

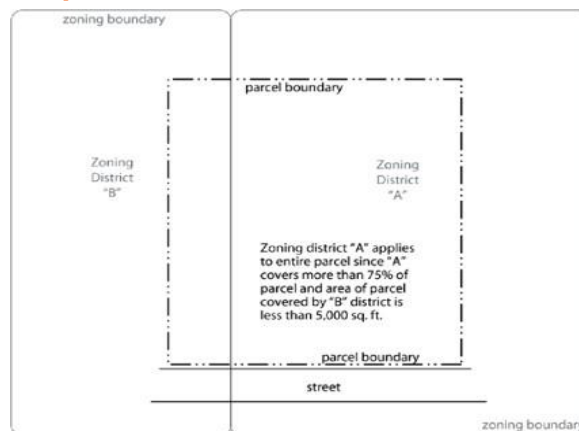
Proposed Non-Residential Zoning Code Changes:

24.01.110E Split-Zoned Parcels

E. Split-Zoned Parcels.

1. The zoning map may not be amended to classify a single parcel into 2 or more base zoning districts with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
2. The split zoning of any newly created parcel (into more than one base zoning district classification) is prohibited with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
3. The following regulations apply to existing parcels that are classified in 2 or more base zoning classifications:
 - a. For existing and proposed uses and structures, the zoning district for the majority of the lot area applies to the entire lot, the more restrictive provisions of the applicable zoning districts apply to the entire parcel with the following exceptions:
 - (1) When one the base zoning districts are equal, the zoning administrator is authorized to utilize their discretion to determine the base district that applies to the entire parcel. applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area, the regulations of the zoning district that apply to the larger portion of the parcel apply to the entire parcel. See Figure 01-1, below.
 - (2) When SP-PKG is one of the base districts, each portion of the parcel is subject to the requirements of the district in which it is located.
 - b. Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership with the exception of SP-PKG as one base zoning classification where each portion of the parcel is subject to the requirements of the district in which it is located.
 - c. If any use, building or structure rendered nonconforming by the split-zoned parcel provisions of this section is accidentally damaged or destroyed it may be reestablished, as long as the reestablishment does not increase the extent of nonconformity.

Figure 01-1: Split-zoned Parcel



24.05.030 /NOR, North Avenue Overlay

D. Ground-Floor Glazed Area. The following requirements apply to all new construction and building additions.

1. Windows or other glazed area must cover at least 50% of the public street-facing ground floor building wall. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this ~~40~~50% glazed area requirement applies only along the primary street. In the event that these minimum glazed area requirements conflict with city building (energy) code requirements, the building (energy) code governs.

24.06.080 SP-PKG, Parking Support District

A. Purpose. The SP-PKG district is primarily intended to accommodate off-street parking areas bordering the C (commercial) district while protecting nearby residential areas from adverse impacts associated with spillover parking into residential neighborhoods.

B. Uses. At-grade and below-grade, accessory and non-accessory parking of private vehicles and commercial vehicles with a maximum rated capacity of 3/4 ton are the only uses permitted in the SP-PKG district. ~~All such uses require review and approval in accordance with the conditional use procedures of Section 24.16.040.~~

C. Regulations.

1. No part of any parking lot, except fencing and landscaping, may be located within 7 feet of any lot line adjoining an R-zoned lot, nor may any motor vehicle be parked or located less than 7 feet from any street line nor less than 10 feet from any residential dwelling. See Section 8.44 for additional requirements.
2. Parking lots may not be used for vehicle repair work or servicing of any kind, or for the sale, display, demonstration, or advertising of merchandise or service of any kind or for the storage of motor vehicles, mechanical equipment or materials. Signs containing a commercial message are prohibited.
3. ~~Maintenance, use and operation of a parking lot must be in accordance with the conditional use approval and permit. In the event of violation, the permit may be revoked by the city after 10 days' written notice to the permit holder. The parking lot may not be used after permit revocation until reinstatement of the permit is granted.~~
4. Buildings above grade are not permitted in the SP-PKG district. ~~Signage or other identifying structures on the property must be approved as part of the conditional use approval.~~
5. Landscaping, screening, lighting and fencing must be designated on the conditional use approved site plan with respect to size, type and specifications and must be replaced with identical stock or materials which are acceptable substitutes upon approval of the board of public works when damage or deterioration should occur.

24.07.030 Use Table

The following table identifies principal uses allowed in residential, commercial and industrial zoning districts. See Section 24.07.020 for information about how to interpret the use table.

USE CATEGORY	DISTRICTS																						
RESIDENTIAL – COVERED BY HOUSEAL LAVIGNE																							
PUBLIC/CIVIL	R1-15G <u>R</u>	R1-9SR	R1-6NR	R-2M <u>R</u>	R-4LD <u>M</u>	R-8M <u>DM</u>	CO [5]	C1[5]	C2[5]	M1[5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M ED	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REGU LATI ONS	
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-		
Day Care																							
- Home-Based— Up to 8 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C		-	P	P	P		
- More than 8 children or adults <u>[7]</u>	-C	-C	-C	-C	-C	C	C	C	C	-	-	-	C	-	C	C		-	-	C	C		
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-		
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	C <u>P</u>	-		-	-	P	P		
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-		
Library/Cultural Exhibit		C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	P	P	P	-	-	C	C	-	C	C		-	C <u>P</u>	P	P		

Park/Recreation/ Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	<u>GP</u>	<u>GP</u>	<u>GP</u>	C	C		-	-	-	-	
- Community or Recreation Center	-	C	C	C	C	C	-	C	P	-	-	C	<u>GP</u>	C	C	C		-	C	C	P	
-General Recreation Park/Playground	-	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	-	-	-	-	-	<u>GP</u>	P	<u>GP</u>	C	C		-	C	-	-	
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	C	<u>GP</u>	C	C	C		-	C	-	-	
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	C	<u>GP</u>	C	C	C		-	C	-	-	
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	C	<u>GP</u>	C	C	C		-	C	-	-	
Religious Assembly	C	C	C	C	C	C	-	<u>GP</u>	<u>GP</u>	<u>-C</u>	-	-	-	-	C	C		-	C	C	C	
Safety Services	C	C	C	C	C	C	C	C	C	<u>GP</u>	<u>GP</u>	-	-	P	C	C		-	C	C	C	
School	-	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>-P</u>	<u>GP</u>	-	-	-	<u>GP</u>	<u>GP</u>	-	<u>C</u> <u>P</u>	<u>GP</u>		-	<u>GP</u>	<u>GP</u>	-	
-Charter School	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	
Utilities & Services																						
- Minor	P	P	P	P	P	P	P	P	P	P	P	<u>GP</u>	<u>GP</u>	P	<u>C</u> <u>P</u>	<u>GP</u>		-	P	P	P	
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		-	C	C	C	

COMMERCIAL	R1-15G R	R1-9SR	R1-6NR	R-2M R	R-4LD M	R-8M DM	CO [5]	C1[5]	C2[5]	M1[5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M ED	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REGU LATI ONS
Animal Services																						
- Sales & Grooming	-	-	-	-	-	-	-P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	-C	GP	GP	-	-	-	-	-		-	-	-	-	
- Veterinary	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Artist Work or Sales Space	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Building Maintenance Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Business Equipment Sales & Service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
Business Support Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
- Trade/Vocational/ Technical School	-	-	-	-	-	-	GP	-	P	GP	-P	-	-	-	-	-		-	-	-	P	
Communication Service Establishments	-	-	-	-	-	-	GP	GP	P	P	P	-	-	-	-	-		-	-	GP	P	
Construction Sales & Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Eating & Drinking Establishments [3]																						

- Restaurant	-	-	-	-	-	-	C	C	C	-	-	-	C	-	-	C		-	-	C	C	
- Bar or Tavern	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
Entertainment & Spectator Sports (except as indicated below)	-	-	-	-	-	-	-	C	C	-	-	-	-	C	-	-		-	-	C	C	
- Amphitheater	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Aquarium or Planetarium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Auditorium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Stadium and Athletic Fields (accessory to schools only in R districts)	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
Financial Services (except as indicated below)	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Convenient Cash Business	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.050
-Food & Beverage Retail Sales																						
- Grocery Store	-	-	-	-	-	-	-	P	P	CP	-	-	-	-	-	-		-	-	P	P	
- Liquor/Wine/Beer Store	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-		-	-	C	C	

- Carry-out Only	-	-	-	-	-	-	-	<u>PC</u>	<u>PC</u>	-	-	-	-	-	-	-		-	-	P	P	
Funeral & Interment Services																						
- Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
- Cremating	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Undertaking/Funeral Services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
Lodging																						
- Bed & Breakfast	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-		-	C	C	-	24.09.030
- Hotel/Motel	-	-	-	-	-	-	-	C	<u>GP</u>	-	-	-	-	-	-	-		-	-	C	C	
- Campground	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
Office, Administrative, Professional	-	-	-	-	-	-	P	P	P	<u>GP</u>	<u>GP</u>	-	-	P	-	P		-	-	P	P	
<u>- Government/School District Offices</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	
Office or Clinic, Medical	-	-	-	-	-	-	P	P	P	-	C	-	-	-	<u>GP</u>	P		-	-	P	P	
Parking, Accessory Non-	-	-	-	-	-	-	-	C	P	P	P	-	-	P	-	C		<u>GP</u>	-	C	P	24.06.080B

Personal Improvement Service	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-		-	-	P	P	
Repair or Laundry Service, Consumer	-	-	-	-	-	-	GP	P	P	P	P	-	-	-	-	-		-	-	P	P	
Research Service	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P		-	-	P	P	
Retail Sales (except as indicated below)	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
-Antiques, Resale Shops, Second-hand Merchandise	-	-	-	-	-	-	-	GP	GP	GP	GP	-	-	-	-	-		-	-	GP	GP	<u>6.55</u>
- Cigarette, Cigar or Tobacco Store	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-		-	-	-	C	
- Cigarette & Tobacco Product Sales (ancillary)	-	-	-	-	-	-	-	GP	P	P	P	-	-	-	-	-		-	-	GP	P	
- Large-Format Retail	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.090
Sports & Recreation, Participant																						
- Indoor	-	-	-	-	-	-	-	GP	GP	GP	GP	-	-	-	-	GP		-	-	GP	GP	24.09.030
- Outdoor	-	-	-	-	-	-	-	C	C	GP	GP	-	-	-	-	C		-	-	C	C	
Vehicle Sales & Service																						
- Auto Wash/Cleaning Service	-	-	-	-	-	-	-	-	C	P	P	-	-	GP	-	-		-	-	-	-	7.46.120

- Auto Fueling Station	-	-	-	-	-	-	-	-	C	P	P	-	-	<u>CP</u>	-	-		-	-	-	C	
- Heavy Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Light Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	<u>CP</u>	P	P	-	-	-	-	-		-	-	-	-	6.72
- Motor Vehicle Repair, Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	<u>CP</u>	-	-		-	-	-	-	
- Motor Vehicle Repair, General	-	-	-	-	-	-	-	-	P	P	P	-	-	<u>CP</u>	-	-		-	-	-	-	
- Vehicle Storage & Towing	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
INDUSTRIAL	R1- 15G <u>R</u>	R1- 9SR	R1- 6NR	R- 2M <u>R</u>	R- 4LD <u>M</u>	R- 8M <u>DM</u>	CO [5]	C1[5]	C2[5]	M1[5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M ED	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REGU LATI ONS
Manufacturing & Industrial Services, Artisan	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-		-	-	P	P	
Manufacturing & Industrial Services, Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
Manufacturing & Industrial Services, General	-	-	-	-	-	-	-	-	-	<u>CP</u>	P	-	-	-	-	-		-	-	-	-	
Manufacturing & Industrial Services, Intensive	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-		-	-	-	-	
-Recycling Service																						

- Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	P	
- General	-	-	-	-	-	-	-	-	-	-	P	-	-	<u>GP</u>	-	-		-	-	-	-	
Residential Storage Warehouses	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
-Warehousing, Wholesaling & Freight Movement																						
- Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
- General	-	-	-	-	-	-	-	-	-	<u>GP</u>	P	-	-	<u>GP</u>	-	-		-	-	-	-	
Waste-Related Use	-	-	-	-	-	-	-	-	-	-	C	-	-	<u>GP</u>	-	-		-	-	-	-	
AGRICULTURAL	<u>R1-15GR</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2MR</u>	<u>R-4LDM</u>	<u>R-8MDM</u>	CO [5]	C1[5]	C2[5]	M1[5]	M2	SP-CO N	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
Apiary	-	-	-	-	-	-	-	-	-	-	-	<u>GP</u>	-	-	-	-		-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	<u>GP</u>	<u>GP</u>	P	C	C		-	P	P	P	
Farmer's Market	C	C	C	C	C	C	<u>GP</u>	P	P	P	P	-	<u>GP</u>	P	<u>GP</u>	<u>GP</u>		-	C	P	P	
Nurseries & Greenhouses	-	-	C	-	-	-	-	-	P	P	-	C	C	<u>GP</u>	C	C		-	-	-	P	
MISCELLANEOUS	<u>R1-15GR</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2MR</u>	<u>R-4LDM</u>	<u>R-8MDM</u>	CO [5]	C1[5]	C2[5]	M1[5]	M2	SP-CO N	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS

Wireless Communication Facilities																					
- Co-located	[2]	[2]	[2]	[2]	[2]	[2]	[2]	P	P	P	P	-	-	P	-	-	-	[2]	P	-	24.09.110
- Freestanding	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	CP	CP	-	-	CP	-	-	-	[2]	[2]	[2]	24.09.110
Drive-through or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C[4]	C	C	-	-	-	-	-	-	-	-	-	24.11.100
Helipad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CP	-	-	-	-	

[1] See Section 24.06.070 for a list of permitted and conditional uses in the SP-RP district.

[2] See Section 24.09.110 for additional regulations.

[3] See Section 24.05.020 C.2. In a regional mall, no Conditional Use is required for establishments with no separate entrance or seating.

[4] See Section 24.05.030 B.7. Drive-through or drive-in facilities are prohibited in /NOR overlay. See Section 24.05.020 D for additional /MAY Overlay drive-through or drive-in regulations.

[5] See Subsection 24.03.040 I and 24.04.040 F. - Outdoor storage activities require a Conditional Use.

[6] See Subsection 24.08.040 O.2. "Office or Clinic, Medical" definition.

[7] Only allowed on school or religious assembly properties with a Conditional Use.

24.12.020 Perimeter Vehicular Use Area Landscaping

A. Applicability. Perimeter vehicular use area landscaping must be provided in accordance with the standards of this section when parking stalls are located within 100 feet of the right-of-way and when the stalls are part of any of the following:

1. Any new construction of a parking lot must comply with the current requirements of this ordinance.
2. Parking areas that are rehabilitated, reconstructed, ~~reconfigured~~ or renovated are required to comply with current requirements of this ordinance. This includes any construction activity that alters the base course material and/or addition of curb that is not currently in place. Maintenance shall not be subject to this requirement and includes re-striping, patching, and resurfacing of an existing lot.

24.12.040 Screening

A. Features to Be Screened. The following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes.

1. Ground-mounted Mechanical Equipment. All ground-mounted mechanical equipment over 30 inches in height, other than air conditioning units, solar panels, wind-energy or similar renewable energy devices, is subject to principal building setbacks and ~~much~~ must be screened from view of all R- ~~and C~~-zoned properties by a solid fence, solid wall, dense hedge, within a neutral-colored cabinet, or combination of such features. The hedge, fence, or wall must be tall enough to screen the equipment. See Section 15.04.040 C.2.a. for air conditioning unit requirements.

2. Roof-mounted Mechanical Equipment. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties in one of the following ways:
 - a. A parapet along façades facing the ~~lot used or zoned for residential purposes~~ that is as tall as the tallest part of the equipment;
 - b. A solid screen around the equipment that is as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or
 - c. An equipment setback from roof edges facing ~~lots used or zoned for residential purposes~~ that is at least 3 feet in depth for each one foot of equipment height.

~~c.d.~~ An alternative solution may be approved by the Design Review Board.

24.14.030 Pedestrian Standards

C. Standards. An on-site pedestrian circulation system must be provided in accordance with the following requirements:

1. Connection to the Street. The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.
2. Connection to Neighboring Areas. Where appropriate, ~~t~~The on-site pedestrian circulation system ~~must—shall~~ provide at least one connection to all adjacent properties. The connections must run to the property line and connect to existing paths or sidewalks on neighboring properties or to the likely location of future paths or sidewalks on those properties. If the zoning administrator determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, the zoning administrator is authorized to waive the connection requirement of this paragraph.
3. Internal Connections. The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians, such as parking areas, bicycle parking, recreational areas, common outdoor areas and pedestrian amenity features. The zoning administrator is authorized to waive the connection requirement if it would create a safety hazard.
4. Design. Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:
 - a. The on-site pedestrian circulation system must be at least 5 feet in width and surfaced with material of sufficient strength and durability to enable year-round use and effective maintenance.
 - b. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material, striping, or other equally effective methods. ~~Striping does not meet this requirement.~~

24.15.010 Nonconformities - General

A. Description. Nonconformities, which are sometimes referred to as "legal nonconformities," are lots, uses and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this zoning

ordinance. This chapter contains the regulations governing such situations.

B. Intent. Occasionally, lots, uses and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this zoning ordinance) or because of other governmental action (e.g., through right-of-way acquisition). The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with "illegal" buildings and uses (those established in violation of applicable zoning regulations). The regulations of this chapter are also intended to:

1. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
2. promote maintenance, reuse and rehabilitation of existing buildings; and
3. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

C. Authority to Continue. Any nonconformity that existed on the effective date specified in Section 24.01.020 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this chapter unless otherwise expressly stated.

D. Determination of Nonconformity Status.

1. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject owner.
2. The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
3. Building permits, zoning certificates, lawfully recorded plats, aerial photography owned by the city and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the applicant may submit and the zoning administrator may consider other forms of evidence to document nonconforming status. Examples of commonly available evidence include:
 - a. professional registrations or business licenses;
 - b. utility billing records;
 - c. rent records;
 - d. advertisements in dated publications;
 - e. listings in telephone or business directories; and
 - f. notarized affidavits affirming the date of lawful establishment of the use, lot or structure.
4. Appeals of the zoning administrator's decision on nonconforming status determinations may be appealed in accordance with Section 24.16.110.

E. Repairs and Maintenance.

1. Nonconformities must be maintained to be safe and in good repair.
2. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

F. Change of Tenancy or Ownership. Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

G. Exceptions. The zoning administrator is authorized to grant exceptions as appropriate in order to respond to external factors impacting construction, or as required by law.

CHAPTER 24.16 PROCEDURES

24.16.010 Common Provisions

24.16.020 Zoning Ordinance Text Amendments

24.16.030 Zoning Map Amendments (Rezoning)

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24.16.090 Historic Overlay Districts

24.16.100 Certificates Of Appropriateness

24.16.110 Appeals Of Administrative Decisions

24.16.120 Comprehensive Plan Amendment

24.16.010 Common Provisions

A. Summary of Review and Decision-making Authority. The following table provides a summary of review and decision-making authority.

	ZA	DRB	HPC	BZA	PC	CC[1]
Zoning Text and Map Amendments, <u>Comprehensive Plan Amendment</u>	—	—	—	—	R	<DM>
Conditional Use Permits	—	—	—	—	R	<DM>
Planned Unit Developments						

Preliminary Development Plan	—	—	—	—	R	<DM>
Final Development Plan	DM —	R	—	—	—	DM
Variances	—	—	—	<DM>	—	—
Historic Designation (Site/Structure)	—	—	<R>	—	R	<DM>
Historic Overlay Zoning Map Amendment	—	—	<R>	—	R	<DM>
Certificates of Appropriateness	—	—	<DM>	—	—	—
Appeals of Administrative Decisions	—	—	—	<DM>	—	—
Temporary Use	DM	—	See also Section 24.10.080			

[1]Committee review may be required before common council action (see also Section ~~2.24.030~~ ~~2.02.110~~ of the city code of ordinances).

CC = common council PC = plan commission

BZA = board of zoning appeals

HPC = historic preservation commission ZA = zoning administrator

R = review and recommendation

DM = decision-making body (final decision)

< > = public hearing required

24.16.030 Zoning Map Amendments (Rezoning)

D. Plan Commission Recommendation. Following the required public hearing before the common council, proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

E. Common Council Hearing and Decision.

1. Upon receipt of recommendations from the plan commission, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may take action without receipt of the recommendation.

2. Final action on a zoning map amendment by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~

~~F. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:~~

- ~~1. more than 50% of the land area included in the proposed zoning map amendment;~~
- ~~2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or~~
- ~~3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~

~~G.F.~~ G.F. Review Criteria and Standards. Zoning map amendments are legislative decisions of the common council based on their consideration of the public health, safety and general welfare.

~~H.G.~~ H.G. Successive Applications. Upon disapproval of a zoning map amendment by the common council, no zoning map amendment petition requesting the same or more intensive zoning on the same or similar property may be filed for or accepted for processing by the city for 6 months from the date of final action by the common council.

24.16.040 Conditional Use Permits

E. Plan Commission Recommendation. Following the close of the public hearing before the common council, proposed conditional use permits must be referred to the plan commission. The plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the conditional use permit be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

F. Common Council Decision.

1. Following receipt of recommendations from the plan commission, the common council may act to approve, approve with conditions or deny the conditional use permit. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed condition[al] use to the plan commission, the common council may take action without receipt of the recommendation.
2. Final action on a conditional use permit by the common council requires a simple majority vote ~~of those members present and voting.~~

G. General Review Criteria and Standards. The common council may authorize the zoning administrator to issue a conditional use permit if the common council finds that the following conditions exist and so indicates in the minutes of its proceedings:

1. that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
3. that establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district;

4. that adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
 5. that adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
 6. that the conditional use complies with all applicable regulations of the subject zoning district.
- H. Successive Applications. Upon disapproval of a conditional use permit by the common council, no similar conditional use permit application for the same or similar property may be filed or accepted for processing by the city for 12 months from the date of final action by the common council.
- I. Lapse of Approval. A Conditional Use will lapse and have no further effect 18 months ~~one year~~ after it is approved by the Common Council, unless:
1. a building permit has been issued (if required) or development is commenced;
 2. the use or structure has been lawfully established; or
 3. unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.

24.16.050 Planned Unit Developments

- C. Preliminary Development Plans. At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and preliminary development plans.
1. Preapplication Meetings. Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting. The applicant must also hold a neighborhood meeting, with invitations mailed to all property owners within 200 feet of the subject property, alderpersons of the district, and the zoning administrator.
 2. Application Contents. An application for a preliminary development plan must contain all items of information specified in the pre-application meeting including proof of holding a neighborhood meeting prior to application submission.
 3. Application Filing. Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the /PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1). Upon receipt of the completed application, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications.
 4. Notice of Hearing. The common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment.
 - ~~a. Notice of the common council's public hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.~~
 - b.a. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - c.b. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:

- (1) the subject property owner;
 - (2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - (3) the clerk of any municipality with corporate limits that abut the subject property.
- d. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
5. Following the required public hearing before the common council, PUD preliminary development plans must be referred to the plan commission with the /PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
6. Common Council Hearing and Decision.
- a. Upon receipt of recommendations from the plan commission, the common council act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed preliminary development plan and/or /PUD zoning map amendment, as required. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed preliminary development plan and/or /PUD zoning map amendment to the plan commission, the common council may take action without receipt of the recommendation.
 - b. Final action on a /PUD zoning map amendment by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~
7. Review Criteria. Zoning map amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.
8. Lapse of Approval.
- a. If the subject landowner fails to file an application for PUD final development plan approval within ~~12 months~~two years of the date of PUD preliminary development plan approval, the landowner may request an ~~one-time~~ extension for a period of up to one year. If the landowner does not request such an extension, or if the landowner does not file an application for a PUD final development plan within the 1-year extension period, approval of the PUD preliminary development plan will lapse and be of no further effect.
 - b. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The common council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. Final Development Plans.

1. Application Filing. Final development plan applications must be filed with the zoning administrator before the lapse of a preliminary development plan.
2. Design Review Board's Recommendation. PUD final development plans must be referred to the design review board. The design

review board must review the final development plan and vote to recommend that the final development plan be approved, approved with modifications, or denied. The design review board's recommendation must be transmitted to the ~~common council~~zoning administrator.

3. ~~Common Council~~Zoning Administrator Decision. Following receipt of recommendations from the design review board, the ~~common council~~zoning administrator may act to approve, approve with conditions or deny the final development plan. If the design review board has received all the required items of information in the final development plan, but has not forwarded a recommendation to the ~~common council~~zoning administrator within 60 days of referral of the final development plan to the design review board, the ~~common council~~zoning administrator may take action without receipt of the recommendation. ~~Final action on a PUD final development plan by the common council requires a simple majority vote of those members present and voting.~~
4. Review Criteria. In reviewing PUD final development plans, ~~review and decision-making bodies~~the zoning administrator must determine if the submitted final development complies with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance. If the zoning administrator determines that the PUD final development plan does not comply with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the PUD final development plan shall be referred to plan commission for approval, approval with conditions, or denial.
5. Lapse of Approval.
 - a. In the event the landowner fails to commence development shown on the final development plan within ~~12 months~~two years after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the common council upon written application by the landowner.
 - b. Requests for extensions must be submitted to the zoning administrator. ~~before the final development plan approval expires and must be processed in accordance with the procedures for approval of a /PUD preliminary development plan, including applicable filing fees (for time extension), notices and hearings.~~
 - c. In the event of lapse of approval, approved PUD plans have no further effect and the regulations of the underlying zoning govern.

~~6. Notice of Hearing.~~

- ~~a. Notice of the required hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.~~
- ~~b. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.~~
- ~~a. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
 - (1) the subject property owner;
 - (2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - (3) the clerk of any municipality with corporate limits that abut the subject property.~~
- c. ~~The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration~~

~~of the approval process.~~

E. Amendments.

1. Amendment Determination. The ~~common council~~zoning administrator is authorized to determine whether a proposed PUD amendment constitutes a minor or major amendment.
2. Major Amendments. Major amendments may be approved only through the procedure required for approval of the PUD in Section 24.16.050C. A major amendment is one that constitutes a material change to the approved final development plan that is likely to create more significant adverse impacts on surrounding property owners or the community as a whole, such as:
 - a. increases in the number of dwelling units or the amount of nonresidential floor area;
 - b. reductions in the amount of land area set aside as open space, recreation area or natural resource conservation area; or
 - c. failure to provide public amenities or public benefit features approved as part of the PUD.
3. Minor Amendments. The ~~common council~~zoning administrator is authorized to approve minor PUD amendments through the approval of an amended final development plan, in accordance with the procedures of Section 24.16.050D. ~~See 24.05.010B for additional procedures for zoning overlays~~

24.16.070 Building Permits

No permit for the use of land or buildings may be issued under Chapter 15 unless ~~the chief building official~~Building & Safety Manager has certified, after examination of the site and proposed building plans, that it complies with all provisions of this zoning ordinance.

24.16.080 Designation Of Historic Sites And Structures

F. Historic Preservation Commission Hearing and Recommendation.

1. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic designation. In addition to allowing comments from all notified persons, the historic preservation commission may hear expert witnesses. They also have the power to subpoena witnesses and records as deemed necessary. The commission may also conduct an independent investigation into the proposed designation.
2. No more than 10 days after the close of the hearing, the historic preservation commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed historic site or structure designation be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the common council.

G. Common Council Hearing and Decision.

1. Upon receipt of recommendations from the historic preservation commission, the common council may act to approve, approve with modifications or deny the proposed historic designation.
2. Final action on an historic designation by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the matter, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting~~

~~H. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:~~

- ~~1. more than 50% of the land area included in the proposed zoning map amendment;~~
- ~~2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or~~
- ~~3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~

~~I.H.~~ Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:

1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
2. are identified with historic personages or with important events in national, state or local history;
3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or
5. have yielded, or may be likely to yield, information important to prehistory or history.

I. Notice of Action. After the designation has been approved by the common council, notification must be sent to the subject property owner. Notification must also be given to the city clerk, building department, plan commission and the city assessor.

J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

24.16.090 Historic Overlay Districts

F. Historic Preservation Commission Hearing and Recommendation. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic overlay zoning designation. Following the close of the hearing, the historic preservation commission must act by simple majority vote ~~of those members present and voting~~ to withhold a recommendation or to recommend that the proposed overlay zoning amendment be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the plan commission and common council.

G. Plan Commission Recommendation. Proposed historic overlay zoning map amendments must be referred to the plan commission. Following review of the proposed historic overlay zoning map amendment, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council within 30 days of the date of their review.

H. Common Council Hearing and Decision.

1. Upon receipt of recommendations from the historic preservation commission and plan commission, the common council must hold a hearing on the proposed historic overlay zoning map amendment. Following the close of the hearing, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment.

2. Final action on an historic overlay zoning map amendment by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~

~~I. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:~~

- ~~1. more than 50% of the land area included in the proposed zoning map amendment;~~
- ~~2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or~~
- ~~3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~

~~J.I.~~ Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:

1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
2. are identified with historic personages or with important events in national, state or local history;
3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or
5. have yielded, or may be likely to yield, information important to prehistory or history.

J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

24.16.120 Comprehensive Plan Amendment

A. Applicability. The procedures of State Statutes 66.1001 must be used for a comprehensive plan amendment.

B. Authority to Initiate. Amendments may be initiated by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1).

C. Application Filing. Comprehensive plan amendment applications must be filed with the zoning administrator.

CHAPTER 24.18 TERMINOLOGY AND MEASUREMENTS

"Fence, Solid." A fence, including solid entrance and exit gates, that effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it. See also Section 15.28 Fences.

"Lot Line, Front." ~~The lot line along the narrowest side of any lot that borders an existing or dedicated street lot line.~~ See also Section 24.18.030E.1.d.

"Animal boarding/kennel." An establishment in which more than three animals over the age of three months may be kept for shelter, feed,

and care at the direction of the animals' owners, for compensation, but not within the practice of veterinary medicine under Wis. Stat. 89.02(6).

24.18.030 Measurements And Exceptions

- A. Lot Area. Lot area includes the total land area contained within the property lines of a lot.
- B. Lot Area Per Unit. Lot area per unit refers to the amount of lot area required for each dwelling unit on the subject parcel. For example, if a minimum parcel-area-per-unit standard of 1,000 square feet is applied to an 8,750 square foot parcel, a maximum of 8 dwelling units would be allowed on that parcel.
- C. Lot Width. Lot width is measured between side property lines at the front lot line. For irregularly shaped lots, lot width is measured by averaging the lot's width at the front and rear lot lines.
- D. Building Coverage. Building coverage is the area of a lot covered by principal and accessory buildings, as measured along the building line. Only building areas beneath a roof are counted for purposes of measuring building coverage. A porch with a roof, for example, is counted, but an uncovered deck structure is not considered building coverage.
- E. Setbacks.
 - 1. Front and Street Side Setbacks.
 - a. Measurement. Front and street side setbacks are measured from the existing right-of-way line to the closest point of the building or structure. ~~Where rights-of-way widths identified on an officially adopted plan exceed existing widths, setback measurements must be taken from the planned ultimate right-of-way line.~~
 - b. Permitted Obstructions/Encroachments. Front and street side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.
 - c. Double Frontage (Through) Lots. On double-frontage lots, front setback requirements apply to both (opposing) street frontages.
 - d. Determining the Front of a Lot. For lots in residential zoning districts ~~or occupied by residential uses~~, the front is the side of the lot that ~~fronts-is along on~~ a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In the case of a corner lot with equal sides, the side facing the street having the greatest frontage shall be considered to be the front of the lot. For lots in nonresidential zoning districts ~~or occupied by nonresidential uses~~, the front is the side of the lot ~~that fronts on~~ along the major street as determined by the zoning administrator.
 - e. Exceptions for Established Setbacks. When existing buildings are closer to the front property line than the required front setback, additions to existing buildings may be constructed to the existing front setback provided they do not encroach any closer to the front property line. When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, ~~additions to existing buildings or~~ construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

F. Features Allowed to Encroach in Required Setbacks.

1. Residential Zoning Districts. Required setbacks in residential zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Feature	Residential District Setback			
	Front	Rear	Interior Side	Street Side
Arches		P	P	
Awnings	P[12]	P	P[8]	P[8]
Balconies		P		
Belt courses	P[9]	P[9]	P[9]	P[9]
Breezeways	-	-	-	-
Cornices	P	P	P	P
Exiting stairs and landing, minimum required by building code	P	P	P	P
Fences	-	P[2]	P[2]	P[2]
Fire escapes, open	-	-	-	-
Flag poles	P	P	P	P
Garages, detached and carports	-	P[1]	P[13]	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-
Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Parking spaces (required, open)	-	P	-	-
Ornamental features, attached <u>(includes chimney)</u>	P[5]	P[5]	P[5]	P[5]
Ornamental features, detached	P[9]	P[9]	P[9]	P[9]

Ornamental light standards	P	P	P	P
Outdoor fireplaces	-	P[1]	-	-
Patio, at grade	P	P	P	P
Pergolas/arbors	-	P[1]	-	-
Playhouses <u>& play structures</u>	-	P[1]	-	-
Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
<u>Porch (Entrance)</u>	<u>P [16]</u>	<u>-</u>	<u>-</u>	<u>-</u>
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	-	-	P[10]
Sills	P	P	P	P
Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Swimming pools and tennis courts	-	P	-	-
Tool sheds, detached or attached	-	P[1]	-	-
Trellises	P[14]	P[14]	P[14]	P[14] [15]
Water collection cisterns	P[4]	P	P	P[4]
Wheelchair lifts <u>& ramps</u>	P	P	P	P
Wing walls	P[9]	P[9]	P[9]	P[9]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

- [8] 3 feet maximum into minimum required setback.
- [9] Not more than 4.5 feet above grade.
- [10] See Chapter 15.14 of the city code of ordinances.
- [11] Not closer than 10 feet to any side or rear lot line.
- [12] 6 feet maximum into minimum required setback.
- [13] Minimum side setback required for side of principal structure on which the proposed garage/carport would be constructed.
- [14] Trellis units must be separated by a distance that equals their width.
- [15] On side yards abutting a street, a trellis may be placed in street side yard, provided that it is at least 18 inches from the street side property line and complies with intersection visibility regulations of Section 24.14.020.
- [16] Must be open on at least three sides, with exception to railing, and may contain an elevated deck at level with the front door. May project 6 feet maximum into required front yard setback. If the wall of the door entrance does not meet the required front yard setback, the porch may extend off of the entrance wall a maximum of 6 feet, but shall be setback no closer than 15 feet to the front property line.

2. Nonresidential and Special Purpose Districts. Required setbacks in nonresidential and special purpose zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Feature	Nonresidential District Setback			
	Front	Rear	Interi or Side	Street Side
Arches	-	P	-	-
Awnings	-	P	-	-
Balconies	P	P[6]	P	P
Belt courses	P[7]	P[7]	P[7]	P[7]
Breezeways	-	-	-	-
Cornices	P[5]	P[5]	P[5]	P[5]
Tool sheds, detached or attached	-	P[1]	-	-
Fences	P[2]	P[2]	P[2]	P[2]
Fire escapes, open	P[8]	P[8]	P[8]	P[8]

Flag poles	P	P	P	P
Fountains	P	P	P	P
Garages, detached and carports	-	P[1]	-	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-
Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Open accessory off-street parking spaces required	P	P	P	P
Ornamental features attached <u>(includes chimney)</u>	P[5]	P[5]	P[5]	P[5]
Ornamental features detached	P[9]	P[9]	P[9]	P[9]
Ornamental light standards	P	P	P	P
Playhouses <u>& play structures</u>	P	P[1]	P	P
Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	P[10]	P[10]	P[10]
Sills	P[5]	P[5]	P[5]	P[5]
Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Stoops and patio	P	P	P	P
Swimming pools	-	P[11]	-	-
Tennis courts	-	P	-	-
Trees and plants	P	P	P	P
Trellises	P	P	P	P
Water collection cisterns	P[4]	P	P	P[4]

Wheelchair lifts & ramps	P	P	P	P
Wing walls	P[4]	P[4]	P[4]	P[4]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

[8] 3 feet maximum into minimum required setback.

[9] Not more than 4.5 feet above grade.

[10] See Chapter 15.14 of the city code of ordinances.

[11] Not closer than 10 feet to any side or rear lot line.

[12] 6 feet maximum into minimum required setback