



# Wauwatosa, WI

## Plan Commission

### Meeting Agenda - Final

7725 W. North Avenue  
Wauwatosa, WI 53213

---

**Monday, August 25, 2025**

**6:00 PM**

**Common Council Chambers and Zoom:**  
**<https://servetosa.zoom.us/j/83599194279>,**  
**Meeting ID: 835 9919 4279**

---

#### Workshop

#### **HYBRID MEETING INFORMATION**

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **NEW BUSINESS**

1. Review and discuss housing-related zoning amendments [25-1313](#)
2. Review and discuss options for non-residential parking requirements [25-1314](#)
3. Review and discuss proposed non-residential zoning amendments [25-1315](#)

#### **ADJOURNMENT**

#### NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to [tclerk@wauwatosa.net](mailto:tclerk@wauwatosa.net), with as much advance notice as possible.



# Wauwatosa, WI

7725 W. North Avenue  
Wauwatosa, WI 53213

## Staff Report

---

**File #:** 25-1313

**Agenda Date:** 8/25/2025

**Agenda #:** 1.

---

Review and discuss housing-related zoning amendments

**Submitted by:**

Tammy Szudy, Planning & Zoning Manager

**Department:**

Development

Please see the attached document for the proposed housing-related zoning amendments related to the Tosa Tomorrow Comprehensive Plan.



# MEMORANDUM

188 West Randolph Street  
Suite 200  
Chicago, Illinois 60601  
312.372.1008

360 E 2nd Street,  
Suite #800  
Los Angeles, CA 90012  
213.529.1008

hlplanning.com  
info@hlplanning.com

**Date:** August 19, 2025

**To:** City of Wauwatosa, WI  
Tamara Szudy, Planning and Zoning Manager

**From:** Houseal Lavigne Associates  
Jackie Berg, AICP, Practice Lead  
Kari Papelbon, AICP, CFM, Senior Planner  
Nicole Campbell, AICP, Planner II

SENT VIA EMAIL

**Re: Targeted Zoning Ordinance Update Draft**

This memo details proposed amendments to the City of Wauwatosa’s Zoning Ordinance. The proposed amendments are derived from the Targeted Chapter Diagnostics and Preliminary Recommendations Report that was presented, reviewed, and refined with City staff and the City Plan Commission in April 2025.

The proposed amendments are presented in track changes.

- Black Text. Existing language that is not proposed to change.
- Highlighted Text. New language that is proposed.
- ~~Highlighted Strikethrough Text~~. Existing language that is proposed to be deleted.



## CITY OF WAUWATOSA ZONING



## Chapter 24.02. Residential Districts

## 24.02.010 GENERAL

- A. The Districts. The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Zoning District	Map Symbol	Formerly Known As
<del>Single-unit Residential-15</del> Garden Residential	R1-15(GR)	<del>Estate, Single-family Residence</del> R1-15, Single-unit Residential-15
<del>Single-unit Residential-9</del> Suburban Residential	R1-9 (SR)	<del>AAA, Single-family Residence</del> R1-9, Single-unit Residential-9
<del>Single-unit Residential-6</del> Neighborhood Residential	R1-6 (NR)	<del>AA, Single-family Residence</del> R1-6, Single-unit Residential-6
<del>Two-unit</del> Mixed Residential	R2 (MR)	<del>BB, Two-family Residence</del> R2, Two-unit Residential
<del>Low-Density, Multi-unit</del> Residential	R4(LDM)	<del>CC, Four-family Residence</del> R4, Multi-unit Residential
<del>Medium-Density, Multi-unit</del> Residential	R8(MDM)	<del>DD, Eight-Family Residence</del> R8, Multi-unit Residential

- ~~B.—District Names and Map Symbols. The proposed district names/map symbols are intended to provide a general indication of what is allowed in the respective district. The first letter, "R," denotes the residential orientation of the district. The numeral immediately following the "R" is a shorthand reference to the allowed housing type, with "1" representing a single dwelling unit, "2" representing a two-unit residential building (e.g., duplex or two-flat) and so on. The R1 single-dwelling districts include a density or lot size indicator following the dash. The R1-9 district, for example, refers to a single-dwelling residential zoning district that generally allows one dwelling unit on a lot with at least 9,000 square feet of lot area.~~

- ~~G.B.~~ Purposes. Wauwatosa's residential zoning districts are primarily intended to create, maintain and promote a variety of housing and lifestyle opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. The R district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

1. **GR, MR, and NRR1**, Single-unit Residential Districts. The **R** districts are ~~primarily~~ intended to accommodate detached houses and to preserve the character of low-density residential neighborhoods for low-density neighborhoods characterized by detached houses on individual lots. Two-unit homes may be incorporated in a limited manner when compatible with surrounding development patterns.
2. **R2MR**, Two-unit Residential District. The **R2-MR** district supports a mix of detached, semi-detached, two-unit houses, and three-unit/four-unit houses in walkable, residential neighborhoods. It provides a modest increase in housing density while maintaining a single-unit residential character. ~~is primarily intended to accommodate detached houses, semi-detached houses and two-unit residential buildings and to provide for a mix of low-density housing types within a single neighborhood area.~~
3. **R4LDM**, Multi-unit Residential. The **R4-LDM** district is primarily intended to accommodate detached houses, semi-detached houses, two-unit residential buildings and small ~~(maximum 4-unit)~~ multi-unit residential buildings. The district helps provide a mix of low- and moderate-density housing choices ~~within a walkable, residential context. within a single neighborhood area.~~
4. **R8MDM**, Multi-unit Residential District. The **R8-MDM** district is ~~primarily~~ intended to accommodate detached houses, semi-detached houses, two-unit residential buildings and multi-unit residential buildings a full range of housing types, including larger multi-unit buildings. The district helps provide a mix of low- and moderate-density housing choices ~~within a single neighborhood area in neighborhood areas near corridors.~~

#### 24.02.030 LOT AND BUILDING REGULATIONS

- A. General. This section establishes basic lot and building regulations that apply in **RResidential** districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that maximum allowed densities and development yields can be achieved on every lot. Other factors, such as topography, the presence of floodplains or protected resources, off-street parking, landscaping requirements and other factors may work to further limit actual development potential.
- B. Basic Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in R districts, except as otherwise expressly stated. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	DISTRICTS					
	<b>R1-15GR</b>	<b>R1-9SR</b>	<b>R1-6NR</b>	<b>R2MR</b>	<b>R4LDM</b>	<b>R8MDM</b>
<b>Minimum Lot Area (square feet)</b>						
<b>Minimum Lot Area (square feet) Detached house</b>	15,000	96,000	64,000	64,000	64,000	64,000
<b>Two-unit building</b>	NA	NA	NA	7,200	7,200	7,200
<b>Multi-unit building (min. lot area per unit)[1]</b>	NA	NA	NA	NA	1,600	1,600
<b>Minimum Lot Width (frontage) (feet)</b>						
Corner lot	12585	8560	6050	6050	6050	6050
Interior lot	12575	7550	5040	5040	5040	5040
<b>Minimum Setbacks</b>						

Front (feet)	35[21]	35[21]	30[21]	25[21]	25[21]	25[21]
Side, Street (% of lot width)	20[32]	20[32]	20[32]	20[32]	20[32]	20[32]
Side, Interior one side/both sides combined (feet)	5/10	5/10	3/9	3/9	3/9	3/9
Rear (% of lot depth)	20[43]	20[43]	20[43]	20[43]	20[43]	20[43]
Accessory buildings:						
Rear and interior side (feet)	1.5	1.5	1.5	1.5	1.5	1.5
Alley (feet)	5	5	5	5	5	5
<b>Max. Building Coverage</b> (% of lot area)						
All principal and accessory buildings combined						
Corner lot	35	42	42	42	60 <del>42</del>	60 <del>70</del>
Interior lot	35	37	37	37	40 <del>37</del>	50 <del>60</del>
Accessory buildings[54]	12	12	12	12	12	12
Accessory dwelling units [4]	n/a	n/a	n/a	n/a	n/a	n/a
<b>Maximum Height</b> (feet)						
Principal buildings	35[65]	35[65]	35[65]	35[65]	35[56]	35[56]
Accessory buildings[76]	16	16	16	16	16	16

[1] This minimum lot area per unit standard applies only to multi-unit buildings. The regulation does not apply in districts that do not allow multi-unit buildings.

[21] Setback "averaging" is allowed in some cases, See Section 24.18.030E.1.e.

[32] Not required to exceed 15 feet.

[43] Must be at least 15 feet, but not required to exceed 25 feet.

[54] Accessory Dwelling Units (ADUs) are not included in accessory building lot coverage limits. Size and dimensional standards for ADUs are provided in Section 24.10.075. Square footage not to exceed maximum in Section 15.04.040 C.3.

[56] Public and civic buildings, religious assembly, and schools may be up to 60 feet in height. One additional foot for front, side and rear setback is required for each foot of building height above 35 feet.

[76] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building.



#### 24.02.040 Other Regulations

Uses and development in residential districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

1. Nonconformities. See Chapter 24.15.
2. Accessory Uses and Structures. See Chapter 24.10.
3. Parking and Loading. See Chapter 24.11.
4. Landscaping and Screening. See Chapter 24.12.
5. Temporary Uses. See Section 24.10.080.
- 5-6. Attached and Semi-Detached Building Design Standards. See Section 24.14.060.



## Chapter 24.03. Commercial Districts

### 24.03.010 GENERAL

- A. The Districts. The city's commercial zoning districts are listed below. When this zoning ordinance refers to "commercial" zoning districts or "C" districts, it is referring to these districts.

Zoning District	Abbreviation/Map Symbol	Formerly Known As
Office	CO	AA Professional Office
		AA Medical Clinic
Neighborhood/Village Trade	C1	Trade
		Village Trade
General Commercial	C2	AA Business
		AA Commercial

- B. Purposes. Wauwatosa's commercial zoning districts are primarily intended to accommodate and promote neighborhood- and community-serving business and commercial (e.g., retail, service, office) uses, as well as vertical mixed-use development consisting of nonresidential uses on the ground floor and residential uses on the upper floors of the same building. Encouraging mixed-use development can help reduce vehicle travel demand and provide increased housing choice and transit-oriented densities.
1. CO, Office Commercial. The CO, Office Commercial district is primarily intended to accommodate office, professional, and medical uses in a low- to moderate- intensity setting. While primarily nonresidential, the district also allows limited residential uses in areas of transition from commercial to residential.
  2. C1, Neighborhood & Village Commercial. The C1, Neighborhood & Village Commercial district is primarily intended to accommodate mixed-use development and small-scale, neighborhood-serving retail and service uses in pedestrian-oriented storefront buildings.
  3. C2, General Commercial. The C2, General Commercial district accommodates a broad range of business and commercial uses. While designed to support regional shopping and commercial activity, the district also allows residential uses in locations consistent with the character of surrounding development., often in the physical form of shopping centers, large-format retail and other destination-oriented uses in which a large percentage of customers will arrive by automobile.

### 24.03.030 LOT AND BUILDING REGULATIONS

- A. General. This section establishes basic lot and building regulations that apply in C districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that maximum allowed densities and development yields can be achieved on every lot. Other factors, such as topography, the presence of floodplains or protected resources, off-street parking, landscaping requirements and other factors may work to further limit actual development potential.
- B. Basic Standards. The following lot and building standards apply to all principal and accessory uses allowed in C districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.



Lot and Building Standards	DISTRICTS		
	C0	C1	C2
<b>Minimum Lot Area</b> (square feet)	7,200	None	None
<b>Minimum Lot Width</b> (feet)	60	None	None
<b>Minimum Setbacks</b> (feet)			
Front	10[2]	0	10
Street Side	5	0	5
Interior Side	3[3]	0	3[3][5]
Rear	25	0	10[4][5]
Rear and Interior Side (Accessory Buildings)	1.5	0	3
Rear Alley (Accessory Buildings)	5	5	10
<b>Maximum Height</b> (feet)			
Principal Buildings	35	40	No max.[1]
Accessory Buildings	20	20	20
<b>Maximum Building Coverage</b> (% of lot area)			
Interior Lots	35	No max.	No max.
Corner Lots	40	No max.	No max.

[1] See Section 24.03.040.J.

[2] If abutting a zoning district that requires a greater front setback, the abutting district's (greater) front setback applies.

[3] No side setback is required abutting another C-zoned lot occupied by a building with no side setback along the shared lot line.

[4] No rear setback required on lot abutting railroad right-of-way.

[5] See Section 24.05.020.C. for Mayfair Corridor Overlay regional mall standards.

#### 24.03.040 OTHER REGULATIONS

Uses and development in commercial districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

- A. Drive-through and Drive-in Facilities. Drive-through and drive-in facilities require conditional use approval and must be associated with an otherwise allowed use. They are also subject to the regulations of Section 24.11.100.
- B. Large-format Retail Developments. Individual freestanding buildings and group developments with a cumulative gross floor area of 50,000 square feet or more of retail sales area are subject to the large-format retail development regulations of Section 24.09.090.
- C. Nonconformities. See Chapter 24.15.
- D. Accessory Uses and Structures. See Chapter 24.10.
- E. Parking and Loading.
  - 1. Parking spaces may not be located in front or street side setbacks.
  - 2. Loading docks must be set back at least 10 feet from alleys and 20 feet from all street rights-of-way.
  - 3. See also the general off-street parking and loading regulations of Chapter 24.11.
- F. Landscaping and Screening. See Chapter 24.12.
- G. Temporary Uses. See Section 24.10.080.
- H. Overlay Zoning Districts. See Chapter 24.05.
- I. Outdoor storage activities in the C districts require conditional use approval in accordance with Section 24.16.040.
- J. Building Height for C2 (General Commercial) District: For C2 zoned properties located within 65 feet of a Residential (R) zoned property, the maximum building height is 60 feet. Exceptions to this standard are as follows:
  - 1. The Regional Mall (Mayfair Mall) properties are not subject to these regulations.
  - 2. Additional height of up to 85 feet is allowed for:
    - a. Multi-family-unit and/or mixed-use projects proposing 20% or more affordable housing units at 80% or below the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
    - b. Transit-oriented development projects located along the Bus Rapid Transit (BRT) Corridor.
- K. Attached and Demi-Detached Building Design Standards. See Section 24.14.060.



## Chapter 24.05 Overlay Districts

**24.05.020 /MAY, MAYFAIR CORRIDOR OVERLAY**

- A. Purpose. The /MAY, Mayfair Road Corridor Overlay district is intended to help protect the appearance and operational (transportation) function of the Mayfair Road corridor.
- B. Minimum Building Height. Buildings within the /MAY Overlay district must be at least 2 stories and 24 feet in height.
- C. Regional Mall Standards.
  - 1. Minimum Interior Side Setback and Rear Setback. Parcels associated with a regional mall are allowed 0 feet interior side setback and rear setback for parcel lines not adjacent to R-zoned property. When adjacent to R-zoned property, the minimum interior side setback and rear setback is 15 feet for buildings 50 feet in height and below, 25 feet for buildings 51 feet to 100 feet, and 50 feet for buildings 101 feet and above.
  - 2. Eating & Drinking Establishments. No Conditional Use is required for establishments with no separate entrance or seating.
  - 3. Minimum Lot Area Per Unit (square feet). Does not apply to parcels associated with a regional mall.
  - 4. Multi-unit residential building is a permitted use when part of a regional mall.
- D. Drive-Through or Drive-In Facilities. Drive-through or drive-in facilities for restaurants, car washes, banks and gas stations require a conditional use permit for project sites that meet one or more the following criteria:
  - 1. Parcels with four hundred feet minimum of frontage along Mayfair Road.
  - 2. Corner parcels with two hundred fifty feet minimum of frontage along Mayfair Road and two hundred fifty feet minimum of frontage along the cross street.
  - 3. Parcel entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.

If the parcel does not meet the criteria listed above, a drive-through facility on Mayfair Road is prohibited.

If the parcel meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

- 4. Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
- 5. Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
- 6. A traffic impact analysis must be prepared and the findings accepted by both WisDOT and the city engineer or designee.
- 7. Cross-access is strongly encouraged.

**E. Residential Uses.****1. Permitted Uses. The following uses are permitted as of right in the /MAY Overlay:****a. Mixed-Use, Vertical**

b. Multi-Unit Building, 5-12 units

a-c. Multi-Unit Building, 13+ units

E-F. Attached and Semi-Detached Building Design Standards. See Section 24.14.060.

F. —



## Chapter 24.06 Special Purpose Districts

### 24.06.050 SP-INS, INSTITUTIONS DISTRICT

- A. Uses. Principal uses are allowed in SP-INS districts in accordance with the use table of Section 24.07.030.
- B. Lot and Building Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in the SP-INS district, except as otherwise expressly stated in this zoning ordinance. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	SP-INS
<b>Minimum Lot Area</b> (square feet)	9,000
<b>Minimum Lot Width</b> (feet)	80
<b>Minimum Setbacks</b> (feet)	
Front	25
Side, Street	15
Side, Interior	10[1]
Rear	24[1]
<b>Maximum Height</b> (feet)	
Principal Buildings	No Max.
Accessory Buildings	20
<b>Maximum Building Coverage</b> (% of lot area)	
Interior Lot	4535
Corner Lot	5040

[1] Plus one foot for each foot of building height above 35 feet.

**24.06.060 SP-MED, MEDICAL CENTER DISTRICT**

- A. Uses. Principal uses are allowed in SP-MED districts in accordance with the use table of Section 24.07.030.
- B. Lot and Building Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in the SP-MED district, except as otherwise expressly stated in this zoning ordinance. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

<b>Lot and Building Standards</b>	<b>SP-MED</b>
<b>Minimum Lot Area</b> (square feet)	10,000
<b>Minimum Lot Width</b> (feet)	100
<b>Minimum Setbacks</b> (feet)	
Front	25
Side, Street	25
Side, Interior	25[1][2]
Rear	25[1][2]
<b>Maximum Height</b> (feet)	
Principal Buildings	No Max.
Accessory Buildings	50
<b>Maximum Building Coverage</b> (% of lot area)	
Interior Lot	35[3]
Corner Lot	40[3]

[1] Plus one foot for each foot of building height above 35 feet.

[2] As to that portion of the current SP-MED district located south of Watertown Plank Road, east of Interstate Highway 45, north of Wisconsin Avenue and west of the eastern boundary of the current SP-MED district (the "MRMC Campus"), the interior side setback and the rear setback shall be zero; provided, however, that where the MRMC Campus abuts a residential district, the interior side setback and rear setback shall be 25 feet plus one foot for each foot of building height above 35 feet.

[3] As to the MRMC Campus, the Maximum Building Coverage (% of lot area) for interior and corner lots shall be 65.

**C. Student Housing.**

- Student housing buildings within the SP-MED district shall be restricted to east of 92<sup>nd</sup> Street and south of Watertown Plank Road.
- Student housing shall have a maximum front setback of 25 feet and a minimum building height of four stories or 50 feet.

**24.06.070 SP-RP, RESEARCH PARK DISTRICT**

- A. Purpose. The SP-RP district is intended to establish and regulate uses in conjunction with the authority of the Milwaukee Regional Innovation Center, Inc., formerly known as the Milwaukee County Research Park Corporation, consisting of research and development facilities, certain specialized manufacturing operations of a non-nuisance type, offices and professional support activities and services and prototype business incubators; all to be located in an aesthetic environment conducive to innovative and technological advancement and new job formation. Development within the research park must be in general conformance with the approved master plan for the site and must respect protective covenants established to promote a quality environment.
- B. Permitted Uses. The following uses are permitted as of right in the SP-RP district:
1. Automatic temperature controls
  2. Biological products
  3. Business and laboratory incubators
  4. Business and management consulting services
  5. Computer programming services
  6. Dental laboratory services
  7. Commercial testing laboratories
  8. Drugs, chemical and allied products
  9. Data processing
  10. Educational and scientific research services
  11. Educational services
  12. Electrical machinery, equipment and supplies
  13. Electrical transmission and distribution equipment
  14. Electric and steam and chilled water generation plants and related facilities
  15. Electrometallurgical products
  16. Electronic components and accessories
  17. Electronic control equipment
  18. Engineering and architectural services
  19. Engineering, laboratory and scientific and research instruments and associated equipment
  20. Exhibition halls
  21. Facilities management services
  22. Fabricated metal products
  23. Finance, insurance and real estate services
  24. Food and kindred products
  25. Forestry activities and related services

- 26. Horticultural services
- 27. Hotels and motels
- 28. Industrial inorganic and organic chemicals
- 29. Instruments for measuring, controlling and indicating physical characteristics
- 30. Mechanical measuring and controlling instruments (except automatic temperature controls)
- 31. Medical and health services
- 32. Medical laboratory services
- 33. Medical research, technology and development
- 34. Medical scientific research facilities
- 35. Medicinal chemicals and botanical products
- 36. Miscellaneous plastic products
- 37. Mixed-Use Building, Vertical
- 36:38. Multi-Unit Buildings, 5-12 units
- 37:39. Multi-Unit Buildings, 13+ units
- 38:40. Motion picture production
- 39:41. Office buildings
- 40:42. Office computing and accounting machines
- 41:43. Optical instruments and lenses
- 42:44. Orthopedic, prosthetic and surgical appliances
- 43:45. Pharmaceutical preparations
- 44:46. Photographic equipment supplies
- 45:47. Plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers
- 46:48. Printing and publishing
- 47:49. Professional, scientific and controlling instruments
- 48:50. Research, development and testing services
- 49:51. Resources production and extraction
- 50:52. Stenographic services and other duplicating and mailing services
- 51:53. Surgical, medical and dental instruments
- 52. Technical training facilities
- 53:54. X-ray apparatus and tubes: medical, industrial, research and control

- C. Conditional Uses. The following uses may be allowed in the SP-RP district if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040. Such uses must be

accessory to allowed principal uses in each building and may not exceed 30% of the building's gross floor area.

1. Banking services and related functions
2. Barber services
3. Beauty services
4. Day care centers
5. Eating places
6. Groceries
7. Heliport landing/takeoff pads
8. Laundry and dry-cleaning pickup stations only
9. Office supplies and equipment
10. Off-street parking
11. Recreation or fitness centers
12. Telephone relay towers (microwave)
13. Television transmitting stations and relay towers
14. Water storage

D. Additional Conditional Uses. In addition to those conditional uses authorized under subsection C above, the following uses may be allowed in the SP-RP District if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040, except they may be free standing conditional uses and not accessory to any allowed principal uses:

1. Buildings in which any of the commercial uses listed in B and C, above, occupy the ground floor.

~~2. Multi-Unit Residential Buildings containing dwelling units that share common walls and/or common floors/ceilings.~~

~~3.2.~~ Eating places with indoor seating capacity in which sales of prepared foods, meals and non-alcoholic beverages constitute at least 50% of the establishment's gross income and which do not include drive-through or drive-in facilities.

E. Minimum Ground Floor Area. The minimum ground floor area is 8,000 square feet, unless a smaller area is approved by the common council on the final plan.

F. Maximum Lot Coverage. Buildings may not cover more than 50% of the gross site area.

G. Lot Area. Lots must have a minimum area of one acre.

H. Lot Width. Lots must have a minimum width of 100 feet.

I. Setbacks. Minimum building setbacks are as follows:

1. From property line on Mayfair Road, Watertown Plank Road and Wisconsin Avenue: 50 feet
2. From property line at highway 45: 100 feet
3. From shared property line within the park: 25 feet
4. From curblines of internal streets other than main street: 40 feet
5. From curblines of main street: 25 feet



6. From creek and water feature: 60 feet
- J. Height. Within 300 feet of the curbline of Mayfair Road and Wisconsin Avenue, building heights may not exceed 100 feet. Other areas of the park have no set maximum height limit.
- K. Design Review. Design review is the responsibility of a special board authorized for this purpose. Design review must occur before final plan review by the common council.
- L. Final Plan Review. Final plan review must be conducted by the common council. Changes and amendments to approved developments prior to or during construction must be reviewed and approved as follows:
1. Changes in the approved final development plan must be reviewed by the special board authorized as a project review board and returned to the common council if 40% or more of the members present consider the change to be a variance to the approved plan and/or that it does not meet the intent of conditions and restrictions placed on the approved plan.
  - ~~2.~~ Minor changes in the location, siting and height of buildings and structures may be authorized by the development director.

#### 24.06.085 MID, MIDTOWN DISTRICTS

- A. Districts. The MID districts are listed below. When this zoning ordinance refers to "MID" districts it is referring to these districts. After August 28, 2019, the MID zoning classification may be applied only to property with street frontage on North Avenue between Wauwatosa Avenue and Menomonee River Parkway.

TABLE 24-1 MID DISTRICTS	
Zoning District	Map Symbol
Midtown Residential	MID-RES
Midtown Transitional	MID-TRN
Midtown Mixed-Use	MID-MIX

- B. Purpose. The MID, Midtown district regulations are intended to help implement the recommendations of the *Midtown North Avenue Plan*.
1. MID-RES. The MID-RES (Midtown Residential) district regulations are established to help implement the "limited multi-family" subarea recommendations of the *Midtown North Avenue Plan*.
  2. MID-TRN. The MID-TRN (Midtown Transitional) district regulations are established to help implement the "transitional" subarea recommendations of the *Midtown North Avenue Plan*.
  3. MID-MIX. The MID-MIX (Midtown Mixed-Use) district regulations are established to help implement the "mixed-use" sub-area recommendations of the *Midtown North Avenue Plan*.
- C. Uses. Uses are allowed in MID districts in accordance with the use table of Sec. 24.07.030.
- D. Building Types. Uses are allowed in the MID districts in accordance with Table 24-2. The regulations governing allowed building types are presented in Sec. 24.06.085-F. through Sec. 24.06.085-L.

**TABLE 24-2 ALLOWED BUILDING TYPES**

Building Types	MID Districts		
	RES	TRN	MIX
P = permitted   - = prohibited			
Detached house	P	P	-
Semi-detached house	P	P	-
Two-unit house	P	P	-
<u>Three-unit house / Four-unit house</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cottage Courts</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>Live-Work</u>		<u>P</u>	<u>P</u>
Attached house	P	P	<u>P</u>
Commercial house	-	P	-
<u>Multi-unit Residential Building, 5-12 units</u>	<u>P</u>	<u>P</u>	<u>P</u>
Multi-unit <u>R</u> esidential <u>B</u> uilding, <u>13+ units</u>	<u>-P</u>	P	<u>-P</u>
Commercial building	-	P	P
Vertical mixed-use building	-	P	P
Public or civic building	P	P	P

E. Other Regulations. Uses and development in MID districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

1. Accessory Uses and Structures. See Chapter 24.10.
2. Temporary Uses. See Sec. 24.10.080.
3. Parking and Loading. See Chapter 24.11.
4. Landscaping and Screening. See Chapter 24.12.

5. Nonconformities. See Chapter 24.15.

5-6. Additional Regulations. Additional MID district-specific regulations are presented in Sec. 24.06.085-M through Sec. 24.06.085-U.

F. Detached, -House and Two-Unit, and Three-/Four-Unit House; Cottage Court Regulations. Detached houses and, two-unit houses (as defined in Sec. 24.08.020.A.1 and Sec. 24.08.020.A.3), three-/four-unit

houses, and cottage courts (as defined in Sec. 24.08.020.A.1, Sec. 24.08.020.A.3, Sec. 24.08.020.A.4, and Sec. 24.08.020.A.5), are subject to the regulations of Table 24-3. See also Figure 24-1, which is keyed to the letter symbols in the first column of the table.

TABLE 24-3 DETACHED, <del>HOUSES—&amp; TWO-UNIT-H, THREE-UNIT /FOUR-UNIT HOUSES; COTTAGE COURTS</del>		<del>MID-RES</del> <del>MID-TRN</del>  <del>MID-MIX</del>	Supplemental
<b>1. Lot</b>			
<b>A</b>	Minimum Lot Area (square feet)	6,000 <del>6,000</del>	
<b>B</b>	Minimum Lot Width (feet)		
	Interior Lot Corner Lot	50 60 <del>50</del> <del>60</del>	
<b>2. Principal Building Siting</b>			
<b>C</b>	Minimum Front Setback (feet)	25 <del>25</del>	
<b>D</b>	Minimum Interior Side Setback (one side/both sides, feet)	3/9 <del>3/9</del>	
<b>E</b>	Minimum Street Side Setback (% of lot width)	20[1] <del>20[1]</del>	
<b>F</b>	Minimum Rear Setback (% of lot depth)	20[2] <del>20[2]</del>	
<b>3. Accessory Building Siting</b>			
	Minimum Rear and Interior Side Setback (feet)	1.5 <del>1.5</del>	
	Minimum Alley Setback (feet)	5	

			5	
		4. Uses		
G	Allowed Uses in All Stories			Residential uses allowed by Sec. 24.07.030
		5. Building Coverage		
		Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Corner Lot	Lot	37 42  37 42	
	Maximum Building Coverage of Accessory Buildings (% of lot area)		12[3]  12[3]	
6. Building Height				Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)		0 to 4  0 to 4	
I	Maximum Principal Building Height (feet)		35  35	
I	Maximum Accessory Building Height (feet)		16[4]  16[4]	
		7. Building Facade		
J	Minimum Front Facade Transparency (%)		15  15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)		5  5	
		8. Lot Edges		

<b>K</b>	Edge Type Required	Landscape	Sec. 24.06.085-P
<b>L</b>	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q
<p>Table 24-3 Notes</p> <p>[1] Not required to exceed 15 feet.</p> <p>[2] Minimum 15 feet; not required to exceed 25 feet.</p> <p>[3] Not to exceed 720 square feet.</p> <p>[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.</p>			

Figure 24-1. Detached ~~and~~, Two-Unit, ~~and~~ Three-Unit/Four-Unit Houses

[INSERT FIGURE]

G. Semi-Detached and Attached House Regulations. Semi-Detached Houses and Attached houses ~~(as defined in Sec. 24.08.020.A.2 and Sec. 24.08.020.A.4)~~ are subject to the regulations of Table 24-4. See also Figure 24-2, which is keyed to the letter symbols in the first column of the table.

TABLE 24-4 SEMI-DETACHED AND ATTACHED HOUSES		MID-RES MID-TRN	Supplemental
<b>1. Lot</b>			
<b>A</b>	Minimum Lot Area (square feet)		
	Semi-Detached Houses	3,000	
	Attached Houses	2,000 <del>3,000</del> <del>2,000</del>	
<b>B</b>	Minimum Lot Width (feet)		
	Semi-Detached Houses	30	
	Attached Houses	20 <del>30</del> <del>20</del>	
<b>2. Principal Building Siting</b>			
<b>C</b>	Minimum Front Setback (feet)	25 <del>25</del>	
<b>D</b>	Minimum Interior (non-street) Side Setback (feet)	0[1] <del>0[1]</del>	

E	Minimum Street Side Setback (% of lot width)	20 <del>20</del>	
F	Minimum Rear Setback (% of lot depth)	20[2] <del>20[2]</del>	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5 <del>1.5</del>	
	Minimum Alley Setback (feet)	5 <del>5</del>	
4. Uses			
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	50 60 <del>50</del> <del>60</del>	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3] <del>12[3]</del>	
6. Building Width			
	Maximum Number of Attached Units	8 <del>8</del>	
7. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.	0 to 4 <del>0 to 4</del>	
I	Maximum Principal Building Height (feet)	35 <del>35</del>	
I	Maximum Accessory Building Height (feet)	16[4] <del>16[4]</del>	
8. Building Facade			
J	Minimum Front Facade Transparency (%)	15 <del>15</del>	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5 <del>5</del>	

9. Lot Edges			
K	Edge Type Required	Landscape	Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q
<p>Table 24-4 Notes</p> <p>[1] End units subject to minimum 4.5-foot interior side setback.</p> <p>[2] Minimum 15 feet; not required to exceed 25 feet.</p> <p>[3] Not to exceed 720 square feet.</p> <p>[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.</p>			

Figure 24-2. Semi-detached and Attached Houses

[INSERT DIAGRAM]

H. Commercial House Regulations. Commercial houses are former detached houses that have been converted for occupancy by nonresidential principal uses, such as offices or retail shops. Commercial houses and live-work units are subject to the regulations of Table 24-5. See also Figure 24-3, which is keyed to the letter symbols in the first column of the table.

TABLE 24-5 COMMERCIAL HOUSES <u>AND LIVE-WORK UNITS</u>		MID-TRN <u>MID-MIX</u>	Supplemental
<b>1. Lot</b>			
<b>A</b>	Minimum Lot Area (square feet)	6,000	
<b>B</b>	Minimum Lot Width (feet)		
	Interior Lot Corner Lot	50 60	
<b>2. Principal Building Siting</b>			
<b>C</b>	Minimum Front Setback (feet)	25	
<b>D</b>	Minimum Interior Side Setback (one side/both sides, feet)	3/9	
<b>E</b>	Minimum Street Side Setback (% of lot width)	20[1]	
<b>F</b>	Minimum Rear Setback (% of lot depth)	20[2]	
<b>3. Accessory Building Siting</b>			

	Minimum Rear and Interior Side Setback (feet)	1.5	
	Minimum Alley Setback (feet)	5	
4. Uses			
G	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030	
G	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot	50	
	Corner Lot	60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	
6. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	
I	Maximum Principal Building Height (feet)	35	
I	Maximum Accessory Building Height (feet)	16[4]	
7. Building Facades			
J	Minimum Front Facade Transparency (%)	15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5	
8. Lot Edges			
K	Edge Type Required		Sec. 24.06.085-P
L	Edge Element Required		Sec. 24.06.085-Q
Table 24-5 Notes			
[1] Not required to exceed 15 feet.			
[2] Minimum 15 feet; not required to exceed 25 feet.			
[3] Not to exceed 720 square feet.			



[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.

Figure 24-3. Commercial House

[INSERT FIGURE]

- I. Multi-Unit Residential Building Regulations. Multi-unit residential buildings (as defined in Sec. 24.08.020.A.5) are subject to the regulations of Table 24-6. See also Figure 24-4, which is keyed to the letter symbols in the first column of the table.

TABLE 24-6 MULTI-UNIT RESIDENTIAL BUILDINGS		MID-RES	MID-TRN MID-MIX	Supplemental
<b>1. Lot</b>				
<b>A</b>	Minimum Lot Area (square feet)	6,000	6,000	
<b>B</b>	Minimum Lot Width (feet)			
	Interior Lot Corner Lot	50 60	50 60	
<b>2. Principal Building Siting</b>				
<b>C</b>	Minimum Front Setback (feet)	25	10	
<b>C</b>	Maximum Front Setback (feet)	30	30	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	75	75	
<b>D</b>	Minimum Interior Side Setback (one side/both sides, feet)	3/9	3/9	
<b>E</b>	Minimum Street Side Setback (% of lot width)	20[1]	20[1]	
<b>F</b>	Minimum Rear Setback (% of lot depth)	20[2]	20[2]	
<b>3. Accessory Building Siting</b>				
	Minimum Rear and Interior Side Setback (feet)	1.5	1.5	
	Minimum Alley Setback (feet)	5	5	
<b>4. Uses</b>				

G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030		
5. Building Coverage				
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)			
	Interior Lot	50	50	
	Corner Lot	60	60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	12[3]	
6. Building Width				
	Maximum Building Width (feet)	85	No Max.	
7. Building Height				Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	0 to 4	
I	Maximum Principal Building Height (feet)	3545	3545	
I	Maximum Accessory Building Height (feet)	16[4]	16[4]	
8. Building Façade				
J	Minimum Front Façade Transparency	20	20	Sec. 24.06.085-O
J	Minimum Street-Side Façade Transparency	5	5	
9. Lot Edges				
K	Edge Type Required	Landscape		Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop		Sec. 24.06.085-Q
Table 24-6 Notes				
[1] Not required to exceed 15 feet.				
[2] Minimum 15 feet; not required to exceed 25 feet.				
[3] Not to exceed 720 square feet.				
[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.				

Figure 24-4 Multi-Unit Residential Building

[INSERT FIGURE]



- K. Vertical Mixed-use Building Regulations. Vertical mixed-use buildings (as defined in Sec. 24.08.020.A.6) are subject to the regulations of Table 24-8. See also Figure 24-6, which is keyed to the letter symbols in the first column of the table.

TABLE 24-8 VERTICAL MIXED-USE BUILDINGS		MID-TRN	MID-MIX	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)	50	50	
2. Principal Building Siting				
C	Minimum Front Setback (feet)	10	5	
D	Maximum Front Setback (feet)	25	10	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	60	80	
E	Minimum Interior (non-street) Side Setback (feet)	3[1]	3[1]	
F	Minimum Street Side Setback (% of lot width)	10[2]	10[2]	
G	Minimum Rear Setback (% of lot depth)	20[3]	20[3]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	3	3	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
H	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030 [4]		
I	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030		
5. Building Coverage				

	Maximum Building Coverage (% of lot area)	75	75	
6. Building Height				Sec. 24.06.085-M
J	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 1.5	0 to 1.5	
K	Minimum Ground Story Height (floor-to-floor/feet)	14	14	
L	Minimum Principal Building Height (stories)	2	2	
L	Maximum Principal Building Height ( <del>stories</del> /feet)	<del>3/42</del> 45	<del>3/42</del> 45	Sec. 24.06.085-N
L	Maximum Accessory Building Height (feet)	20	20	
7. Building Facade				
M	Minimum Front Facade Transparency			Sec. 24.06.085-O
N	Ground Story Upper Stories (above first)	55 20	70 25	
	Minimum Street-Side Facade Transparency All Stories	15	15	
8. Lot Edges				
O	Edge Type Required	Hardscape		Sec. 24.06.085-P
	Edge Element Required	None		
Table 24-8 Notes				
[1] No side setback is required abutting a lot occupied by a nonresidential building with no side setback along the shared lot line.				
[2] Not required to exceed 15 feet.				
[3] Minimum 15 feet; not required to exceed 25 feet.				
[4] Residential dwelling units may be located in the ground-story but not within 20 feet of a North Avenue-facing building facade.				

**Figure 24-6. Vertical~~Veritcal~~ Mixed-Use Building**

[INSERT FIGURE]

**Chapter 24.07 Allowed Uses**



#### 24.07.020 UNDERSTANDING THE USE TABLE

- A. Use Classification System. For the purpose of this zoning ordinance, uses are classified into use categories and subcategories. These are described and defined in Chapter 24.08. Use categories and subcategories are identified in the first column of the use tables. In some cases, specific use types are listed in addition to the use categories and subcategories.
- B. Permitted Uses. Uses identified with a "P" in the use tables are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- C. Conditional Uses. Uses identified with a "C" in the use table may be allowed if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040. Conditional uses are subject to compliance with any use-specific standards identified in the final column of the table and with all other applicable regulations of this zoning ordinance.
- D. Prohibited Uses. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the use table are also prohibited.
- E. Use Standards. The "standards" column of use table identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
- F. Accessory Uses. Uses classified as accessory uses, such as home occupations, are not included in the use table. Customary accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of Chapter 24.10.
- F.G. Overlay Districts. Some areas may be subject to an overlay district that establishes additional or alternative use standards, as specified in Chapter 24.05.

#### 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																					
Use Subcategory (See Chapter 24.08)	GR	SR	NR	MR	LDM	MDM	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
- Specific Use Type (See Ch. 24.08)																						
RESIDENTIAL																						
Household Living																						
- Detached House	P	P	P	P	P	P	-	⊖ P	-	-	-	-	-	-	-	-	=	-	P	⊖ P	-	
- Semi-detached House	-	-	-	P	P	P	-	⊖ P	-	-	-	-	-	-	-	-	=	-	P	⊖ P	-	24.09.020 (A)
- Two-unit House	⊖ P	⊖ P	⊖ P	P	P	P	⊖ P	⊖ P	-	-	-	-	-	-	-	-	=	-	P	⊖ P	-	
- <u>Three-Unit/Four-Unit House</u>	=	=	=	P	P	P	P	⊖ P	=	=	=	=	=	=	=	=	=	=	⊖ P	P	P	24.09.020 (C)
- <u>Cottage Court</u>	=	=	=	P	P	⊖ P	=	=	=	=	=	=	=	=	=	=	=	=	⊖ P	P	=	24.09.020 (D)
- Attached House	⊖ P	⊖ P	⊖ P	⊖ P	P	P	-	⊖ P	-	-	-	-	-	-	-	-	=	-	P	⊖ P	⊖ P	24.09.020 (A)

USE CATEGORY	DISTRICTS																					
Use Subcategory (See Chapter 24.08)	GR	SR	NR	MR	LDM	MDM	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
- Specific Use Type (See Ch. 24.08)																						
<del>-Multi-unit Building</del>	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-	=	-	P	P	-	24.09.070
<del>- Multi-unit Residential Building, 5-12 units</del>	=	=	=		P	P	P	P	P	=	=	=	=	=		P	=	P	=	P	P	
<del>- Multi-unit Residential Building, 13+ units</del>	=	=	=	=	=	=	=		P	P		=	=	=		P	=	P	=	P	P	
<del>- Mixed-use Building, Vertical</del>	-	-	-	-	-	-	<del>P</del>	P	P	-	-	-	-	-	-	-	<del>P</del>	-	-	P	P	
<del>- Mixed-use, Horizontal</del>	=	=	=	=	=	=	=	=		P	=	=	=	=	=	=	=	=	=	=	=	
<u>Student Housing</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	<del>P</del>	<del>P</del>	=	=	=	=	=	24.06.060 (C)

USE CATEGO RY	DISTRICTS																					
Use Subcate gory (See Chapter 24.08)	GR	SR	NR	MR	LDM	MDM	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
- Specific Use Type (See Ch. 24.08)																						
- Live- Work Unit	=	=	=	=	P	P	=P	P	=	=	=	=	=	=	=	=	=	=	=	P	P	24.09.020 (E)
Group Living (except as indicate d below)	-	-	-	-	C	C	-	P	C	-	-	-	-	-	C	C		-	C	P	C	
- Adult Family Home	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	-	C	-	-	-	-	-	-	C	C		-	P/ C	C	-	24.09.010
- Commu nity Living Arrange ment	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	-	C	-	-	-	-	-	-	C	C		-	P/ C	C	-	24.09.040
- Foster Home/Tr eatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	C	C		-	P	C	-	24.09.060





## Chapter 24.08 Use Classifications



### 24.08.020 RESIDENTIAL USE CATEGORY

The residential use category includes uses that provide living accommodations to one or more persons.

- A. Household Living. Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. [See 24.18.020 for definitions.](#)
  - 1.—~~Detached House. A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.~~
  - 1.—~~Semi-detached House. A residential building containing 2 dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.~~
  - 1.—~~Two-unit House. A residential building containing 2 dwelling units, both of which are located on the same single lot (also referred to as a "duplex" or "two-flat"). The dwelling units within a two-unit building are attached and may be located on separate floors or side-by-side.~~
  - 1.—~~Attached House. A residential building containing 3 or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.~~
  - 1.—~~Multi-unit Building. A residential building containing 3 or more dwelling units that share common walls and/or common floors/ceilings.~~
  - 1.—~~Mixed-use Building, Vertical. A building in which commercial uses occupy the ground floor and dwelling units occupy at one or more upper floors.~~
- A.—~~Group Living. Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries and nursing homes.~~
- 1.—~~Adult Family Home. See Section 50.01(1), Wisconsin Statutes.~~
- 1.—~~Community Living Arrangement. See Section 46.03(22), Wisconsin Statutes.~~
- 1.—~~Foster Home/Treatment Foster Home. See Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.~~



## Chapter 24.09 Supplementary Use Regulations



### 24.09.020 ~~ATTACHED AND SEMI-ATTACHED HOUSES~~RESIDENTIAL USES

- A. Attached and Semi-At~~Detached Houses.~~

1. Applicability. Attached and semi-~~attached-detached~~ houses are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the attached and semi-~~attached detached~~ house building regulations of this section.
2. Side Setbacks. No side setback is required for common or abutting walls. Otherwise, the minimum side setback requirements of the subject zoning district apply.

~~3.—Number of Units. The maximum number of units allowed shall be the lesser of the maximum number of units allowed in the zoning district or 1,600 sf minimum lot area per unit.~~

#### ~~4.3.~~ Parking and Access.

- a. Access to parking spaces and garages must be from the alley for all parcels abutting an alley.
- b. For parcels without alley access, driveways, parking and other vehicular use areas may not be located between the porch or main building entrance and the street.

[INSERT DIAGRAM]

- c. When parking is provided in a garage that faces a street, the following standards must be met:
  - 1) The garage width may not exceed 50% of the street-facing façade of each attached dwelling unit or 13 linear feet, whichever is greater (see diagram).

[INSERT DIAGRAM]

- 2) An attached and semi-~~attached-detached~~ house structure may have no more than 2 individual garage doors or carport entrances in succession on a street-facing façade.
- 3) Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed as least 4 feet from street-facing façade of the building.
- 4) When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the zoning administrator (see diagram).

[INSERT DIAGRAM]

- 5) The width of all driveway approaches must meet city engineering standards.

#### ~~4.—Building Design:~~

##### ~~c.—Entry Treatment:~~

- ~~5)—Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.~~

~~[INSERT DIAGRAM]~~

- ~~5)—Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.~~

- ~~c.—Glazing. Each attached and semi-attached house dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other~~

~~than an alley. Glazing in (vehicle) garage doors do not count towards meeting these glazing requirements.~~

~~c. Building Modulation. The following façade modulation requirements apply to the front façade of all attached house structures when the buildings directly face a public street (other than an alley):~~

~~5) Exterior walls may not exceed 32 feet in (horizontal) length without modulation.~~

~~5) The modulation depth must be at least 2 feet.~~

~~5) Modulation may be achieved through such techniques and features as:~~

~~↳ recessed or projecting wall offsets;~~

~~↳ entryways;~~

~~↳ porch or canopy structures including columns or piers;~~

~~↳ balconies;~~

~~↳ dormers; or~~

B. other prominent architectural features that serve to provide dimension and break up large expanses of wall area.: Two-Unit House.

1. All Districts.

a. The primary entrances shall be oriented toward the street frontage.

2. R Districts.

a. Two-unit dwellings shall include a shared front porch or prominent shared entry feature oriented toward the street, designed to reflect the appearance of a detached house.

C. Three-Unit/Four-Unit House

1. The primary entrances shall be oriented toward the street frontages.

D. Cottage Court.

1. Number of Cottage Courts. A maximum of one cottage court shall be allowed per development site.

2. Dwelling Unit Lot Standards.

a. Dwelling Unit Lot Standards. If the cottage court buildings are located on individual lots, the following standards shall apply.

1) Building Area. The minimum size of a cottage court building shall be 1,500 square feet.

b. Size of Dwelling Units.

1) A dwelling-cottage court building utilized as a dwelling shall have a maximum floor area of 1,800 square feet.

1)2) A dwelling-cottage court building utilized as a common amenity space shall have a maximum floor area of 4,000 square feet.

[INSERT HL DIAGRAM]

c. Number of Dwelling Units.

1) A maximum of one dwelling unit shall be allowed per building in a dwelling-cottage/tiny home court.

2) A dwelling-cottage court development site shall have a minimum of four and a maximum of 16 buildings per site.

- 3) One of the allowed dwelling-cottage home court buildings may be utilized for common amenity space.

d. Building Orientation and Design.

- 1) Buildings shall be oriented with their main entrance facing the shared common court open space, except for corner buildings.
- 2) Corner buildings shall be oriented with their main entrance facing either the shared common court open space or the public right of way.
- 3) Buildings shall have a front porch meeting the following standards:
- (a) Width. Eight feet minimum
  - (b) Depth. Six feet minimum
  - (c) Height. Eight feet minimum

- e. Permanent Foundation Required. Individual cottage home court buildings shall be affixed to the ground with a permanent foundation.

3. Common Court Open Space.

- a. Buildings in a dwelling-cottage/tiny home court shall be arranged around a common court.
- b. The common court shall be open to and visible from the public right of way.
- c. The common court shall have a minimum area of 2,500 square feet.
- d. The common court shall have a minimum width of 30 feet as measured from the interior of the pedestrian walkway.
- e. Required building setbacks do not count as common court open space.
- f. A maximum of 30 percent of a common court open space may be used for stormwater management if designed as a rain garden or bioswale.

4. Pedestrian Access.

- a. A pedestrian walkway with a minimum width of five feet shall connect all buildings to the public right of way, common court open space, and parking areas.
- b. The pedestrian walkway shall be setback a minimum of six feet from building entrances.

5. Vehicle Access and Parking.

- a. Parking and driveways shall be located to the rear of the buildings in a dwelling-cottage/tiny home court.
- b. Parking shall be accessed by an alley if an alley exists.
- c. If no alley exists, parking shall be accessed by a single driveway.
- d. The driveway shall be located either:
- e. From the secondary street for a corner development site, or
  - f. To the interior side of the buildings on the development site.

- 2-6. Universal Design. A minimum of 5% of units, and no fewer than 2 units per cottage court shall be designed with accessible no-step entries. ~~Vertical only~~ 24.09.070 Multi-Unit Building, 13+ units only

=====

~~The maximum number of dwelling units allowed within multi-unit residential buildings is limited in R4 and R8 districts, as follows:~~

~~— R4 District. No more than 4 dwelling units is are allowed in a single building or on a single lot in the R4 district.~~

~~— R8 District. No more than 8 dwelling units is allowed in a single building or on a single lot in the R8 district.~~

**E. Live-Work Unit.**

1. Live-work units are not considered home occupations. Home occupations are regulated separately under Section 24.10.020.
2. The work area shall occupy a maximum of 50 percent of the total unit.
3. The work area shall be limited to the first or main floor only.
4. A minimum of one person shall reside and be employed in the live work unit.
5. A maximum of five people who are not residents of the live work unit may be employed in the work area at any one time.
6. Allowed nonresidential uses in a live-work unit shall include:
  - a. Artisan Manufacturing.
  - b. General Commercial.
  - c. Office, Administrative, Professional.
  - d. Personal Services, and
  - e. Private Meeting/Recreation/Event Facility.



**24.09.070 MULTI-UNIT BUILDING**

~~The maximum number of dwelling units allowed within multi-unit residential buildings is limited in R4 and R8 districts, as follows:~~

~~A. R4 District. No more than 4 dwelling units is allowed in a single building or on a single lot in the R4 district.~~

~~A. R8 District. No more than 8 dwelling units is allowed in a single building or on a single lot in the R8 district.~~

**Chapter 24.10 Accessory and Temporary Uses**



**24.10.040 ELECTRIC VEHICLE CHARGING STATIONS**

**A. General.**

1. Private (restricted-access) EV charging stations are permitted as accessory uses in all zoning districts.

2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

**B. Parking.**

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
3. Multi-unit Residential. Multi-unit developments may qualify for a reduction in the total number of required parking spaces where EV capable spaces are provided. The Zoning Administrator may approve a reduction in required parking proportional to the number of EV capable spaces provided, not to exceed ten percent of the total parking requirement. To qualify for a reduction, the development must meet the following criteria:
  - a. The parking area includes forty or more spaces, and
  - At least five percent of the total provided spaces are EV capable, up to a maximum of six EV capable spaces.

~~D.C.~~ Equipment. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

~~E.D.~~ Usage Fees. Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.

~~F.E.~~ Posted Information.

1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
2. Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

~~G.F.~~ Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.



## **24.10.075 ACCESSORY DWELLING UNITS (ADUS)**

**A. Purpose.**

1. The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.
2. Accessory dwelling units ("ADU") help advance the city's housing and land use goals and policies by:
  - a. Accommodating additional housing units while preserving the character of existing neighborhoods;

- b. Allowing efficient use of the city's existing housing stock and infrastructure;
  - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;
  - d. Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
  - e. Promoting a broader range of accessible and more affordable housing.
- B. General Regulations for All ADUs. All accessory dwelling units must comply with the regulations of this subsection.
1. Zoning District Regulations. Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.
  2. Where Allowed. Accessory dwelling units are allowed only on lots occupied by a detached house, semi-detached house, ~~or~~ attached house, or a two-unit house.
  3. Number. No more than one accessory dwelling unit is allowed per lot.
  4. Methods of Creation. An accessory dwelling unit may be created through any of the following methods:
    - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
    - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
    - c. Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;
    - d. Converting space within a detached accessory building; or
    - e. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

[INSERT DIAGRAM]
  5. Location of Entrances. Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.
  6. Size. The floor area of an ADU may not exceed the gross floor area of the principal dwelling unit on the subject lot (excluding any attached garage), or ~~nine hundred~~1,000 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of "gross floor area":
    - a. Garage areas;
    - b. Basement areas where the ceiling height measured from the floor is less than seven feet; and
    - c. Any other areas of the building where the floor-to-ceiling height is either less than five feet or not accessible by a stairway.
  7. Parking. No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.
  8. Building Permit Approval. Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the chief building official to determine compliance with all applicable building and life safety codes.

C. Regulations for New Detached ADUs and Building Additions. The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs. These provisions apply only to detached buildings and building additions constructed after June 19, 2019.

1. Exterior Finish Materials. The exterior finish material must be ~~compatible with the same or visually match in type, size and placement,~~ the exterior finish material of the principal dwelling unit.
2. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.
3. Trim. Trim on edges of elements on the building addition to the principal dwelling unit or the accessory structure occupied by the ADU must be ~~the same~~ compatible in type, size and location as the trim used on the principal dwelling.
4. Entrances. Entrances to ADUs occupying detached accessory structures may not face the nearest ~~side or~~ rear property line unless there is an alley abutting that property line. ~~Entrances may face the nearest side property line, provided there is a minimum setback of five feet from the side property line.~~
5. Setbacks. A detached accessory dwelling unit ~~must be located at least 10 feet behind~~ shall not be located in front of the principal dwelling.
- 5.6. Building Separation. ~~This required ten A minimum five-foot separation distance must shall be maintained between the detached ADU and the principal dwelling. This five-foot separation shall be~~ free of structures except that it may include walkways, patios, decks and similar structures that do not exceed thirty inches in height above finished grade.
7. Height. ~~The maximum allowed height of a detached accessory dwelling unit is twenty feet or the height of the principal dwelling building, whichever is less. Detached accessory dwelling units shall not exceed sixteen feet in height unless constructed above a garage, in which case the height shall not exceed twenty-four feet in height. In all cases, the height of the detached accessory dwelling unit shall not exceed the height of the principal dwelling.~~
  - a. ~~The Zoning Administrator may approve a single-story detached accessory dwelling unit with a maximum height of twenty feet, provided the roof pitch matches that of the principal dwelling.~~
- 6:8. Building Coverage. ~~Maximum building coverage limits for the lot do not apply to detached accessory dwelling units.~~





## Chapter 24.11 Parking and Loading



## 24.11.020 MINIMUM PARKING RATIOS

- A. C1, Neighborhood/Village Trade. The following minimum off-street motor vehicle parking requirements are applicable in the C1 district:

Use	Minimum Motor Vehicle Parking Requirement
Eating & Drinking Establishments	1 space per 500 square feet
Theaters/Places of Assembly	1 space per 200 square feet
Groceries	1 space per 200 square feet
All Other Office and Commercial Uses	1 space per 500 square feet
All Other Uses	As required in Section 24.11.020B.

- B. All Other Districts. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the following table:

USE CATEGORY	Minimum Motor Vehicle Off-Street Parking Ratio
Use Subcategory -Specific Use Type	
RESIDENTIAL	
Household Living	
-Detached House	<del>21.0</del> spaces per dwelling unit
-Semi-detached House	<del>1.02.0</del> spaces per dwelling unit
-Two-unit Building	<del>1.02.0</del> spaces per dwelling unit
- <u>Three-Unit/Four-Unit House</u>	<u>1.0 space per dwelling unit</u>
- <u>Cottage Court</u>	<u>1.0 space per dwelling unit</u>
-Attached House	<del>21.0</del> spaces per dwelling unit
-Multi-unit Building	<del>1.0</del> space per dwelling unit
- <u>Studio</u>	<u>1.0 space per dwelling unit</u>

<del>One Bedroom</del>	<del>1.0 space per dwelling unit</del>
<del>Two Bedroom</del>	<del>1.5 spaces per dwelling unit</del>
<del>Three or More Bedroom</del>	<del>2.0 spaces per dwelling unit</del>
Elderly (One or More Bedroom)	1.0 space per dwelling unit
Mixed-use Building, Vertical <u>and</u> <u>Horizontal</u> [1]	Same as Multi-unit Building, <u>plus 1 space per 500 square feet of commercial</u>
Group Living	As determined by zoning administrator (See Section 24.11.030G)
<b>PUBLIC/CIVIC</b>	
College/University	As determined by zoning administrator (See Section 24.11.030G)
Day Care	2 spaces plus 1 space per nonresident employee
Detention & Correctional Facilities	As determined by zoning administrator (See Section 24.11.030G)
Fraternal, Labor, Membership Organization	As determined by zoning administrator (See Section 24.11.030G)
Hospital	As determined by zoning administrator (See Section 24.11.030G)
Library/Cultural Facility	3 spaces per 1,000 square feet
Park/Recreation/Open Space (except as identified below)	As determined by zoning administrator (See Section 24.11.030G)
Religious Assembly	1 space per 8 seats
Safety Services	As determined by zoning administrator (See Section 24.11.030G)
School	
-Elementary	1 space per employee
-Junior and Senior High School	1.5 spaces per employee
Utilities & Services	
-Minor, Basic	None
-Major	2 spaces plus 1 space per nonresident employee
<b>COMMERCIAL</b>	
Animal Services	

-Sales & Grooming	2.5 spaces per 1,000 square feet
-Shelter or Boarding Kennel	2 spaces per 1,000 square feet
-Veterinary Clinic	4 spaces per 1,000 square feet
Artist Work or Sales Space	2.5 spaces per 1,000 square feet
Building Maintenance Service	1 space per employee
Business Equipment Sales & Service	2.5 spaces per 1,000 square feet
Business Support Service	2.5 spaces per 1,000 square feet
Communication Service Establishments	2.5 spaces per 1,000 square feet
Construction Sales & Service	2 spaces per 1,000 square feet
Drive-in or Drive-through Uses	Spaces required for principal use plus vehicle stacking spaces as required by Section 24.11.100
Eating & Drinking Establishments	
-Carry-out Only	2.5 spaces per 1,000 square feet
-Drive-in or Drive-through	8 spaces per 1,000 square feet plus vehicle stacking spaces as required by Section 24.11.100
-All Other	8 spaces per 1,000 square feet
Entertainment & Spectator Sports	1 space per 6 seats
Financial Services	4 spaces per 1,000 square feet
Food & Beverage Retail Sales	4 spaces per 1,000 square feet
Funeral & Interment Services	1 space per 6 seats in chapel, plus one per vehicle used as part of operation
Lodging	1 space per guest room plus spaces for ancillary uses (e.g., restaurant)
Office, Admin., Professional	3 spaces per 1,000 square feet
Office or Clinic, Medical	6.67 spaces per 1,000 square feet
Parking, Non-Accessory	None
Personal Improvement Service	4 spaces per 1,000 square feet

Repair or Laundry Service, Consumer	4 spaces per 1,000 square feet
Research Service	3 spaces per 1,000 square feet
Residential Convenience/Support	None
Retail Sales (including regional malls regardless of use mix)	4 spaces per 1,000 square feet
Sports & Recreation, Participant	As determined by zoning administrator (See Section 24.11.030G)
Vehicle Sales & Service	
-Auto Fueling Station	1 space per gas pump (at the pump) plus 1 space per service bay
-Auto Wash/Cleaning Service	Vehicle stacking spaces as required by Section 24.11.100
-Heavy Equipment Sales/Rentals	1 space per employee plus 2 spaces per service stall/bay
-Light Equipment Sales/Rentals	1 space per employee plus 2 spaces per service stall/bay
-Motor Vehicle Repair	2 spaces per service bay/stall
-Vehicle Storage & Towing	4 spaces plus 1 space per employee
<b>INDUSTRIAL</b>	
Manufacturing, Production & Industrial Services	1 space per employee
Recycling Service	1 space per employee
Residential Storage Warehouse	1 space per 10 storage units plus 1 space per employee
Warehousing, Wholesaling & Freight Movement	1 space per employee
Waste-Related Use	1 space per employee
<b>AGRICULTURAL</b>	
Community Garden	None
Farmer's Market	None
Nurseries & Greenhouses	2.5 spaces per 1,000 square feet of customer-accessible sales area
<b>OTHER</b>	

Wireless Communication Facilities	None
-----------------------------------	------

[1] A 25% reduction in the minimum off-street parking requirements in Section 24.11.020B may apply to mixed-use developments located in the C1, C2, MID-TRN, CO, and MID-MIX districts.

C. Parking Exemptions near Connect BRT Stations. The minimum off-street parking requirements as detailed in Section 24.11.020B shall not apply to new development located within ¼ mile of a Connect BRT station in the /MAY overlay district, or the CO, C2, SP-MED, or SP-RP districts.

#### 24.11.050 SHARED PARKING

- A. Description. Shared parking represents an arrangement in which 2 or more ~~nonresidential~~ uses with different peak parking periods (hours of operation) use the same off-street parking spaces to meet their minimum off-street parking requirements. Shared parking may apply to nonresidential uses, or to mixed-use developments where residential and nonresidential components have offset peak demand periods.
- B. Authorization and Criteria.
  1. The zoning administrator is authorized to approve shared parking arrangements for:
    - a. ~~N~~nonresidential uses with different hours of operation; and
    - a-b. Mixed-use developments where residential and nonresidential uses have offset peak parking demands;
  2. The zoning administrator may permit parking required for one use to be supplied by the off-street parking spaces provided for another use if the zoning administrator determines that the uses or activities will have peak parking demands at different periods of the day or week.
  3. In order to approve an alternative compliance parking plan for shared parking, the zoning administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
  4. A request for approval of a shared parking arrangement must be accompanied by such information determined by the zoning administrator to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics, a site plan and a parking study that justifies the reduction in parking requested, as prepared by a licensed professional traffic engineer or other qualified professional.
- C. Location of Shared Parking. Shared parking arrangements are subject to the location standards of Section 24.11.060.
- D. Shared Parking Agreement.
  1. An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the zoning administrator in a form approved by the city attorney and recorded with the register of deeds.
  2. Shared parking agreements are binding upon applicants, their successors and assigns. Amendments to parking agreements require zoning administrator approval, based on whether the proposed amendment complies with all applicable zoning ordinance provisions.
  3. Shared parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

#### 24.11.080 BICYCLE PARKING

A. General. This section establishes regulations governing bicycle parking facilities.

B. Short-term Bicycle Parking.

1. Purpose. Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
2. Spaces Required. Short-term bicycle parking spaces are required in accordance with the following minimum ratios:

Short-term Bicycle Parking Spaces Req'd	
Multi-unit Residential	1 space per 205 dwelling units; 1 space min.
<del>Multi-unit Residential (elderly)</del>	<del>1 space per 20 dwelling units; 1 space min.</del>
Commercial, Public and Civic	1 per 10 motor vehicle spaces; 1 space min.
Industrial	1 per 20 motor vehicle spaces; 1 space min.

3. Design and Location.

a. General. Required bicycle parking spaces must:

- 1) consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- 2) be of solid construction, resistant to rust, corrosion, hammers and saws;
- 3) allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- 4) be designed so as not to cause damage to the bicycle;
- 5) facilitate easy locking without interference from or to adjacent bicycles; and
- 6) be in highly visible, active, well-illuminated areas that do not interfere with pedestrian movements.

b. Location. At least 50% of required bicycle parking spaces must be located within 50 feet of a customer entrance, and the remainder must be located within 100 feet of any entrance. If required bicycle parking spaces are not visible from the abutting street or the main customer entrance, signs must be posted indicating their location.

c. Size. All required bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

C. Long-term Bicycle Parking.

1. Purpose. Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, including overnight and all day parking, generally serving the needs of employees and residents.

2. Long-term Spaces Required. Long-term bicycle parking spaces are required in accordance with the following ratios:

Long-term bicycle parking spaces required	
Multi-Unit Residential	1 space per 4 dwelling units; 2 space min.
<del>Multi-unit residential (age-restricted)</del>	<del>1 space per 10 dwelling units; 2 space min.</del>
Commercial, Public and Civic	1 space per 6,000 sq. ft. gross floor area; 2 space min.
Industrial	1 space per 24,000 sq. ft. gross floor area; 2 space min.

~~2.3.~~ The board of public works is authorized to approve a reduction in vehicle parking requirements for projects that provide additional long-term bicycle parking spaces.

~~3.4.~~ Standards for long-term bicycle parking spaces. Long-term bicycle parking spaces must meet the following criteria:

- a. All required long-term bicycle parking spaces shall be located indoors, or in a location otherwise protected from weather and access by unauthorized persons, except at educational facilities or as otherwise approved by the Board of Public Works or Common Council;
- b. Indoor bicycle parking spaces must be located on the ground floor or in a location otherwise served by an elevator or ramp capable of transporting the bicycle(s) being stored;
- c. Long-term bicycle parking must provide bike racks or lockers anchored so that they cannot be easily removed or damaged, must allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position, be designed so as not to cause damage to the bicycle, and facilitate easy locking without interference from or access to adjacent bicycles.

#### 24.11.110 DESIGN

Parking areas must be designed and constructed in accordance with Chapter 8.44 (Parking Lots and Vehicle Storage Lots) and with applicable city engineering and board of public works standards.



### Chapter 24.14 General Development Regulations



#### **24.14.060 ATTACHED AND SEMI-DEATTACHED BUILDING DESIGN STANDARDS**

##### A. General Provisions

1. Purpose. The purpose of the attached and semi-detached building design standards is to:
  - a. Ensure that the physical characteristics of proposed development are compatible with the context of surrounding areas.
  - b. Preserve the unique visual character and streetscapes of Wauwatosa.

- c. Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and
- d. Encourage creativity and innovation while avoiding obtrusive, incongruous structures.

**B. and semi-detachedEntry Treatment**

- 1. Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.

[INSERT DIAGRAM]

- 2. Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.

**C. Glazing.** Each attached and semi-detached house dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors do not count towards meeting these glazing requirements.

**D. Building Modulation.** The following façade modulation requirements apply to the front façade of all attached house structures when the buildings directly face a public street (other than an alley):

- 1. Exterior walls may not exceed 32 feet in (horizontal) length without modulation.
- 2. The modulation depth must be at least 2 feet.
- 3. Modulation may be achieved through such techniques and features as:
  - a. recessed or projecting wall offsets;
  - b. entryways;
  - c. porch or canopy structures including columns or piers;
  - d. balconies;
  - e. dormers; or
  - f. other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

## Chapter 24.17 Administration and Enforcement



### **24.17.030 AFFORDABLE HOUSING INCENTIVES**

**A. Purpose and Applicability**

- 1. Purpose. The purpose of the affordable housing incentives is to support and promote the development of dwelling units that are affordable to households making 80 percent or less and 60 percent or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
- 2. Applicability. The affordable housing incentives may be utilized per residential use type or district, as detailed in Section 24.17.030D, where a specified number of dwelling units are deed restricted affordable to households making 80% or less or 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).



B. Affordable Unit Standards. Dwelling units designated as affordable shall be comparable in finishes and size and have access to the same services and amenities as market rate dwelling units on the same development site.

C. Type of Affordability Requirements

1. Affordability Requirement Type 1. 30% of dwelling units in the development site shall be deed restricted affordable to households making 80% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
2. Affordability Requirement Type 2. 20% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
3. Affordability Requirement Type 2. 10% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.

A.D. Types of Affordable Housing Incentives

1. Projects providing affordable housing in accordance with the standards of this section may utilize up to two of the following affordable housing incentives. Projects providing 50% or more of the dwelling units at the specified affordability levels may utilize up to three of the following affordable housing incentives.

Types of Affordable Housing Incentives			
Use	District(s)	Incentive	Applicable Affordability Requirement Type(s)
<u>Cottage Court</u>	<u>R-2; R-4; R-8; MID-RES; MID-TRN</u>	<u>Option 1: A minimum of four and maximum of 20 dwelling units may be allowed per cottage court. The maximum allowed square footage per building may be increased to 2,700 square feet.</u>	<u>2; 3</u>
		<u>Option 2: Maximum height of a cottage home building may be 35 feet to accommodate a full second story. The maximum allowed square footage per building may be increased to 2,700 square feet.</u>	<u>2; 3</u>

Types of Affordable Housing Incentives			
Use	District(s)	Incentive	Applicable Affordability Requirement Type(s)
		<u>Option 3: The minimum allowed square footage of a cottage court building may be reduced to 1,000 square feet.</u>	1
<u>Multi-unit Building</u>	<u>CO; C2; SP-MED</u>	<u>Minimum parking spaces may be reduced to 0.5 spaces per unit.</u>	1
<u>Mixed-Use, Vertical only</u>	<u>C1; C2; SP-RP; MID-TRN; MID-MIX</u>	<u>Minimum parking spaces for the residential portion of the development may be reduced to 0.5 spaces per unit.</u>	1



## Chapter 24.18 Terminology and Measurements



### 24.18.020 DEFINITIONS

*The following definitions are proposed be revised, added, or relocated to Section 24.18.020 Definitions.*

"Accessory Dwelling Unit." A separate dwelling unit within a detached house, semi-detached house or attached house or a separate dwelling unit that occupies an accessory building that shares a lot with a detached house, semi-~~attached~~ house, ~~or~~ attached house, or two-unit house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., the principal dwelling unit). (See also the Accessory Dwelling Unit regulations of Sec. 24.10.075)

"Artisan Manufacturing." A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of

such products. This land use does not include uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.

“Attached House.” A residential building containing three or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Cottage Court.” A residential development of small-scale, detached dwelling units located on a single lot or individual lots and arranged around a shared court visible from the street.

“Detached House.” A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.

“General Commercial.” A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

“Group Living.” Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries and nursing homes.

1. Adult Family Home. See Section 50.01(1), Wisconsin Statutes.
2. Community Living Arrangement. See Section 46.03(22), Wisconsin Statutes.
3. Foster Home/Treatment Foster Home. See Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.

“Personal Services.” An establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as hair and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, weight loss centers, makeup services, gyms, dance studios, music and/or art studios, and laundry services.

“Meeting/Recreation/Event Facility.” A building for the: hosting of parties, meetings, banquets, and conferences, other events; viewing, partaking in, and/or experiencing an amusement, including but not limited to movie theaters, arenas, athletic facilities, and performing arts venues; and programming, production, presentation, exhibition of any of the arts and cultural disciplines, including auditoriums, galleries, museums, and libraries. This use excludes explicit establishments.

“Semi-Detached House.” A residential building containing two dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Student Housing.” A residential building or group of buildings used to provide residential accommodation for students enrolled at a college, university, or other institution of higher education.

“Three-/ Four-unit House.” A residential building containing three or four dwelling units, all located on the same single lot (also referred to as a “triplex” or a “quadplex”). The dwelling units are attached and may be arranged vertically (on separate floors), horizontally (side-by-side), or a combination of both.

“Two-unit House.” A residential building containing two dwelling units, both of which are located on the same single lot (also referred to as a “duplex” or “two-flat”). The dwelling units within a two-unit building are attached and may be located on separate floors or side-by-side.

“Live-Work Unit.” An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.

“Multi-unit Residential Building.” A residential building containing 5 or more dwelling units that share common walls and/or common floors/ceilings.

“Mixed-use Building, Vertical.” A building in which commercial uses occupy the ground floor and dwelling units occupy at one or more upper floors.

“Mixed-use Building, Horizontal.” A development in which commercial and residential uses are located in separate buildings on the same site or within a cohesive development plan. Uses may be arranged side-by-side, in adjacent structures, or across a unified site design.

- 
- 
-



# Wauwatosa, WI

7725 W. North Avenue  
Wauwatosa, WI 53213

## Staff Report

---

**File #:** 25-1314

**Agenda Date:** 8/25/2025

**Agenda #:** 2.

---

Review and discuss options for non-residential parking requirements

**Submitted by:**

Tammy Szudy, Planning & Zoning Manager

**Department:**

Development

Please see the attached document with options to update non-residential parking requirements related to the Tosa Tomorrow Comprehensive Plan.



188 West Randolph Street  
Suite 200  
Chicago, Illinois 60601  
312.372.1008

360 E 2nd Street,  
Suite #800  
Los Angeles, CA 90012  
213.529.1008

hlplanning.com  
info@hlplanning.com

# MEMORANDUM

**Date:** July 2, 2025

SENT VIA EMAIL

**To:** City of Wauwatosa, WI  
Tamara Szudy, Planning and Zoning Manager  
Plan Commission

**From:** Houseal Lavigne Associates  
Jackie Berg, AICP, Practice Lead  
Kari Papelbon, AICP, CFM, Senior Planner  
Nicole Campbell, AICP, Planner II

**Re: Targeted Zoning Code Update – Non-Residential Parking Requirements**

This memo reviews the City’s current non-residential parking requirements and evaluates potential changes that better align with the Tosa Tomorrow 2045 Comprehensive Plan, desired development patterns, trends, and parking best practices. Within this memo are three potential approaches to updating the non-residential parking requirements. Each option varies in terms of flexibility, predictability, and how much parking is ultimately provided. The three options include:

**Option 1: Eliminate Minimum Parking Requirements.** Remove all off-street minimum parking requirements for non-residential uses, allowing the market and context of the site and use to guide the amount of parking provided.

**Option 2: Eliminate Minimums and Introduce Maximums.** Remove minimum parking requirements and establish parking maximums to avoid overbuilt parking lots.

**Option 3: Right-Size Minimums and Introduce Maximums.** Update and reduce existing parking minimums to better reflect actual demand while also introducing parking maximums to discourage excessive parking.

PLANNING

DESIGN

DEVELOPMENT

Page 1 of 3

## Existing Requirements

The current parking standards for non-residential uses include minimum off-street parking requirements. The code includes some progressive elements, such as the allowance for shared parking between two or more non-residential uses with different peak parking demand periods and reduced minimums in the Neighborhood/Village Trade (C-1) district to support the walkable, mixed-use character of the area.

However, many of the current minimum parking space requirements exceed best practices and may result in more spaces than are actually needed. For example, the minimum space requirements for restaurants, offices, and retail uses are higher than typical usage patterns, especially in walkable or mixed-use contexts. In some areas, this leads to large surface lots that are underused and take up space that could be better used for additional development, outdoor gathering areas, or other active uses that contribute to a more vibrant streetscape. These standards can increase development costs and reduce flexibility and efficiency in how land is used. They also create more pavement, which increases stormwater runoff and the need for costly drainage infrastructure. Modernizing parking standards can help make better use of land, reduce development barriers, and support more efficient, people-focused places.

## Parking Options

### Option 1: Eliminate Parking Requirements

Removing all minimum off-street parking requirements for non-residential uses allows property owners and developers to determine how much parking to provide based on their specific needs, business models, and site context. This approach increases flexibility for new development and creates opportunities for infill, especially in older buildings or constrained sites where meeting the current parking minimums is not feasible. In many cases, a desirable business may not be able to occupy an existing space solely because it cannot meet the parking requirement, even if the user is able to provide data showing that the actual demand is lower than the requirements. Eliminating the mandate helps open underused properties for reuse, allows existing parking areas to be repurposed, and supports more efficient and adaptable land use. The City would no longer mandate a specific number of spaces but could regulate the design of parking areas by including standards for location, access, landscaping, buffering, lighting, and stormwater management.

While removing parking requirements can improve land efficiency, support multi-modal transportation, and make development more feasible, some developments may provide insufficient off-street parking, which could lead to spillover into surrounding areas. This would primarily impact areas that are more auto-oriented or where on-street parking is limited. Additionally, overnight on-street parking is not currently allowed, which reduces the flexibility for overflow parking. Without appropriate controls, the City may have limited tools to prevent spillover parking. Regardless of zoning standards, the Americans with Disabilities Act (ADA) parking requirements would still apply to ensure accessible spaces are provided where parking is offered.

## Option 2: Eliminate Minimums and Establish Maximums

This option also removes minimum parking requirements but introduces maximum limits to prevent oversized parking lots. It allows flexibility for developers to determine how much parking is needed while helping to avoid the negative impacts of overparking, such as reduced walkability, increased heat island effects, and inefficient use of land. Businesses can still include on-site parking based on their needs, provided they stay within the maximum limit. To account for unique site conditions or business models, this option would also establish clear criteria for staff to approve parking above the maximum when justified. However, without minimums, insufficient off-street parking is still a possibility. As with Option 1, ADA parking standards would continue to apply where parking is provided.

## Option 3: Right-Size Minimums and Introduce Maximums

Rather than eliminating minimums entirely, this option updates and reduces existing minimum parking standards to better reflect actual demand and modern development patterns. It also introduces maximums to discourage overparking, similar to Option 2. This approach aims to maintain predictability and offer flexibility through staff-approved, context sensitive adjustments. Adjustments could be allowed for developments in walkable areas, near transit, with shared parking agreements, or within proximity to on-street parking. Modifications to requirements could also be requested with documentation that demonstrates unique needs based on business type, operating model, or site conditions. However, this approach may still carry some of the rigidity of a traditional parking code and require added staff review to administer adjustments and modifications.





# Wauwatosa, WI

7725 W. North Avenue  
Wauwatosa, WI 53213

## Staff Report

---

**File #:** 25-1315

**Agenda Date:** 8/25/2025

**Agenda #:** 3.

---

Review and discuss proposed non-residential zoning amendments

**Submitted by:**

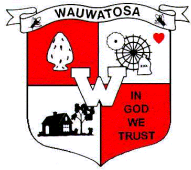
Art Pinon, Principal Planner

**Department:**

Development

Please see the attached documents for the proposed non-residential zoning amendments.

# City of Wauwatosa Memo



**To:** Plan Commission

**From:** Tamara Szudy, Planning & Zoning Manager  
Art Piñon, Principal Planner

**Meeting Date:** August 25, 2025

**Subject:** Non-Housing Zoning Code Recommended Changes

---

This memo outlines proposed non-housing-related revisions to the City of Wauwatosa’s zoning code. The purpose of these revisions is to bring the code into alignment with the goals and strategies of the Tosa Tomorrow 2045 Comprehensive Plan, respond to community and stakeholder feedback, improve clarity through code language clean-up, and ensure that zoning procedures and standards are consistent with current State Statutes.

The proposed amendments are based on the findings of the Targeted Chapter Diagnostics and Preliminary Recommendations Report, which was presented to and refined with City staff and the City Plan Commission in April 2025.

Attached to this memo is a strikeout and underline version of the non-housing related revisions. A summary of all non-housing related revisions are as follows:

Code Section (page # of attachment)	Revision	Intent
<b>Comprehensive Plan Compliance</b>		
24.01.110E Split-Zoned Parcels (p. 1)	Establish parameter determining zoning application of split lot.  Authorize Zoning Administrator to determine zoning applicability of split-zone lot.	Align with goals of Comprehensive Plan by: <ul style="list-style-type: none"><li>Evaluating the redevelopment process to eliminate barriers to revitalize aging properties (CP Goal 06-40);</li><li>Shorten the approval process or offer density bonus (CP Goal 06-41);</li><li>Identify additional opportunities to streamline development processes and incorporate appropriate design requirements (CP Goal 06-42).</li></ul>
24.06.080 SP-PKG, Parking Support District (p. 2)	Remove requirement for Conditional Use Permit for parking areas.	
24.15.010 Nonconformities – General (p. 12)	Authorize Zoning Administrator to grant exceptions in certain circumstances.	
24.16.040 Conditional Use Permits (p. 16)	Simplify language and increase lapse of approval to 18 months.	

24.16.050 Planned Unit Developments (p. 17)	<p>Simplify process.</p> <p>Grant authority to Zoning Administrator to approve Final PUDs. Council will maintain authority to approve preliminary PUDs.</p> <p>Extend lapse of approval period to two (2) years.</p> <p>Remove requirement for a hearing for Final PUD.</p> <p>Grant Zoning Administrator authority to approve minor PUD Amendments.</p>	
24.18.030 Measurements and Exceptions (p. 21)	<p>Clarify and ease restrictions regarding Front and Street Side setbacks.</p> <p>Add residential and non-residential encroachments based on community feedback.</p>	
24.07.030 Use Table (p. 3)	Ease permit type and process requirements on certain land uses.	Align with goals of Comprehensive Plan by:
24.12.020 Perimeter Vehicular Use Area Landscaping (p. 11)	Ease applicability of perimeter vehicle landscape area requirements.	<ul style="list-style-type: none"><li>• Shorten the approval process or offer density bonus (CP Goal 06-41);</li><li>• Identify additional opportunities to streamline development processes and incorporate appropriate design requirements (CP Goal 06-42).</li></ul>
24.12.040 Screening (p. 11)	<p>Ease ground mounted equipment screening requirements.</p> <p>Clarify roof mounted equipment standards.</p>	
24.14.030 Pedestrian Standards (p. 12)	<p>Ease pedestrian standards regarding connection to neighboring uses;</p> <p>Authorize zoning administrator to grant exceptions due to safety hazards.</p> <p>Clarification on design standards.</p>	
State Statute Compliance, Clarification, & Clean Up		
24.05.030/NOR, North Avenue Overlay (p. 2)	Correct glazing area square footage percentage.	Clarification and clean up.
24.16.010 Common	Insert Comprehensive Plan Amendment	Clean up & clarification.

Provisions (p. 14)	into Decision-making Authority Table.	
24.16.030 Zoning Map Amendments (Rezoning) (p. 15)	Remove protest petition.	Comply with State Statutes.
24.16.050 Planned Unit Developments (p. 17)	Remove duplicate language relative to Notice of Hearing.  Remove protest petition.	Clean up & clarification.  Comply with State Statutes.
24.16.070 Building Permits (p. 20)	Correct language to align with City departmental structure and titles.	Clarification and clean up.
24.16.080 Designation Of Historic Sites And Structures (p. 20)	Remove protest petition.	Comply with State Statutes.
24.16.090 Historic Overlay Districts (p. 21)	Remove protest petition.  Clean up language.	Comply with State Statutes.
24.16.120 Comprehensive Plan Amendment (p. 21)	Codify process for Comprehensive Plan Amendment.	Comply with State Statutes.
CHAPTER 24.18 TERMINOLOGY AND MEASUREMENTS (p. 21)	Reference WMC 15.28 for fences.  Add definition for Animal Boarding & Kennel.	Clarification and clean up.

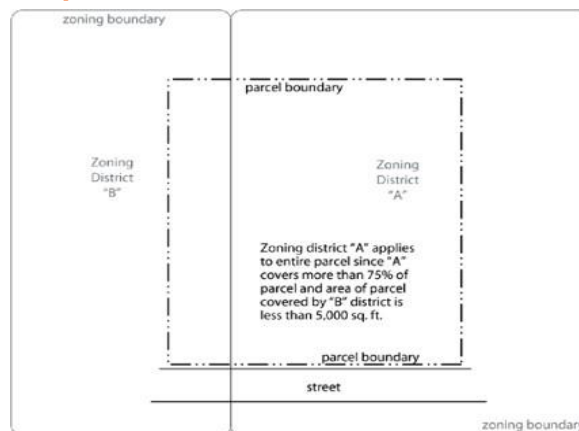
## Proposed Non-Residential Zoning Code Changes:

### **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	<del>R1-15G</del> <u>R</u>	<del>R1-9SR</del>	<del>R1-6NR</del>	<del>R-2M</del> <u>R</u>	<del>R-4LD</del> <u>M</u>	<del>R-8M</del> <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>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	C	C	C	C	-	-	-	C	-	C	C		-	-	C	C	
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	<del>C</del> <u>P</u>	-		-	-	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Library/Cultural Exhibit		<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	P	P	P	-	-	C	C	-	C	C		-	<del>C</del> <u>P</u>	P	P	

<b>Park/Recreation/ Open Space</b> (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	-	-	
<b>Religious Assembly</b>	C	C	C	C	C	C	-	<u>GP</u>	<u>GP</u>	<u>-C</u>	-	-	-	-	C	C		-	C	C	C	
<b>Safety Services</b>	C	C	C	C	C	C	C	C	C	<u>GP</u>	<u>GP</u>	-	-	P	C	C		-	C	C	C	
<b>School</b>	-	<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>GP</u>	<u>GP</u>		-	<u>GP</u>	<u>GP</u>	-	
<del>-Charter School</del>	-	-	-	-	-	-	-	-	<u>C</u>	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Utilities &amp; Services</b>																						
- Minor	P	P	P	P	P	P	P	P	P	P	P	<u>GP</u>	<u>GP</u>	P	<u>GP</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	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <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
<b>Animal Services</b>																						
- Sales & Grooming	-	-	-	-	-	-	<u>-P</u>	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	<u>-C</u>	<u>GP</u>	<u>GP</u>	-	-	-	-	-		-	-	-	-	
- 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	-	-	-	-	-	-	<u>GP</u>	-	P	<u>GP</u>	<u>-P</u>	-	-	-	-	-		-	-	-	P	
Communication Service Establishments	-	-	-	-	-	-	<u>GP</u>	<u>GP</u>	P	P	P	-	-	-	-	-		-	-	<u>GP</u>	P	
Construction Sales & Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
<b>Eating &amp; Drinking Establishments [3]</b>																						

- Restaurant	-	-	-	-	-	-	C	C	C	-	-	-	C	-	-	C		-	-	C	C	
- Bar or Tavern	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
<b>Entertainment &amp; Spectator Sports</b> (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	-	
<b>Financial Services</b> (except as indicated below)	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Convenient Cash Business	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.050
<b>-Food &amp; Beverage Retail Sales</b>																						
- 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	
<b>Funeral &amp; Interment Services</b>																						
- Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
- Cremating	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Undertaking/Funeral Services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
<b>Lodging</b>																						
- 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

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

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

- Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	P	
- General	-	-	-	-	-	-	-	-	-	-	P	-	-	<u>GP</u>	-	-		-	-	-	-	
<b>Residential Storage Warehouses</b>	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
<b>-Warehousing, Wholesaling &amp; Freight Movement</b>																						
- Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
- General	-	-	-	-	-	-	-	-	-	<u>GP</u>	P	-	-	<u>GP</u>	-	-		-	-	-	-	
<b>Waste-Related Use</b>	-	-	-	-	-	-	-	-	-	-	C	-	-	<u>GP</u>	-	-		-	-	-	-	
<b>AGRICULTURAL</b>	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <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
<b>Apiary</b>	-	-	-	-	-	-	-	-	-	-	-	<u>GP</u>	-	-	-	-		-	-	-	-	
<b>Community Garden</b>	P	P	P	P	P	P	P	P	P	P	P	<u>GP</u>	<u>GP</u>	P	C	C		-	P	P	P	
<b>Farmer's Market</b>	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	
<b>Nurseries &amp; Greenhouses</b>	-	-	C	-	-	-	-	-	P	P	-	C	C	<u>GP</u>	C	C		-	-	-	P	
<b>MISCELLANEOUS</b>	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <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

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]	<del>CP</del>	<del>CP</del>	-	-	<del>CP</del>	-	-	-	[2]	[2]	[2]	24.09.110
Drive-through or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C[4]	C	C	-	-	-	-	-	-	-	-	-	24.11.100
Helipad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<del>CP</del>	-	-	-	-	

[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)

24.16.040 Conditional Use Permits

24.16.050 Planned Unit Developments

24.16.060 Variances

24.16.070 Building Permits

24.16.080 Designation Of Historic Sites And Structures

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	<del>DM</del> —	R	—	—	—	<del>DM</del>
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>&amp; 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>&amp; 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>&amp; 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 <a href="#">&amp; ramps</a>	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