C9F districts, the use shall not be located in the street level area.
- k. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.
- L. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.
- m. Parking Lot, Principal Use or Accessory Use. m-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control.
- m-2. If located in the C9D district, the parking lot is located in subdistrict B.
- n. Parking Structure, Principal Use. At least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or to uses approved by the board.
- o. Parking Structure, Accessory Use. o-1. The parking spaces shall be integrated into a larger structure that houses one or more principal uses of the premises that are permitted uses or have been approved by the board.
- o-2. If the structure is in the C9B, C9C, C9D, C9E, C9F or C9G district, at least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or uses approved by the board.
- p. Storage Facility, Indoor or Self-Service. p-1. The structure to be occupied was constructed prior to March 20, 2015.
- p-2. If the use is an indoor storage facility, it shall not be located on the first floor.
- p-3. If the use is a self-storage facility, it shall only be located in the basement.
- p-4. If the standards of subs. 1 to 3 are not met, the use shall be prohibited.
- q. Ground transportation Service. The facility is owned or operated by a government unit.
- r. Alcohol Beverage Facility, Micro. r-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- r-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
- r-3. No production of distilled spirits shall be permitted.
- s. Light Manufacturing. s-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- s-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- s-3. The use shall not generate noise or odors in violation of ch. 80.
- s-4. All manufacturing activities shall occur within an enclosed building.
- s-5. At the street level, the street frontage of the building shall be used for retail sales.
- t. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- u. Food Processing. u-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- u-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- u-3. The use shall not generate noise or odors in violation of ch. 80.
- u-4. All food processing activities shall occur within an enclosed building.
- v. Transmission Tower. v-1. The tower shall comply with the applicable provisions of s. 295-413.
- v-2. If the tower is located in a C9A, C9B, C9C, C9D, C9F or C9G district, the tower shall not exceed 150 feet in height or the tower shall be accessory to an elementary or secondary school and be set back from all property lines a distance at least equal to the height of the tower. Any other tower may be allowed as a special use.
- v-3. If the tower is located in a C9E or C9H district, the tower shall not exceed 150 feet in height. Any other tower may be allowed as a special use.
- w. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.
- x. Seasonal Market. x-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.
- x-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees

constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

x-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
 x-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

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

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

y. Temporary Real Estate Sales Office. y-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

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

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

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

z. Temporary Concrete/Batch Plant. z-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

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

z-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

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

z-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

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

aa. Live Entertainment Special Event. aa-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

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

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

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

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

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

4. HOME OCCUPATIONS. A home occupation, except a live-work unit as defined in s. 295-201, shall comply with the following standards when located in a downtown zoning district:

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

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

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

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<p align="center">Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS</p>						
	C9A subdistrict A	C9A subdistrict B	C9B subdistrict A	C9B subdistrict B	C9C	C9D subdistrict A
Front setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10ft.	no requirement	no requirement	no requirement	10 ft.
Side setback	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides; however, side setbacks shall not be required when a side lot line is shared by separate townhouse units		no requirement	no requirement	no requirement	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides
Side street setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Rear setback	10 ft.	10 ft.	no requirement	no requirement	no requirement	no requirement
Rear street setback (see s. 295-705-2-a)	avg. but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Lot width, minimum	24 ft.	24ft.	none	none	none	100 ft.
Lot area, minimum	none	none	none	none	none	20,000 sq. ft.
Permitted floor area (when surface open space will comprise 40% or less of the development site); see s. 295-705-4	2(W)+ 7.5(X) +4 (Y)	2(W)+ 7.5(X) +4 (Y)	6(W) +5(X)+ 2.5(Y)	7(W)+10(X) +5(Y)	3(W)+7.5(X) +4(Y)	2(W)+20(X) +10(Y) + 0.05(z)
Permitted floor area (when surface open space will comprise more than 40% but less than 80% of the development site); see s. 295-705-4	5(W)	5(W)	7(W)	8(W)+5(X)+ 2.5(Y)+ 0.3(Z)	6(W)	4(W)+10(X) +5(Y)+ 0.05(Z)
Permitted floor area (when surface open space will comprise 80% or more of the development site); see s. 295-705-4	25(W)-25(X)	25(W)-25(X)	11.5(W)- 11.5(X)	12(W)+12(X) +0.3(Z)	30(W)-30(X)	8(W)+ 0.05(Z)
Building height, minimum	20 ft.	20 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft.	30 ft.
Building height, maximum	none	40 ft.	none	none	none	none

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

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- d. There shall be no external alteration of the dwelling unit to accommodate the home occupation. The existence of the home occupation shall not be apparent beyond the boundaries of the site, except for signage permitted under s. 295-705-7.
- e. Not more than 25% of the total usable floor area of the principal building, including the basement, may be devoted to the home occupation.
- f. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may be present at one time.
- g. Signage shall meet the requirements of s. 295-705-7.
- h. The home occupation shall not involve explosives, fireworks, repair of motor vehicles, including body work, or any use which requires a special use or variance for the specific zoning district.
- i. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

295-705. Design Standards. 1. TABLE OF STANDARDS. The design standards for buildings in downtown districts are set forth in table 295-705-1.

1.5. PURPOSES. The purposes of the design standards of this section are to:

- a. **Maintain Compatibility with Neighborhood Context.** An objective of these design standards is to ensure that buildings in downtown districts fit within the context in which they are built. Building setback, floor area, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.
- b. **Allow Flexibility in Development.** Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.
- c. **Consistency with the Principles of Urban Design.** These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Downtown development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.
- d. **Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods.** Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. SETBACK REQUIREMENTS. a. **Setback Average and Range.** Whenever table 295-705-1 specifies that a setback shall be determined by averaging, the average setback shall be determined using the formula described in s. 295-505-2-b-4. When this formula is used to determine an average side street or rear street setback, the term "front setback" in s. 295-505-2-b-4 shall be interpreted as the side street setback or rear street setback, respectively.

b. **Building Placement.** b-1. **New Buildings.** At least 70% of the front, side street or rear street façade of any newly constructed principal building shall meet the setback requirements of table 295-705-1. The remaining 30% or less of each façade may be placed anywhere between the property line and the specified maximum setback of 10 feet.

b-2. **Additions and Alterations.** Where portions of an existing building are closer to the front, side street or rear street lot line than are the corresponding facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the lot line as the portion of the building closest to the lot line. Where an existing building is set back farther from the lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the lot line as the required setback specified in table 295-705-1.

b-3. **Removal of Portion of Building.** No building may be altered by removing a portion of the building such that the front, side street or rear street façade of the building will no longer meet the setback requirements of table 295-705-1, or will be even less in conformance with those requirements than it already is.

c. **Solar Arrays.** A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in

height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

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

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

- a-1. The size of the development site (W).
- a-2. The amount of surface open space (X).
- a-3. The amount of qualifying roof top open space (Y).
- a-4. The size of an interior atrium or mall (Z).

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

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

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

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

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

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

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

- d-1. The area of the development site covered by structures at grade.
- d-2. The area underneath cantilevered portions of such structures where the cantilevered portions are less than 24 feet above grade; and
- d-3. The area of the development site designed for surface vehicular use.

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

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

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

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

e-4. It will be designed and intended primarily for use by the public or by the employees, residents or patrons of the development site's principal building. Improved roof top areas designed primarily for maintenance activities do not qualify.

f. Size of an Interior Atrium or Mall (Z). f-1. The city encourages the creation of qualifying interior atrium or mall space which is designed in such a way that it either will or eventually could be connected to the downtown skywalk system. In certain zoning districts development of additional building floor area is permitted when such space is provided. Qualifying atrium or mall space shall:

f-1-a. Be 2 or more stories in height.

f-1-b. Have a volume of at least 10,000 cubic feet.

f-2. The size of qualifying interior atrium or mall space shall be the volume of said space measured in cubic feet.

5. BUILDING HEIGHT. a. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, if any, except the following:

a-1. Chimneys and flues.

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

a-3. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

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- a-4. Parapet walls or cornices extending above the height limit not more than 5 feet.
- a-5. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.
- a-6. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

a-7. Transmission towers which are in compliance with the height-related standards of s. 295-703-2-u.

a-8. Solar farms and solar arrays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 295-705-7 DOWNTOWN DISTRICT SIGN CLASSIFICATIONS								
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
On -premise								
Awning	L	L	L	L	L	L	L	L
Canopy	L	L	L	L	L	L	L	L
Hood	L	L	L	L	L	L	L	L
Wall	L	L	L	L	L	L	L	L
Freestanding	L	L	L	L	L	L	L	L
Roof	L	L	L	L	L	L	L	L
Projecting	N	L	L	L	L	L	L	L
Marquee	N	L	L	L	L	L	L	L
Off-premise								
All	N	L	N	N	N	L	N	N

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

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

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

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

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

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

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

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

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

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

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

b-8-b. The sign's display area shall not be larger than 300 square feet. If this condition is not met, the sign is prohibited.

b-8-c. No off-premise sign shall be placed upon any premises used as a parking lot.

b-8-d. Off-premise automatic changeable message signs shall be subject to the special use permit requirement set forth in 295-407-7-d.

c. Temporary Signs. The following temporary signs shall be permitted in all downtown zoning districts:

c-1. A sign pertaining to the construction of a building or the sale or lease of vacant land not exceeding 72 square feet.

c-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

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

8. LANDSCAPING REQUIREMENTS. a. Following Demolition of a Structure. In addition to requirements set forth in s. 218-6-8, whenever a structure in any downtown zoning district is demolished, the site shall be covered with sodded grass and shall have at least one tree planted for every 25 lineal feet of street frontage. A continuous landscaped area at least 5 feet wide with 2 staggered rows of shrubs spaced 4 feet on center in each row and an ornamental metal fence shall be provided along all street frontages. If plans for new development on the site are submitted to the department, these landscaping requirements shall not apply.

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b. Uses for Which Landscaping is Required. All land uses in downtown zoning districts shall be in compliance with all applicable landscaping requirements of s. 295-405.

9. RESTRICTED BUILDING WALL MATERIALS. The following regulations apply to any non-industrial principal building or addition:

a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.

c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this paragraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

[Pages 857 to 870 are blank]

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

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Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Rental facility	L	Y	N	S	Y
Repair facility	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor storage	L	S	N	S	Y
<i>General Motor Vehicle</i>					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Non-restaurant drive-through facility	S	S	N	S	S
<i>Parking</i>					
Parking lot, principal use	Y	Y	S	L	Y
Parking lot, accessory use	Y	Y	L	L	Y
Parking structure, principal use	Y	Y	S	L	Y
Parking structures, accessory use	Y	Y	L	L	Y
Heavy motor vehicle parking lot, principal use	S	L	N	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	L	Y	Y
ACCOMMODATION AND FOOD SERVICE USES					
Bed and breakfast	N	N	N	Y	N
Hotel, commercial	L	N	N	Y	N
Hotel, residential	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly Hall	N	N	N	L	N
Restaurant without drive-through facility	L	L	L	Y	L
Restaurant with drive-through facility	S	S	N	S	N
ENTERTAINMENT AND RECREATION USES					
Park or playground	S	S	S	S	S
Festival grounds	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	N
Recreation facility, outdoor	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention and exposition	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing facility	N	N	N	N	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES					
Recycling collection facility	S	Y	N	S	Y
Mixed-waste processing facility	N	L	N	S	L
Material reclamation facility	N	N	N	N	L
Salvage operation, indoor	L	L	N	L	L
Salvage operation, outdoor	N	S	N	S	S
Wholesale and distribution facility, indoor	Y	Y	Y	L	Y
Wholesale and distribution facility, outdoor	S	Y	S	S	Y

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

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- v. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.
- w. Heavy Motor Vehicle Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- x. Commercial Hotel. The use shall be located on an arterial or collector street.
- y. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.
- z. Assembly Hall. z-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
 - z-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
 - z-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- aa. Restaurant without Drive-through Facility. aa-1. The use shall be located on an arterial or collector street or on a lot with water frontage.
 - aa-2. The floor area of the restaurant shall not exceed 6,000 square feet.
- cc. Health Club. The use shall be located on an arterial or collector street.
- dd. Marina. No indoor or outdoor storage of boats shall be permitted as an exclusive or primary use. If this standard is not met, the use shall be a prohibited use.
- ee. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- ff. Material Reclamation Facility. The use shall be contained entirely within a building and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m. and 7 a.m.
- gg. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.
- hh. Wholesale and Distribution Facility, Indoor. hh-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
 - hh-2. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- ii. Storage Facility, Indoor. ii-1. If the premises is located in an IC district:
 - ii-1-a. The use is accessory to a permitted principal use or a use otherwise approved by the board, and located on the same premises as that use, or the use is located off-premises but is used in an accessory manner to a principal use located within 150 feet of the indoor storage facility and both premises are under the same ownership.
 - ii-1-b. If located on the first floor, the use is not located within 25 feet of the primary street façade of the building, regardless of whether the use is located on the same premises or a different premises than the principal use
 - ii-2. If the premises is located in an IM district:
 - ii-2-a. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
 - ii-2-b. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- jj. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.
- kk. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- LL. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
- mm. Transmission Tower. mm-1. The tower shall comply with the applicable provisions of s. 295-413.
 - mm-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.
- nn. Substation/Distribution Equipment, Outdoor. nn-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.
 - nn-2. No structure associated with the use shall be located within 25 feet of a street lot line.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

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

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

Table 295-805-2 PRINCIPAL BUILDING DESIGN STANDARDS							
<i>Design Standards for Industrial Buildings (as defined in s. 295-201-302)</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Front setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Height, maximum	none**	none**	none**	none**	85 ft. (new construction only)**	85 ft. (new construction only)**	none**
Height, minimum	none	none	none	none	18 ft.	30 ft.	none
*Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also the residential buffer (setback) standards of table 295-805-4-d.							
**Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also s. 295-805-4-e.							
<i>Design Standards for Non-industrial Buildings except Single-family and Two-family Dwellings</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 6 for this commercial district:	LB1	LB2	LB1	LB2	LB2	LB3 ***	LB2
*** For new construction on a parcel that is located within 100 feet of a residentially-zoned parcel, the design standards for the LB2 zoning district shall apply.							
<i>Design Standards for Single-family and Two-family Dwellings</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 5 for this residential district	RT2	RT3	RT2	RT3	RT4	RT4	RT4

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3. ACCESSORY STRUCTURE STANDARDS. a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.

a-2. No side setbacks shall be required.

a-3. The side street setback shall not be less than the side street setback of the principal building.

a-4. The rear setback shall not be less than the rear setback of the principal building.

a-5. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, there shall be no setback requirement.

a-6. The rear street setback shall not be less than the rear street setback of the principal building.

a-7. The number of accessory structures shall not be limited.

a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

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

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

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

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

b-3. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

Table 295-903-2-a PARKS DISTRICT USE TABLE		Zoning District
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
Uses		PK
Government office		Y
Bank or other financial institution		N
Currency exchange, payday loan agency or title loan agency		N
Installment loan agency		N
Cash-for-gold business		N
Pawn shop		N
Retail establishment, general		L
Garden supply or landscaping center		N
Home improvement		N
Secondhand store		N
Outdoor merchandise sales		N
Artist studio		N
Adult retail establishment		N
HEALTH CARE AND SOCIAL ASSISTANCE		
Medical office		N
Health clinic		N
Hospital		N
Medical research laboratory		N
Medical service facility		N
Social service facility		N
Emergency residential shelter		N
Nursing home		N
GENERAL SERVICE USES		
Personal service		N
Business service		N
Catering service		N
Funeral home		N
Laundromat		N
Dry cleaning establishment		N
Furniture and appliance rental and leasing		N
Household maintenance and repair service		N
Tool/equipment rental facility		N
<i>Animal Services</i>		
Animal hospital/clinic		N
Animal boarding facility		N
Animal grooming or training facility		N
MOTOR VEHICLE USES		
<i>Light Motor Vehicle</i>		
Sales facility		N
Rental facility		N

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Table 295-903-2-a PARKS DISTRICT USE TABLE		Zoning District
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
Uses		PK
Repair facility		N
Body shop		N
Outdoor storage		N
Wholesale facility		N
<i>Heavy Motor Vehicle</i>		
Sales facility		N
Rental facility		N
Repair facility		N
Body shop		N
Outdoor storage		N
<i>General Motor Vehicle</i>		
Filling station		N
Car wash		N
Non-restaurant drive-through facility		N
<i>Parking</i>		
Parking lot, principal use		S
Parking lot, accessory use		Y
Parking structure, principal use		S
Parking structure, accessory use		S
Heavy motor vehicle parking lot, principal use		N
Heavy motor vehicle parking lot, accessory use		N
ACCOMMODATION AND FOOD SERVICE USES		
Bed and breakfast		N
Hotel, commercial		N
Hotel, residential		N
Tavern		N
Brewpub		N
Assembly Hall		L
Restaurant without drive-through facility		L
Restaurant with drive-through facility		N
ENTERTAINMENT AND RECREATION USES		
Park or playground		Y
Festival grounds		N
Recreation facility, indoor		Y
Recreation facility, outdoor		Y
Health club		N
Sports facility		S
Gaming facility		N
Theater		L
Convention and exposition center		S
Marina		L
Uses		PK

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

295-903-2-b Zoning

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

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located on a premises containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

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

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be located in a structure owned by a governmental entity.

b-3. General Retail Establishment. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-4. Restaurant without Drive-through Facility. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

b-5. Marina. Indoor sales or storage shall not be permitted.

b-6. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.

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

b-7-b. The tower shall not exceed 60 feet in height.

b-8. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-8-b. No structures associated with the use shall be located within 25 feet of a property line.

b-9. Seasonal Market. b-9-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE		Zoning District
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
Uses		TL
Community center		S
Religious assembly		Y
Cemetery or other place of interment		Y
Public safety facility		Y
Correctional facility		S
COMMERCIAL AND OFFICE USES		
General office		Y
Government office		Y
Bank or other financial institution		L
Currency exchange, payday loan agency or title loan agency		S
Installment loan agency		S
Cash-for-gold business		S
Pawn shop		S
Retail establishment, general		L
Garden supply or landscaping center		N
Home improvement center		N
Secondhand store		N
Outdoor merchandise sales		N
Artist studio		Y
Adult retail establishment		N
HEALTH CARE AND SOCIAL ASSISTANCE		
Medical office		Y
Health clinic		S
Hospital		S
Medical research laboratory		Y
Medical service facility		S
Social service facility		S
Emergency residential shelter		S
Nursing home		Y
GENERAL SERVICE USES		
Personal service		L
Business service		L
Catering service		Y
Funeral home		Y
Laundromat		S
Dry cleaning establishment		S
Furniture and appliance rental and leasing		N
Household maintenance and repair service		N
Tool/equipment rental facility		N
<i>Animal Services</i>		
Animal hospital/clinic		N

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Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE		
Y=Permitted Use	L=Limited Use	Zoning District
S=Special Use	N=Prohibited Use	
Uses		TL
Animal boarding facility		N
Animal grooming or training facility		N
MOTOR VEHICLE USES		
<i>Light Motor Vehicle</i>		
Sales facility		N
Rental facility		N
Repair facility		N
Body shop		N
Outdoor storage		N
Wholesale facility		N
<i>Heavy Motor Vehicle</i>		
Sales facility		N
Rental facility		N
Repair facility		N
Body shop		N
Outdoor storage		N
<i>General Motor Vehicle</i>		
Filling station		N
Car wash		N
Non-restaurant drive-through facility		L
<i>Parking</i>		
Parking lot, principal use		S
Parking lot, accessory use		Y
Parking structure, principal use		S
Parking structure, accessory use		S
Heavy motor vehicle parking lot, principal use		N
Heavy motor vehicle parking lot, accessory use		N
ACCOMMODATION AND FOOD SERVICE USES		
Bed and breakfast		S
Hotel, commercial		N
Hotel, residential		N
Tavern		N
Brewpub		N
Assembly hall		L
Restaurant without drive-through facility		S
Restaurant with drive-through facility		N
ENTERTAINMENT AND RECREATION USES		
Park or playground		Y
Festival grounds		Y
Recreation facility, indoor		S

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

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

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

b-4-c. For any day care center other than an adult day care center, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-5. Bank or Other Financial Institution; Retail Establishment, General; Personal Service; Business Service. The use shall be located in a building containing at least one other principal use classified as a permitted use in this district.

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

b-6-b. The drive-through shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or drive-through facility associated with a convenience store, restaurant with drive-through facility or personal service which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

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

b-6-d. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

b-6-e. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

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

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

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

b-9. Transmission Tower. b-9-a. The tower shall comply with the applicable provisions of s. 295-413.

b-9-b. The tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

b-10. Utility Substation/Distribution Equipment, Outdoor. b-10-a. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

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

b-11. Seasonal Market. b-11-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

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b-11-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

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

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

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

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

b-12. Temporary Real Estate Sales Office. b-12-a. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

b-12-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch.

5.

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

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

b-13. Temporary Concrete/Batch Plant. b-13-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-13-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-13-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

b-13-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m. b-12-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-14. Live Entertainment Special Event. b-13-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-13-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

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

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

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

3. DESIGN STANDARDS. a. Purposes. The purposes of the design standards of this section are to:

a-1. Maintain Compatibility with Neighborhood Context. One objective of these design standards is to ensure that buildings in institutional districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

a-2. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

e. Plan Commission Review. The commission shall hold a public hearing and review the ordinance to create a planned development within 30 days of receipt of the application, its introduction to the common council and the submission of all required documents, plans and maps unless an extension is requested by the applicant. The commission shall base its recommendation upon:

- e-1. Consistency with the comprehensive plan.
- e-2. Consistency with the purposes of this chapter.
- e-3. Conformance with the standards set forth in sub. 3.
- e-4. Findings and recommendations of the commissioners of city development and public works.
- e-5. All verbal and written comments received by the commission.

f. Plan Commission Report. After making a decision to recommend approval or denial, the commission shall forward a report of its decision to the common council.

g. Council Action. If the common council passes the ordinance to create the planned development district, the standards and provisions of the plan shall constitute the zoning regulations for that planned development district. The official zoning map of the city shall be amended to show the district zoned general planned development or detailed planned development, as appropriate. The common council shall act on the application within 90 days of receiving the report from the commission unless the applicant agrees to a time extension. Failure of the common council to act within the 90-day period or the agreed-upon extended time shall constitute denial of the application.

h. Zoning Map Designators. Each general planned development district shall be shown on the zoning map with a "PD" designator and an appropriate number. Each detailed planned development district shall be shown on the zoning map with a "DPD" designator and an appropriate number.

i. Minor Modifications. The common council may by resolution approve modifications to approved detailed plans which are consistent with the spirit and intent of the general planned development or a previously approved detailed planned development provided the common council finds that the modification will not:

- i-1. Change the general character of the planned development.
- i-2. Cause a substantial relocation of principal or accessory structures.
- i-3. Cause a substantial relocation or reduction of parking, loading or recreation areas.
- i-4. Cause a substantial relocation of traffic facilities.
- i-5. Increase the land coverage of buildings and parking areas.
- i-6. Increase the gross floor area of buildings or the number of dwelling units.
- i-7. Reduce the amount of approved open space, landscaping or screening.

j. Limitation on Permit Issuance. Within any planned development district, no building permits may be issued and no site work may be commenced until a detailed plan has been approved by the common council and a copy of the ordinance has been certified by the city clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the plan. Exterior site improvements in an approved general plan may receive building permits if the improvements have been shown in detail on the approved general plan and the "Project Description and Owner's Statement of Intent" indicates that early building permits would be sought for such improvements.

3. STANDARDS. Every planned development shall meet the following standards:

a. Uses. All permitted uses and related operating standards or restrictions shall be specified in the detailed plan.

b. Design Standards. Conceptual design elements and standards shall be provided in the general plan. Specific design elements and standards shall be specified in the detailed plan.

c. Density. Residential densities shall be consistent with those prescribed in the comprehensive plan.

d. Space Between Structures. Spaces between structures shall not be less than required by the building code.

e. Setbacks. A planned development exceeding 5 acres in size shall provide a setback of at least 25 feet around the perimeter of the site, unless a smaller setback is approved by the common council because adjacent buildings have setbacks that are less than 25 feet. Setback areas shall be landscaped and used only for recreation, direct access to the development, utility rights-of-way, sidewalks, ponds, water detention basins and drainage channels.

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f. Screening. Residential uses shall be screened from existing or proposed business or industrial uses on or adjacent to the site. Screening shall consist of decorative walls, fences, berms, hedges, shrubs, trees or combinations thereof appropriate to the surrounding neighborhood.

g. Open Spaces. All open spaces designated on a planned development plan shall be landscaped and maintained so as not to create a nuisance or hazardous conditions. The location and development of recreation facilities shall be coordinated with the overall development of the project.

h. Circulation, Parking and Loading. Traffic circulation facilities shall be planned and installed consistent with the comprehensive plan. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be located near the uses they support and shall be adequately screened and landscaped in a manner which meets or exceeds the requirements of this chapter. Private streets shall be constructed to comparable public street standards. Bicycle parking shall be in compliance with the requirements of s. 295-403 unless specifically altered by the detailed plan submittal.

i. Landscaping. All required vegetation shall be of a quality consistent with the standards of the American association of nurserymen (ANSI 260.1). All required vegetation shall be maintained on an ongoing basis, including seasonal tree and plant replacement.

j. Lighting. See s. 295-409 for lighting regulations applicable to planned development districts.

k. Utilities. All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view. This requirement may be waived by the common council upon finding that utilities on adjacent properties are located above-ground.

L. Signs. The following signs are permitted in planned development districts:

L-1. One project identification sign located at or near each entrance to the tract or premises. Such a sign may be freestanding or attached to a structure, and shall not exceed 32 square feet.

L-2. Signs not exceeding 18 square feet each that identify nonresidential tenants or individual buildings.

L-3. Signs specified in a master sign program and approved as part of the planned development.

L-4. Either of the following types of temporary signs:

L-4-a. A sign pertaining to the construction of a building or the sale or lease of vacant land, provided it does not exceed 48 square feet.

L-4-b. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate, provided it does not exceed 36 square feet.

L-5. Signs listed in s. 295-407-4.

m. Sign Illumination. Signs allowed under par. L may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

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

295-909. Redevelopment District (RED). 1. PURPOSE. The redevelopment district is established to provide a zoning context that may be applied to areas of the city where the common council has adopted a development plan, as defined by s. 66.1301(3)(g), Wis. Stats., or a redevelopment plan, as defined by s. 66.1331(3)(Lm), Wis. Stats., and the plan includes specific regulations for the use, development and design of properties and structures within its boundaries. The redevelopment district shall be shown on the zoning map with a "RED" designator.

2. USES. Permitted, limited, special, conditional and prohibited uses for property in a redevelopment district shall be as indicated in the redevelopment plan for that district.

3. DESIGN STANDARDS. The principal building design standards, accessory building design standards and site design standards for property in a redevelopment district shall be as indicated in the redevelopment plan for that district. If design standards are not specified or included in redevelopment plans, namely, in the plans of the park east redevelopment district and the beerline redevelopment district, the design standards shall be as follows:

a. Signage. See signage requirements for the C9B district in subch.7.

b. Landscaping. See parking lot landscaping requirements for the C9B district in subch 4.

4. OTHER REGULATIONS. All regulations of this chapter other than use regulations and design standards shall apply in a redevelopment district.

Pages 923 to 930 are blank.

295-1015. Lakefront Overlay Zone (LF). 1. **PURPOSE.** The lakefront overlay zone is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites.

2. **PROCEDURES.** a. **Creation.** Creation of a lakefront overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. **Zoning Map Designator.** The lakefront overlay zone shall be shown on the zoning map with an "LF" designator.

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

3. **STANDARDS.** a. **Use Table.** Table 295-1015-3-a indicates the use classifications for various land uses in the lakefront overlay zone. These use classifications replace the classifications of the underlying zoning district. Any use not listed in the table is a prohibited use in the lakefront overlay zone. The following are the use classifications indicated in Table 295-1015-3-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

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

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

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Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE	
Y=Permitted Use	L=Limited Use
S=Special Use	Zoning District
Uses	LF
EDUCATIONAL USES	
Day care center	L
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	Y
Community center	L
COMMERCIAL AND OFFICE USES	
General Office	S
Government office	Y
Retail establishment, general	L
MOTOR VEHICLE USES	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	S
Tavern	S
Assembly hall	L
Restaurant without drive-through facility	L
Restaurant with drive-through facility	L
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	Y
Recreation facility, indoor	S
Recreation facility, outdoor	S
Theater	S
Marina	L
TRANSPORTATION USES	
Passenger terminal	Y
Helicopter landing facility	S
Ship terminal or docking facility	S
UTILITY AND PUBLIC SERVICE USES	
Transmission tower	L
Water treatment plant	Y
Small wind energy system	Y
Solar farm	S
Substation/distribution equipment, indoor	S
Substation/distribution equipment, outdoor	L
TEMPORARY USES	
Seasonal market	L
Live entertainment special event	L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing a library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

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

b-2. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment, Restaurant without Drive-through facility or Restaurant with Drive-through Facility.

b-3-a. The area devoted to the use shall not exceed 1,000 square feet.

b-3-b. The use shall be located in a structure owned by a governmental agency or entity.

b-3-c. The use shall be ancillary to park and recreational uses.

b-4. Marina. Indoor sales or storage of boats shall not be permitted.

b-5. Transmission Tower. b-5-a. The tower shall comply with the applicable provisions of s. 295-413.

b-5-b. The tower shall not exceed the height limit of the underlying zoning district.

b-6. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-7. Seasonal Market. b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-7-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

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

b-7-f. The site shall be restored to its previous condition following termination of the market operation.

b-8. Live Entertainment Special Event. b-8-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-8-b. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

b-8-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Design Standards. c-1. Purpose. The objective of the design standards of this paragraph is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this paragraph include the provision of setbacks and the use of screening/buffering techniques to limit the visibility of certain activities.

c-2. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

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c-3. Accessory Building Standards. Accessory buildings shall have setbacks of at least 25 feet from all property lines. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines

c-4. Site Standards. c-4-a. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

c-4-b. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

c-4-c. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

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

c-4-e. Signs, Generally. Table 295-1015-3-c-4-e contains the regulations for on-premise and off-premise signs in the lakefront overlay zone. General regulations applicable to all signs can be found in s. 295-407.

c-4-f. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the lakefront overlay zone provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the lakefront overlay zone provided it does not exceed 6 square feet.

c-4-g. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as possibly practicable or be separated by a building.

c-4-h. Combination type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

c-5. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.