

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date: April 20, 2010

**MEMORANDUM**

TO: Plan Commission

FROM: Katherine C. Noonan, Asst. City Attorney

RE: New Zoning Code

This red-line copy is the result of review by the Office of the City Attorney. With the exception of several specifically identified issues that have legal as well as policy implications, the changes in the copy do not represent policy determinations. They reflect:

1. Typographical errors.
2. General wording changes for clarification or to be consistent with other parts of the code. For example, when designation of a use varied from table to table or within the text, a single designation was used.
3. Extraneous language was deleted.
4. Moving material from the text of the individual districts to the Supplemental Regulations section and/or tables. The tables and the Supplemental Regulations together should indicate when and in what contexts a use is either permitted or conditional.
5. Adding back language that is in the current code and was unintentionally omitted.
6. Clarifying tables. For example, I removed the "A" designation from the tables and moved all the accessory uses to the same place in the table. The result is accessory uses designated as permitted or conditional like principal uses.
7. Organizational changes. Some tables, such as the parking exception table were internally redundant.

On the following pages, I have provided explanation of changes where I thought the reason for the change might not be obvious.

Please ignore formatting and font issues. They will be corrected when the Ordinance Specialist produces the alternate or substitute to go to the Common Council. In several places, I was unable to make changes on the computer and have made them by hand.

## **Residential Districts**

### **p. 9 28.031(1) Setback Averaging, Front Setback**

Because, setback averaging will be used much more frequently in the new code, I added the methodology that the Zoning Administrator uses to calculate the setback. This addition will allow the users of the code to calculate the setback average correctly without having to consult the Zoning Administrator.

### **p. 11 Table 28C-1**

#### **1. Community living arrangement (up to 8 residents).**

The current zoning code allows CLAs that exceed the distance or % limits as conditional uses. I corrected this unintentional omission.

#### **2. Community living arrangement (9-15 residents).**

a. The current zoning code allows CLAs that exceed the distance or % limits as conditional uses in all but the exclusively 1 and 2 family districts. I corrected this unintentional omission.

b. State law requires that these CLAs be a conditional use in the exclusively 1 and 2 family districts. I corrected this unintentional omission.

#### **3. Community living arrangement (>15 residents).**

State law requires that these CLAs be conditional uses in all residential districts as long as they meet the distance and % limits. I corrected the table.

### **p. 13. Solar energy systems and wind energy systems.**

Recent case law and legislation makes Sec. 28.04(18)(e) invalid for wind energy systems. The only way to apply the requirements of Sec. 28.04(18)(e) to wind energy systems is by conditional use approval. Recent legislation charges the Public Service Commission with developing rules for regulating wind energy systems. Once those are adopted, our code provision likely will need to be amended. For now, to maintain the level of regulation as close to the current code as possible, I have made wind energy systems as conditional uses and put the requirements of Sec. 28.04(18)(e) in Supplemental Regulations. If the Plan Commission/Common Council choose to change wind energy systems to permitted uses, the requirements currently in Sec. 28.04(18)(e) cannot be applied to a permitted use, so they would need to be deleted from Supplemental Regulations.

### **p. 31-32. Use tables for the TR-U2 District.**

To be consistent with Table 28C-1, single family detached dwellings should have been in the conditional use table rather than the permitted use table. This correction was made. In the final copy, this column will appear between "Single family attached" and "Multifamily".

### **p. 38. Changes to the Master Plan in the TR-P district.**

A provision for approving alterations to a Master Plan was unintentionally left out and has been added.

## **Mixed-use and Commercial Districts**

### **pp. 41-43. Design Guidelines.**

Guidelines are not requirements and are problematic for permitted uses because discretionary review is inserted into a 'by right' use. The term "guidelines" was replaced with "requirements" and I simplified the language to address the relevant core design concept. Language in Building Alignment was deleted because it is addressed in the frontage requirements for the districts. Parking structure design language was deleted as duplicative because it is in the Building Forms Subchapter, and the language in Vertical Articulation was changed to better reflect the picture in C.

### **p. 48. Table 28D-2.**

1. I deleted the footnotes at the end of the table. Footnotes a-d are unnecessary, and I incorporated footnote e into the table and Supplemental Regulations.

### **p. 57. Drive through uses.**

I deleted this language because it is not a building standard and it already appears in the use table.

## **Employment Districts.**

### **p. 74. Residential Use Requirements.**

The statement of intent was moved to the district intent provision, sec. 28.081. The remaining language was moved to the Supplemental Regulations.

### **p. 76. Retail and Service Uses.**

Moved to Supplemental Regulations.

### **p. 81. Change to Master Plan.**

A provision on altering a Master Plan was unintentionally omitted and has been added.

### **p. 83. Outdoor storage and Outdoor display.**

This material has been moved to Supplemental Regulations. Regulation of outdoor storage and display is identified in the Staff memo on policy issues for the Plan Commission to address. The specific language in the current draft may change, however, it will remain in Supplemental Regulations.

## **Special Districts**

### **p. 90. Management Plan and Conditional Use for certain agricultural activities.**

This material was moved to Supplemental Regulations.

**p. 92. Master Plan Requirement.**

This language was very confusing. The changes clarify that all future rezoning to the CI District require a Master Plan to be approved as part of the rezoning. For CI Districts created by the mapping process for the new zoning code, no Master Plan will have been approved and a different approval process is necessary. It includes a limit of 4,000 square ft. of new development within a five year period is allowed without a Master Plan. All uses will require conditional use approval until a Master Plan is approved.

It is not appropriate for the Zoning Administrator to choose the dimensional requirements for the CI District when no Master Plan has been approved. Therefore, (c) was changed to provide such dimensional requirements. Planning staff selected placeholder requirements to provide broad flexibility in determining building location, design, etc, during the conditional use process. The Plan Commission may revise these Planning staff recommendations, however, some dimensional requirements need to be assigned to the CI Districts that have no approved Master Plan so they should not be eliminated.

## **Overlay Districts**

**p. 104. Sec. 28.102 Wellhead Protection Districts.**

All of the existing Wellhead Protection Districts were unintentionally omitted. Each District also has an accompanying map. These maps will be added to the final version of the code.

**pp. 106-111. Wetland Overlay District.**

Changes on pages 101-106 reflect changes that are editorial or based on State Administrative Code.

**p. 118. ADU Requirements.**

Sec. (6) is titled Suggested Design Requirements. It is unclear whether this provision identifies design requirements that should apply to all ADU Districts or whether they are just suggestions for inclusion in individual ADU Districts based on the character of each such district. Also, some of these requirements are not design requirements (a-c). The Plan Commission/Common Council needs to decide what a-l should play and I will change the language to reflect the decision.

**pp. 119-133. Floodplain Districts.** All changes made on pages 115-128 are necessary for consistency with the State Administrative Code.

## **General Regulations**

**p. 136. Table 28I-1.**

This table was reorganized to more easily indicate where in the required setbacks each type of encroachment can be located. Other changes include separating steps and platforms for clarification, modifying the allowed encroachment of porches to reflect an ordinance amendment adopted since the introduction of this draft, and removing wind energy systems to reflect their conditional use status and associated Supplemental Regulations. If wind energy systems are changed to permitted uses, they may be added back to this table.

**p. 146. Table 28.I-2.**

Changes made for clarification.

**p. 152-153 Table 28I-4.**

This table was clarified and reorganized due to internal redundancy. For example, parking reduction and deferral was separated into residential and nonresidential, however, the determination of the reduction is the same, so they were combined. The parking reduction language was unintentionally changed from the process in the current code and has been edited accordingly.

## **Supplemental Regulations**

**pp. 173-196.** The extensive changes to this subchapter reflect a consolidation of these special requirements for uses that may have been scattered throughout the code, in the current code and unintentionally omitted, reorganized (all accessory uses moved to the end), and consolidation of language scattered throughout the code that addresses the threshold for a use changing from permitted to conditional.

## **Building Forms**

**pp. 201-203. Landscaping.**

I removed the provisions on landscaping because they are not a building form and are covered elsewhere in the code.

## **Procedures**

**p. 221. Approval Standards for Conditional Uses.**

The Comprehensive Plan consistency requirement does not apply to conditional uses, so I deleted the first two standards, which are not in the current code, and added a statement on conformity with the Comprehensive Plan. I also added standards for specific conditional use determinations that are in the current code and were unintentionally left out.

May 20, 2010

Page 6

**p. 207 Approval Standards for Variances.**

The variance standards were clarified by reorganization and editing.

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date: March 31, 2010

**MEMORANDUM**

TO: Plan Commission

FROM: Katherine C. Noonan, Assistant City Attorney

RE: **Waivers and Some Conditional Uses in New Zoning Code**

The treatment of waivers and certain conditional uses must be addressed. They are used too frequently as compromises, avoiding the more difficult decisions about the specific requirements that will implement policies. In addition, many of the standards that have been included are too vague. Staff has discussed these issues and made some recommendations in the Staff memo you have received. Staff recommendations were informed by the following discussion.

The conditional uses to which I refer are those that may not typically be thought of as “uses”, though some are closer to the concept of “use” than others. In the existing code, these include: size of accessory buildings greater than the maximum allowed and area of accessory buildings greater than the maximum allowed (p. 135, 194); public utilities on unplatted land (p. 140); development adjacent to public parks (p. 144); buildings over 40,000 square feet in planned sites (p. 142); parking reduction of more than 20 spaces or 25% (p. 152). In the new code, additional conditional uses of this type include: the location of parking for nonresidential uses (p. 10); dispersion of building types other than as required in the district (pp. 16 and 18); height greater than the maximum allowed in the district (pp. 50, 54, 59, 61, and 63); building size greater than the maximum allowed in the district (pp. 48, 53, 57, 60, and 62); lot area less than 15,000 square ft. in the Urban Agriculture District (p. 90), parking reduction near transit corridor (p. 153); and driveways serving commercial or industrial uses that cross residentially zoned properties (p. 158).

In the new code, “waivers” are available for the following: all design standards (p. 39); rear yard height transition to residential districts (pp.50, 54, 59, 61, and 63); frontage requirements (pp. 52, 54, 59, and 61); building standards (pp. 72, 75, 79, 81, and 83); and bicycle parking reduction (p.153).

There are both legal and practical problems associated with an overabundance of waivers and conditional uses. The more zoning activities that require discretionary review, the closer the code gets to the point where there are so few activities allowed as right that provisions become invalid. This problem was addressed by the WI Supreme Court in *Town of Rhine v. Bizzell*, 311 Wis.2d 1 (2008), where the court found the

provisions of a whole zoning district in a town's zoning ordinance to be unconstitutional because all uses required conditional use approval. I am not suggesting that the new code is anywhere near this point, however, the addition of many design requirements in the new code and providing a waiver for all of them potentially results in an excessive number of requests to waive these standards. Many permitted uses would seek discretionary waivers and in a practical sense, the use of property "by right" might become quite limited.

A better approach is to choose those requirements that are most important to the City's vision of how it wants to look, create reasonable thresholds applying these requirements, and hold firm to them. In the past, staff has learned that discretionary review, especially in cases where it is almost always leads to approval, can be reduced by careful selection of conditions for the use or design. Rather than requiring a fee of at least \$500 for an approval that is almost always granted, choose those conditions that are typically applied in an approval and put them in the ordinance. Doing the hard work up front will result in a zoning code that works more efficiently for users, staff, and Boards and Commissions.

I am not suggesting that there is no place for discretionary approvals that are in the draft zoning code. I identified these somewhat atypical conditional uses in the current zoning code so that you have some frame of reference for this type of approval. Rather, I hope that you will consider carefully how to deal with the overabundance of them rather than taking the easier path of putting those decisions on the Boards and Commissions on a case by case basis. Where you retain discretionary review, the standards need to be clear. The standard of "when it is infeasible" in the new code is unacceptably vague. Specific standards are necessary to avoid arguably arbitrary decisions. Standards should address the particular use/requirements at issue and may include specific standards that are necessary to meet in addition to the general standards (see Sec. 28.183(6)(a)9-12).

Finally, please keep in mind that there are two statutory vehicles for addressing variations in the application of the zoning code. One is a variance and the other is a special exception, e.g. conditional use. There is no "waiver" and any relief from provisions should be considered either as a variance or special exception. Also, please remember that the Urban Design Commission has no authority to approve variations from zoning code provisions and that any formal review of a variation by UDC also would require consideration by the Board or Commission that has the authority to grant the request (variance or conditional use).



## **SUBCHAPTER 28A: INTRODUCTORY PROVISIONS**

### **28.001 TITLE**

This ordinance shall be known, cited and referred to as the Madison Zoning Code, or “this ordinance.” For purposes of this Section, the phrase “this ordinance” refers to this Chapter of the Madison General Ordinances (MGO) or any condition imposed pursuant to this Chapter.

### **28.002 INTENT AND PURPOSE**

- (1) This ordinance is adopted for the following purposes:
  - (a) To promote land uses and development patterns that are consistent with the city’s comprehensive plan and of adopted neighborhood, corridor or special area plans.
  - (b) To promote and protect the public health, safety and general welfare of the City.
  - (c) To secure safety from fire, flooding, pollution, contamination and other dangers.
  - (d) To maintain and promote safe pedestrian and vehicular circulation.
  - (e) To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage;
  - (f) To ensure the provision of adequate open space for light, air, fire safety and recreation.
  - (g) To protect environmentally sensitive areas.
  - (h) To address and mitigate the effects of climate change.
  - (i) To remove obstacles and provide incentives for energy conservation and renewable energy.
  - (j) To promote the conservation, protection, restoration and enhancement of historic resources.
  - (k) To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.
  - (l) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment.
  - (m) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
  - (n) To stabilize and protect property values.
  - (o) To preserve productive agricultural land and provide opportunities for local food production.
  - (p) To encourage innovative project design in the city, including developments that incorporate mixed uses.

### **28.003 RELATIONSHIP TO COMPREHENSIVE PLAN**

The Madison Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning code. All regulations or amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

## **28.004 INTERPRETATION**

This ordinance applies to all land and land development within the jurisdictional limits of the City of Madison, Wisconsin.

- (1) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare.
- (2) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- (3) This ordinance does not supersede any easement, covenant or other private agreement. However, this ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.
- (4) Any use, building, structure, or lot that is lawfully existing at the time of the adoption of this ordinance, or any subsequent amendment(s), may be continued, subject to the provisions in Subchapter 28N, Nonconformities.
- (5) A building, structure or use that was unlawful when this Chapter was adopted does not become lawful solely by reason of the adoption of this Chapter. To the extent that the unlawful building, structure or use conflicts with this Chapter, the building, structure or use remains unlawful under this Chapter.
- (6) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 116 or NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

## **28.005 ZONING OF ANNEXED LAND**

- (1) Pursuant to Sec. 66.0217(8) Wis. Statutes, all property annexed to the City of Madison and previously not zoned under this ordinance shall be hereby declared to be in the temporary agriculture district until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to Sec. 28.182 of this ordinance. The following requirements also apply to annexed land:
  - (a) The Dane County floodplain zoning provisions in effect on the date lands are annexed to the City of Madison shall remain in effect and shall be enforced for all annexed lands until the City adopts and enforces an ordinance that meets the requirements of NR 116, Wis. Adm. Code and the National Flood Insurance Program. County floodplain provisions are incorporated by reference for the purpose of administering this subdivision and are on file in the office of the Zoning Administrator.
  - (b) All lands annexed to the City of Madison after May 7, 1982 shall be subject to the Dane County Shoreland Zoning Ordinance in effect at the time of annexation.

### **28.006 SCOPE OF REGULATIONS.**

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. (See Transition Rules below.)

- (1) All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance a building permit was issued and is still valid; and provided construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building may be:
  - (a) completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
  - (b) may upon completion be occupied as approved in the building permit by the use for which it was originally designated.
- (2) Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this ordinance, the approval shall become null and void unless work thereon is substantially underway within six (6) months of the date of issuance of such approval.

### **28.007 SE~~VE~~PARABILITY.**

- (1) In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.”
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

### **28.008 TRANSITION RULES.**

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

- (1) Any application that has been filed with the Department of Planning and Community and Economic Development or Building Inspection Division and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this ordinance.
- (2) Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.
- (3) Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district unless rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance.

- (4) Zoning districts, use lists and definitions applicable to previously approved documents, including rezonings, planned development districts, easements, deed restrictions and similar agreements, shall remain in force but shall be interpreted by the Zoning Administrator for consistency with the rules, definitions and other provisions of this ordinance.
- (5) Any application before the Zoning Board of Appeals or any application that has been filed with the Department of Planning and Community and Economic Development or Inspections Division and is fully completed, prior to the effective date of this ordinance, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing.

**28.009 REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE.**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective on \_\_\_\_\_.

## SUBCHAPTER 28B: ZONING DISTRICTS AND MAP

### 28.021 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established:

- (1) Residential Districts.
  - (a) SR-C1 Suburban Residential - Consistent District 1
  - (b) SR-C2 Suburban Residential - Consistent District 2
  - (c) SR-C3 Suburban Residential - Consistent District 3
  - (d) SR-V1 Suburban Residential - Varied District 1
  - (e) SR-V2 Suburban Residential - Varied District 2
  - (f) TR-C1 Traditional Residential - Consistent District 1
  - (g) TR-C2 Traditional Residential - Consistent District 2
  - (h) TR-C3 Traditional Residential - Consistent District 3
  - (i) TR-C4 Traditional Residential - Consistent District 4
  - (j) TR-V1 Traditional Residential - Varied District 1
  - (k) TR-V2 Traditional Residential - Varied District 2
  - (l) TR-U1 Traditional Residential - Urban District 1
  - (m) TR-U2 Traditional Residential - Urban District 2
  - (n) TR-R Traditional Residential - Rustic District
  - (o) TR-P Traditional Residential - Planned District
- (2) Commercial and Mixed-Use Districts.
  - (a) NMX Neighborhood Mixed-Use District
  - (b) TSS Traditional Shopping Street District
  - (c) MXC Mixed-Use Center District
  - (d) CC-T Commercial Corridor - Transitional District
  - (e) CC Commercial Center District
- (3) Employment Districts.
  - (a) TW Traditional Workplace District
  - (b) SE Suburban Employment District
  - (c) SEC Suburban Employment Center District
  - (d) EC Employment Campus District
  - (e) IL Industrial - Limited District
  - (f) IG Industrial - General District
- (4) Downtown and Urban Districts.

(5) Special Districts.

- (a) A Agricultural District
- (b) UA Urban Agricultural District
- (c) C Conservancy District
- (d) AP Airport District
- (e) CI Campus Institutional District
- (f) PD Planned Development District
- (g) PMHP Planned Mobile Home Park District

(6) Overlay Districts.

- (a) WP Wellhead Protection Overlay Districts
- (b) W Wetland Overlay District
- (c) TOD Transit Oriented Development Overlay District
- (d) NC Neighborhood Conservation Overlay Districts
- (e) HIST Historic Landmarks and Districts Overlay
- (f) UD Urban Design Overlay Districts
- (g) ADU Accessory Dwelling Unit Overlay Districts

(7) Floodplain Districts.

- (a) F1 Floodway District.
- (b) F2 Flood Fringe District
- (c) F3 General Floodplain District
- (d) F4 Flood Storage District

**28.022 INCORPORATION OF ZONING DISTRICT MAPS.**

The location and boundaries of the zoning districts are hereby established as shown on maps entitled “Zoning District Maps” on file in the office of the Zoning Administrator, including the official Wetland Zoning Maps titled “Wisconsin Wetland Inventory Maps.” The zoning district maps, together with all information shown thereon and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

(1) Location of District Boundaries.

The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

- (a) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.
- (b) A boundary line shown as following, or approximately following, a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
- (c) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning

district as the lots, pieces or parcels abutting both sides of the street or alley involved. If the lots, pieces or parcels abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.

- (d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

(2) Wetland Maps.

- (a) The Wetland Zoning Overlay District includes all wetlands greater than two (2) acres shown on the Wisconsin Wetland Inventory Maps that have been adopted and made a part of this ordinance.
- (b) Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark.
- (c) When an apparent discrepancy exists between the Wetland District boundary shown on the official Wetland Zoning Maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources to determine if the Wetland District boundary as mapped, is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall be responsible for initiating a wetland map amendment within a reasonable period.

(3) Floodplain Maps.

- (a) Incorporation of Floodplain Maps. The location and boundaries of the Floodway, Flood Fringe, and General Floodplain Districts are hereby established as shown on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps, both dated as being effective on January 2, 2009, and prepared by the Federal Insurance Administration of the U. S. Federal Emergency Management Agency, together with other supplemental maps, including the revised Flood Insurance Rate Maps, provided by the Federal Emergency Management Agency, and shown on map panels 55025C0242G, 55025C0243G, 55025C0244G, 55025C0261G, 55025C0262G, 55025C0263G, 55025C0264G, 55025C0266G, 55025C0267G, 55025C0268G, 55025C0269G, 55025C0288G, 55025C0379G, 55025C0383G, 55025C0389G, 55025C0390G, 55025C0393G, 55025C0394G, 55025C0401G, 55025C0402G, 55025C0403G, 55025C0404G, 55025C0406G, 55025C0407G, 55025C0408G, 55025C0409G, 55025C0413G, 55025C0416G, 55025C0417G, 55025C0418G, 55025C0419G, 55025C0426G, 55025C0427G, 55025C0428G, 55025C0429G, 55025C0431G, 55025C0432G, 55025C0433G, 55025C0434G, 55025C0436G, 55025C0437G, 55025C0438G, 55025C0439G, 55025C0441G, 55025C0442G, 55025C0443G, 55025C0444G, 55025C0451G, 55025C0453G, 55025C0465G, 55025C0557G, 55025C0576G.
- (b) The above-mentioned maps with all information shown thereon, together with the accompanying Federal Insurance Administration's Flood Insurance Study for the City of Madison, Wisconsin, Numbers 55025CV001B and 55025CV002B, and in which are indicated floodway data and flood profiles, and all amendments thereto to such floodplain maps shall be as much a part of this ordinance as if fully set forth and described herein.

- (c) Any change to the base flood elevations in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) before it is effective. No changes to regional elevations on non-FEMA maps shall be effective until approved by the Department of Natural Resources. If more than one map or revision is referenced, the most restrictive information shall apply.

(4) Locating Floodplain Boundaries.

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved by the Zoning Administrator using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended using the procedures established for zoning map amendments in Section 28.182. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required.

The Zoning Administrator is responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the location of the district boundary line shall be settled according to the appeals procedure in Sec. 28.205(5) of this ordinance and the criteria in (a) and (b) below.

- (a) Where flood profiles exist, the map scale and the profile elevations shall determine the district boundary line. Where a discrepancy exists between the map and actual field conditions, the regional flood elevations shall govern. The Zoning Administrator has authority to grant or deny a land use permit on the basis of a district boundary derived from the regional flood elevations, whether or not a map amendment is required.
- (b) Where flood profiles do not exist, the location of the district boundary line shall be determined by the map scale, visual on-site inspection and any available information provided by the Wisconsin Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by the City, the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency, the Zoning Administrator shall have the authority to grant or deny a land use permit.

(5) Incorporation of Flood Storage Maps.

The location and boundaries of the Flood Storage Districts are hereby established as shown on Panels 2, 3, 4, and 5 of the Dane County Flood Storage Maps, dated January 2, 2009.



## SUBCHAPTER 28C: RESIDENTIAL DISTRICTS

### 28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.

(1) Setback Averaging, Front Setback.

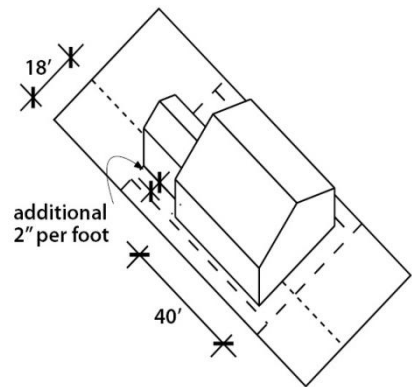
Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet. ~~If a setback of an existing structure is greater than the required setback, then the required setback shall be counted toward the average.~~ Setback averaging on lakefront lots is as specified in Section 28.138. For the purpose of calculating the average setback:

- (a) If the setback of an existing structure is greater than the required setback, the required setback shall be used.
- (b) Setback averaging uses only front yard setbacks; side yards and reverse corner side yards on corner lots shall not be included.
- (c) Projection into setbacks shall not be included.
- (d) Setback reductions approved by variance or special exception shall not be included.
- (e) If a block face is at least seventy-five percent (75%) build, a vacant lot on the block face shall not be included.

(2) Sidewall Offset.

In order to avoid the monotonous appearance of long unbroken building facades from streets or abutting properties, any portion of a building side wall located within eighteen (18) feet of the side lot line that exceeds forty (40) feet in depth shall be set back an additional two (2) inches from the side lot line for every foot over forty (40) feet in depth. This requirement applies to all new construction with the following exceptions:

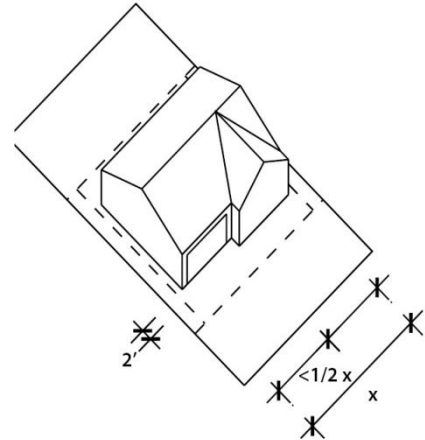
- (a) Within the TR-P and TR-C4 districts, alley-loaded residential buildings are exempt from this requirement as it applies to building side walls within interior side yards.
- (b) For nonresidential buildings within residential districts, any portion of a building side wall that exceeds forty (40) feet in depth shall be set back an additional two (2) inches ~~(2")~~ from the side lot line for every foot over forty (40) feet in depth.
- (c) This requirement applies to above-ground structures. In cases where buildings are connected by an underground space, the buildings are considered detached.



Sidewall Offset

(3) Attached Garage Setback.

In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade. That portion of the facade that contains the garage door must be recessed at least two (2) feet (2') behind the remainder of the facade. The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.



Attached Garage Setback

(4) Nonresidential Buildings: Parking Location.

For new nonresidential buildings or additions that exceed the original building's gross floor area by more than fifty percent (50%), that are constructed after the effective date of this zoning code, surface parking shall not be permitted between the front facade of the building and the abutting street. This standard may be waived or modified through a conditional use process. In the case of a building addition, this standard applies to the addition, not to the original building.

**28.032. RESIDENTIAL DISTRICT USES.**

(1) Table 28C-1 lists all permitted and conditional uses in the residential districts.

- (a) Uses marked as "P" are permitted in the districts where designated.
- (b) Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as "P/C" may be permitted or conditional, depending on their size and scale, as specified.
- ~~(d) Uses marked with an "A" are allowed when accessory to other allowed uses; A/C indicates an accessory use that may be permitted or conditional, depending on their size and scale, as specified.~~
- (e) A "Y" in the "Supplemental Regulation standards" column means there are that specific requirements in Subchapter 28J standards associated with a must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28L, Supplemental Regulations.

Table 28C-1

	Residential Districts															Supplement	
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P		
<b>Residential – Family Living</b>																	
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	C	P	C	P	P	Y	
Two-family dwelling – two <u>unit-flat</u>			P	P	P			P		P	C	P	C		P	Y	
Two-family dwelling - twin			P	P	P					P	C	P	C		P	Y	
Three-family dwelling - three <u>unitflat</u>										P					P	Y	
Single-family attached dwelling (3-8 dwelling units)			C		P						C	P	P		P	Y	
Single-family attached dwelling (> 8 dwelling units)				C	C							C	C		P	Y	
Multi-family dwelling (3-4 dwelling units)			P	P	P					P	P	P	P		P	Y	
Multi-family dwelling ( <u>35-8</u> dwelling units)			C	C	P						C	P	P		P	Y	
Multi-family dwelling (> 8 dwelling units)					C							C	C		P	Y	
Multi-family building complex					C							C	C		C	Y	
<u>Caretaker's dwelling (for nonresidential use)</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y	
<u>Accessory dwelling unit, attached or detached</u>	permitted as part of Overlay District															P	Y
<b>Residential – Group Living</b>																	
Adult family home <u>meeting separation requirements</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	Y	
Adult family home <u>not meeting separation requirements</u>	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	Y	
Cohousing community	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	Y	
Community living arrangement (up to 8 residents)	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	Y	
Community living arrangement ( <u>9-15 or more</u> residents)	<u>C</u>	<u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	<u>C</u>	<u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	<u>C</u>	Y	
Housing cooperative				C	C			C		P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>		C	Y	
Dormitory					C							C	C			Y	
Lodging house, fraternity or sorority												C	C			Y	
Assisted living, congregate care, nursing home				C	C					C	C	C	C			Y	
Hostel												C	C			Y	
<u>Convent, monastery or similar residential group accessory to place of worship</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	
<b>Civic and Institutional</b>																	
Adaptive reuse of former public school or municipal buildings	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	P <u>/</u> <u>C</u>	Y	

*Community Living Arrangement (>15 residents)* C C C C C C C C C C C C C C C C Y

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Colleges and universities												C	C			Y
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<del>Day care home, family</del>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Day care center in school or religious inst.	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	Y
Day care center, nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Library, museum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<del>Mission house in conjunction with religious institution</del>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Public safety facilities ( <del>fire, police stations, etc.</del> )	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools, public and private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<b>Retail, Service, Recreation and Other Uses</b>																
Bed and breakfast establishments	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<del>Home occupation</del>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Market garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Golf course, <del>public or private</del>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<del>Swimming and tennis clubs, private</del> <u>Outdoor recreation</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Limited retail use of landmark site or building	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Mixed-use building at corner location		C	C	C	C	C	C	C	C	C	C	C	C		C	Y
<del>Management office, restaurant, limited retail, recreation facilities within multi-family building</del>					A						A	A	A			Y
<u>Any Building or</u> structure with floor area exceeding 10,000 sq. ft. <u>in floor area</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<del>Lakefront development</del>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<del>Bed and breakfast establishments</del>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<b>Utility Uses</b>																
Electric substations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Gas regulator stations, mixing and gate stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Telecommunications towers and transmission equipment buildings	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Sewerage system lift stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Water pumping stations, water reservoirs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<b>Accessory Uses and Structures</b>																
Emergency electric generator	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory building or structure, <del>not exceeding maximum size</del>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplement
	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	
<u>Accessory building or structure, exceeding maximum size</u>	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	Y
Keeping of up to 4 chickens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
<u>Lease of off-street parking space(s) facility accessory to residential use to non-tenants</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
<u>Lease of off-street parking facility lot accessory to a nonresidential use to non-users of principal use</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<u>Surface parking lot exceeding minimum required parking</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
<u>Emergency electric generator</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
<b>Temporary Uses</b>																
Dependency living arrangement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Real estate sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Portable storage units	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Temporary accessory apartment</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Yard sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Caretaker's dwelling</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Accessory dwelling unit, attached or detached</u>	permitted as part of Overlay District														P	Y
<u>Convent, monastery or similar residential group accessory to place of worship</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Day care home, family</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Mission house</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Home occupation</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<u>Management office, restaurant, limited retail, recreation facilities within multi-family building</u>					C						C	C	C			Y
<u>Solar energy systems</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<u>Wind energy systems</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y

**28.033. SUBURBAN RESIDENTIAL - CONSISTENT DISTRICTS.**

- (1) Statement of Purpose.

The SR-C Districts are established to stabilize and protect the essential characteristics of low- to moderate-density residential areas typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (d) Facilitate the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

**28.034. SR-C1 DISTRICT.**

- (1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

- (2) Dimensional RequirementsStandards, Permitted and Conditional Uses.

RequirementsStandards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C1 District</b>		
Building <u>FormType</u>	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	8,000	8,000
Lot Width	60	60
Front Yard Setback	30	30
Side Yard Setback	One-story: 6	One-story: 6
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback (see note a)	30% lot depth but no less than 35	Equal to building height but at least 35
Maximum height	2 stories/35	35
Maximum lot coverage	50%	50%
Maximum building coverage	n/a	50%
Usable open space (sq. ft. per d.u.)	1,300	n/a

- (a) If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%)

- (3) Building Forms.

The following building forms are permitted in the SR-C1 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Civic/Institutional building

**28.035. SR-C2 DISTRICT.**

- (1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

- (2) Dimensional RequirementsStandards, Permitted and Conditional Uses.

RequirementsStandards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C2 District</b>		
Building <del>Form</del> Type	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	30	30
Side Yard Setback	One-story: 6/ <del>Two-story: 7</del>	One-story: 6/ Two-story <del>or more</del> : 7
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback (see note a)	30% lot depth but at least 35	Equal to building height but at least 35
Maximum height	2 stories/35	35
Maximum lot coverage	50%	50%
Usable open space (sq. ft. per d.u.)	1,000	n/a
Maximum building coverage	n/a	50%

- (a) If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%)

- (3) Building Forms.

The following building forms are permitted in the SR-C2 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Civic/Institutional building

**28.036 SR-C3 DISTRICT.**

- (1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C3 District</b>				
Building <u>Form Type</u>	Single-family detached	Two-family - Two <u>unit-flat</u>	Two-family - Twin	Nonresidential building
Lot Area (sq. ft.)	6,000	8,000	4,000/ <u>du-(2 lots)</u>	6,000
Lot Width	50	50	50	50
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	15	15	15	25
Rear Yard Setback (see note (b) below)	30% lot depth but at least 35	30% lot depth but at least 35	30% lot depth but at least 35	Equal to building height but at least 35
Maximum height	2 stories/35	2 stories/35	2 stories/35	35
Maximum lot coverage	60%	60%	60%	60%
Maximum building coverage	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	750	n/a

(a) Dispersion requirement. A maximum of four two-family twin units (2 buildings) may be constructed within 300 feet of any other twin units, as measured around the perimeter of a block, unless a lesser distance is allowed by conditional use.

(b) If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%)

(3) Building Forms.

The following building forms are permitted in the SR-C3 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-unitflat
- (c) Two-family - twin
- (d) Civic/Institutional building



**28.037 SUBURBAN RESIDENTIAL - VARIED DISTRICTS.**

(1) Statement of Purpose.

The SR-V Districts are established to stabilize and protect the essential characteristics of residential areas of varying densities and housing types, typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Maintain and improve the viability of existing housing of all types, while encouraging the updating of older housing in a context-sensitive manner.
- (c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (d) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.038 SR-V1 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-V1 District: Permitted Uses</b>				
Building <u>FormType</u>	Single-family detached	Two-family - Two <u>unit-flat</u>	Two-family - Twin	Three-four unit building
Lot Area (sq. ft.)	6,000	8,000	4,000/d.u.	2,000/d.u.
Lot Width	50	50	50	60
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	6/15 total
Reversed Corner Side Yard Setback	12	12	12	12
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40
Maximum lot coverage	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	750	750	750	500

<b>SR-V1 District: Conditional and Nonresidential Uses</b>			
Building <del>Form</del> Type	Single-family attached (8 units max.)	Multi-family (8 units max.)	Nonresidential building
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (one side only)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(a) Dispersion of dwellings: No building or group of twin, attached or multi-family buildings containing over four (4) dwelling units shall be constructed within three hundred (300) feet of any other twin, attached or multi-family building(s), as measured around the perimeter of a block, except by conditional use.

(3) Building Forms.

The following building forms are permitted in the SR-V1 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-~~unit~~flat
- (c) Two-family - twin
- (d) Three-~~unit~~flat building
- (e) Single-family attached building
- (f) Small multi-family building
- (g) Civic/Institutional building

**28.039 SR-V2 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-V2 District: Permitted Uses</b>					
Building <u>Form Type</u>	Single-family detached	Two-family - Two <u>unit-flat</u>	Two-family - Twin	Single-family attached ( 8 units max.)	Multi-family (8 units max.)
Lot Area (sq. ft.)	6,000	6,000	4,000 (2 lots)	2,000/d.u.	2,000/d.u.
Lot Width	50	50	25/d.u.	20/d.u.	60
Front Yard Setback	25	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	10 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40
Maximum lot coverage	60%	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500

<b>SR-V2 District: Conditional and Nonresidential Uses</b>			
Building <u>Form Type</u>	Single-family attached	Multi-family	Nonresidential building
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	Equal to building height but at least 30

<b>SR-V2 District: Conditional and Nonresidential Uses</b>			
Building <del>Form</del> Type	Single-family attached	Multi-family	Nonresidential building
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(3) Building Forms.

The following building forms permitted in the SR-V2 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-~~unit flat~~
- (c) Two-family - twin
- (d) Three-~~unit flat~~
- (e) Single-family attached building
- (f) Small multi-family building
- (g) Large multi-family building, ~~stacked flats~~
- (h) Civic/Institutional building

**28.040. TRADITIONAL RESIDENTIAL - CONSISTENT DISTRICTS.**

(1) Statement of Purpose.

The TR-C Districts are established to stabilize and protect the essential characteristics of mature residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28C.041. TR-C1 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C1 District</b>		
Building <del>Form</del> Type	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	
Side Yard Setback	One-story: 6 Two-story: 7	10
Reversed Corner Side Yard Setback	15	15
Rear Yard Setback (see note a below)	30% lot depth but at least 35	Equal to building height but at least 35
Maximum height	2 stories/35	35
Maximum lot coverage	50%	50%
Usable open space (sq. ft. per d.u.)	1,000	n/a
Maximum building coverage	n/a	50%

(a) If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

(3) Building Forms.

The following building forms are permitted in the TR-C1 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached building
- (b) Civic/Institutional building

**28.042. TR-C2 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C2 District</b>		
Building <u>FormType</u>	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	4,800	4,800
Lot Width	40	40
Front Yard Setback	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	
Side Yard Setback	One-story: 5 Two-story: 6 Lot width <40: 10% lot width	10
Reversed Corner Side Yard Setback	12	20
Rear Yard	30% lot depth but at least 30	Equal to building height but at least 30
Maximum height	2 stories/35	35
Maximum lot coverage	65%	65%
Usable open space (sq. ft. per d.u.)	750	n/a
Maximum building coverage	n/a	50%

(3) Building Forms.

The following building forms are permitted in the TR-C2 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached building
- (b) Civic/Institutional building

**28.043. TR-C3 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C3 District</b>			
Building <u>FormType</u>	Single-family detached	Two-family - Two <u>unit-flat</u>	Nonresidential building
Lot Area (sq. ft.)	4,800	4,800	4,800
Lot Width	40	40	40
Front Yard Setback	20	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 40: 10% lot width	Two-story: 6 Lot width < 40: 10% lot width	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	20
Rear Yard	30% lot depth but at least 30	30% lot depth but at least 30	Equal to building height but at least 30
Maximum height	2 stories/35	2 stories/35	35
Maximum lot coverage	65%	65%	65%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	n/a

(3) Building Forms.

The following building forms are permitted in the TR-C3 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached building
- (b) Two-unitflat building
- (c) Civic/Institutional building

**28.044. TR-C4 DISTRICT**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C4 District</b>		
Building <u>FormType</u>	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	3,500	4,000
Lot Width	35	40
Front Yard Setback	15	15
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	5 Lot width < 40: 10% lot width	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	8 (10 for garage)	15
Rear Yard	street-accessed: 20 alley-accessed: 2*	Equal to building height but at least 20
Maximum height	2 stories/35	35
Maximum lot coverage	75%	75%
Maximum building coverage	n/a	65%
Usable open space (sq. ft. per d.u.)	500	n/a
* "Alley-accessed" refers to developments in which the garage or parking area is accessed from an alley.		

(3) Building Forms.

The following building forms are permitted in the TR-C4 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached building
- (b) Civic/Institutional building

**28.045. TRADITIONAL RESIDENTIAL - VARIED DISTRICTS**

(1) Statement of Purpose.

The TR-V Districts are established to stabilize and protect the essential characteristics of mature residential areas typically located on the Isthmus, near Downtown and near the University of Wisconsin campus, and to accommodate a full range of life-cycle housing while encouraging a suitable environment for family life. The districts are also intended to:



- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.046. TR-V1 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional ~~Requirements~~Standards, Permitted and Conditional Uses.

~~Requirements~~Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-V1 District: Permitted Uses</b>				
Building <del>Form</del> Type	Single-family detached	Two-family - Two <del>unit</del> -flat	Two-family - Twin	Three-flat building
Lot Area (sq. ft.)	6,000	8,000	4,000/d.u.	8,000
Lot Width	50	50	25/d.u.	50
Front Yard Setback	20	20	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	12	12
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/35
Maximum lot coverage	65%	65%	65%	65%
Usable open space (sq. ft. per d.u.)	500	500	500	500

(a) ~~(a)~~ Dispersion requirement. No two-family or three-~~unitflat~~ building shall be constructed within 300 feet of any other two-family, three-~~unitflat~~, attached or multi-family building located within the same block, as measured around the perimeter of the block.

~~(a)(b)~~

<b>TR-V1: Nonresidential (permitted or conditional)</b>	
Building <del>FormType</del>	Nonresidential building
Lot Area (sq. ft.)	6,000
Lot Width	50
Front Yard Setback	20
Side Yard Setback	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	20
Rear Yard	Equal to building height but at least 30
Maximum Height	35
Maximum Lot Coverage	65%
Maximum Building Coverage	50%

(3) Building Forms.

The following building forms are permitted in the TR-V1 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached building
- (b) Two-~~unitflat~~ building
- (c) Three-~~unitflat~~ building
- (d) Civic/Institutional building

**28.047. TR-V2 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-V2 District: Permitted Uses</b>				
Building <u>FormType</u>	Single-family detached	Two-family - Two <u>unit</u> -flat	Two-family - Twin	Three-four unit building
Lot Area (sq. ft.)	4,800	4,800	4,800/d.u.	3,000/d.u.
Lot Width	40	40	20/d.u.	60
Front Yard Setback	20	20	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	6 <u>one side</u> , 15 total
Reversed Corner Side Yard Setback	12	12	12	12
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40
Maximum lot coverage	65%	65%	65%	65%
Usable open space (sq. ft. per d.u.)	500	500	500	500

<b>TR-V2 District: Conditional and Nonresidential Uses</b>			
Building <u>FormType</u>	Single-family attached (8 units max.)	Multi-family (8 units max.)	Nonresidential building (permitted or conditional)
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	20	20	20
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	Two-story: 6	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	20

<b>TR-V2 District: Conditional and Nonresidential Uses</b>			
Building <del>Form</del> Type	Single-family attached (8 units max.)	Multi-family (8 units max.)	Nonresidential building (permitted or conditional)
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	65%	65%	65%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(3) Building Forms.

The following building forms are permitted in the TR-V2 District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-~~unit~~flat
- (c) Two-family - twin
- (d) Single-family attached building
- (e) Small multi-family building
- (f) Large multi-family building,~~stacked flats~~
- (g) Civic/Institutional building

**28.048. TRADITIONAL RESIDENTIAL - URBAN DISTRICTS.**

(1) Statement of Purpose.

The TR-U Districts are established to stabilize and protect the essential characteristics of high-density residential areas typically located near Downtown and near the University of Wisconsin campus, and to accommodate a full range of life-cycle housing. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Promote the preservation of historic buildings and districts within or close to concentrations of high-density housing.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Encourage restoration of single-family dwellings previously converted to multi-family units back to single- or two-family dwellings.
- (e) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

- (f) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.049. TR-U1 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-U1 District: Permitted Uses</b>					
<b>Building Form Type</b>	Single-family detached	Two-family - Two <del>unit-flat</del>	Two-family - Twin	Single-family attached (max. 8 units)	Multi-family (max. 8 units)
Lot Area (sq. ft.)	6,000	8,000	4,000/d.u.	1,000/d.u.	1,000/d.u. + 300 per bedroom >2
Lot Width	50	50	25/d.u.	20/d.u.	50
Front Yard Setback	15	15	15	15	15
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	8 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40
Maximum lot coverage	65%	65%	65%	70%	70%
Usable open space (sq. ft. per d.u.)*	320	320	320	320	320

\* Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in 28.140.

<b>TR-U1 District: Conditional and Nonresidential Uses</b>			
<b>Building Form Type</b>	<b>Single-family attached (<u>max. 8 units</u>)</b>	<b>Multi-family (<u>&gt;8 units</u>)</b>	<b>Nonresidential building</b>
Lot Area (sq. ft.)	1,000/d.u.	1,000/d.u. + 300 per bedroom >2	6,000
Lot Width	20/d.u.	50	50
Front Yard Setback	15 or avg.	15 or avg.	15 or avg.
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	8 (end units)	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	15
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	Equal to building height but at least 30
Maximum height	3 stories/40	5 stories/65	40
Maximum lot coverage	70%	70%	70%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)*	320	320	n/a

\* Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.

(3) Building Forms.

The following building forms are permitted in the TR-U1 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-unit flat
- (c) Two-family - twin
- (d) Single-family attached building
- (e) Small multi-family building
- (f) Large multi-family building, ~~stacked flats~~

(g) Civic/Institutional building

**28.050. TR-U2 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements Standards, Permitted and Conditional Uses.

**Requirements Standards** represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-U2 District: Permitted Uses</b>					
<b>Building Form Type</b>	<b>Single family detached</b>	<b>Two-family - Two <u>unit-flat</u></b>	<b>Two-family - Twin</b>	<b>Single-family attached (max. 8 units)</b>	<b>Multi-family (max. 8 units)</b>
Lot Area (sq. ft.)	<del>6,000</del>	8,000	4,000/d.u.	800/d.u.	600/d.u. + 300 per bedroom >2
Lot Width	<del>50</del>	50	25/d.u.	20/d.u.	50
Front Yard Setback	<del>15</del>	15	15	15	15
Maximum Front Yard Setback	<del>no more than 20% greater than block average, up to 30 max.</del>	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	<del>One-story: 5 Two-story: 6</del>	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	8 (end units)	10
Reversed Corner Side Yard Setback	<del>12</del>	12	12	12	12
Rear Yard	<del>25% lot depth but at least 30</del>	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30	25% lot depth but at least 30
Maximum height	<del>3 stories/35</del>	3 stories/35	3 stories/35	3 stories/40	4 stories/52
Maximum lot coverage	<del>65%</del>	65%	65%	75%	75%
Usable open space (sq. ft. per d.u.)*	<del>320</del>	320	320	140	140

\* Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.

TR-U2 District: Conditional and Nonresidential Uses			
Building Form Type	Single-family attached (max. 8 units)	Multi-family (>8 units)	Nonresidential building
Lot Area (sq. ft.)	800/d.u.	600/d.u. + 300 per bedroom >2	6,000
Lot Width	20/d.u.	50	50
Front Yard Setback	15	15	15
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	8 (end units)	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	15
Rear Yard	25% lot depth but at least 30	25% lot depth but at least 30	Equal to building height but at least 30
Maximum height	3 stories/40	6 stories/78	40
Maximum lot coverage	75%	80%	75%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)*	140/d.u.	140/d.u.	n/a

Single-family detached

6,000

50

15

no more than 20% greater than block average, up to 30 max.

One story: 5  
Two story: 6

12

25% lot depth but at least 30

3 stories / 35

75%

n/a

320

\*Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.

(3) Building Forms.

The following building forms are permitted in the TR-U2 District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-unit flat
- (c) Two-family - twin
- (d) Single-family attached building
- (e) Small multi-family building
- (f) Large multi-family building, stacked flats
- (g) Civic/Institutional building



**28.051. TRADITIONAL RESIDENTIAL - RUSTIC (TR-R) DISTRICT.**

(1) Statement of Purpose.

The TR-R District is established to stabilize and protect the natural beauty, historic character and park-like setting of certain heavily wooded low-density residential neighborhoods. The district is also intended to promote the preservation of the neighborhood’s historic buildings, tree cover and landscape plan.

(2) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(3) Dimensional RequirementsStandards, Permitted and Conditional Uses.

RequirementsStandards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-R District: Permitted and Conditional Uses</b>		
Building <u>FormType</u>	Single-family detached	Nonresidential building
Lot Area (sq. ft.)	0.6 acres (26,136 sq. ft.)	0.6 acres (26,136 sq. ft.)
Lot Width	65	65
Front Yard Setback	50	50
Side Yard Setback	30	30
Reversed Corner Side Yard Setback	30	30
Rear Yard	40	40
Maximum height	3 stories/40	40
Maximum lot coverage	15%	15%
Maximum <u>sizearea</u> accessory building (see below)	800 sq. ft.	as determined by <u>CUP conditional use</u>

(a) Detached Garage Replacement. New detached garages are not permitted. Detached garages existing as of January 1, 1989 may be replaced with a structure no larger than 800 square feet or the size of the principal building, whichever is less.

(4) Building Forms.

The following building forms are permitted in the TR-R District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Civic/Institutional building

**28.052. TRADITIONAL RESIDENTIAL - PLANNED (TR-P) DISTRICT.**

(1) Statement of Purpose.

The TR-P District is established to encourage the development of new traditional neighborhoods in close-in or outlying parts of the City that incorporate the characteristics of existing traditional neighborhoods. Features include a variety of lot sizes and integrated housing types, detached or alley-loaded garages, traditional architectural features such as porches, an interconnected street system and the creation of a high-quality public realm.

A large-scale TR-P development will be designed through a master planning process. Where a TR-P District is developed in conjunction with or in proximity to an existing or planned mixed use or higher-density district (for example, a Neighborhood Mixed-Use District, Traditional Shopping Street District, or Traditional Residential-Urban District) the TR-P District is also intended to meet the goals of traditional neighborhood development as established by the State of Wisconsin and Dane County. These goals include the following:

- (a) Reduce public costs by making more efficient use of infrastructure;
- (b) Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel;
- (c) Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities;
- (d) Promote the reinvestment in existing developed areas;
- (e) Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings.

(2) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(3) Required Mix of Building Types.

After the effective date of this ordinance, development sites or projects within the TR-P District that are ten (10) acres or more in size or that include fifty (50) or more dwelling units shall meet the following standards:

- (a) A minimum of three (3) residential building types from the following categories shall be included within the site:
  - 1. Single-family detached dwellings with street-accessed garages;
  - 2. Single-family detached dwellings with alley-accessed garages;
  - 3. Two-family and single-family attached buildings;
  - 4. Accessory dwelling units;
  - 5. Multi-family dwellings (3 units and up), including senior housing;
  - 6. Special-needs housing such as community living arrangements and assisted living facilities.
- (b) A minimum of twenty percent (20%) of the units on the site shall be in two-family, attached or multi-family residential dwelling types.
- (c) For infill development, the required mix of residential uses may be satisfied by existing adjacent residential uses within a one-quarter ( 1/4 ) mile radius.
- (d) All residential lots shall be located within one-quarter (1/4) mile of existing or planned public or common open space.

(4) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-P District: Permitted Uses</b>				
<b>Building FormType</b>	Single-family detached	Two-family - Two <u>unit-flat</u>	Two-family - Twin	Single-family accessory dwelling
Lot Area (sq. ft.)	3,500	2,500/d.u.	2,500/d.u.	5,000 (per lot)
Lot Width	37	40	25/d.u.	50
Front Yard Setback	15	15	15	n/a
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	5	5	5	5
Reversed Corner Side Yard Setback	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)
Rear Yard	street-accessed: 20 alley-accessed: 2*	street-accessed: 20 alley-accessed: 2*	street-accessed: 20 alley-accessed: 2*	street-accessed: 20 alley-accessed: 2*
Maximum height	3 stories/35	3 stories/35	3 stories/35	2 stories, no greater than height of principal structure
Maximum lot coverage	75%	75%	75%	80% (per lot)
Usable open space (sq. ft. per d.u.)	500	500	500	800 (per lot)
* "Alley-accessed" refers to developments in which the garage or parking area is accessed from an alley.				

<b>TR-P District: Permitted and Nonresidential Uses (permitted or conditional)</b>			
<b>Building Form Type</b>	<b>Single-family attached</b>	<b>Multi-family (3 units and up)</b>	<b>Nonresidential</b>
Lot Area (sq. ft.)	2,000/d.u.	600/d.u. + 300 per bedroom >2	5,000
Lot Width	20	50	50
Front Yard Setback	15	15	15
Maximum Front Yard Setback	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.	no more than 20% greater than block average, up to 30 max.
Side Yard Setback	8 (end units)	10	5
Reversed Corner Side Yard Setback	8 (10 for garage)	12 (10 for garage)	15
Rear Yard	street-accessed: 20 alley-accessed: 2*	street-accessed: 20 alley-accessed: 2*	equal to building height but at least 20
Maximum height	3 stories/40	4 stories/52 (see A below)	3 stories/40
Maximum lot coverage	75%	75%	70%
Usable open space (sq. ft. per d.u.)	320	140	n/a
* “Alley-accessed” refers to developments in which the garage or parking area is accessed from an alley.			

(a) Heights exceeding the maximum may be allowed with conditional use approval.

(5) **Building Forms.**

The following building forms are permitted in the TR-P District. See Subchapter 28K for design standards and guidelines for building forms.

- (a) Single-family detached
- (b) Two-family - two-~~unit flat~~
- (c) Two-family - twin
- (d) Single-family attached building
- (e) Small multi-family building
- (f) Large multi-family building, ~~stacked flats~~
- (g) Civic/Institutional building

(6) Site Design Standards.

- (a) Open space. Open space ~~shall~~**must** be available to the residents of the district for recreational purposes or similar benefit. Land reserved for stormwater management and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.
1. Open space shall be designed to meet the needs of residents of the district and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
  2. A diversity of open spaces shall be provided within the TR-P district, including but not limited to community parks, neighborhood squares and commons, and playgrounds.
  3. Open spaces included with the subdivision shall be dispersed throughout the development and walkable from most areas within the subdivision.
  4. Land donated for any public purpose, which is accepted by the City, may be credited towards the open space requirement at the discretion of the Common Council.
- (b) Street layout. A TR-P site development plan shall maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
- (c) Street design. Flexibility in street design may be allowed within a TR-P District in order to create a safe and pleasant environment for residents, emphasizing pedestrian and bicycle circulation.
- (d) Non-residential uses. Non-residential land uses, including but not limited to schools, places of worship and neighborhood-serving commercial uses located within a subdivision zoned TR-P, shall be designed in a compact fashion and reflect the design of other uses within the master-planned development. Parking for such uses shall be located in the side or rear yards and shall be well screened to preserve the continuity of the public realm.

(7) Submittal Requirements.

- (a) After the effective date of this ordinance, a master plan shall be required for all TR-P projects that are proposed to be ten (10) acres or larger in size or those that will include fifty (50) dwelling units or more. All TR-P master plans shall include each of the following elements:
1. A map of the proposed development that identifies all of the lots and outlots to be contained in the proposed development and which contains all of the information required for preliminary plats in Sec. 16.23 (7)(a), Madison General Ordinances. The map shall identify each of the following items:
    - a. The use of each lot or outlot, including any spaces to be dedicated to the public;
    - b. The number of dwelling units to be provided on each lot;
    - c. The number of floors of all buildings to be constructed on a lot – minimum and maximum;
    - d. The orientation of buildings in relation to all streets;

- e. The yards and building setbacks for each developable lot;
  - f. Stormwater management, including proposed treatments at the lot, block and subdivision level.
2. A phasing plan for the implementation of the master planned development.
  3. ~~Building d~~Design standards for the proposed development, ~~to be~~ recorded in the covenants, conditions and restrictions for the subdivision, ~~The design standards~~ shall include:
    - a. ~~Standards and guidelines for buildings, including m~~Massing and composition of structures, orientation of windows and entries; doors and other elements of the facade, and primary facade materials and colors;
    - b. A process for the application of such ~~building~~ design standards, through an architectural review committee or similar review body.
  4. A detailed letter of intent for the project that outlines the specific goals and objectives for the master planned development.

(b) Standards for Approval of Master Plans.

1. The proposed TR-P master plan shall be consistent with the recommendations of the Comprehensive Plan and any adopted neighborhood plan, including the objectives established for traditional neighborhood development in the Comprehensive Plan.
2. The proposed TR-P master plan shall contain a highly connective circulation pattern and shall be conducive to multiple forms of transportation.
3. The proposed master planned development shall include a variety of integrated residential dwelling unit types. Segregation of dwelling unit types shall be avoided.
4. The proposed TR-P master plan shall be consistent with the statement of purpose of this section.
5. The TR-P master plan shall also comply with all of the requirements for preliminary plats in Section 16.23(5)(c) ~~Madison General Ordinances~~GO.

(8) Review Procedures.

A master plan for a TR-P district will be reviewed as part of the zoning map amendment and subdivision plat.

(9) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If a change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.052((7) and (8).

## CHAPTER 28D: MIXED-USE AND COMMERCIAL DISTRICTS

### 28.060. GENERAL PROVISIONS FOR MIXED-USE AND COMMERCIAL DISTRICTS.

(1) General Statement of Purpose.

Mixed use and commercial districts are established to provide a range of district types, from the small neighborhood center to regional-level retail centers, while fostering high-quality building and site design and pedestrian, bicycle and transit as well as automobile circulation.

(2) Design Standards.

The following design standards are applicable after the effective date of this code to all new buildings and major expansions (fifty percent (50%) or more of building floor area). Design standards shall apply only to the portion of the building or site that is undergoing alteration. Any design standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

(a) Entrance Orientation (see figure A). Primary building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.

(b) Facade articulation. Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, between twenty (20) and forty (40) feet in width, through articulation of the facade. This can be achieved through combinations of the following techniques, and others that may meet the intent of this section.

1. Facade modulation (see figure B1) - stepping back or extending forward a portion of the facade.
2. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).
3. Division into storefronts, with separate display windows and entrances.
4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to



A. Entrance orientation



B1. Facade articulation



B2. Variation in roof lines

reinforce the modulation or articulation interval (see figure B2).

5. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval.
- (c) Design of street-facing facades. No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.
- (d) Door and window openings. For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
- For residential uses at ground level, a~~A~~ minimum of twenty percent (20%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of twenty percent (20%) of the upper-story wall area.
1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Views shall not be blocked by equipment, etc. Spandrel glass may be used on service areas of the building.
  2. Window shape, size and patterns shall emphasize the intended organization of the facade and the definition of the building.
  3. Displays may be placed within windows. Equipment within buildings shall be placed a minimum of five (5) feet behind windows.
- (e) Equipment and service area screening. If an outdoor storage, service or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence, wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.
- (f) Screening of rooftop equipment. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.
1. The equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street.
    - a. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
    - b. Screening shall be constructed to a height of at least one (1) foot above the height of the equipment.
  2. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- (g) Materials. Nonresidential or mixed-use buildings shall be constructed of durable, high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. Table 28D-1 below lists allowable building materials. When applying these requirements,



consideration shall be given to the use, amount, placement and relationship of each material as part of a comprehensive palette of building materials. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front facade.

**Table 28D-1.**

Building Materials	Allowable for use as/at:				
	Trim/Accent Material	Top of Building	Middle of Building	Base/ Bottom of Building	Standards (see footnotes)
Brick (Face/Veneer)	Y	Y	Y	Y	Y
Smooth-Face/ Split-Face Block	Y	Y	Y	Y	A
Wood/ Wood Composite	Y	Y	Y	N	
Fiber-Cement Siding/ Panels	Y	Y	Y	N	
Concrete Panels, Tilt-up or Precast	Y	Y	Y	Y	B
EIFS/ Synthetic Stucco	Y	Y	N	N	C
Stone/ Stone Veneer	Y	Y	Y	Y	
Metal Panels	Y	Y	Y	N	D
Hand-Laid Stucco	Y	Y	N	N	C
Vinyl Siding	Y	Y	N	N	E
Glass Curtain Wall System	Y	Y	Y	Y	
Reflective Glass/ Spandrel	Y	N	N	N	F
Glass (Storefront)	Y	Y	Y	Y	

A – Shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.

B – Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.

C – Shall not be within three feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.

D – Shall be used in conjunction with a palette of materials; shall be a heavy gauge metal, and; shall be non-reflective.

E – Shall be used in limited quantities due to its limited durability.

F – Shall be used in limited quantities as an accent material.

~~(3) Design Guidelines.~~

~~The following guidelines are considered advisory. New development shall comply with the guidelines to the extent feasible, given the physical constraints of each site. Alternative ways of achieving the intent of each guideline may be considered.~~

~~(h)~~ Compatibility with Traditional Buildings. (see figure A)

New development shall ~~ou~~ relate to the design of identified traditional or historic buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions,



A. Compatibility with traditional buildings

roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.

(b) Building Alignment. (see figure B) ~~Buildings should be placed at or close to the sidewalk to the extent practical. At intersections, buildings should “hold the corner,” that is, have front and side facades aligned at or near the sidewalks of both streets.~~

- ~~1. Front yard setback areas, where provided, should be designed to provide amenities such as outdoor seating and landscaping that will enhance the visual and pedestrian character of the street.~~
2. Buildings shall be aligned with facades parallel with the street to create a well-defined street edge.
- ~~3. Additions to existing buildings should bring the building closer to the street, to the extent practical~~

(e) Building Vertical articulation. Buildings shall have ~~horizontal and vertical articulation, which may include~~ be designed with a base, a middle and a top, created by variations in detailing, color and materials.

- ~~1. Articulated tops should be considered in the design of all new buildings. This articulation might consist of pitched roofs, dormers, gable ends, cornice detailing, recesses and projections, setbacks of upper stories, changes in roof types and planes, building materials, window patterns, etc.~~
- ~~2. The base of the building shall include elements that~~ relate to the human scale, including doors and windows, texture, projections, awnings and canopies, ornament, etc.

(d) Ground-floor residential uses. Ground-floor residential uses fronting a public street or walkway, where present, shall ~~generally~~ be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.



B. Building alignment



C. ~~Vertical~~ Building articulation



D. Ground floor residential uses

- ~~(e) Parking structure design. The ground floor of any parking structure abutting a public street or walkway should be designed and architecturally detailed in a manner consistent with new commercial or mixed-use buildings.~~
- 1. Upper floors should be designed so that sloped floors typical of parking structures do not dominate the appearance of the façade.
- 2. Windows or openings should be provided that echo those of surrounding buildings.
- 3. Entrance drives to structured or underground parking should be located and designed to minimize interference with pedestrian movement. Entrances should be on secondary streets where feasible.



### 28.061 MIXED-USE AND COMMERCIAL DISTRICT USES

Table 28D-2 lists all permitted and conditional uses in the mixed-use and commercial districts.

- (a) Uses marked as “P” are permitted in the districts where designated.
- (b) Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as “P/C” may be permitted or conditional, depending on their size and scale, as specified.
- ~~(d) Uses marked with an “A” are allowed when accessory to another allowed use. Some accessory uses are also conditional, depending on their size and scale, as indicated in the table by “A/C”.~~
- ~~(de) A “Y” in the “Supplemental Regulations standards” column means that there are specific requirements standards in Subchapter 28J associated with a use, must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28K, Supplemental Regulations.~~

Key to Table:  
 NMX Neighborhood  
 Mixed Use  
 TSS Traditional

**Table 28D-2**

Mixed-Use and Commercial Districts						
	NMX	TSS	MXC	CC-T	CC	regulatory standards
<b>Offices</b>						
Artist, photographer studio, etc.	P	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	P	
General office	P	P	P	P	P	
<b>Medical Facilities</b>						
Clinic, medical, dental or optical	P	P	P	P	P	

<b>Mixed-Use and Commercial Districts</b>						
	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>al regulatio nsStandards</b>
Hospital			C	C	C	Y
Medical laboratory			P	C	C	
Physical, occupational or massage therapy	P	P	P	P	P	
Veterinary clinic	P	P	P	P	P	Y
<b>Retail Sales and Services</b>						
General retail <sup>a</sup>	P	P	P	P	P	
Animal boarding <u>facility</u> , kennel				C	C	Y
Animal grooming	P	P	P	P	P	
Auction rooms		P	P	P	P	
Bank, financial institution	P	P	P	P	P	
Business sales and services	P	P	P	P	P	
<del>Drive-through sales and services</del>			<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>Y</del>
Dry cleaning plant, commercial laundry				P	P	
Farmers' market	P/C	P	P	P	P	Y
Food and related goods sales <sup>b</sup>	P	P	P	P	P	
Furniture and household goods sales	C	P	P	P	P	
Garden center	C	C	P	P	P	<u>Y</u>
Greenhouse, nursery	C	C	P	P	P	<u>Y</u>
<del>Home occupation</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>Y</del>
Laundromat, self-service	P	P	P	P	P	
Liquor store	P	P	P	P	P	
Mortuary, funeral home	P	P	P	P	P	
<del>Outdoor uses, commercial</del>				<del>C</del>	<del>C</del>	<del>Y</del>
Package delivery service				P	P	
Payday loan business, auto title loan business				C	C	Y
<del>Animal</del> <u>Pet</u> day care	C	C	C	C	P	Y
Photocopying	P	P	P	P	P	
Post office	P	P	P	P	P	
Secondhand goods sales	C	C	P	P	P	
Service business <sup>e</sup>	P	P	P	P	P	
<del>Contractor's</del> <u>Service</u> business with showroom or workshop		C	C	P	P	Y
Small appliance repair	P	P	P	P	P	
Small engine repair		C	C	C	C	
Sporting goods store, bait shop	P	P	P	P	P	Y
Tattoo shop	P	P	P	P	P	
Tobacco shop	P	P	P	P	P	
<b>Food and Beverages</b>						
Catering	C	P	P	P	P	
Coffee shop, tea house	P	P	P	P	P	
Restaurant ( <del>including carry-out, deli</del> )	P	P	P	P	P	

<b>Mixed-Use and Commercial Districts</b>						
	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>regulatory standards</b>
Restaurant-tavern	C	P	P	P	P	✗
<del>Outdoor eating area associated with food &amp; beverage establishment</del>	<del>A/C</del>	<del>A/C</del>	<del>A</del>	<del>A/C</del>	<del>A</del>	<del>Y</del>
Tavern ( <del>liquor sales &gt;50% gross receipts</del> ), brewpub	C	P	P	P	P	✗
<b>Commercial Recreation, Entertainment and Lodging</b>						
Bed and breakfast establishment	P	P	P	P	P	Y
Health/sports club	P	P	P	P	P	
Hostel	C	P	P	P	P	
Hotel, inn, motel	C	P	P	P	P	
Indoor recreation	C	C	C	P	P	Y
Lodge, private club, reception hall	P	P	P	P	P	<u>Y</u>
<del>Management office, restaurant, limited retail, recreation facilities within multi-family building</del>		<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>✗</del>
Outdoor recreation_ (i.e., mini-golf, driving range, etc.)				C	C	Y
Theater, assembly hall, concert hall		P	P	P	P	
<b>Adult Entertainment</b>						
<del>Adult entertainment tavern</del>				<del>P</del>		<del>✗</del>
<b>Automobile Services</b>						
Auto body shop	C	C	C	C	C	Y
Auto service station, convenience <del>store</del> market	C	C	C	C	C	Y
Auto repair station	C	C	C	C	C	Y
Auto sales and rental				C	C	Y
Car wash		C	C	C	C	Y
<b>Parking, Storage and Display Facilities</b>						
Parking facility, public	P	P	P	P	P	✗
Parking facility, <del>private</del> commercial, <del>principal</del> use	C	C	C	C	C	✗
<del>Lease of off-street parking facility accessory to nonresidential use spaces to non-users of principal use</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del><u>✗</u></del>
Parking lot exceeding maximum required parking	C	C	C	C	C	Y
<del>Outdoor storage</del>		<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>✗</del>
<del>Outdoor display</del>		<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>✗</del>
<b>Transportation</b>						
Bus or railroad passenger depot		C	P	P	P	
Railroad right-of-way	P	P	P	P	P	
Taxicab or limousine business				C		Y
Transit stop or station	P	P	P	P	P	
<b>Limited Production, Processing and Storage</b>						
Artisan workshop	P	P	P	P	P	Y
Bakery, wholesale				C	C	
Laboratory, research and development		C	C	C	C	
Limited production and processing <sup>d</sup>				C	C	Y

<b>Mixed-Use and Commercial Districts</b>						
	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>al regulatio nsStandards</b>
Mail order house				C	C	
Printing and publishing	P	P	P	P	P	
Warehousing and storage					C	✗
Wholesale establishment			C	C	C	✗
<b>Residential - Family Living</b>						
Single-family detached dwellings <sup>e</sup>	<u>P/C</u>	P		<u>P/C</u>		<u>Y</u>
Two-family dwelling – two <u>unit-flat</u> <sup>e</sup>	<u>P/C</u>	P		<u>P/C</u>		<u>Y</u>
Two-family dwelling - twin <sup>e</sup>	<u>P/C</u>	P		<u>P/C</u>		<u>Y</u>
Three-family dwelling - three- <u>unitflat</u>	C	P		C		
Single-family attached dwelling (3-8 dwelling units)	C	C	P	C	C	<u>Y</u>
Single-family attached dwelling (> 8 dwelling units)	C	C	P	C	C	<u>Y</u>
Dwelling units in mixed-use buildings ( <del>retail or other nonres. required at corners</del> )	P	P	P	P	C	✗
Multi-family dwelling (3-4 dwelling units)	P	C	P	C	C	
Multi-family dwelling ( <u>5</u> -8 dwelling units)	C	C	P	C	C	
Multi-family dwelling (> 8 dwelling units)		C	C	C	C	
Multi-family building complex				C	C	
<del>Caretaker's dwelling (nonresidential uses)</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>✗</del>
<del>Accessory dwelling unit, attached or detached</del>	<del>as part of ADU Overlay District</del>					<del>✗</del>
<b>Residential - Group Living</b>						
Adult family home <del>meeting separation requirements</del>	<u>P/C</u>	<u>P/C</u>		<u>P/C</u>		Y
<del>Adult family home not meeting separation requirements</del>	<del>C</del>	<del>C</del>		<del>C</del>		<del>✗</del>
Cohousing community	P/C	P/C	P/C	P/C	P/C	Y
Community living arrangement (up to 8 residents)	P	P		P		Y
Community living arrangement (9-15 residents)	C	C		C		Y
Dormitory				C		<u>Y</u>
Housing cooperative	P/C	P/C		P/C		Y
Lodging house, fraternity or sorority				C		Y
Assisted living, congregate care, nursing home			C	C	C	Y
Convent, monastery or similar religious community	P	P		P		Y
<b>Civic and Institutional</b>						
Cemetery	C	C	C	C	C	
Community garden	P	P	P	P	P	Y
Counseling, community services organization	C	C		C		
<del>Day care home, children or adults</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>✗</del>
<del>Day care center in school or religious inst.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>✗</del>
Day care center, nursery school	P	P	P	P	P	Y
Library, museum	P	P	P	P	P	
Market garden	C	C	C	C	C	Y
<del>Mission house in conjunction with religious institution</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>✗</del>
Parks and playgrounds	P	P	P	P	P	

<b>Mixed-Use and Commercial Districts</b>						
	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>regulatory standards</b>
Place of worship	P	P	P	P	P	
Public safety facilities ( <del>fire, police stations, etc.</del> )	P	P	P	P	P	
Schools, public and private	P	P	P	P	P	
Schools, arts, technical or trade	C	P	P	P	P	
<b>Public Utility and Public Service Uses</b>						
Electric substations	C	C	C	C	C	<u>Y</u>
Gas regulator stations, mixing and gate stations	C	C	C	C	C	<u>Y</u>
<del>Gas regulator stations, mixing and gate stations</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	
Telecommunications towers, <u>antennas</u> , and transmission equipment buildings	C	C	C	C	C	
Sewerage system lift stations	C	C	C	C	C	Y
Water pumping stations, water reservoirs	C	C	C	C	C	Y
<b>Accessory Uses and Structures</b>						
Emergency electric generator	P	P	P	P	P	
<u>Accessory building or structure</u> <del>Garage, workshop, not exceeding maximum size</del>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>Y</u>
<del>Garage, workshop, exceeding maximum size</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	
Keeping of up to 4 chickens	P	P	P	P		Y
<b>Temporary Uses</b>						
Dependency living arrangements	P	P	P	P	P	
Real estate sales office	P	P	P	P	P	<u>Y</u>
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	<u>Y</u>
Yard sales ( <del>max. 4 per year</del> )	P	P	P	P	P	<u>Y</u>
<u>Drive-through sales and services</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>
<u>Home occupation</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>Y</u>
<u>Management office, restaurant, limited retail, recreation facilities within multi-family building</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Y</u>
<u>Lease of off-street parking facility accessory to nonresidential use to non-users of principal use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Y</u>
<u>Outdoor storage</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>
<u>Outdoor display</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>
<u>Caretaker's dwelling (nonresidential uses)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>
<u>Accessory dwelling unit, attached or detached</u>	<u>as part of ADU Overlay District</u>					
<u>Convent, monastery or similar religious community</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>Y</u>

Mixed-Use and Commercial Districts						
	NMX	TSS	MXC	CC-T	CC	regulatory standards
<u>Day care home, family</u>	P	P	P	P		Y
<u>Mission house</u>	P	P	P	P	P	Y
<u>Solar energy systems</u>	P	P	P	P	P	Y
<u>Wind energy systems</u>	C	C	C	C	C	Y
<u>Outdoor eating area associated with food &amp; beverage establishment</u>	C	C	P	C	P	Y
<u>Day care center in school or religious inst.</u>	P	P	P	P	P	Y

- ~~a. See definition, general retail uses, Subchapter 28P.~~
- ~~b. See definition, food and related goods sales, Subchapter 28P.~~
- ~~c. See definition, service uses, Subchapter 28P.~~
- ~~d. See definition, limited production uses, Subchapter 28P.~~
- ~~e. Single family and two family dwellings existing as of the date of adoption of this ordinance shall be considered as permitted uses.~~

*Key to Table:*  
 NMX Neighborhood Mixed Use  
 TSS Traditional Shopping Street  
 MXC Mixed Use Center  
 CC-T Commercial Corridor - Transitional  
 CC Commercial Center

**28.062 NEIGHBORHOOD MIXED-USE DISTRICT**

(1) Statement of Purpose.

The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.
- (b) Encourage diversification of uses, including residential and civic uses, in order to enhance the vitality and appeal of these areas.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Building Standards.

The following standards shall apply to new buildings and additions exceeding 50% of original building's floor area.

- (a) Maximum size: Buildings shall not exceed five thousand (5,000) square feet of gross floor area for an individual establishment or ten thousand (10,000) square feet gross floor area for a building containing two or more uses. Buildings exceeding this size may be allowed as conditional uses.
- (b) Parking shall not be placed between the front façade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary



street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.

- (c) No outdoor storage or display of goods shall be allowed except for the following:
  1. ~~Outdoor dining accessory to restaurants, taverns and coffee shops.~~
  2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
  3. Automatic teller machines accessory to banks.
  4. Supplies clearly incidental to the conduct of the business may be displayed outside during business hours.
  5. Periodic “sidewalk sales” may be allowed as a temporary use.
- (d) No drive-in or drive-through uses are allowed.

(4) Building Forms.

The following building forms are permitted in the NMX District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Storefront/Commercial Block Building
- (b) Residential – Commercial Conversion
- (c) Live-Work Building
- (d) Single-family Attached Building
- (e) Small ~~Multi-familyApartment~~ Building
- (f) Courtyard ~~Multi-familyApartment~~ Building
- (g) Large ~~Multi-familyApartment~~ Building, ~~Stacked Flats~~
- (h) Single-Family Detached Building
- (i) Two-Family Building - Twin or Two ~~Unit-Flat~~
- (j) Civic or Institutional Building

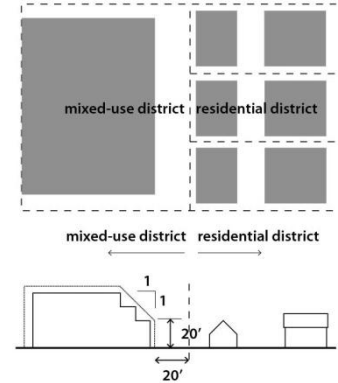
(5) Dimensional RequirementsStandards.

~~RequirementsStandards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

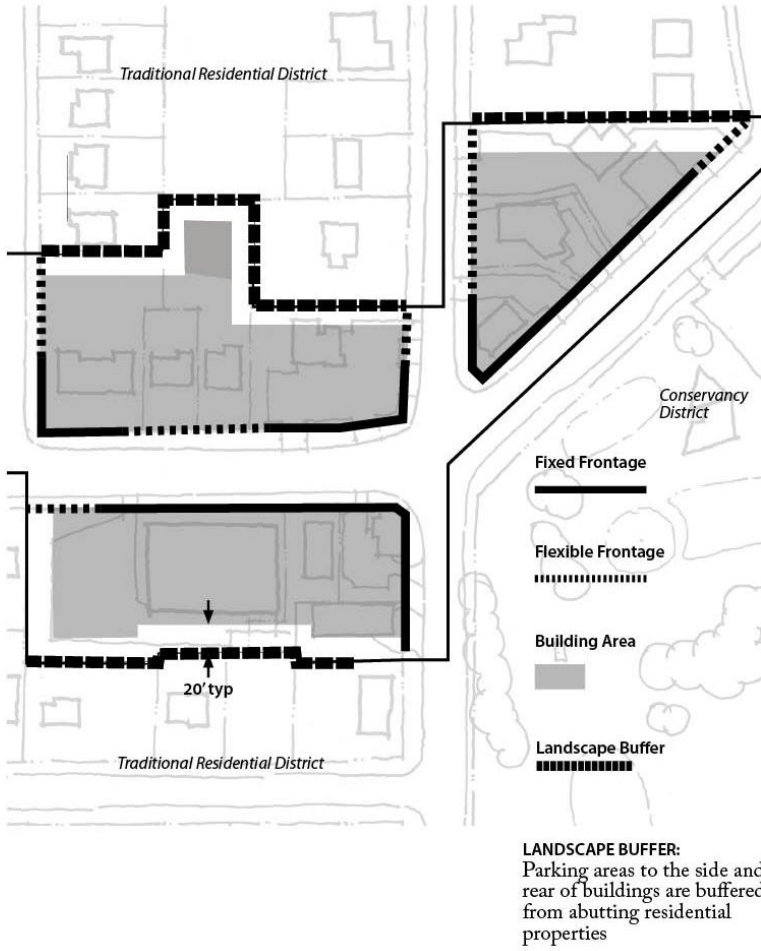
<b>Neighborhood Mixed Use District</b>	
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback: other cases (i.e., infill between	none unless needed for access

party wall storefront buildings)	
Rear yard setback	20
Maximum lot coverage	75%
Maximum height	4 stories / 55 feet (see notes a and c below)
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit, 320 sq. ft. for >1-bedroom units

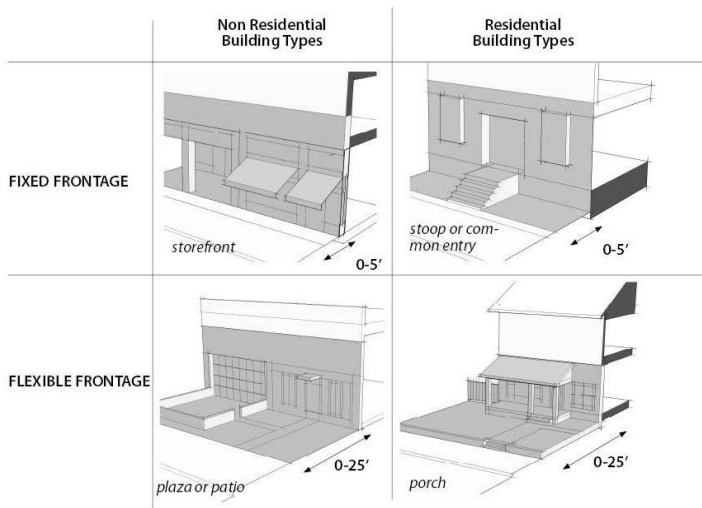
- (a) Rear yard height transition to residential districts.  
Where the NMX District abuts a residential district at the rear lot line, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. This standard may be waived or modified through a conditional use process.
- (b) Usable open space. Usable open space may be shared among units, and may take the form of balconies, roof decks, green roofs or other above-ground amenities.
- (c) Additional height. Building height exceeding the maximum may be allowed with conditional use approval.



Rear yard height transition



Neighborhood Mixed-Use Frontage Example



(6) Frontage Requirements.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area. Frontage requirements may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

Frontage requirements may be defined as part of a neighborhood or corridor plan and shown on the zoning map. For areas where frontage types have been defined, the following applies:

- (a) Fixed Frontage. Within the "fixed frontage" areas shown on the zoning map, buildings shall be placed within five (5) feet from the front lot line (see illustration).
- (b) Flexible Frontage. Within the "flexible frontage" areas shown on the zoning map, buildings shall be placed between zero (0) and twenty-five (25) feet from the front lot line. In general, nonresidential and mixed-use buildings will typically be placed close to the street, while residential buildings will be placed farther back (see illustration).

For areas where frontage types have not been defined, the following applies:

- (c) Frontage Not Defined. In locations where frontages have not been defined on the zoning map, buildings at corner locations shall be located within five (5) feet of the front lot line on either street for a distance of at least thirty (30) feet from the corner. Buildings in other locations on the block shall be placed between zero (0) and twenty-five (25) feet from the front lot line.

**28.063 TRADITIONAL SHOPPING STREET (TSS) DISTRICT.**

(1) Statement of Purpose.

The TSS District is established to encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through these corridors.
- (b) Encourage diversification of uses, including residential and civic uses, in order to enhance the vitality and appeal of these areas.
- (c) Maintain the viability of existing residential buildings located within or adjacent to these corridors.
- (d) Encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.
- (e) Facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Building Standards.

The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.

- (a) Maximum size: Buildings shall not exceed ten thousand (10,000) square feet gross floor area for an individual establishment or twenty-five thousand (25,000) square feet gross floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, ~~meeting the standards of Section 28.183.~~
  - (b) Parking shall not be placed between the front façade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting primary street frontage is limited to forty percent (40%) of lot frontage.
  - (c) No outdoor storage or display of goods shall be allowed except for the following:
    - ~~1. Outdoor dining accessory to restaurants, taverns and coffee shops.~~
    - 2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
    - 3. Automatic teller machines accessory to banks.
    - 4. Supplies clearly incidental to the conduct of the business may be displayed outside during business hours.
    - 5. Periodic “sidewalk sales” may be allowed as a temporary use.
  - (d) No drive-in or drive-through uses are allowed.
  - (e) Parking buildings shall be designed with ground-floor retail or office uses fronting primary streets.
- (4) Building Forms.

The following building forms are permitted in the TSS District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Storefront/Commercial Block Building
- (b) Parking / Liner Buildings
- (c) Residential – Commercial Conversion
- (d) Live-Work Building
- (e) Single-Family Detached Building
- (f) Two-Family Building - Twin or Two Unit-Flat
- (g) Single-Family Attached Building
- (h) Small Multi-familyApartment Building
- (i) Courtyard Multi-familyApartment Building
- (j) Large Multi-familyApartment Building, ~~Stacked Flats~~
- (k) Civic or Institutional Building

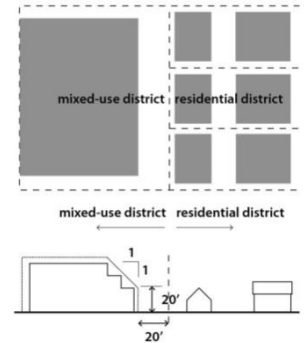
(5) Dimensional Requirements Standards:

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Traditional Shopping Street District</b>	
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	20% of lot depth, but no less than 20 feet
Maximum lot coverage	85%
Maximum height	4 stories / 55 feet (see note c below)
Usable open space	None required

(a) Rear yard height transition to residential districts. Where the TSS District abuts a residential district at the rear lot line, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. This standard may be waived or modified through a conditional use process.

(b) Additional height. Building height exceeding the maximum may be allowed with conditional use approval.



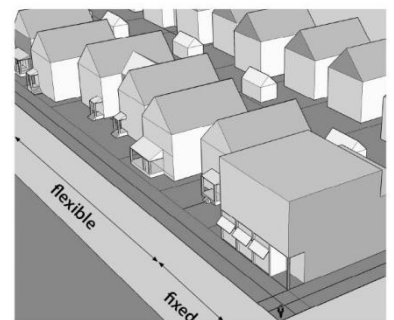
(6) Frontage Requirements.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area. Frontage requirements may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

Frontage requirements may be defined as part of a neighborhood or corridor plan and shown on the zoning map. For areas where frontage types have been defined, the following applies:

(a) Fixed Frontage. Within the “fixed frontage” areas shown on the zoning map, buildings shall be placed within five (5) feet of the edge of sidewalk.

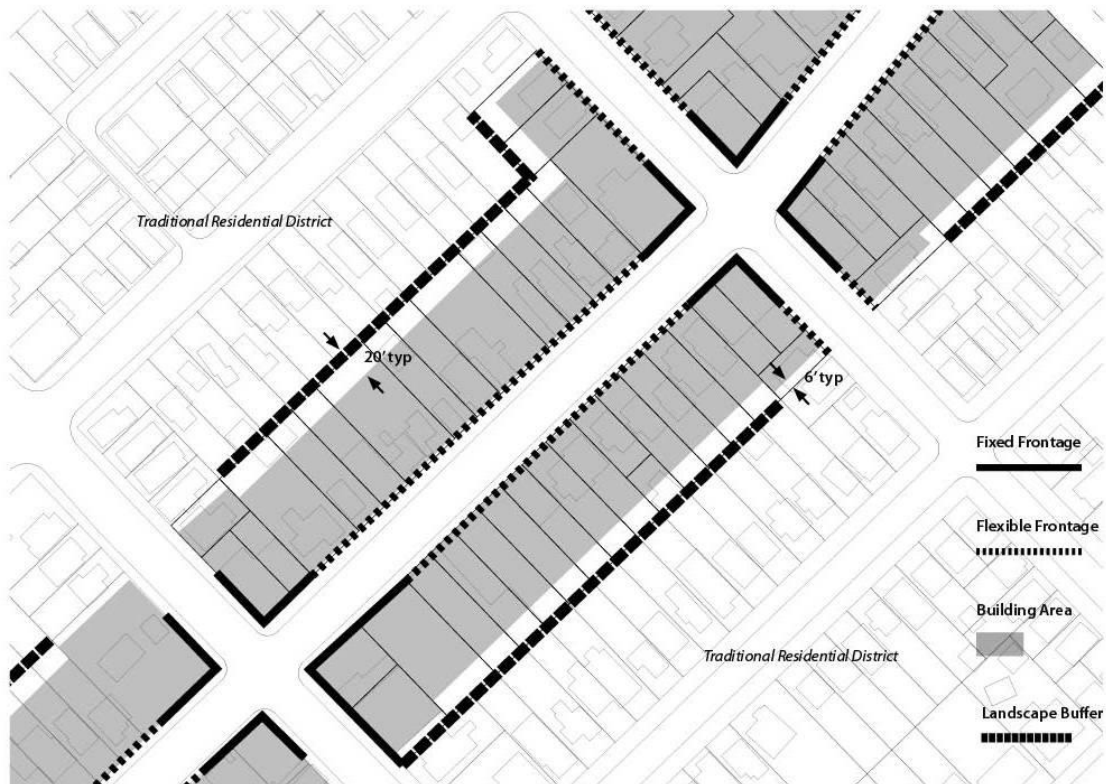
(b) Flexible Frontage. Within the “flexible frontage” areas shown on the zoning map, buildings shall be placed between zero (0) and twenty-five (25) feet from the edge of sidewalk. In general, nonresidential and mixed use buildings will typically be placed



close to the street, while residential buildings will be placed farther back.

For areas where frontage types have not been defined, the following applies:

- (c) Frontage Not Defined. In locations where frontages have not been defined on the zoning map, buildings at corner locations shall be located within five (5) feet of the edge of sidewalk along the primary abutting street for a distance of at least thirty (30) feet from the corner. Buildings in other locations on the block shall be placed between zero (0) and twenty-five (25) feet from the edge of sidewalk.



**LANDSCAPE BUFFER:**  
Parking areas to the side and rear of buildings are buffered from abutting residential properties

	Non Residential Building Types	Residential Building Types
FIXED FRONTAGE	<p>storefront 0-5'</p>	<p>stoop or common entry 0-5'</p>
FLEXIBLE FRONTAGE	<p>plaza or patio 0-25'</p>	<p>porch 0-25'</p>

#### 28.064 MIXED USE CENTER (MXC) DISTRICT.

(1) Statement of Purpose.

The MXC District is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses which combine to create a lively pedestrian-oriented environment. Typically, the MXC District would be established through a zoning map amendment from an existing commercial or industrial area. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through mixed use centers.
- (b) Encourage appropriate transitions between higher-intensity uses within mixed use centers and adjacent lower-density residential districts.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Master Plan Required.

Establishment of an MXC District through a zoning map amendment shall require a master plan as part of the application process. The master plan shall demonstrate compliance with the requirements of this Section. A master plan may also be developed as part of a neighborhood or corridor plan. Master plan approval shall include the elements required for a General Development Plan in the Planned Development District.

(4) Required Mix of Uses.



On any development site larger than one (1) acre, new development must include uses from at least two (2) of the following categories:

- (a) Commercial uses, including retail, service and office uses
- (b) Residential – family and group living categories
- (c) Civic and institutional uses

Any development site greater than five (5) acres in size must also include common open space designed and improved as a plaza, square or green, comprising a minimum of five percent (5%) of the development site.

(5) Building Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

- (a) Maximum size: Buildings shall not exceed twenty-five thousand (25,000) square feet gross floor area for an individual establishment or forty thousand (40,000) square feet gross floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Section 33.24, Madison General Ordinances.
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza, where one is present.
- (c) All building facades visible from a public street or public walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) At least twenty-five percent (25%) of the required parking shall be structured. Surface parking shall not be placed between the front or side façade of a building and the primary abutting street.
- (e) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
- (f) Parking abutting the primary street frontage shall be limited to forty percent (40%) of the total lot width.
- (g) Parking buildings abutting any public street shall be designed with ground-floor retail or office uses fronting the primary street. Upper floors devoted solely to parking shall be stepped back from the principal façade and designed with materials and proportions similar to new commercial or mixed-use buildings
- (h) No outdoor storage or display of goods shall be allowed except for the following:
  - 1. ~~Outdoor dining accessory to restaurants and coffee shops.~~
  - 2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
  - 3. Automatic teller machines accessory to banks.
  - 4. Periodic “sidewalk sales” may be allowed as a temporary use.
- ~~(i) Drive through uses may be allowed as conditional uses meeting the standards in Section 28.183.~~

(6) Internal Streets and Blocks.

An internal system of streets, walkways, lanes and blocks is strongly encouraged on sites of five (5) acres or more, and may be required as a condition of approval for a master plan or for conditional uses.

(7) Building Forms.

The following building forms are permitted in the MXC District. See Subchapter 28KL for design standards and guidelines for building forms.

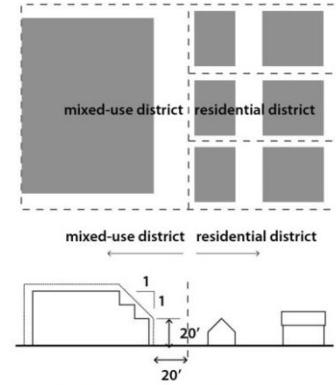
- (a) Storefront/Commercial Block Building
- (b) Parking / Liner Buildings
- (c) Residential – Commercial Conversion
- (d) Live-Work Building
- (e) Single-Family Attached Building
- (f) Small ~~Multi-familyApartment~~ Building
- (g) Courtyard ~~Multi-familyApartment~~ Building
- (h) Large ~~Multi-familyApartment~~ Building, ~~Stacked Flats~~
- (i) Podium Building
- (j) Flex Building
- (k) Civic or Institutional Building

(8) Dimensional RequirementsStandards.

~~RequirementsStandards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Mixed-Use Center District</b>	
Front yard setback	See frontage requirements
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	20% of lot depth, but no less than 20 <del>feet</del>
Maximum lot coverage	85%
Maximum height	5 stories / 68 <del>feet (see note b below)</del>
Usable open space – residential only	160 sq. ft./unit

- (a) Rear yard height transitions to residential districts. Where the MXC District abuts a residential district at the rear lot line, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (a 45° angle) up to the maximum allowed height. This standard may be waived or modified through a conditional use process.
- (b) Additional height. Heights exceeding the maximum may be allowed as a conditional use.



(9) Frontage Requirements.

Frontage areas shall include both existing perimeter streets and new or existing internal streets. Frontage requirements may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Perimeter streets. A minimum of fifty percent (50%) of the lot frontage on the primary abutting street shall be occupied by buildings placed within forty (40) feet of the street right-of-way and with front or side facades oriented to the street.
- (b) Internal streets. A minimum of fifty percent (50%) of the lot frontage on internal streets shall be occupied by buildings placed within twenty-five (25) feet of the street right-of-way or sidewalk edge, and with front or side facades oriented to the street.

**28.065 COMMERCIAL CORRIDOR - TRANSITIONAL DISTRICT.**

(1) Statement of Purpose.

The CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design along these corridors.
- (b) Maintain the viability of existing residential uses located along predominantly commercial corridors.
- (c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
- (d) Facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(e) Structured parking is encouraged.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Building Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

- (a) Maximum size. Buildings shall not exceed twenty-five thousand (25,000) square feet gross floor area for an individual establishment or forty thousand (40,000) square feet gross floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in 33.24, MGO.
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza.
- (c) All building facades visible from a public street or public walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) ~~Structured parking is encouraged.~~ Surface parking shall not be placed between the front or side façade of a building and the primary abutting street.
- (e) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
- (f) Parking abutting the primary street frontage shall be limited to fifty percent (50%) of the total lot frontage.

(4) Building Forms.

The following building forms are permitted in the CC-T District. See Subchapter 28~~K~~L for design standards and guidelines for building forms.

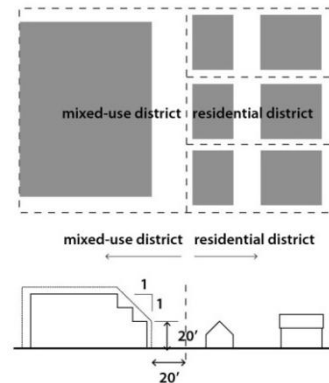
- (a) Storefront/Commercial Block Building
- (b) Parking / Liner Buildings
- (c) Residential – Commercial Conversion
- (d) Live-Work Building
- (e) Podium Building
- (f) Flex Building
- (g) Single-Family Detached Building
- (h) Two-Family Building - Twin or Two-~~Unit~~Flat
- (i) Single-Family Attached Building
- (j) Small ~~Multi-family~~Apartment Building
- (k) Courtyard ~~Multi-family~~Apartment Building
- (l) Large ~~Multi-family~~Apartment Building, ~~Stacked Flats~~
- (m) Civic or Institutional Building

(5) Dimensional Requirements Standards.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Commercial Corridor - Transitional District</b>	
Front yard setback	See frontage requirements
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width < 40: 10% lot width
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	20% of lot depth, but no less than 20 feet
Maximum lot coverage	85%
Maximum height	5 stories / 68 feet (see note b below)
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

- (a) Rear yard height transitions to residential districts. Where the **CCTMXC** District abuts a residential district at the rear lot line, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. This standard may be waived or modified through a conditional use process.
- (b) Additional height. Heights exceeding the maximum may be allowed as a conditional use.



(6) Frontage Requirements.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building’s floor area. Frontage requirements may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Fixed Frontage. Within the “fixed frontage” areas shown on the zoning map, buildings shall be placed within ten (10) feet of the edge of sidewalk.
- (b) Flexible Frontage. Within the “flexible frontage” areas shown on the zoning map, a minimum of fifty percent (50%) of the lot frontage on the primary abutting street shall be occupied by buildings placed within thirty (30) feet of the street right-of-way and with front or side facades oriented to the street. In general, nonresidential and mixed use buildings will typically be placed close to the street, while residential buildings will be placed farther back.

- (c) Frontage Not Defined. In locations where frontages have not been defined on the zoning map, buildings at corner locations shall be located within ten (10) feet of the edge of sidewalk for a distance of at least thirty (30) feet from the corner. Buildings in other locations on the block shall meet the “Flexible Frontage” standard of item (b) above.

## **28.066 COMMERCIAL CENTER DISTRICT**

### (1) Statement of Purpose.

The CC District is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design within commercial centers.
- (b) Encourage diversification of land use in commercial centers.
- (c) Encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.
- (d) Facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

### (2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

### (3) Building Standards.

The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.

- (a) Maximum size. Buildings shall not exceed twenty-five thousand (25,000) square feet gross floor area for an individual establishment or forty thousand (40,000) square feet gross floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Section 33.24, Madison General Ordinances.
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza.
- (c) All building facades visible from a public street or walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.

### (4) Building Forms.

The following building forms are permitted in the CC-~~F~~ District. See Subchapter 28~~K~~~~L~~ for design standards and guidelines for building forms.

- (a) Storefront/Commercial Block Building
- (b) Parking / Liner Buildings
- (c) Live-Work Building

- (d) Podium Building
- (e) Flex Building
- (f) Single-family Attached Building
- (g) Small ~~Multi-familyApartment~~ Building
- (h) Courtyard ~~Multi-familyApartment~~ Building
- (i) Large ~~Multi-familyApartment~~ Building, ~~Stacked Flats~~
- (j) Civic or Institutional Building

(5) Frontage Requirements.

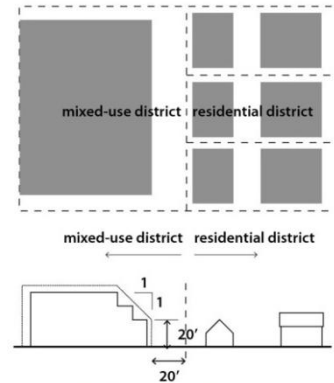
~~Buildings are encouraged to be located with a direct relationship to primary abutting streets or to new internal streets.~~ New buildings shall be placed with at least sixty percent (60%) of their front or side facades oriented to and within thirty (30) feet of an ~~perimeter-external~~ or internal street. Frontage requirements may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

(6) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Commercial Center District</b>	
Front yard setback	See frontage requirements
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: other cases	One-story: 5 Two-story or higher: 6
Rear yard setback	20% of lot depth, but no less than 20 <del>feet</del>
Maximum lot coverage	85%
Maximum height	5 stories / 68 <del>feet (see note b below)</del>
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

- (a) Rear yard height transitions to residential districts. Where the ~~CCMXC~~ District abuts a residential district at the rear lot line, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. This standard may be waived or modified through a conditional use process.
- (b) Additional height. Heights exceeding the maximum may be allowed as a conditional use.







**SUBCHAPTER 28E: DOWNTOWN AND URBAN DISTRICTS**

RESERVED: This subchapter will be added in conjunction with the completion of the Downtown Plan.

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**SUBCHAPTER 28F: EMPLOYMENT DISTRICTS**

**28.081 EMPLOYMENT DISTRICTS.**

(1) Statement of Purpose.

Employment districts are established to strengthen and diversify the local economy, expand the local tax base, cultivate an entrepreneurial culture and stimulate job creation. The districts are also intended to:

- (a) Encourage the design of employment centers that are well-connected to transit, bike and pedestrian corridors, regional highways, and nearby housing, civic, commercial and recreational uses.
- (b) Encourage provision of support facilities and services to employment centers.
- (c) Encourage sustainable building and site design.
- (d) Provide adequate buffering and screening for less intensive land uses adjoining industrial or other employment uses, in particular, to minimize the impact of odors, noise, vibration, glare and other potential effects of manufacturing beyond the property where such uses exist.
- (e) Provide adequate screening of outdoor activities and storage from primary streets.

**28.082 EMPLOYMENT DISTRICT USES**

(1) Table 28F-1 lists all permitted and conditional uses in the employment districts.

- (a) Uses marked as “P” are permitted in the districts where designated.
- (b) Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as “P/C” may be permitted or conditional, depending on their size and scale, as specified.
- (d) ~~Uses marked with an “A” are allowed when accessory to another allowed use. Some accessory uses are also conditional, depending on their size and scale, as indicated in the table by “A/C”.~~
- (e) A “Y” in the “Supplemental Regulation standards” column means that there are specific requirements in Subchapter 28J standards associated with a use must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28JK, Supplemental Regulations.

<i>Key to Table:</i>	
<i>TW</i>	<i>Traditional Workplace</i>
<i>SE</i>	<i>Suburban Employment</i>
<i>SEC</i>	<i>Suburban Employment Center</i>
<i>EC</i>	<i>Employment Campus</i>
<i>IL</i>	<i>Industrial - Limited</i>
<i>IG</i>	<i>Industrial - General</i>

**Table 28-F1.**

<b>Employment Districts</b>							
	<b>TW</b>	<b>SE</b>	<b>EC</b>	<b>SEC</b>	<b>IL</b>	<b>IG</b>	<b>Regulations</b>
<b>Offices</b>							
Artist, photographer studio, etc.	P	P	P	P	C	C	✗
Insurance office, real estate office, sales office	P	P	P	P	C	C	✗
Professional office	P	P	P	P	C	C	✗
<del>Home-occupation</del>	<del>A/C</del>						✗
<b>Limited Production, Processing and Storage</b>							
Artisan workshop	P	C	C		P	P	
Bakery, wholesale	P				P	P	
Bottling plant	C				P	P	
Contractor's <del>storage</del> yard	C				P	P	Y
Junkyard						C	Y
Laboratories - research, development and testing	P	P	P	P	P	P	Y
Limited production and processing	P	P	P	P	P	P	✗
Mail order house	P	P	P	P	P	P	
Printing and publishing	P	P	C	P	P	P	
Recycling collection center, drop-off station	C	C	C	C	P	P	
Storage, indoor personal facility	C	C			C	C	Y
Telecommunication center	C	C	P	P	P	P	
Warehousing and storage	C	C			C	P	
Wholesale establishment	P	P	C		P	P	
<b>Industrial Uses</b>							
Light manufacturing	C	C	C		P	P	
General manufacturing					C	P	
Asphalt, concrete batching or ready-mix plant						C	
Brewery	C				C	P	
Concrete, asphalt and rock crushing facility						C	Y
Extraction of gravel, sand, other raw materials						C	Y
Hazardous waste collection, storage or transfer						C	
Lumberyard					P	P	
Recycling center	C				C	P	Y
<b>Public Utility and Public Service Uses</b>							
Electric power production ( <del>principal use</del> )	P	C	C	C	P	P	✗
Electric substations	C	C	C	C	P	P	Y
Gas regulator stations, mixing and gate stations	P	C	C	C	P	P	Y
Sewerage system lift stations	P	P	P	P	P	P	Y
Telecommunications towers, <del>antennas</del> , and transmission equipment buildings	C	C	C	C	<del>PC</del>	<del>PC</del>	Y
Water pumping stations, municipal wells	P	P	P	P	P	P	Y
Water towers and reservoirs	C	C	C	C	C	C	✗
<b>Transportation Uses</b>							

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Regulations
Bus or railroad passenger depot	C	C	C	C	C	C	✗
<del>Heliport</del>	A	A	A	A	A	A	✗
Railroad or intermodal freight yard					C	P	
Motor freight terminal					C	P	
Railroad transfer and storage tracks					P	P	
Railroad yard or shop					C	P	
Taxi or limousine dispatching, maintenance and storage					C	P	
Transit station, transfer point	P	P	P	P	P	P	✗
<b>Medical Facilities</b>							
Clinic, medical, dental or optical	P	P	P	C			
Hospital		C	C	C			Y
Medical laboratory	P	P	P	P	P	P	
Physical, occupational or massage therapy	P	P	P	C			
Veterinary clinic	P	P	P	C	P		Y
<b>Retail Sales and Services</b>							
General retail	C	C	C	C	C	C	Y
Animal boarding facility, kennel, <u>day care</u>					C	C	Y
<del>Animal grooming, day care</del>	C				C		✗
Auction rooms		C			C	C	
Bank, financial institution	P	P	P	C	P		
Building materials sales					C	C	
Business equipment sales and services	P	P	P	P	P	P	
<del>Drive through sales and services</del>		A		A	A	A	✗
Dry cleaning plant, commercial laundry	C				P	P	
Farmers' market	P	P	A	P	A	A	Y
Food and related goods sales	C	C					
<del>Furniture and household goods sales</del>	A				A		✗
Garden center, <del>outdoor</del>	C	C					
Greenhouse, nursery					P	P	
Package delivery service		P			P	P	
Photocopying	P	P	P	P	P	P	
Dry cleaning plant, commercial laundry	C				P	P	
Post office	P	P	P	P	P		
Service business	P/C	P/C	C	C	C	C	Y
<del>Showroom accessory to allowed use</del>	A	A	A	A	A	A	✗
Small appliance repair	P	P	P	C	P	P	
<b>Food and Beverages</b>							
Catering	P	P	P	C	P	P	<u>Y</u>
Coffee shop, tea house	P	C	C	C	C	C	Y
Restaurant (including carry out, deli, etc.)	C	C	C	C	C	C	Y
Restaurant-tavern	C	C	C	C	C	C	Y

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Regulations
Tavern ( <del>liquor sales &gt;50% gross receipts</del> ), brewpub	C	C	C	C	C	C	Y
<del>Outdoor eating area associated with food &amp; beverage establishment</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>A/C</del>	<del>Y</del>
<b>Commercial Recreation, Entertainment and Lodging</b>							
Health/sports club	P	P	P	C	C		
Hotel, inn, motel	C	C	C	C			
Indoor recreation	C	C	A	C			
Lodge, private club, reception hall	C		C	C	C		Y
Theater	C	C	C	C			
<b>Adult Entertainment</b>							
Adult entertainment tavern					P	P	Y
Adult entertainment <u>establishment</u> use					P	P	Y
<b>Automobile Services</b>							
Auto body shop					P	P	Y
Auto service station, convenience <u>store</u> market	C	C					Y
Auto repair station	C	C					Y
Car wash	C	C					Y
Motor vehicle salvage <u>yard, scrap yard</u>						C	Y
Towing and wrecker service business					C	C	Y
<b>Parking, Storage and Display Facilities</b>							
Parking facility, public	P	P	P	P	P	P	Y
Parking facility, <del>private</del> commercial	C	C	C	C	C	C	Y
<del>Parking accessory to an allowed use</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>Y</del>
<del>Parking of trucks and heavy equipment accessory to an allowed use</del>	<del>A</del>	<del>A/C</del>	<del>A/C</del>		<del>A</del>	<del>A</del>	<del>Y</del>
Parking exceeding maximum parking	C	C	C	C	C	C	<del>Y</del>
<del>Outdoor display</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>Y</del>
<del>Outdoor storage</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>C</del>	<del>P</del>	<del>Y</del>
<b>Residential - Family Living</b>							
Single-family attached dwelling (> 8 dwelling units)	C	C	C				Y
Multi-family building or building complex	C	C	C				Y
Upper story residential units in mixed-use building	C	C	C	C			Y
Live/work unit	C	C	C				Y
<del>Caretaker's dwelling</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>Y</del>
<b>Residential - Group Living</b>							
Community living arrangement (> 8 residents)	C						Y
<del>Housing cooperative</del> Co-operative housing	C						Y
<b>Civic and Institutional</b>							
College, university	C	C	C	C			Y
Counseling, community services organization	C	C	C	C			
Day care center, child or adult; nursery school	P	P	P	P	C	C	Y
<del>Day care, home</del>	<del>A</del>						<del>Y</del>

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Regulations
Jail, Correctional facility			C				Y
Parks and playgrounds	P	P	P	P	P	P	
Public safety facilities (fire, police stations, etc.)	P	P	P	P	P	P	
Schools, public and private	C	C	C	C			Y
Schools, arts, technical or trade	C	P	P	C	C	C	Y
Training facilities, military or public safety			C	C	C	C	Y
<b>Agriculture</b>							
Agriculture - Cultivation	P	C	P	P	P	P	
Agriculture - Animal husbandry	C	C	C	C	P	P	
Community garden	P	P	P	P	P	P	Y
Market garden	P	C	C	C	C	C	Y
<b>Accessory Uses and Structures</b>							
Emergency electric generator	P	P	P	P	P	P	
Accessory building or structure not exceeding maximum size	P/C	P/C	P/C	P/C	P/C	P/C	
Accessory building or structure exceeding maximum size	C	C	C	C	C	C	
Solar or wind energy systems or devices	P	P	P	P	P	P	Y
<b>Temporary Uses</b>							
Outdoor sales events (limited number per year)	P	P	P	P	P	P	Y
Portable storage units	P/C	P/C	P/C	P/C	P/C	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y
Home occupation	P/C						Y
Drive-through sales and services		P		P	P	P	Y
Farmers market			P		P	P	Y
Heliport	P	P	P	P	P	P	
Furniture and household goods sales	P				P		
Showroom accessory to allowed use	P	P	P	P	P	P	
Outdoor eating area associated with food & beverage establishment	C	C	C	C	C	C	Y
Indoor recreation			P				
Parking of trucks and heavy equipment accessory to an allowed use	P	C	C		P	P	
Outdoor display	C	C	C	C	C	C	Y
Outdoor storage	P	P	P	C	C	P	Y
Caretaker's dwelling	P	P	P	P	P	P	Y
Day care, home	P						Y
Solar energy systems	P	P	P	P	P	P	Y
Wind energy systems	C	C	C	C	C	C	Y

Key to Table:

- TW Traditional Workplace
- SE Suburban Employment
- SEC Suburban Employment Center
- EC Employment Campus
- IL Industrial - Limited

**28.083 TRADITIONAL WORKPLACE DISTRICT**

(1) Statement of Purpose.

The TW District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Workplace locations. Residential uses are of secondary importance. The district is also intended to:

- (a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.
- (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building’s floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. Parking shall not be placed between the front façade of a building and the abutting street, ~~with the exception specified below~~ unless the building being enlarged is an existing landmark building or a contributing building in a historic district. Parking shall be located to the rear or side of the principal building.
- ~~(b) When an existing landmark building, a contributing building in a historic district, or a building eligible for landmark designation is being enlarged, the above requirement shall not apply.~~
- ~~(e)(b)~~ All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to a TW district.
- ~~(d)(c)~~ Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within five (5) feet of the inner edge of the sidewalk or, if no sidewalk exists, the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.

(4) Building Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) Outdoor storage or display. No outdoor storage or display of goods shall be allowed except for the following:
  - 1. ~~Outdoor dining accessory to restaurants, taverns and coffee shops.~~



2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
3. Automatic teller machines accessory to banks.
4. Landscape and hardware supplies may be displayed outside during business hours.
5. Periodic “sidewalk sales” may be allowed as a temporary use.

(b) No drive-in or drive-through uses are allowed.

(5) Building Forms.

The following building forms are permitted in the TW District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Single-Family Attached Building
- (b) ~~Multi-family~~Apartment Building types
- (c) Carriage House Building
- (d) Commercial Block Building
- (e) Parking Building
- (f) Liner Building
- (g) Live-Work Building
- (h) Residential-Commercial Conversion
- (i) Podium Building
- (j) Flex Building
- (k) Industrial Building

(6) Dimensional ~~Requirements~~Standards, Permitted and Conditional Uses.

~~Requirements~~Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Traditional Workplace District</b>	
Lot area (sq. ft.)	6,000
Lot width	50
Front yard setback	none (see frontage requirements)
Side yard setback : Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback : other cases	One-story: 5 Two-story: 6 Lot width <40: 10% lot width
Rear yard setback	20
Maximum lot coverage	85%

Minimum height	22. <del>feet</del> measured to building
Maximum height	5 stories/68 <del>feet</del>
Usable open space - residential	160 sq. ft./unit

- (a) Rear yard height transitions to adjacent residential districts. Where the TW District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

~~(7) Residential Use Requirements.~~

~~— A primary intent of the TW District is to encourage the continuation of existing employment uses. Residential uses are secondary in importance to those employment uses. Therefore any location proposed for residential uses must be adequately separated or buffered from potential adverse impacts created by existing industrial uses.~~

- ~~(a) — Where residential uses are proposed in an existing building, there shall be no vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition generated by uses in the building that will have an adverse impact on the residential use. New residential uses are not allowed where any such potential nuisances exist.~~
- ~~(b) New residential buildings are not allowed in locations where vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition generated by existing uses would adversely impact the residential use.~~

~~(8) Retail and Service Uses.~~

~~— Retail and service uses shall not exceed five thousand (5,000) square feet in floor area except as a conditional use.~~

**28.084 SUBURBAN EMPLOYMENT DISTRICT**

(1) Statement of Purpose.

The SE District is established to encourage a broad range of employment activities, including limited industrial uses conducted within enclosed buildings, while also encouraging shared access, improved landscaping and site design, and bicycle and pedestrian facilities. The district is also intended to:

- (a) Encourage the integration of complementary employment and related uses in an attractive and pedestrian-oriented environment.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. The majority of off-street parking shall be located to the rear or side of the principal building. A maximum of two rows and seventy (70) feet of parking is allowed between the front of the principal building and the street, set back at least twenty-five (25) feet from the front lot line.
  - (b) The building front ~~shall~~**must** be oriented to the primary street. Loading and service areas shall be located at the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an SE district.
  - (c) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building facade within the first thirty (30) feet from the corner. Parking shall not be placed between buildings and the street in these areas.
- (4) Building Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) Outdoor storage or display. No outdoor storage or display of goods shall be allowed except for the following:
    - 1. ~~Outdoor dining accessory to restaurants, taverns and coffee shops.~~
    - 2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
    - 3. Automatic teller machines accessory to banks.
    - 4. Landscape and hardware supplies may be displayed outside during business hours.
    - 5. Periodic "sidewalk sales" may be allowed as a temporary use.
- (5) Building Forms.

The following building forms are permitted in the SE District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Commercial Block Building
- (b) Parking Building
- (c) Liner Building
- (d) Podium Building
- (e) Flex Building
- (f) Industrial Building

(6) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Suburban Employment District</b>	
Lot area (sq. ft.)	20,000
Lot width	65
Front yard setback	none (see frontage requirements)
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 <del>feet</del>
Maximum lot coverage	75%
Minimum height	22, <del>feet</del> measured to building cornice
Maximum height	5 stories/68 <del>feet</del> Residential uses: 4 stories/55 <del>feet</del>
Usable open space – residential only	400 sq. ft./unit

- (a) Rear yard height transitions to adjacent residential districts. Where the SE District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

~~(7) Retail and Service Uses.~~

~~—Retail and service uses shall not exceed five thousand (5,000) square feet in floor area except as a conditional use.~~

**28.085 SUBURBAN EMPLOYMENT CENTER DISTRICT.**

(1) Statement of Purpose.

The SEC district is established to recognize existing office and research parks developed in accordance with master plans, and to provide for the continued development of these parks in accordance with their adopted plans. Therefore, the placement of buildings, open space, internal roads and parking within these parks is allowed to remain in its current form. The district is also intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The district is not intended to apply to new office and research parks.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Development Standards.

The following standards apply to new and existing buildings and uses:

- (a) In the design of any office or research park, consideration shall be given to pedestrian circulation, preservation and linkage of open space areas, location of future buildings, and the clustering of amenities to provide for a planned integrated development.
- (b) Parking design. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety.
  1. Off-street parking shall not be located within front or street side yard setbacks, but may be located within rear yard and interior side yard setbacks and the building envelope.
  2. Surface parking located in a side or rear yard setback shall be set back a minimum of twenty (20) feet from the boundary of a Residential or Special district.
- (c) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(4) Building Forms.

The following building forms are permitted in the SEC District. See Subchapter 28KL for design standards and guidelines for building forms. Building design standards pertaining to parking placement and design shall not apply within the SEC District.

- (a) Commercial Block Building
- (b) Parking Building
- (c) Liner Building
- (d) Podium Building
- (e) Flex Building
- (f) Industrial Building

(5) Design Review.

All buildings constructed within an SEC district ~~shall~~must be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

- (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission. Design review shall not include Dimensional Requirements in (6) below.
- (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, ~~with an appeal process to the Plan Commission as established in Section 33.24.~~

(6) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Suburban Employment Center District</b>	
Lot area <del>(sq. ft.)</del>	1 acre
Lot width	100
Front yard setback	25
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 or 45% of building height (the greater)
Maximum lot coverage	75%
Maximum building coverage	50%
Maximum floor area ratio	1.0
Minimum height	22, <del>feet</del> measured to building cornice
Maximum height	none

**28.086 EMPLOYMENT CAMPUS DISTRICT.**

(1) Statement of Purpose.

The EC District is established to provide an aesthetically attractive urban working environment intended to promote desirable economic development activities, including high-technology, research and development, testing, and specialized manufacturing establishments, as well as professional offices and business incubators. The district is also intended to:

- (a) Encourage mixed-use development in appropriate locations.
- (b) Provide readily accessible services for employees.
- (c) Improve pedestrian, bicycle and transit connections to and through employment campuses.
- (d) Encourage building and site design that advance the City’s sustainability goals.
- (e) Maintain and improve the quality of the natural landscape within employment campuses.
- (f) Provide appropriate transitions to surrounding land uses.
- (g) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building and Site Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. Parking shall not be placed between the front ~~façade~~ of a building and the abutting street. Parking shall be located to the rear or side of the principal building.
- (b) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.
- (c) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an EC district.

(4) Building and Site Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) All activities shall be conducted within completely enclosed buildings, except for the following:
  - 1. ~~Outdoor dining accessory to restaurants and coffee shops.~~
  - 2. Off-street parking and loading;
  - 3. Automatic teller machines;
  - 4. Drive-up service windows for banks and financial institutions, as regulated.
- (b) Access to the employment campus shall be from a collector or arterial street.

(5) Building Forms.

The following building forms are permitted in the EC District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Commercial Block Building
- (b) Parking Building
- (c) Liner Building
- (d) Podium Building
- (e) Flex Building
- (f) Industrial Building

(6) Master Plan.

A master plan for each employment campus ~~shall~~**must** be prepared as part of any rezoning submittal. The plan must be approved by the Plan Commission and include the following:

- (a) A site plan, including:
  - 1. Conceptual plan showing lots and approximate building footprints, parking and service areas
  - 2. Landscape plan and landscape design standards

3. Street layout and street design standards
  4. Signage and street graphics standards
  5. Stormwater management plan
- (b) Plan submittal and review procedures for individual sites within the campus.
- (c) A parking plan, meeting standards of this chapter for automobile and bicycle parking.
- (d) A Transportation Demand Management Plan, which must also be approved by the Traffic Engineer. The TDM Plan shall be managed by a property owners’ association or other entity acceptable to the Director of the Department of Planning and Community and Economic DevelopmentCity. This association shall provide annual reports on the implementation of the TDM Plan to the Traffic Engineer.

(7) Design Review.

All buildings constructed within an EC district ~~shall~~**must** be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

- (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission. Design review shall not include the Dimensional Requirements in (8) below.
- (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24, MGO.

(8) Dimensional RequirementsStandards, Permitted and Conditional Uses.

RequirementsStandards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Employment Campus District</b>	
Site area ( <del>sq. ft.</del> )	5 acres
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	<del>none</del> (see frontage requirement)
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 <del>feet</del>
Maximum lot coverage	75%
Minimum floor area ratio (FAR)	0.35 ( <del>see A below</del> )
Minimum height	2 stories
Maximum height	none



- (a) For phased development, the minimum FAR for the first phase shall be 0.20. Area used for multi-site or regional stormwater management or for low-impact stormwater management methods shall not be counted as part of the floor area ratio calculation.

(9) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec.28.086 and 28.182 shall be required.

**28.087 INDUSTRIAL - LIMITED DISTRICT.**

(1) Statement of Purpose.

This district provides for a mix of relatively high-value light manufacturing uses, offices, warehousing, flex-space, limited storage and warehousing, and limited retail and service uses that primarily serve the industrial uses, designed with adequate landscaping and screening, to ensure compatibility with adjoining uses. Industrial districts typically require relatively direct access to the regional highway system, and may require rail or air transportation service. The IL district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. A maximum of two rows of parking stalls, or seventy (70) feet of parking area, shall be placed between the front façade of a building and the front lot line. Parking shall be located to the rear or side of the principal building to the extent feasible.
- (b) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.

(4) Building Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) Outdoor storage. Outdoor storage shall be screened according to the standards of Section 28.142(10)(b).
- (b) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IL district.

(5) Building Forms.

The following building forms are permitted in the IL District. See Subchapter 28~~KL~~ for design standards and guidelines for building forms.

- (a) Commercial Block Building
- (b) Flex Building
- (c) Industrial Building
- (d) Parking Building
- (e) Liner Building
- (f) Podium Building

(6) Dimensional ~~Requirements~~Standards, Permitted and Conditional Uses.

~~Requirements~~Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Industrial - Limited District</b>	
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	none (see frontage requirement)
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 <del>feet</del>
Maximum lot coverage	75%
Maximum height	none

- (a). Rear yard height transitions to adjacent residential districts. Where the IL District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

**28.088 INDUSTRIAL - GENERAL DISTRICT.**

(1) Statement of Purpose.

This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. General Industrial districts should be located for convenient access for existing and future arterial thoroughfares and railway lines and may be separated from residential areas by business or light industry areas or by natural

barriers; where they are adjacent to residential areas some type of artificial separation may be required.

The IG district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standard applies to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. A maximum of two rows of parking stalls, or seventy (70) feet of parking area, shall be placed between the front façade of a building and the abutting street. Parking shall be located to the rear or side of the principal building to the extent feasible.

(4) Building Standards: New and Existing Development

The following standards ~~applies~~ apply to new and existing buildings and uses:

- (a) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IG district.
- ~~(b) Outdoor storage and container storage are limited to eighty percent (80%) of the gross floor area of the principal building that uses the storage area. Outdoor storage shall be screened according to the standards of 28.142.~~
- ~~(c) Outdoor display of merchandise is permitted if accessory to a permanent business located in a permanent structure on site. Outdoor display must be located outside of required setbacks and may occur only during the business hours of the applicable business establishment.~~

(5) Building Forms.

The following building forms are permitted in the IG District. See Subchapter 28KL for design standards and guidelines for building forms.

- (a) Flex Building
- (b) Industrial Building
- (c) Parking Building
- (d) Liner Building
- (e) Commercial Block Building

(6) Dimensional Requirements Standards, Permitted and Conditional Uses.

Requirements Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>General Industrial - General District</b>	
Lot area (sq. ft.)	10,000
Lot width	65
Outdoor processing, storage or loading	100 <del>feet</del> from residential district boundary
Front yard setback	none
Side yard setback	15 or 20% building height (the greater); 30 <del>feet</del> from residential district boundary
Rear yard setback	30 <del>feet</del>
Maximum lot coverage	75%
Maximum height	none

- (a) Rear yard height transitions to adjacent residential districts. Where the IG District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

**SUBCHAPTER 28G: SPECIAL DISTRICTS**

**28.091 SPECIAL DISTRICT USES.**

Table 28G-1 lists all permitted and conditional uses in the following districts:

- A: Agricultural District
- UA: Urban Agricultural District
- C: Conservancy District
- AP: Airport District

Uses allowed within the Campus Institutional District are listed separately in Section 28.096.

- (a) Uses marked as “P” are permitted in the districts where designated.
- (b) Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as “P/C” may be permitted or conditional, depending on their size and scale, as specified.
- ~~(d) Uses marked with an “A” are allowed when accessory to another allowed use. Some accessory uses are also conditional, depending on their size and scale, as indicated in the table by “A/C”.~~
- (e) A “Y” in the “Supplemental Regulation standards” column means that there are specific requirements in Subchapter 28J standards are associated with a use must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28K, Supplemental Regulations.

**Table 28G-1**

	A	UA	C	AP	Standards
<b>Agricultural and Resource Uses</b>					
Agriculture - Cultivation	P	P/C	C		Y
Agriculture - Animal husbandry	P	C	C		Y
Agriculture - Intensive	C				Y
<del>Kennel, A</del> animal boarding <del>facility, kennel</del>	P				Y
Community garden	P	P	C		Y
Market garden	P	P	C		Y
<del>On site agricultural retail, farm stand</del>	<del>A</del>	<del>A</del>	<del>A</del>		<del>Y</del>
Selective cutting	P	P	P	P	Y
Clear cutting	C	C	C	C	Y
<b>Civic and Institutional Uses</b>					
Civic auditorium complex			P		
Community center			C		
<del>Day care, home</del>	<del>A</del>				<del>Y</del>
Land and water preserves			P		Y
Parks and playgrounds	P	P	P		
Public safety facilities <del>(fire, police stations, etc.)</del>	P		P	P	Y

Key to Table: A Agricultural UA Urban Agricultural C Conservancy AP Airport
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	A	UA	C	AP	Standards
Schools, public and private			C		<del>Y</del>
Schools, arts, technical or trade	C			C	Y
Adaptive reuse of former school or municipal buildings			<del>P/C</del>		Y
Correctional and medical institutions, government-owned			C		Y
Training facilities, military or public safety				P	
<b>Residential - Family Living</b>					
Single-family detached dwelling	P				Y
<del>Accessory dwelling unit, attached or detached</del>					<del>Y</del>
<del>Caretaker's dwelling</del>	<del>A</del>	<del>A</del>	<del>A</del>		
<b>Offices</b>					
<del>Home occupation</del>	<del>A/C</del>				<del>Y</del>
<del>Professional office</del>				A	
<b>Limited Production, Processing and Storage</b>					
Artisan workshop	C				
Recycling collection center, drop-off station	C				
<b>Public Utility and Public Service Uses</b>					
Electric substations	<del>PC</del>	C	C	<del>PC</del>	Y
Gas regulator stations, mixing and gate stations	<del>PC</del>	C	C	<del>PC</del>	Y
Sewerage system lift stations	P	C	C	P	Y
<del>Stormwater management facilities</del>	<del>P</del>	<del>C</del>	<del>C</del>	<del>P</del>	<del>Y</del>
Telecommunications towers and transmission equipment buildings	C	C	C	P	<del>Y</del>
Water pumping stations, water reservoirs	P	C	C	P	Y
<b>Transportation Uses</b>					
Transit stop or station	P	P	P	P	
Airport terminal and related facilities				P	
Airport runways, hangars and related facilities				P	
<b>Medical Facilities</b>					
Veterinary clinic	C				Y
<b>Retail Sales and Services</b>					
Garden center, <del>outdoor</del>	C				<del>Y</del>
Farmers' market	C	C			Y
Greenhouse, nursery	C				Y
<del>Post office</del>				A	
<b>Food and Beverages</b>					
<del>Catering</del>			A	A	
<del>Coffee shop, tea house</del>			A	A	
<del>Restaurant, carry out, deli (no liquor sales)</del>			A	A	
<del>Restaurant tavern</del>			A	A	
<del>Tavern (liquor sales &gt;50% gross receipts), brewpub</del>				A	
<del>Outdoor eating area associated with food &amp; beverage</del>			A		<del>Y</del>

	A	UA	C	AP	Standards
<b>Commercial Recreation, Entertainment and Lodging</b>					
Bed and breakfast establishment	A				Y
Golf course	C		C		Y
<del>Health/sports club</del>				A/C	
<del>Hotel, inn, motel, hostel</del>				A/C	
<del>Indoor recreation</del>				A/C	
Lodge, private club, reception hall			C		<u>Y</u>
<del>Swimming and tennis clubs, private</del> <u>Outdoor recreation</u>	C		C		<u>Y</u>
<b>Automobile Services</b>					
Auto rental <del>facilities</del>					
<b>Parking and Storage Facilities</b>					
Parking facility, public			A/C	P	<u>Y</u>
Parking facility, commercial				C	<u>Y</u>
<del>Parking accessory to an allowed use</del>	A	A	A/C	A	<u>Y</u>
Parking lot (surface) exceeding maximum parking	C	C	C	C	<u>Y</u>
<del>Outdoor storage</del>	A	A/C	A/C	A	<u>Y</u>
<del>Storage of trucks and heavy equipment</del>	A	A/C	A/C	A	<u>Y</u>
<b>Accessory Uses and Structures</b>					
Composting/vermiculture facilities accessory to agricultural use	P	P	C		Y
Emergency electric generator	P	C	C	P	Y
<del>Garages, workshop, barns, or other</del> <u>Accessory building or structure not exceeding maximum size</u>	P	<u>P/C</u>	C		<u>Y</u>
<del>Garages, workshop, barns, or other</del> <u>accessory buildings exceeding maximum size</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>Y</u>
Solar <del>or wind</del> energy systems <del>or devices</del>	P	P	P	P	Y
<b>Temporary Uses</b>					
Portable storage units	C			C	Y
Outdoor sales events ( <del>limited number per year</del> )	C	C			Y
Temporary buildings for storage of construction materials and equipment	P	C	P	P	Y
Temporary off-street parking	P		C	C	
<u>Wind energy systems</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>
<u>On-site agricultural retail, farm stand</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>Y</u>
<u>Accessory dwelling unit, attached or detached</u>					<u>Y</u>
<u>Day care, home</u>	<u>P</u>				<u>Y</u>
<u>Caretaker's dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>Y</u>
<u>Home occupation</u>	<u>P/C</u>				<u>Y</u>

Key to Table:  
A Agricultural  
UA Urban Agricultural  
C Conservancy  
AP Airport

	A	UA	C	AP	Standards
<u>Catering</u>			<u>P</u>	<u>P</u>	
<u>Coffee shop, tea house</u>			<u>P</u>	<u>P</u>	
<u>Restaurant</u>			<u>P</u>	<u>P</u>	
<u>Restaurant-tavern</u>			<u>P</u>	<u>P</u>	
<u>Tavern , brewpub</u>				<u>P</u>	<u>Y</u>
<u>Outdoor eating area associated with food &amp; beverage establishment</u>			<u>P</u>		<u>Y</u>
<u>Post office</u>				<u>P</u>	
<u>Health/sports club</u>				<u>P/C</u>	
<u>Outdoor storage</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P</u>	<u>Y</u>
<u>Hotel, inn, motel, hostel</u>				<u>P/C</u>	
<u>Indoor recreation</u>				<u>P/C</u>	
<u>Parking facility, public</u>			<u>P</u>		
<u>Storage of trucks and heavy equipment</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P</u>	<u>Y</u>
<u>Professional office</u>				<u>P</u>	
<u>Solar energy systems</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Y</u>
<u>Wind energy systems</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Y</u>

**28.092 AGRICULTURAL DISTRICT.**

(1) Statement of Purpose.

Rural agricultural areas designated as such in the Comprehensive Plan are located beyond the current extent of planned City development. These areas are outside the Central Urban Service Area and without current access to municipal sanitary sewer and water service. They are characterized by active farming operations and associated fields, meadows, woodlots and other natural features. Agriculture and other rural land uses also continue to predominate within many areas planned, but not yet developed, for urban uses. These may include relatively large areas that are recommended in adopted City plans to continue in long-term agriculture uses, while urban areas grow around them.

The purpose of this district is to support the continuance of agriculture and rural character within outlying agricultural areas. In addition, the A district is intended to support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within city limits.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Agricultural District



(3) Dimensional Requirements Standards, Permitted and Conditional Uses.

~~Requirements Standards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Agricultural District</b>		
	Agricultural buildings and uses	All other uses
Lot area ( <del>sq. ft.</del> )	5 acres	10 acres
Lot width	300	300
Front yard setback	30	30
Side yard setback	80	80
Rear yard setback	100	100
Maximum height	none	2 stories/35
Maximum lot coverage	n/a	5%

**28.093 URBAN AGRICULTURAL DISTRICT.**

(1) Statement of Purpose.

The purpose of this district is to ensure that urban garden and farm areas are appropriately located and protected to meet needs for local food production, and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban agriculture will typically exist in close proximity to residential and other uses, concern will be given to ensuring compatibility between uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Urban Agricultural District.

(3) Dimensional Requirements Standards, Permitted and Conditional Uses.

~~Requirements Standards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Urban Agricultural District</b>	
Lot area (sq. ft.)	15,000 <del>square feet</del> *
Lot width	50 <del>feet</del>
Front yard setback (structures)	15 or the setback of the adjacent district, whichever is greater
Side yard setback (structures)	6 or the setback of the adjacent district, whichever is greater
Rear yard setback	20 or the setback of the adjacent district,

(structures)	whichever is greater
Maximum height	25 feet
Maximum lot coverage (buildings and paved areas)	15% (excluding greenhouses and hoopouses)
* Lot area of less than 15,000 square feet may be allowed as a conditional use	

~~(4) Management Plan Required for Certain Activities.~~

~~Urban agricultural operations that involve any of the following activities must prepare a management plan that addresses how the activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan will be reviewed as part of the site plan review process or as part of the conditional use process, as specified below.~~

- ~~(a) Animal husbandry, (includes keeping of more than four (4) chickens, beekeeping and fish farming);~~
- ~~(b) Off-street parking of more than 10 vehicles;~~
- ~~(c) Processing of food produced on-site;~~
- ~~(d) Spreading of manure;~~
- ~~(e) Application of agricultural chemicals, including fertilizers and pesticides;~~
- ~~(f) Use of heavy equipment such as tractors.~~

~~(5) Conditional Use Approval for Certain Activities.~~

~~The following activities as part of an urban agricultural operation require conditional use approval. The management plan required for these activities will address how the activities will be managed.~~

- ~~(a) Animal husbandry;~~
- ~~(b) Spreading of manure;~~
- ~~(c) Spraying of agricultural chemicals, including fertilizers and pesticides;~~
- ~~(d) Use of heavy equipment such as tractors outside of standard operating hours (7:00 A.M. to 10:00 P.M.)~~

**28.094 CONSERVANCY DISTRICT.**

(1) Statement of Purpose.

The Conservancy District is established to recognize and protect the natural functions of certain natural and recreational areas, including large City and County parks, the University of Wisconsin Arboretum, stormwater management areas, golf courses, and similar areas. Development within the district is limited in character in order to protect natural drainageways and water retention areas, natural habitat for plant and animal life, steep slopes, woodlands, and other resources beneficial to the community.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Conservancy District.

(3) Dimensional Requirements Standards, Permitted and Conditional Uses

~~Requirements Standards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Conservancy District</b>	
Lot area ( <del>sq. ft.</del> )	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	2 stories/35
Maximum lot coverage	5%

**28.095 AIRPORT DISTRICT.**

(1) Statement of Purpose

The purpose of the Airport District is to recognize the Dane County Regional Airport as a major transportation hub with a unique set of land use characteristics, and to accommodate the Airport’s transportation and management needs while mitigating any impacts on surrounding land uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Airport District.

(3) Dimensional Requirements Standards, Permitted and Conditional Uses

~~Requirements Standards~~ represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Airport District</b>	
Lot area (sq. ft.)	20,000
Lot width	65
Front yard setback	20
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 <del>feet</del>
Maximum lot coverage	75%
Minimum height	22, <del>feet</del> measured to building cornice
Maximum height	5 stories/68 <del>feet</del> *

\* The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation also apply within the Airport District and other areas surrounding the airport. Dane County, not the City of Madison, administers these regulations.

**28.096 CAMPUS-INSTITUTIONAL DISTRICT.**

(1) Statement of Purpose.

The CI District is established to recognize the City’s major educational and medical institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the City’s plans, policies and zoning standards. The district is also intended to:

- (a) Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;
- (b) Balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods;
- (c) Encourage the preparation of ~~C~~ampus ~~M~~aster ~~P~~lans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.

(2) Master Plan Requirement.

~~(a) Any Campus Institutional District created after the effective date of this ordinance shall submit a Institutions within CI districts shall create Campus Master Plans, which shall be approved as part of the map amendment, that contain the elements listed below. Plans shall be submitted to the Common Council for approval, following review and recommendations by the Plan Commission, using the process listed under Section 28.182.~~

~~(ba) Approved Campus Master Plans, once approved, shall be remain effective for ten (10) years, although an update or alteration may be initiated and, during that time period, may be altered pursuant to (8) below. (see Changes to Master Plan below). Development projects consistent with the Plan will undergo administrative site plan review and final building design review (see below) rather than a conditional use process.~~

~~(cb) In a Campus Institutional District without a Campus Master Plan, individual development proposals and changes shall require conditional use approval, except that development of more than four thousand (4,000) square feet within any five (5) period shall require an approved Campus Master Plan. If a master plan has not been developed or updated for the institution in question, individual development proposals and changes in use that exceed four thousand (4,000) square feet in gross floor area over a five (5) year period will be reviewed as conditional uses, under the procedures of Section 28.183.~~

~~(c) In the absence of a Mmaster Pplan, dimensional requirements are in (6) below. standards for the campus shall be based on the lot area, height, bulk and dimensions of the zoning district that most closely resembles the campus development pattern, based on an evaluation of that development pattern and those of the surrounding area. The Zoning Administrator will determine which zoning districts are applicable.~~

(3) Uses Within CI Districts.

Uses within CI districts are defined as follows as either ~~primaryncipal~~ or secondary. ~~Uses are further defined based on the master plan status of the institution. A master plan must include a list of existing and planned principal and secondary uses within the campus. If no master plan has been prepared, all uses exceeding four thousand (4,000) square feet in gross floor area over a five (5) year period will be considered conditional.~~

(a) Primaryncipal Uses.

1. Educational uses associated with colleges, universities, and secondary and primary schools, including classroom buildings, libraries, and offices
  2. Medical facilities, including hospitals, clinics, laboratories and related facilities
  3. Dormitories, student and/or faculty housing
- (b) Secondary Uses.
1. Day care facilities
  2. Eating places within mixed-use buildings such as dormitories or student unions
  3. Fraternities and sororities
  4. General retail, financial and personal service uses within mixed-use buildings such as student unions
  5. Indoor and outdoor sports and recreational facilities
  6. Lodging facilities
  7. Museums and art galleries
  8. Parking, structured and surface
  9. Performing arts centers
  10. Places of worship
  11. Utilities and transportation facilities related to the primary use
  12. Veterinary clinics
  13. Agricultural uses
  14. Public utility and service uses
  15. Other uses related to the institution's primary mission
- (4) Contents of Master Plan.
- The ~~M~~master ~~P~~plan shall include the following elements and information:
- (a) Background/History. A summary of previous planning efforts by the institution in conjunction with the City and/or abutting neighborhoods or other interest groups, a description of the campus master planning process and participants, and any other relevant background material.
  - (b) Mission/Guiding Principles. A statement that defines the organizational mission and objectives of the institution and describes the role of the master plan within the context of the mission.
  - (c) Facilities Plan. Includes a description of existing conditions on the campus and the proposed conditions under the Master Plan, including:
    1. Existing Conditions
      - a. Form (building type, height, bulk)
      - b. Building and land uses
      - c. Landmarks, historic sites and districts
    2. Proposed Conditions

- a. Future needs/capital improvements
- b. Phasing of proposed improvements
- c. Building Form (general building type, height, bulk, etc.)
- d. Building and land uses
- e. Landscape treatment
- f. Relationship to transportation/access plan (parking, transportation demand management, etc.)

(5) Standards for Master Plan Approval.

The Common Council will approve or reject the ~~M~~master ~~P~~plan as part of the map amendment following a recommendation by the Plan Commission. Approval of the ~~M~~master ~~P~~plan will be based on the ~~P~~plan’s treatment of the topics listed above and the degree to which it meets the intent of this district, as well as the following standards:

- (a) The ~~P~~plan shall~~must~~ serve the public interest as well as the interest of the institution developing the plan.
- (b) The ~~P~~plan shall~~must be recognize and~~ be consistent with the goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans adjacent to campus boundaries.

(6) Dimensional RequirementsStandards.

~~Because of the integrated mix of uses found in the In CI districts, with an approved Master Plan, no lot by lot dimensional or density requirements will be determined by the Master Plan. standards apply. In CI Districts with no Master Plan, the dimensional requirements follow. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted. Building and site placement are determined through the master plan or through individual conditional use processes. Standards for transitions to surrounding areas will be established through the master plan process or as part of the conditional use review process.~~

<u>Campus-Institutional District</u>	
<u>Lot area (sq. ft.)</u>	<u>6,000</u>
<u>Lot width</u>	<u>50</u>
<u>Front yard setback</u>	<u>0</u>
<u>Side yard setback</u>	<u>0</u>
<u>Rear yard setback</u>	<u>0</u>
<u>Maximum lot coverage</u>	<u>85%</u>
<u>Maximum height</u>	<u>3 stories/68</u>
<u>Usable open space</u>	<u>0</u>

(7) Final Building Design Review.

It is expected that ~~Ceampus~~ ~~Mmaster~~ ~~Pplans~~ will identify building location and maximum height, but will not include detailed designs of each building.

All buildings constructed within a CI district must be reviewed and approved by an architectural review committee. The committee shall be established by the institution and shall meet the following standards:

- (a) The building design review standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
- (b) Membership on the committee, including representation of planning staff and registered neighborhoods, and committee procedures must be approved by the Plan Commission. Committee meetings shall be public.
- (c) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24.

~~If there is no approved Mmaster Pplan in place, building design review will occur as specified above as part of the conditional use approval process. Building design review must be completed prior to issuance of a building permit.~~

(8) Changes to Master Plan.

~~No alteration of an ~~Onee~~ approved, a Ceampus Mmaster Pplan shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are approved by the ~~may be modified as follows:~~~~

- ~~(a) The Director of Planning and Community and Economic Development and are consistent may approve minor alterations to an approved master plan, provided that such changes are compatible with the concept approved by the Common Council. The Director may refer more significant alterations to the Plan Commission for review. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.096(5) is required.~~
- ~~(b) If a change or addition constitutes a significant alteration of the original plan, the approval process specified in Subsection 28.096(2) above shall be followed.~~

**28.097 PD PLANNED DEVELOPMENT DISTRICT**

(1) Statement of Purpose.

The Planned Development District is established to provide a voluntary regulatory framework as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
- (f) Facilitation of high-quality development that is consistent with the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for unique situations and where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed use setting.

Approval of a Planned Development District requires a zoning map amendment, and shall result in the creation of a new site-specific zoning district, with specific requirements and standards that are unique to that planned development.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map change to a PD District are as follows:

- (a) The applicant ~~shall~~**must** demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved. Conditions under which planned development may be appropriate include:
  - 1. Site conditions such as steep topography or other unusual physical features; or
  - 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.
- (b) The PD District plan ~~shall~~**must** facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.
- (c) The PD District plan ~~shall~~**will** not adversely affect the economic health of the City or the area of the City where the development is proposed, including the cost of municipal services.
- (d) The PD District plan ~~shall~~**will** not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns.
- (e) The PD District plan ~~shall~~**must** coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses.

(3) Relationship to Other Applicable Regulations.



- (a) In general. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development ~~and to the site plan review standards in Subchapter 28M, except as otherwise provided in this subchapter.~~
  - (b) Subdivision requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.
  - (c) Downtown height regulations. All Planned Developments within the Downtown Districts ~~shall~~must comply with the height limits of those districts.
- (4) General Requirements.

The Planned Development agreement shall identify the following information:

- (a) All proposed land uses; these shall become permitted or conditional uses upon the approval of the Planned Development by the Common Council.
  - (b) Placement of buildings and structures.
  - (c) Density, height, floor area, and dimensional ~~requirements~~standards for lots.
  - (d) Street layout, including connections to external streets, paths and trails. The Planned Development should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible.
  - (e) Open space and recreational facilities. At least twenty ~~percent~~ (20%) percent of the project area not within street rights-of-way shall be preserved as protected open space. This requirement may be reduced or waived by the Common Council in cases where the physical location or configuration of the site or proximity to existing parks and open space makes the requirement impractical or superfluous. Protected open space shall meet the following requirements:
    - 1. Open space ~~shall~~must be available to the residents, tenants, or customers of the PD for recreational purposes or similar benefits. Land reserved for stormwater management and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.
    - 2. Open space shall be designed to meet the needs of residents of the PD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
    - 3. Land ~~dedicated~~donated for any public purpose, ~~which is accepted by the City~~, may be credited towards the open space requirement at the discretion of the Common Council.
    - 4. Where a ~~PDplanned-development~~ is to be developed in phases, a portion of the required open space shall be provided in each phase.
    - 5. Maintenance of the open space shall be provided for in the ~~PDplanned-development~~'s restrictive covenants and/or the Specific Implementation Plan (SIP) recorded as part of the project.
- (5) Procedures.

The procedure for rezoning to a planned development district shall be as required for any other zoning map amendment in this chapter, with the additional requirements specified below.

- (a) Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:
1. **Pre-Design Conference**. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.
  2. **Concept Presentation**. The concept shall be submitted for review by the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission will review the concept in reference to the objectives listed in Subsection 28.097(1) and the other requirements of this Subchapter. The Commission may request that additional materials, such as massing models, be submitted to assist in communicating the nature of the site and its context.
- (b) General Development Plan Requirements. The applicants shall file the following with the City Plan Commission:
1. A letter of intent describing the general character of the intended development.
  2. ~~Proposed zoning text, including a~~ description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
  3. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
  4. A plan of the proposed project showing sufficient detail to make possible the evaluation of the standards for approval as set forth in Subsection 2.
  5. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
  6. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.
  7. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
- (c) Decision on General Development Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section 28.182, with the following additional requirements:
1. The Urban Design Commission shall review the General Development Plan prior to the Plan Commission, and shall make a non-binding recommendation to the Plan Commission, based on consideration of the design objectives listed in Subsection ~~28.~~ 28.097(1) and the other requirements of this Subchapter.
  2. Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations. However, the plan shall be conditioned upon approval of a specific implementation plan, and shall not allow

any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.

3. Approval of the general development plan shall establish interim zoning authority for continuation and maintenance of existing uses, buildings and structures on the property until the specific implementation plan is approved.
  4. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval.
  5. If the general development plan and specific implementation are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan.
- (d) Specific Implementation Plan Requirements. The following information shall be submitted to the City Plan Commission, unless specific documents are waived by the Secretary of the Commission:
1. An accurate map of the area covered by the plan including the relationship to the total general development plan.
  2. The pattern of public and private roads, driveways, walkways and parking facilities; traffic projections and mitigation measures.
  3. Detailed lot layout and subdivision plat where required.
  4. The arrangement of building groups, other than single-family residences, and their architectural character.
  5. Sanitary sewer and water mains.
  6. Grading plan and storm drainage system.
  7. The location and treatment of open space areas and recreational or other special amenities.
  8. The location and description of any areas to be dedicated to the public.
  9. Landscape plan and plant list.
  10. Proof of financing capability.
  11. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
  12. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- (e) Decision on Specific Implementation Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section 28.182 with the following additional requirements:
1. The Urban Design Commission shall review the Specific Implementation Plan prior to the Plan Commission, and shall make a non-binding recommendation to the Plan Commission, based on consideration of the design objectives listed in Subsection 1 and the other requirements of this Subchapter.

2. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit.
3. If the Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required.

(f) Recording of Approved Plans and Zoning Ordinance Amendments.

1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council.
2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.
3. If either plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
  - a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty-four (24) months to record either plan.

(g) Construction Required. Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below.

1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.
2. If the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.
3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council.
4. If a new building permit is required pursuant to Sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

(6) Changes to a Planned Development.

- ~~(a) Minor alteration. No alteration of a Planned Development District shall be permitted unless approved by the City Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are approved by –tThe Director of Planning and Community and Economic Development and are may approve minor alterations to an approved Specific Implementation Plan for a planned development, provided that such changes are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.097(5) shall be required. The Director may refer more significant alterations to the Plan Commission for review.~~
- ~~(b) If a change or addition constitutes a significant alteration of the original plan, the approval process specified in Subsection 28.097(5) above shall be followed.~~

**28.098 PLANNED MOBILE HOME PARK DISTRICT.**

(1) Statement of Purpose.

The planned mobile home park district is established to provide a regulatory framework for improved environmental design and greater freedom, imagination and flexibility in the establishment and development of mobile home parks, while insuring substantial compliance with the basic intent of the zoning code and the comprehensive plan. This district is further intended to encourage compact and efficient development with relation to public services and to encourage and facilitate the preservation of open spaces.

(2) General Requirements.

A Planned Mobile Home Park District is a specific type of Planned Development District and shall follow the review and approval process specified for the PD District. The general requirements of the PD District for street layout and open space shall be met in any planned mobile home parks established after the effective date of this zoning code.

(3) Permitted Uses.

- (a) Planned mobile home park
- (b) Typical accessory uses such as community buildings and recreational facilities.
- (c) Home occupation
- (d) Adult family home

(4) Conditional Uses.

- (a) Community living arrangement, up to 8 residents

(5) Density and Area ~~Requirements~~Standards.

A planned mobile home park shall meet the following requirements

<b>Planned Mobile Home Park District</b>	
Zoning Lot Area - minimum*	30 acres
Dwelling Units per Acre	6
Average area per mobile home park site (sq. ft.)	4,000
Approved and licensed prior to July 1, 1970 or	

established and licensed prior to July 8, 1966:	
Dwelling Units per Acre	8
Average area per mobile home park site (sq. ft.)	3,500
* Zoning lot area minimum does not apply to mobile home parks established and licensed prior to July 8, 1966	

## SUBCHAPTER 28H: OVERLAY DISTRICTS

### 28.101 APPLICABILITY.

The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the primary zoning district classification of those zoning lots.

In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the provisions of the overlay district shall apply, ~~most restrictive standards shall apply~~, except where otherwise specified.

### 28.102 WELLHEAD PROTECTION DISTRICTS

(1) Statement of Purpose.

The Common Council of the City of Madison finds that certain uses can seriously threaten or degrade groundwater quality. To promote the public health, safety, and general welfare of the City of Madison, the Wellhead Protection Districts are created to protect municipal water supplies.

(2) Protection Zones.

Each wellhead shall have two (2) zones of protection around it.

(a) Zone A is the area around the well in which it has been determined that groundwater and potential contaminants will take five (5) years or less to reach the pumping well.

(b) Zone B is the smaller of the following:

1. The area around the well in which it has been determined that groundwater and potential contaminants will take one hundred (100) years or less to reach the pumping well, or
2. The area within a twelve hundred (1,200) foot radius around the well, except for the area in Zone A.

(3) Uses.

All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manger or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

~~(a)A.~~ Permitted Uses In Zones A and B. Any use allowed as permitted in the principal zoning district, except those uses not approved pursuant to Sec. 13.22, Madison General Ordinances

~~(b)B.~~ Conditional Uses in Zones A and B. Any use allowed as a conditional use in the principal zoning district except those uses not approved pursuant to Sec. 13.22. ~~All conditional uses are subject to the provisions of Sec. 28.183.~~

(4) Existing Uses.

Any lawful use existing at the time of the creation of a Wellhead Protection District may be continued, however, no expansion or enlargement of such use is allowed without approval pursuant to Sec. 13.22 by the Water Utility General Manager or his/her designee.

(5) Wellhead Protection District No. 28.

The location of Well No. 28 and the surrounding Zone A and Zone B are shown in Section 28.102(5)(a).

(a) Map of Wellhead District No. 28.

(6) Wellhead Protection District No. 26.

The location of Well No. 26 and the surrounding Zone A and Zone B are shown in Section 18.102(6)(a).

(a) Map of Wellhead Protection District No. 26.

(7) Wellhead Protection District No. 15.

The location of Well No. 15 and the surrounding Zone A and Zone B are shown in Section 28.102(7)(a).

(a) Map of Wellhead Protection District No. 15.

(8) Wellhead Protection District No. 29.

The location of Well No. 29 and the surrounding Zone A and Zone B are shown in Section 28.102(8)(a).

(a) Map of Wellhead Protection District No. 29.

(9) Wellhead Protection District No. 9.

The location of Well No. 9 and the surrounding Zone A and Zone B are shown in Section 28.102(9)(a).

(a) Map of Wellhead Protection District No. 9.

(10) Wellhead Protection District No. 14.

The location of Well No. 14 and the surrounding Zone A and Zone B are shown in Section 28.102(10)(a).

(a) Map of Wellhead Protection District No. 14.

(11) Wellhead Protection District No. 30.

The location of Well No. 30 and the surrounding Zone A and Zone B are shown in Section 28.102(11)(a).

(a) Map of Wellhead Protection District No. 30.

(12) Wellhead Protection District No. 6.

The location of Well No. 6 and the surrounding Zone A and Zone B are shown in Section 28.102(12)(a).

(a) Wellhead Protection District No. 6.

(13) Wellhead Protection District No. 12.

The location of Well No. 12 and the surrounding Zone A and Zone B are shown in Section 28.102(13)(a).

(a) Map of Wellhead District No. 12.

(14) Wellhead Protection District No. 18.



The location of Well No. 18 and the surrounding Zone A and Zone B are shown in Section 28.102(14)(a).

(a) Map of Wellhead Protection District No. 18.

(15) Wellhead Protection District No. 24.

The location of Well Nol 24 and the surrounding Zone A and B are shown in Section 28.102(15)(a).

(a) Map of Wellhead Protection District No. 24.

(16) Wellhead Protection District No. 7.

The location of Well Nol 7 and the surrounding Zone A and Zone B are shown in Section 28.102(16)(a).

(a) Map of Wellhead Protection District No. 7.

(17) Wellhead Protection District No. 8.

The location of Well No. 8 and the surrounding Zone A and Zone B are shown in Section 28.102(16)(a).

(a) Map of Wellhead Protection District No. 8.

(18) Wellhead Protection District No. 10.

The location of Well No. 10 and the surrounding Zone A and Zone B are shown in Section 28.102(18)(a).

(a) Map of Wellhead Protection District No. 10.

(19) Wellhead Protection District No. 11.

The location of Well No. 11 and the surrounding Zone A and Zone B are shown in Section 28.102(19)(a).

(a) Map of Wellhead Protection District No. 11.

(20) Wellhead Protection District No. 13.

The location of Well No. 13 and the surrounding Zone A and Zone B are shown in Section 28.102(20)(a).

(a) Map of Wellhead Protection District No. 13.

(21) Wellhead Protection District No. 16.

The location of Well No. 16 and the surrounding Zone A and Zone B are shown in Section 28.102(21)(a).

(a) Map of Wellhead Protection District No. 16.

(22) Wellhead Protection District No. 17.

The location of Well No. 17 and the surrounding Zone A and Zone B are shown in Section 28.102(22)(a).

(a) Map of Wellhead Protection District No. 17.

(23) Wellhead Protection District No. 19.

The location of Well No. 19 and the surrounding Zone A and Zone B are shown in Section 28.102(23)(a).

(a) Map of Wellhead Protection District No. 19.

(24) Wellhead Protection District No. 20.

The location of Well No. 20 and the surrounding Zone A and Zone B are shown in Section 28.102(24)(a).

(a) Map of Wellhead Protection District No. 20.

(25) Wellhead Protection District No. 23.

The location of Well No. 23 and the surrounding Zone A and Zone B are shown in Section 28.102(25)(a).

(a) Map of Wellhead Protection District No. 23.

(26) Wellhead Protection District No. 25.

The location of Well No. 25 and the surrounding Zone A and Zone B are shown in Section 28.102(26)(a).

(a) Map of Wellhead Protection District No. 25.

(27) Wellhead Protection District No. 27.

The location of Well No. 27 and the surrounding Zone A and Zone B are shown in Section 28.102.(27)(a).

(a) Map of Wellhead Protection District No. 27.

(28) Wellhead Protection District No. 28.

The location of Well No. 28 and the surrounding Zone A and Zone B are shown in Section 28.102(28)(a).

(a) Map of wellhead Protection District. No. 28.

**28.103 WETLAND OVERLAY DISTRICT.**

(1) Statement of Purpose.

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation.

The wetland overlay district is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses.

(a) The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping, **hunting**, swimming and non-motorized boating
2. Construction and maintenance of duck blinds

- (b) The following activities and uses may involve wetland alterations only to the extent specifically provided below:
  - 1. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
  - 2. The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
  - 3. The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Section 28.211.

(4) Conditional Uses.

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least ten (10) days prior to the hearing and shall be notified of the City's decision within ten (10) days after the decision is made.

- (a) The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:
  - 1. The road cannot as a practical matter be located outside the wetland;
  - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
  - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
  - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
  - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings provided that:
  - 1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
  - 2. The building cannot as a practical matter be located outside the wetland;
  - 3. The building does not exceed five hundred (500) square feet in floor area; and
  - 4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:
  - 1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose;

2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed;
  3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph (4)(a) above;
  4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat or otherwise enhancing wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that
1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland;
  2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (e) The construction and maintenance of railroad lines, provided that:
1. The railroad lines cannot, as a practical matter, be located outside the wetland;
  2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (f) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (g) The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
- (h) The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.
- (i) The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.
- (j) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.
- (k) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(5) Prohibited Uses.

Any use not listed in paragraphs (3) or (4) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with para. (7) below and the other requirements of this chapter. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(6) Development Approvals.

In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences. An application for a zoning certificate for lands in the Wetland Overlay District shall include the information required below for a site plan, ~~as specified in Section 28.186~~, as well as the specifications and dimensions for any areas of proposed alteration.

(a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.

(b) Legal description of the property and a general description of the proposed use or development.

(c) Whether or not a private water or sewage system is to be installed

(d) The site plan shall be drawn to scale and submitted as a part of the application form and shall contain the following information:

a. Dimensions and area of the lot;

b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

c. Location of any existing or proposed on-site sewage systems or private water supply systems;

d. Location of the ordinary high water mark of any abutting navigable waterways;

e. Location and landward limit of all wetlands;

f. Existing and proposed topographic and drainage features and vegetative cover;

g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;

h. Location of existing or future access roads; and

i. Specifications and dimensions for areas of proposed wetland alteration.

(7) Amendment of Wetland Overlay Zoning.

Any amendment to the text or map of the Wetland Overlay District shall comply Section 28.182 and with the following:

(a) A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission;

~~(b) All proposed text and map amendments to the Wetland Overlay Zoning regulations shall be referred to the Plan Commission and a public hearing shall be held in accordance with~~

~~Section 28.182.~~ The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

- (c) In order to insure that the shoreland protection objectives in Section 281.31, Wis. Stats., will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:
    - 1. Storm water and floodwater storage capacity;
    - 2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
    - 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
    - 4. Shoreline protection against soil erosion;
    - 5. Fish spawning, breeding, nursery or feeding grounds;
    - 6. Wildlife habitat; or
    - 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
  - (d) Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.
  - (e) The Southern District Office of the Department of Natural Resources shall be provided with:
    - 1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within 10 days after the submission of these recommendations to the Common Council; and
    - 2. Written notices of the Common Council's action on the proposed text or map amendment within 10 days after the action is taken.
  - (f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (C) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the 30-day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. §62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. §62.231(6), is complete or otherwise terminated.
- (8) Nonconformitiesng Structures and Uses.

Except as provided below, all provisions in Subchapter 28N shall apply.

- (a) Notwithstanding Section 28.191(1)(a), tThis subchapter does not prohibit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. Section 28.191(1)(a)§62.23(7)(h) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance

or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the property or structure shall conform to the requirements of this ordinance.
- ~~(c) Any legal nonconforming use of property that does not involve the use of a structure and which exists at the time of the adoption or amendment of this ordinance, under Wis. Stats. §62.231 and this chapter may be continued, although such use does not conform to the provisions of this ordinance. However, such nonconforming use may not be extended.~~
- ~~(c)~~ (e) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stats. §30.121.

**28.104 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.**

(1) Statement of Purpose.

The TOD District is intended to support investment in and use of public transit. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

- (a) Provide increased mobility choices.
- (b) Improve pedestrian connections, traffic and parking conditions;
- (c) ~~Minimize~~~~Reduce~~ parking requirements by encouraging shared parking and alternative modes of transportation.
- (d) Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability.

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map.

(3) Relationship to Other Regulations.

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses.

The following uses are prohibited in the TOD district:

- (a) Auto body shop
- (b) Auto service station, convenience market
- (c) Auto repair station
- (d) Auto sales or rental
- (e) Car wash
- (f) Storage facility, personal indoor storage

(5) Minimum Intensity and Frontage Use.

The following standards shall apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. These standards may be modified or ~~eliminated~~~~waived based on~~ ~~by~~ an adopted Transportation Overlay District~~station area plan that establishes more specific requirements.~~

- (a) New buildings shall be a minimum of two (2) stories in height.
- (b) Floor area ratio (FAR) for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.
- (c) Where residential uses are proposed, minimum density is fifteen (15) units per acre. Density ~~shall~~~~will~~ be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.
  - 1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:
    - a. Total lot coverage and FAR for the zoning lot are not reduced; and
    - b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.
- (d) A minimum of fifty percent (50%) of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) façade transparency between two (2) and eight (8) feet from ground level.
- (e) All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.

(6) Multiple Use Requirements.

Development proposals on sites of one (1) or more acres shall include at least three (3) of the following use categories. A minimum of 10% of the proposed gross floor area of the development shall be devoted to each of the use categories that are proposed:

- A. Residential uses
- B. Office uses
- C. Commercial uses (including retail, service, restaurants and lodging)
- D. Manufacturing ~~and employment~~ uses
- E. Civic and institutional uses (educational, public, etc.)

(7) Public Space Requirement.

Development proposals on sites of ten (10) or more acres ~~shall~~~~must~~ set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be ~~modified or eliminated~~~~waived in cases where~~ ~~by~~ an adopted Transit Overlay District~~master development plan already specifies the location and design of open space on the site.~~



(8) Parking Standards.

No minimum off-street parking is required, except where parking minimums are specified in a station area plan. Parking maximums established in Subchapter 28J shall apply, except where more specific requirements are established in an adopted Transit Overlay District. ~~station area plan.~~

(9) Exemptions.

Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.

**28.105 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS.**

(1) Statement of Purpose.

Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these areas as a matter of policy. The Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods.

By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place distinctive, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a distinctive environment.

(2) Applicability.

- (a) The requirements of the Neighborhood Conservation Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- (b) In the event of a conflict between the provisions of the Neighborhood Conservation Overlay Districts and the underlying primary zoning district, the provisions of the Neighborhood Conservation Overlay Districts shall apply.

(3) Eligibility ~~Criteria~~ Standards.

To be considered for designation as a Neighborhood Conservation District, an area ~~shall~~must meet the following minimum ~~criteria~~standards:

- (a) The proposed area includes at least eight (8) contiguous block-faces or two thousand, six hundred forty (2,640) lineal feet of contiguous street frontage.
- (b) The proposed area possesses consistent, identifiable built or natural environment characteristics to be conserved.
- (c) At least seventy-five percent (75%) of the lots in the proposed district have been developed with a principal structure for at least twenty-five (25) years.
- (d) The proposed requirements for a Neighborhood Conservation District are consistent with the Comprehensive Plan and existing neighborhood plans.
- (e) The proposed area contains at least one of the following features:

1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles.
  2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities.
  3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping.
  4. Distinctive lot features: lot layouts and sizes, setbacks, alleys, and landscaping.
- (f) A Neighborhood Conservation Overlay District ~~shall~~may not be placed in an existing local historic district or Urban Design District.

(4) Designation Process.

- (a) All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
- (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Sec. 28.105(3).
- (c) If the proposed Neighborhood Conservation District is consistent with Sec.28.105(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.
  1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.
- (e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- (f) A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a Neighborhood Conservation Study shall be undertaken.
- (g) A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district.
  1. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created.

2. The Department of Planning and Community and Economic Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District.
- (h) A Neighborhood Conservation Study shall include:
1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
  2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
  3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
  4. A list of design requirements for the proposed district that will preserve its distinctive character. In addition to the features in (3)(e), above, requirements may include but are not limited to the following:
    - a. Setbacks
    - b. Orientation
    - c. Height and width
    - d. Scale and massing
    - e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.
- (i) Creation of a Neighborhood Conservation Overlay District. If a Neighborhood Conservation District is proposed following the completion of the Neighborhood Conservation Study, it shall include the geographic boundaries, and the specific requirements to be used in reviewing development proposals, ~~and may authorize area exceptions for particular requirements.~~ A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28.182.
- (j) Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance.

## **28.106 HISTORIC PRESERVATION LANDMARK AND DISTRICT OVERLAYS.**

### **(1) Statement of Purpose and Applicability.**

Historic Preservation Landmark and District Overlay requirements are created to further the historic preservation objectives of the Landmarks Commission, as stated in Section 33.19(1), Madison General Ordinances, by identifying zoning lots which are either located within a designated Historic District or which contain a designated landmark, pursuant to the provisions of Section 33.19, Madison General Ordinances.

The appropriate suffix for a designated landmark or Historic District shall be appended to the current and any future zoning district classification of each zoning lot so affected. The suffix shall also be appended to zoning district classifications on Zoning District Maps.

The suffix designation has no effect upon the primary zoning district classification of the zoning lots in question. However, the applicable regulations of Section 33.19 for designated landmarks and for each historic district shall apply to each such zoning lot in addition to the applicable requirements of the Zoning Code.

(2) Designated Landmarks.

The HIST-L suffix applies to all zoning lots on which a designated landmark is located, pursuant to Section 33.19(4) and (6), Madison General Ordinances. The owner of each such zoning lot is notified that the landmark and the landmark site shall be maintained in a condition consistent with the provisions of Section 33.19, in addition to the applicable requirements of the Zoning Code.

(3) Historic Districts.

The HIST suffix applies to historic districts. The owners of zoning lots within those districts are notified that any buildings or other improvements on those lots, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with both the general provisions of Section 33.19 and the specific provisions for the applicable historic district, in addition to all applicable requirements of the Zoning Code.

**28.107 URBAN DESIGN OVERLAY DISTRICTS.**

(1) Statement of Purpose.

The Urban Design Overlay Districts are established to identify those urban design districts established under the provisions of Section 33.24, Madison General Ordinances within the context of the Zoning Code, and to establish a link between zoning procedures and those of the Urban Design Commission.

(2) Applicability.

The requirements of the Urban Design Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts. Where the provisions of the overlay district conflict with those of the primary zoning district, the provisions of the overlay district shall apply.

(3) Procedures.

The requirements for design review in Section 33.24 shall apply within Urban Design Overlay Districts in addition to any reviews or procedures required under the Zoning Code.

**28.108 ACCESSORY DWELLING UNIT OVERLAY DISTRICTS**

(1) Statement of Purpose.

The ADU Overlay District is created to enable the establishment of accessory dwelling units within all residential districts. Accessory dwelling units give neighborhoods the opportunity to provide affordable housing opportunities, to provide housing opportunities for elderly or other family members, and to utilize their land base more efficiently.

The district is also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, landscaping and similar design features.
- (b) Protect the private environment of rear yards and maintain neighborhood character.

(2) Applicability.

- (a) The requirements of the ADU Overlay District apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- (b) In the event of a conflict between the provisions of the ADU Overlay District and the underlying primary zoning district, the provisions of the ADU Overlay District shall apply.

(3) Minimum Area Required.

To be considered for designation as an ADU Overlay District, an area must include at least eight (8) contiguous block-faces or two thousand, six hundred forty (2,640) lineal feet of contiguous street frontage.

(4) Designation Process.

- (a) All requests for creation of an ADU Overlay District shall be initiated by a resident, owner, or a registered neighborhood association, and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
- (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Subsection 3 above.
- (c) If the proposed area is consistent with the standards in Subsection 3, notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.
  - 1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.
- (e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- (f) A resolution authorizing an ADU District Study may be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a study shall be undertaken.
- (g) An ADU District Study shall explore the feasibility and potential benefits of establishing an ADU Overlay District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district. This study could also be incorporated into a larger neighborhood planning process or neighborhood plan update process.
- (h) The ADU District Study~~accessory dwelling unit study~~ shall include the following:
  - 1. Maps indicating the proposed overlay district boundaries.

2. Design ~~guidelines~~requirements for accessory dwelling units. Design requirements may be based on the suggested requirements in Subsection (6) or may be more or less restrictive.
3. Parking requirements, including a determination of whether additional off-street parking shall be required.
- (i) Creation of an ADU Overlay District. If an ADU Overlay District is proposed following the completion of the study, it shall include the geographic boundaries and the specific requirements to be used in reviewing development proposals. An ADU Overlay District ordinance shall be considered pursuant to the procedures in Sec. 28.182.

(5) ADU Occupancy Requirements.

The following requirements shall apply within all ADU Overlay Districts.

- (a) The principal dwelling or the accessory dwelling unit must be owner-occupied (temporary absences of up to six (6) months may be allowed).
- (b) The principal dwelling must be a single-family detached dwelling.
- (c) The number of occupants of the accessory dwelling unit shall not exceed one (1) family ~~plus one (1) roomer~~ or two (2) unrelated individuals.
- (d) The accessory dwelling unit shall not be sold separately from the principal dwelling.

(6) Suggested Design Requirements Standards.

- (a) ~~The m~~Maximum height of a detached accessory dwelling unit ADU, including one built above a garage, ~~shall be~~ twenty-five (25) feet ~~(as typically measured to mid-point of pitched roof)~~.
- (b) ~~The m~~Maximum size of an accessory dwelling unit size: ~~shall be~~ seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
- (c) ~~The s~~Setback requirements: ~~standards shall be those of the zoning district. for principal or accessory buildings in the underlying primary district.~~
- (d) ~~No additional~~ Usable open space ~~shall be required for an accessory dwelling unit. allow usable open space to be shared between units (i.e., no additional open space required)~~.
- (e) On corner lots, primary entrances to ~~ADUs~~ accessory dwelling units shall be placed on the ~~façade~~ parallel to the side street.
- (f) ~~Accessory dwelling unit~~ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
- (g) The appearance or character of the principal building ~~shall~~must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
- (h) ~~Entrances f~~For attached accessory dwelling units, ADUs within a principal building, ~~additional entrances~~ shall not be added to the front elevation of an existing building, but may be added to side or rear ~~or streetside~~ elevations.

- (i) ~~Exterior finish materials:~~ The exterior finish material of an accessory dwelling unit shall ~~must~~ match the in type, size and placement, ~~of the~~ exterior finish material of the principal dwelling ~~unit~~.
- (j) ~~Roof pitch:~~ The roof pitch shall ~~must~~ match the predominant roof pitch of the principal dwelling ~~unit~~.
- (k) ~~Detailing:~~ Trim and projecting eaves shall ~~must~~ match those e-trim used on of the principal dwelling ~~unit and~~. ~~Projecting eaves must match those of the principal dwelling unit.~~
- (l) ~~Windows:~~ Windows shall ~~must~~ match those in the principal dwelling ~~unit~~ in proportion (relationship of width to height) and orientation (horizontal or vertical).

~~(7) Review Procedures.~~

~~— Within an ADU Overlay District, individual proposals for accessory dwelling units will be reviewed through the site plan review process, as specified in Section 28.186.  
\_\_ subchapter 28I: floodplain districts~~

**28.121 FLOODPLAIN OVERLAY DISTRICTSGENERAL PROVISIONS.**

(1) Statement of Purpose.

Pursuant to Wis. Statutes sec. 62.23(7), this ordinance is intended to regulate floodplain development to:

- (a) Protect life, health, and property;
- (b) Maximize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damages to public facilities in the floodplains;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in the floodplain if there is any practicable alternative to locate the activity, use, or structure outside the floodplain.

(2) Areas to be Regulated.

This Subchapter regulates all areas that ~~w~~ould be covered by the regional flood or base flood.

(3) Establishment of Districts.

The regional floodplain area is divided into four (4) districts as follows:

- (a) The F1 Floodway District is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The F2 Flood Fringe District is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The F3 General Floodplain District consists of those areas that have been or may be covered by floodwater during the regional flood.

(d) The F4 Flood Storage District is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Floodplain Maps.

See [Section 28.022\(3\)Subchapter 28B](#), Zoning Districts and Maps, for listing of floodplain maps and determination of floodplain boundaries.

(5) Removal of Lands From Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation; the fill is contiguous to land outside the floodplain, and the map is amended.

(6) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain use areas will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the City of Madison or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(7) General Development Standards.

(a) No development shall be allowed in floodplain areas which will:

1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles.

(c) The Zoning Administrator shall deny permits where it is determined that the proposed development will obstruct flow or increase regional flood heights 0.01 foot or greater based on the adopted Flood Insurance Rate Map or other adopted map, unless amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles.

(d) All proposed building sites in subdivisions or new developments in flood prone areas shall be reasonably free from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions and all new development shall be reviewed for compliance with the above standards. All proposals (including manufactured home parks) shall include regional flood elevation and floodway data.

(8) Watercourse Alterations.



No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Southern District Office of the DNR and the appropriate office of FEMA and required the applicant to secure all necessary state and federal permits. The flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with the National Floodplain Insurance Program guidelines that shall be used to revise the Flood Insurance Rate Map, risk premium rates, and floodplain management regulations as required.

(9) Development Under Chapters 30 and 31, Wis. Stats.

Development which requires a permit from the Department of Natural Resources, under Ch. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed provided the necessary local permits are obtained and necessary amendments are made to the official floodway lines, water surface profiles, base flood elevations established in a flood insurance study, other data from an adopted flood insurance boundary map, floodplain zoning maps, and/or floodplain zoning ordinance.

(10) Nonconforming Uses.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the conditions set forth in Section 28.126(2).

(11) Compliance Required.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. sec. 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. sec. 30.2022 applies.

(12) Floodproofing.

- (a) To withstand flood velocities, forces, and other factors associated with the regional flood, floodproofing measures shall be designed that will protect the structure or development to the flood protection elevation and such measures shall be certified by a registered professional engineer or architect.
- (b) All flood-proofing measures shall be designed to:
  - 1. Withstand floor pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - 2. Protect structures to the flood protection elevation.
  - 3. Anchor structures to foundations to resist flotation and lateral movement; and
  - 4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Flood-proofing measures may include the following:
  - 1. Installation of watertight doors, bulkheads and shutters.
  - 2. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
  - 3. Use of paints, membranes or mortars to reduce seepage of water through walls.

4. Addition of mass or weight to structures to prevent flotation.
5. Placement of essential utilities above the flood protection elevation.
6. Installation of pumping facilities and/or subsurface drainage systems to relieve foundation wall and basement floor pressures and to lower water levels in structures.
7. Construction of water supply wells and waste treatment systems to prevent the entry of flood waters.
8. Installation of cutoff valves on sewer lines or the elimination of gravity basement drains.

(13) Public or Private Campgrounds.

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health and Family Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. d to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred-eighty (180) days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than one hundred-eighty (180) consecutive days must meet the applicable requirements in either sub. c. or d. for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(14) Application Requirements for Permits and Zoning Certificates.

- (a) Site Development Plan. Within the Floodplain Districts, all permit applications shall include a site development plan drawn to scale and containing the following information:

1. Name and address of the applicant, property owner, and contractor.

2. Legal description, proposed use, and whether the development is new construction or a modification.

34. Location, dimensions, area and elevation of the lot.

42. Location of the ordinary high-water mark of any abutting navigable waterways.

53. Location of any structures with distances measured from the lot lines and center line of all abutting streets highways.

64. Location of any existing or proposed on-site sewage systems or private water supply systems.

75. Location and elevation of existing or future access roads.

86. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.

97. The elevation of the lowest floor of proposed buildings and any fill using North American ational Geodetic and Vertical Datum (NGAVD).

108. Data sufficient to determine the regional flood elevation in NGAVD at the location of the development and to determine whether or not the requirements of the Floodway District or the Flood Fringe District apply.

119. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 28.121(7). This may include any of the information noted in Sec. 28.122(3).

- (b) Data Required to Analyze Developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage, for all subdivisions or new developments exceeding five (5) acres in area or where the estimated cost exceeds one hundred twenty-five thousand dollars (\$125,000). The estimated costs of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs. The applicant shall provide:

1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
2. A map showing location and details of vehicular access to lands outside the floodplain; and
3. A surface drainage plan showing how flood damage will be minimized.

**28.122 F1 FLOODWAY DISTRICT.**

(1) Applicability.

The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and to those portions of the F3 General Floodplain District determined to be in the floodway area.

(2) Permitted Uses.

The following open space uses are permitted in the F1 Floodway District:

- (a) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, including parking and loading areas and airport landing strips.
- (c) Nonstructural recreational uses, including golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses or classified as historic structures.
- (e) Public utilities, streets, and bridges.
- (f) Extraction or deposition of sand, gravel or other materials.
- (g) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply within Wis. Stats. Chs. 30 and 31.

(3) Standards for Developments in Floodway Areas.

(a) General.

- 1. Any development in floodway areas shall comply with the provisions of Section 28.121(7) and have a low flood damage potential.
- 2. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 28.121(7)(a) and (b):
  - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
  - b. An analysis calculating the effects of this proposal on regional flood height.
- 3. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subparagraph 2.b. above.

(b) Structures. Structures accessory to permitted open space uses, classified as historical areas, or functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:

- 1. The structures are not designed for human habitation and do not have a high flood damage potential;
- 2. The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruction to the flow of floodwaters.

Structures shall be constructed with the long axis parallel to the direction of flow of floodwaters, and approximately on the same line as adjoining structures;

3. The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
4. The structures have all service facilities at or above the flood protection elevation.

(c) Public utilities, streets, and bridges.

3. Public utilities, streets and bridges may be allowed by permit, provided that:
  - a. Adequate flood-proofing measures are provided to the flood protection elevation; and
  - b. Construction meets the standards in Sec. 28.121(7)(a) and (b).

(de) Fills or deposition of materials.

Fills or deposition of materials may be allowed by permit, provided that:

1. The requirements of Sec. 28.121(7)(a) and (b) are met.
2. No material is deposited in the navigable channel unless a permit has been granted by the Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a permit pursuant to ~~S. 404 of the Federal Water Pollution Control Act, Amendments of 1972,~~ 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met.
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and
4. The fill is not classified as a solid or hazardous material.

(4) Prohibited Uses.

All uses not listed as permitted uses in sub. (2) above are prohibited with the floodway district and in the floodway portion of the general floodplain district including the following uses:

- (a) The storage of any material that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
- (b) Any uses not in harmony with or which may be detrimental to uses permitted in the adjoining districts.
- (c) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with public recreational areas and wisconsin Department of Natural Resources approved campgrounds, that meet the applicable provisions of Wis. Admin. Code ch. Comm 83.
- (d) All public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812.
- (e) All solid and hazardous waste disposal sites.
- (f) All wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code §NR110.15(3)(b).

(g) All sanitary sewer or water lines except those to service existing or proposed development located outside the floodway which complies with the regulation for the floodplain area occupied.

(h) Habitable structure, structures with high flood damage potential, or those not associated with permanent open-space uses.

### **28.123 F2 FLOOD FRINGE DISTRICT**

(1) Applicability.

The provisions of this section shall apply to all areas within the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area. The F2 Flood Fringe District shall also include the A-zones so designated on the floodplain zoning district maps and for which floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area: Any building, structure or use otherwise allowed as permitted or conditional uses in the underlying primary zoning district, except for mobile home parks and solid waste disposal sites.

(3) Standards for Development in Flood Fringe Areas.

All of the provisions of Sec. 28.121(7)(a) and (b) shall apply in addition to the following requirements according to the use requested.

- (a) Residential Uses. Any structure or building used for human habitation, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:
1. The elevation of the lowest floor excluding the basement or crawlway, shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where Subparagraph 2. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The DNR may authorize other flood-proofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.
  2. The basement or crawlway floor may be placed at the regional flood elevation provided it is flood-proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
  3. Contiguous dry land access, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain except as provided in sub. 4.
  4. In developments where existing street or sewer line elevations make compliance with sub. 3 impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
    - a. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department of Natural Resources.
- (b) Accessory Structures or Uses.
1. Except as provided in Subparagraph 2, below, an accessory structure that is not connected to a principal structure shall be constructed with its lowest floor at or above the Regional Flood Elevation.
  2. An accessory structure that is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation, provided that it is subject to flood velocities of no more than two (2) feet per second and that it meets all the provisions in Sec. 28.122(3)(b) and sub. (e) below.
- (c) Commercial Uses. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements for residential uses above. Storage yards, surface parking lots and such uses may be at lower elevations, subject to the requirements of subparagraph ~~eE~~. below provided an adequate warning system exists to protect life and property.
- (d) Manufacturing and Industrial Uses. Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls, or other flood-proofing measures. Subject to the requirements in subparagraph (e) below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation for the particular area or flood-proofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans and:
1. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood-proofed to the flood protection elevation.
  2. Minor roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (g) Sewage Systems. All on-site sewage disposal systems shall be flood-proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.
- (h) Wells. All public or private wells shall be flood-proofed ~~pursuant to Sec. 28.121(12) to the flood protection elevation~~ and shall meet the applicable provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.

- (j) Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- (k) Manufactured Homes.
  - 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an excavation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - 2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - a. Have the lowest floor elevated to the flood protection elevation; and
    - b. Be anchored so they do not float, collapse or move laterally during a flood.
  - 3. Outside of existing manufactured home parks, including manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the requirements for residential uses in para. (3)(a) above.

(l) Mobile recreational vehicles.

All mobile recreational vehicles that are on site for one hundred-eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in (k)2. and 3. above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and servurity devices and has no permanently attached additions.

**28.124 F3 GENERAL FLOODPLAIN DISTRICT.**

(1) Applicability.

The F3 General Floodplain District consists of the land which has been or may be hereafter covered by flood water during the regional flood and encompasses both the F1 Floodway and F2 Flood Fringe Districts. The provisions of this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data are available. The F3 General Floodplain district shall include all A-zones so designated on the zoning district maps and for which no floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F3 General Flood Plain District, provided a determination shall be made as to what portion of the floodplain is within the floodway or flood fringe as provided in Sec. 28.124~~1(14)~~~~(a)8~~:

- (a) Uses permitted in the F1 Floodway District are permitted in that portion determined to be within the floodway.
- (b) Uses permitted in the F2 Flood Fringe District are permitted in that portion determined to be within the flood fringe.

(3) Standards for Development in the General Floodplain District.

Once it is determined according to Subdivision (4) below that a proposed use is located within a floodway, the provisions of Subsection 28.122 above shall apply. Once determined that the



proposed use is located within the flood fringe, the provisions of Subsection 28.123 above shall apply. The rest of this subchapter applies to either district.

(4) Determining Floodway and Flood Fringe Limits.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood-proofing measures.
- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the DNR for evaluation of the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine the boundaries of the floodway:
  - 1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information.
  - 2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
  - 3. Profile showing the slope of the bottom of the channel or flow line of the stream.
  - 4. Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one copy of the information described in Paragraphs (a) and (b) above to the Southern District office along with a written request for technical assistance to establish regional flood elevations and where applicable, floodway data. Where the provisions of Sec. 28.121(14)(b) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

**28.125 F4 FLOOD STORAGE DISTRICT.**

(1) Applicability.

The F4 Flood Storage District consists of that portion of the floodplain where storage of floodwaters ~~has been taken into account and is relied upon is calculated~~ to reduce the regional flood discharge. The district ~~provides for the protection of the flood~~ storage areas and assures that any development in the storage areas will not ~~decrease the effective flood storage capacity, which would~~ cause higher floodplain elevations. The provisions of this section shall apply to all areas within the F4 Flood Storage District ~~as shown on the Dane County Flood Storage Maps and to those portions of the F3 General Floodplain District determined to be in the flood storage area.~~

(2) Standards for dDevelopment in Flood Storage District.

In addition to the Standards for development in Sec. 28.123(3), the following standards shall apply.

- (a) Development in a flood storage district shall not cause an increase equal to or greater than 0.01 of a foot in the height of the regional flood.

- (b) No development shall be allowed that would remove flood storage volume, unless an equal volume of storage, as defined by the predevelopment ground surface and the regional flood elevation, shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) No area in the floodplain may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside the floodplain.
- (d) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district is rezoned to the flood fringe district. At such time, the floodplain study and map for the waterway shall be revised to revert to the higher regional flood discharge calculated without floodplain storage.

~~(3) Rezoning from Flood Storage District to Flood Fringe District.~~

- ~~(a) Department of Natural Resources approval of any project that results in an increase in the height of the regional flood shall be secured prior to the submitting of a petition to rezone.~~
- ~~(b) The effect of rezoning from the flood storage district to the flood fringe district shall be calculated by comparing the current flood profile to the flood profile determined by assuming that the area to be rezoned is not available to store floodwater.~~
- ~~(c) The zoning maps for the flood storage district may not be amended without first amending the applicable portions of the water surface profiles, and floodplain zoning ordinances and securing Department of Natural Resources approval for such amendments.~~

(4) Permitted Uses.

Any use allowed as permitted or conditional uses in the Madison Zoning Ordinance, except for mobile home parks and solid waste disposal sites, permitted in the F1 Floodway District is permitted in the F4 Flood Storage District.

**28.126 NONCONFORMITIES ~~AND~~ USES.**

(1) General Floodplain District. Applicability.

~~If these standards conform with section 62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.~~

~~(2) Conditions.~~

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.
- (b) Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

- (c) The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- (d) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (e) The City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (f) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(a)3. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;
- (g) Except as provided in subparagraph (h) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 42 USC 4001-4129, or under the regulations promulgated thereunder.
- (i) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 28.122(3), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 28.121(12) are used.

(23) Nonconformities in Floodway District Areas.

- (a) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such addition or modification:
  1. Has been granted a permit or variance that meets all ordinance requirements;
  2. Meets the requirements of Section 28.126(1)Subchapter 28N.
  3. Will not increase the obstruction to flood flows or regional flood height; and
  4. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 28.121(12), by means other than the use of fill, to the flood protection elevation.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a

hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. COMM 83, Wis. Adm. Code.

- (c) No new well or modification to an existing well, used to obtain potable water, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code.

~~(34) Nonconformities in Flood Fringe District Areas.~~

~~(a) The provisions of Section 28.126(1) shall apply to all nonconforming uses and structures.~~

- ~~(ba)~~ Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use unless such addition or modification has been granted a permit or variance. In addition, the addition or modification shall be placed on fill or flood-proofed to the flood protection elevation in compliance with the standards for that particular use in Subdivision 28.123(3) above except where Paragraph (b) below is applicable.
- ~~(cb)~~ Where compliance with the provisions of Paragraph (a) above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals may grant a variance from those provisions of Paragraph (a) above for additions or modifications using the criteria listed below. Additions or modifications which are protected to elevations lower than the flood protection elevation may be permitted provided:
  1. No floor is allowed below the regional flood elevation for structures with residential or commercial uses;
  2. Human lives are not endangered;
  3. Public facilities, such as water or sewer, will not be installed;
  4. Flood depths will not exceed two (2) feet;
  5. Flood velocities will not exceed two (2) feet per second; and
  6. The structure will not be used for storage of materials described in Sec.28.123(3)~~eE~~.
- ~~(de)~~ If neither the provisions of Paragraphs ~~(aA)~~ nor ~~(bB)~~ above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
  1. Meets all other regulations and will be granted by permit or variance;
  2. Does not exceed sixty (60) square feet in area; and
  3. In combination with other previous modifications or additions to the building, is equal to or exceeds fifty percent (50%) of the present equalized assessed value of the building.
- ~~(ed)~~ All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.
- ~~(fe)~~ All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

~~(5) Nonconformities in General Floodplain Areas.~~

~~—The requirements of Subsection (2) above apply.~~

(56) Nonconformities in Flood Storage Areas.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage district unless the standards in Sec. 28.125(2) are met.



**SUBCHAPTER 28J: GENERAL REGULATIONS**

**28.131 ACCESSORY BUILDINGS AND STRUCTURES.**

(1) In All Districts.

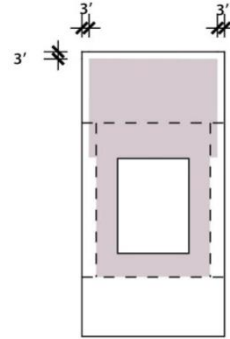
- (a) Time of construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (b) Maximum percentage of rear yard setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.
- (c) Maximum height. The height of the principal building or fifteen (15) feet, whichever is lower. The following are exempt from this requirement:
  - 1. Accessory dwelling units are exempt from this requirement; maximum height shall be determined by the district requirements for zoning districts where such units are allowed.
  - 2. Carriage houses within historic districts may be replaced at their original height.

(2) In Residential Districts.

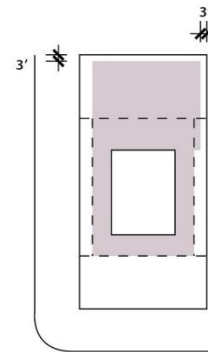
- (a) Maximum area per lot: Total area of accessory buildings measured at ground floor: ten percent (10%) of lot area but no more than one thousand (1,000) square feet. A larger total building area may be allowed by conditional use approval permit.
- (b) Maximum size of accessory building: No individual structure shall exceed five hundred seventy-six (576) square feet in TR districts and eight hundred (800) square feet in other districts at ground level except by conditional use approval permit. Accessory buildings shall not exceed the size of the principal building.

(c) Placement: Accessory buildings may be located in the following locations:

- 1. Within the building envelope.
- 2. In a rear yard setback, a minimum of three (3) feet from any property line;
- 2. In a side yard setback, if located behind the rear plane of the principal building, a minimum of three (3) feet from any property line;
- 3. In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback required for a principal building in the district;

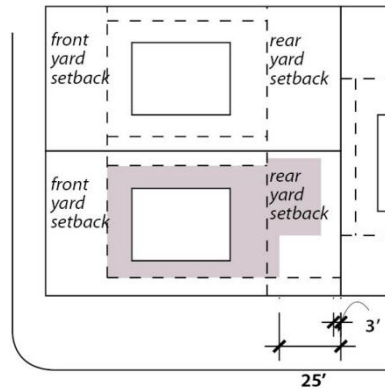


Accessory building on interior lot may be placed within shaded area



Accessory building on corner lot may be placed within shaded area

4. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.



Accessory building on reversed corner lot may be placed within shaded area

- (d) Shared garages. A detached garage may be constructed across a lot line by abutting property owners, ~~any~~ where a garage is permitted within three (3) feet of the lot line, provided that :
  1. ~~if: 1) there is A~~ joint driveway ~~shall lead~~ing to ~~the garage~~; and
  2. ~~2) T~~he property owners ~~shall provide~~ have a joint access and maintenance agreement for the use of the garage. ~~approved and recorded by the Director, relating to the shared garage.~~
- (e) Side and rear yard garage replacement. A detached garage located in a side or rear yard may be replaced within the existing setbacks provided thatif:
  1. ~~T~~he ~~garage is~~ replaced~~ment is~~ within one (1) year of demolition;
  2. ~~the Zoning Administrator has verified T~~he location and size of the existing or demolished garage ~~shall be verified by the Zoning Administrator~~;
  3. ~~T~~he ~~replaced enlarged garage~~structure ~~shall~~does not exceed twenty-four (24) feet in length or width;
  4. Neither the length nor width of the replaced garage shall be more than two (2) feet greater than the length or width of the demolished garage. and neither the width or length is increased by more than two (2) feet.; and
  5. ~~-~~The replace~~ment~~ garage shall not exceed the maximum size allowed under Sub. (2)(b)~~B.~~ above.
- (f) Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight (8) feet above curb level, a private garage may be erected within the front yard setback, provided that:
  1. The garage ~~shall~~must be located at least five (5) feet from the front lot line; and
  2. At least one-half (1/2) of the height of the garage shall be below the mean grade of the front yard.

(3) Nonresidential Districts.

Accessory buildings shall be located a minimum of ten (10) feet from the rear lot line.

**28.132 ENCROACHMENTS INTO SETBACK AREAS.**

(1) Permitted Setback Encroachments.



The following structures or features are ~~allowed~~permitted encroachments in setback areas. ~~For those encroachments with siting limitations, the~~ The letter “A” in the table indicates that the structure or feature is allowed anywhere in the setback. A number indicates the maximum distance in feet that ~~that the encroachment shall~~ the structure or feature is allowed to extend into the setback is provided. No subterranean encroachments are allowed except as noted in Table 28J-1.

**Table 28J-1.**

Structure or Feature	<del>All</del> <del>Yards</del>	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Accessibility accommodations <del>as specified in Section</del>	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Accessory sheds, toolrooms, doghouses, and similar buildings or structures <del>(see Sec. 28.131(1), Accessory Buildings)</del>			<del>AX</del>	<del>AX</del>
Air conditioning condensing unit			<del>AX</del>	<del>AX</del>
Arbors and trellises	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Awnings	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Basement storm doors providing access to below-grade stairs			<del>X</del>	<del>AX</del>
Balconies				6
Bay windows, max. one story in height <sup>a</sup>		3	2	3
Chimneys, flues	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>
Compost bins <sup>b</sup>			3 from prop. line or building	3 from prop. line or building
Eaves and gutters		3	2	3
Egress windows <u>wells</u>	<del>minimum</del> <del>egress</del> <del>req.</del>	<u>minimum</u> <u>egress req.</u>	<u>minimum</u> <u>egress req.</u>	<u>Minimum</u> <u>egress req.</u>
Decks, uncovered, elevated over 3 <sup>2</sup> <u>feet</u> above adjacent ground level				6
Decks, uncovered, elevated not more than 3 <sup>2</sup> <u>feet</u> above adjacent ground level		<del>X</del>	<del>X</del>	<del>AX</del>
Fences, walls, hedges; <del>see Section 28.142(12)</del>	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Fire escapes			1/3 width of yard; up to 3 ft.	6
Flagpoles or garden ornaments	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Garages, detached, <del>(see Sec. 28.131(1), Accessory Buildings)</del>			<del>AX</del>	<del>AX</del>
Laundry drying equipment	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Licensed radio towers <75 <sup>2</sup> <u>feet</u> and receiving devices				<del>AX</del>
Open porches		<del>6</del>		
<del>Open off street parking spaces, see Section 28.144</del>	<del>A</del>			
Recreational equipment, <del>minor</del>	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>
Recreational equipment, major				<del>AX</del>

Solar energy systems <del>or devices</del>	A	<u>X</u>	<u>X</u>	<u>X</u>
<del>Steps and P</del> platforms, uncovered, needed for building access <sup>e</sup>		4	<u>4</u>	<u>4</u>
Steps, <del>below grade, needed for access to basement entrances</del>	A	<u>X</u>	<u>Minimum egress req</u>	<u>X</u>
Swimming pools, hot tubs, whirlpools, or similar structures				3 <del>ft.</del> from prop. line
<del>Wind energy systems or devices</del>	A	<u>X</u>	<u>X</u>	<u>X</u>

(2) Other Encroachment Requirements.

- (a) One (1) story bay windows ~~may project into setback areas, provided that such windows shall~~ not occupy, in the aggregate, more than one-third (1/3) of the front or side wall or one-half (1/2) of the rear wall of the building, and ~~shall be located~~ entirely within planes drawn from either main corner of the wall, making an interior angle of twenty-two and one-half (22.5) degrees in the horizontal plane with the wall.
- (b) Compost bins also shall comply with the requirements of Sec. 7.361, See Madison General Ordinances ~~7 for compost bin standards.~~
- (c) Uncovered entrance platforms necessary to comply with current ingress and egress regulations ~~may extend four (4) feet into the front yard setback area and~~ shall be no wider than six (6) feet. Steps from the platform may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads.

**28.133 ENVIRONMENTAL PROTECTION STANDARDS.**

(1) General Standards.

- (a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
- (b) No use shall result in the harmful discharge of any waste materials across the boundaries of the subject property or into the ground, into any sanitary or storm sewer system, into any water body or water system, or into the atmosphere.
- (c) The Zoning Administrator may require evidence of adequate controls on any potential nuisances or hazards prior to issuing a zoning or occupancy certificate.

(2) Activities Which May Be Potential Hazards or Nuisances.

- (a) Productive Processes. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.
- (b) Explosives. Laboratory scale quantities of division 1.1 to 1.3 explosives and forbidden explosives as defined by the United States Department of Transportation in 49 CFR §173.50

and §173.54, respectively, as amended from time to time, are allowed outside the IG zoning district when stored according to National Fire Protection Association standards and provided that the total amount of all said explosives are two (2) pounds or less per building. Laboratory scale quantities of explosive chemicals must be stored in containers, in quantities no greater than their original shipment quantities.

- (c) Fissionable non-fissile material. Notwithstanding the restrictions contained in [Section §28.133\(1\)\(a\)](#), fissionable non-fissile material is allowed in other zoning districts when the use of such material is accessory to a principal use allowed within the zoning district and when licensed or registered, as may be required by state or federal law.
  - (d) Fissile material. The storage, utilization or manufacture of more than one gram of fissile material is permitted only in the Industrial-General district and only when not less than three hundred (300) feet of a boundary of any other zoning district. However, utilization of fissile material outside the IG district is allowed when the use of such material is in nuclear gauges or calibration instruments, for medical purposes or fission chambers operated by a college or university for instructional purposes and only when said uses are licensed or registered, as may be required by state or federal law.
- (3) Drainage Courses.
- (a) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community by regulating and restricting the development of areas along or in drainageways, channels, streams and creeks. The regulations which follow are intended to protect and to preserve the location, character and extent of such drainageways, channels, streams and creeks, and to protect persons and property from the hazards of development in areas which may be subject to inundation.
  - (b) General Regulations.
    1. No building or structure shall be erected within a drainage course. For the purpose of this and the following paragraphs, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on the zoning map and any area designed or intended for use for drainage purposes as shown in a recorded subdivision.
    2. No filling of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.
    3. No excavating of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such excavating will not divert water from the established channel, will not cause flooding of lands outside such drainage course, will not cause any erosion, and will not otherwise impair the design and character of such drainage course.
    4. No relocation, enclosure or bridging of a drainage course shall be permitted except upon issuance of a certificate by the City Engineer that the location, character and extent of such relocation, enclosure or bridging of the drainage course shall be in the public interest.

5. The City Engineer may require the submittal of any such information which he or she considers essential for the proper enforcement of the above regulations.

**28.134 ~~EXCEPTIONS TO HEIGHT AND BULK REGULATIONS~~ LIMITS.**

(1) Height Measurements.

In the case of alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning ~~Administrat~~Administrator.

(2) Height Limit Exceptions.

The following structures are permitted to exceed the maximum height regulations within any district where the use is allowed: church spires, belfries, cupolas and domes, water towers, flagpoles, chimneys, communication towers and elevator penthouses. Communication towers within residential districts shall not exceed a maximum height of seventy-five (75) feet above grade. All structures shall comply with the provisions of subsection (3) below.

(3) Capitol View Preservation.

No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers (except communication towers in residential districts, which shall comply with the requirements of Section (1) above), elevator penthouses, screened air conditioning equipment on existing buildings and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.

(4) Airport Height Restrictions. The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation apply to buildings and structures in and around the Dane County Regional Airport. The City of Madison does not enforce these regulations.

(5) Public Utility Exemptions.

- (a) The following public utility uses, which are essential in most districts, shall be permitted in any zoning district: poles, ~~towers~~, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment for a public utility. However, where such public utility uses are proposed to be located across unplatted lands, conditional use approval is required ~~in accordance with Section 28.183.~~
- (b) The regulations in this ordinance governing lot size, bulk requirements, and access to improved public streets shall not apply to any lot designed or intended for a public utility and public service use when approved by the Plan Commission.

**28.135 LOT DIVISION, CREATION AND ACCESS.**

(1) Division of Improved Zoning Lots.

Lot division shall be governed by the provisions of MGO Chapter 16 and the following regulations:

- (a) An improved zoning lot shall not be reduced in size or divided into two (2) or more separate lots unless each lot that results from such reduction or division meets all requirements of the zoning district in which it is located.
  - (b) Lot divisions shall comply with the minimum lot size requirements of each zoning district, except that non-buildable lots such as outlots are exempt from minimum lot requirements.
- (2) Access to Public Street.
- Every zoning lot shall front on an improved public street, with a minimum of thirty (30) feet of street frontage, with the exception of lots in approved planned multi-use sites or planned development districts.
- (3) Development of Deep Residential Lots.
- (a) Statement of purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.
  - (b) General regulations. The Plan Commission may allow, after a public hearing and notice as set forth in Section 28.183 and consideration of the standards set forth in Section 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that ~~the following criteria are met:~~
    - 1. The front lot(s) shall have a ~~lot~~ width not less than that required in the district in which it is located;
    - 2. The rear lot shall have frontage onto an improved public street for a width not less than thirty (30) feet;
    - 3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot;
    - 4. All of the lots proposed ~~shall have provide~~ the minimum required lot area;
    - 5. The house numbers for all lots shall be on a sign visible from the public street.
  - (c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

### **28.136 USE OF TRAILERS AND CONTAINERS.**

Trailers and containers used for over-the-road hauling shall not be used for or converted for office, commercial, residential or storage use in any district.

### **28.137 ZONING LOTS AND PLANNED MULTI-USE SITES.**

(1) Residential Zoning Lots.

Except in the case of multifamily complexes and planned multi-use sites within the Mixed-use Center District, no more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other nonresidential principal building or use.

(2) Planned Multi-Use Sites.

The purpose of this subsection is to allow efficient and economical design and greater coordination and flexibility in the development of nonresidential and mixed use properties, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.

- (a) A planned multi-use site, as defined, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
- (b) An existing planned multi-use site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development, or approval of the Plan Commission.
- (c) The uses allowed within a planned multi-use site are limited to those uses that are allowed within the zoning district(s) in which the site is located.
  - 1. Residential units within planned multi-use sites are allowed only within mixed-use buildings, except that within the Mixed-Use Center District, a detached residential building may be included as part of a planned multi-use site.
- (d) Every planned multi-use site shall front on a public street.
- (e) A planned multi-use site containing more than forty thousand (40,000) square feet of gross floor area and where twenty-five thousand (25,000) square feet of gross floor area is designed or intended for retail use or for hotel or motel use, shall ~~require be subject to the procedure for approving a~~ conditional use ~~approval in Sec. 28.183~~ and be subject to review by the Urban Design Commission under the provisions of Sec. 33.245(4)(f), Madison General Ordinances.
- (f) All new retail establishments with a total gross floor area (GFA) of forty thousand (40,000) square feet or more that are part of a planned multi-use site are subject to review by the Urban Design Commission under the provisions of Sec. 33.245(4)(f).
- (g) Where multiple nonresidential uses will be located in a planned multi-use site, a plan for building placement, shared parking and access and any easement documents necessary to facilitate those plans shall be submitted. Plans shall show the following:
  - 1. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities, open spaces and any ground-mounted signage.
  - 2. Identification of uses within the site and the gross square footage of building sites, either for the overall development or for the individual sites within the planned multi-use site.
  - 3. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public resulting from the planned development. The planned multi-use site plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), Madison General Ordinances.

### **28.138 LAKEFRONT DEVELOPMENT.**

The following regulation shall apply to all zoning lots that abut Lake Monona, Lake Mendota, Lake Wingra, Monona Bay, and associated harbors. New development on lakefront lots is a conditional use. For purposes of this section, new development shall be a new principal building, an addition or additions

to an existing principal building totaling in excess of five hundred (500) square feet of floor area during any ten (10) year period, or any accessory building. Additions to principal buildings of less than five hundred (500) square feet of floor area during any ten (10) year period shall meet the requirements of this section but may be permitted rather than conditional.

(1) General Regulations.

- (a) Upon the filing of an application for a conditional use **permit**, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
- (b) Any building development for habitation shall be served with public sanitary sewer.
- (c) Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.
- (d) Where the City’s adopted **Comprehensive Master** Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.
- (e) Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
- (f) In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

(2) Residentially-Zoned Lakefront Properties.

- (a) **Lakefront Yard Setback.** The yard that abuts the lake, typically the rear yard, shall be referred to as the “lakefront yard.” The yard opposite the lakefront yard shall be treated as the front yard. The minimum depth of the lakefront yard setback from the Ordinary High Water Mark shall be calculated using one of the two following methods, provided that in no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet.
  - 1. The average setback of the principal building on the two adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or
  - 2. Based on the median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater (see illustration).
- (b) **Building Bulk Limitation.** The residential floor area ratio of the principal building on the lot shall not exceed one hundred twenty-five percent (125%) of the median floor area ratio of all residentially-zoned buildings

**Sample Calculation of Minimum Lakefront Yard Setback**

Existing Lakefront Yard Setbacks within 5 lots or 300 feet:

- A: 35’
- B: 45’
- C: 35’
- D: 75’
- E: 45’
- F: 30’
- G: 35’
- H: 45’
- I: 60’

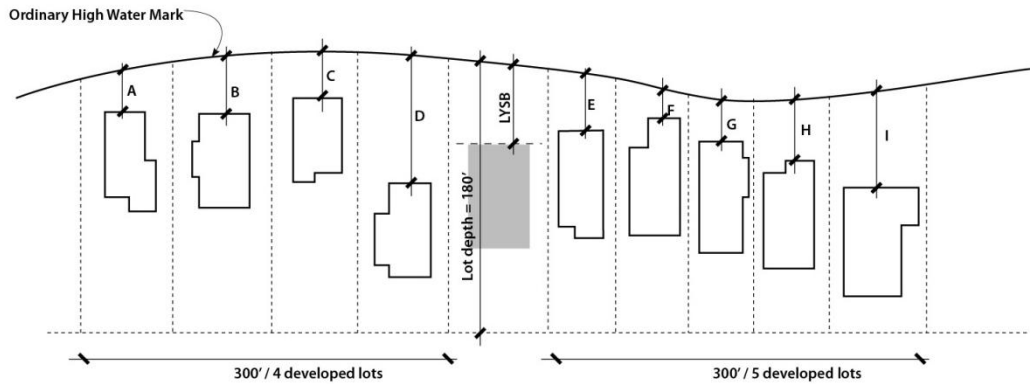
Lakefront Yard Setback calculation:

Median of A to I: 45’

or

30% of lot depth (180’): 54’

within one thousand (1,000) feet on either side. Residential floor area as defined includes finished or occupiable attic and basement space, attached garages and enclosed porches. Floor area information shall be obtained from the City of Madison assessment records.



- (c) **Building Height Limitation.** The maximum height of the principal building on the lot shall not exceed one hundred twenty-five percent (125%) of the median height of all residentially-zoned principal buildings within one thousand (1,000) feet on either side. Building height is measured from natural grade.

**28.139 DEVELOPMENT ADJACENT TO PUBLIC PARKS.**

- (1) Nonresidential development within two hundred (200) feet of the boundary of a City-owned public park shall be reviewed as a conditional use. The purpose of this requirement is to assess the impact of proposed development on natural resources, drainage patterns, pedestrian traffic and recreational uses of the park. Conditional use applications shall include the following:
  - (a) A complete inventory of vegetation in any area proposed for development within one hundred (100) feet of the park boundary.
  - (b) Any proposed cutting of trees or removal of vegetation within one hundred (100) feet of the park boundary. Removal of vegetation may be limited within thirty-five (35) feet of the park boundary.
  - (c) Grading and drainage within thirty-five (35) feet of the park shall be reviewed for its effect on drainage patterns and vegetation within the park.

**28.140 USABLE OPEN SPACE.**

- (1) Usable open space shall be provided on each lot used in whole or in part for residential purposes, as set forth in each district except where specifically exempted.
  - (a) Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%).
    - 1. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.



- (b) Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement designed for outdoor recreation only may be included ~~as~~ usable open space.
- (c) Within the Central Area, as defined, where usable open space requirements cannot be met due to limited existing lot area, or building/parking placement, required landscaped areas may be used to meet the usable open space requirement, provided that said landscaped areas are a minimum of five (5) feet in width.
- (d) Within the TR-U1 and TR-U2 Districts and within all Mixed-Use, Employment, Downtown and Urban Districts, roof decks and balconies may be used to meet up to seventy five percent (75%) of the minimum open space requirements, provided that ~~they meet the following standards:~~
  - 1. Balconies shall have a minimum dimension of four and one-half (4½) feet.
  - 2. Roof decks shall have a minimum dimension of fifteen (15) feet and shall be free of any obstructions, improved and available for safe and convenient access to all occupants of the building.
- ~~(e) The provisions of this section may be modified for conditional uses subject to Plan Commission review.~~

#### **28.141 PARKING AND LOADING STANDARDS.**

(1) Statement of Purpose.

This section establishes minimum and maximum parking space ratios, and standards for the layout and design of parking spaces, lots and structures. It also includes shared parking incentives, and reduction of off-street parking in favor of transit or other travel modes. The standards in this section are intended to:

- (a) Encourage reduction of surface parking as a means of reducing dependence on private automobiles and reducing the pollution and congestion that are associated with automobile use.
- (b) Encourage reduction of surface parking as a means of fostering more compact development patterns and encouraging transit, bicycle and pedestrian circulation.
- (c) Minimize the adverse effects of off-street parking and loading on adjacent properties.
- (d) Minimize spillover on-street parking in neighborhoods.
- (e) Encourage shared parking arrangements that will support mixed use development and compact development patterns.
- (f) Encourage bicycle circulation by providing adequate parking and storage space for bicycles.
- (g) Encourage parking locations that do not disrupt Madison’s traditional streetscape.

(2) Organization of this Section.

Certain districts do not require off-street parking, as set forth in Table 28J-2. Where off-street parking is required, Table 28J-3 establishes the minimum number of parking spaces required, the maximum number of parking spaces permitted, and the minimum number of bicycle spaces required, for the uses indicated. Off-street parking may be waived or reduced under specific conditions, as set forth in Table 28J-4.

(3) No Minimum Parking Required.

In the Central area, as defined, and the following districts, there is no specified minimum requirement for off-street parking of automobiles, with the exceptions specified in Table 28J-2 below. Maximum parking and bicycle parking requirements ~~continue to~~ apply as specified in Table 28J-3. ~~Off-street parking for bicycles is required as specified in Table 28J-3.~~ For conditional uses, parking requirements may be established as a condition of approval part of the conditions pertaining to a use.

**Table 28J-2. Districts with no Minimum Parking Requirements; Exceptions**

District/Area	Parking Requirement	Exceptions
Central Area	No minimum	
Neighborhood Mixed Use (NMX)	No minimum, <del>with exceptions</del>	<u>1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet gross floor area.</u> <u>2. Restaurants, restaurant-taverns, taverns, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub. Food and beverage uses (see note a)</u>
Traditional Shopping Street (TSS)	No minimum, <del>with exceptions</del>	<u>1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet gross floor area for an individual establishment or twenty-five thousand (25,000) square feet gross floor area for a mixed-use or multi-tenant building.</u> <u>2. Restaurants, restaurant-taverns, taverns, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub. Food and beverage uses (see note a)</u>
Mixed Use Center (MXC)	No minimum	
Commercial Center (CC)	No minimum	
Traditional Workplace (TW)	No minimum, <del>with exceptions</del>	<u>1. Buildings, uses, or additions exceeding twenty-five thousand (25,000) square feet gross floor area.</u> <u>2. Restaurants, restaurant-taverns, taverns, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub. Food and beverage uses (see note a)</u>
Employment Campus (EC)	No minimum	
Suburban Employment Center	No minimum	
Industrial - Limited (IL)	No minimum	
Industrial - General (IG)	No minimum	
<del>(a) Within the NMX, TSS and TW districts, food and beverage uses shall meet minimum parking requirements if other food and beverage uses that do not meet minimum parking requirements exist within three hundred (300) feet of the proposed use. This requirement may be reduced or waived if parking is provided through a shared agreement, as provided in Section (3)C below.</del>		

(4) Off-Street Parking Requirements, Applicability.

Table 28J-3 establishes the minimum number of parking spaces required, the maximum number of parking spaces permitted, and the minimum number of bicycle spaces required, for the uses indicated. Compliance with this Section is required in the case of any change in use or occupancy. Where the Zoning Administrator determines the minimum or maximum parking requirement, consideration shall be given to the expected number of public visiting the site, as well as the number of persons employed or residing on the site.

~~Parking requirements are determined as follows:~~

- (a) Number of employees. Where number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees will not change unless new construction or expansion is proposed.
- (b) Floor area calculation. Floor area used to calculate parking and loading requirements is defined as the sum of the gross horizontal areas of the floors or parts of a building devoted to the use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages, or space in a basement or cellar when used for storage or incidental uses.
- (c) Bicycle space minimum. A minimum number of two (2) bicycle spaces (the equivalent of one two-sided bike rack) is required for nonresidential uses.
- (d) Computation. Fractional space requirements of up to one-half (1/2) space shall be rounded down to the next whole number and greater than one-half (1/2) rounded up to the next whole number.
- (e) Parking requirements for persons with disabilities. The provisions contained in Sec. 101.12, 346.503, and Sec. 346.56 Wis. Stat. and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (f) Unspecified uses. Where buildings are constructed without uses specified, the use with the highest parking requirement among all uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.
- (g) Unlisted uses. ~~For uses not listed in Table 28I-3, the Zoning Administrator also shall establish the minimum and maximum parking and minimum loading required for any use not listed in Table —. The zoning administrator may consider, but shall not be limited to, the following in establishing parking requirements for an unlisted use:~~
  - 1. ~~Documentation.~~ Documentation regarding the actual parking and loading demand for the proposed use.
  - 2. ~~Evidence.~~ Evidence in available planning and technical studies relating to the proposed use.
  - 3. ~~Other jurisdictions.~~ Required parking and loading for the proposed use as determined by ~~other~~ comparable jurisdictions.
  - 4. ~~Estimation of similar uses.~~ Examination of the parking and loading requirements for uses most similar to the proposed use.

**Table 28J-3. Off-Street Parking Requirements**

Use	Minimum	Maximum	Bicycle
<b>Residential – Family Living</b>			
Single-family detached dwellings	1 (location only)	4 outside spaces	
Two-family dwelling – two- <del>unit flat</del>	1 (location only)	4 outside /d.u.	-
Two-family dwelling - twin	1/d.u. (location only)	4 outside /d.u.	-
Three-family dwelling	1/d.u. (location only)	2 per dwelling	-
Single-family attached dwelling	1 per dwelling	2 per dwelling	1 per dwelling

Use	Minimum	Maximum	Bicycle
Multi-family dwelling	1 per dwelling	2.5 per dwelling	1 per unit up to 2-bedrooms, ½ space per add'l bedroom; 1 guest space per 10 units
Accessory dwelling <u>unit</u>	0	2 per dwelling	
Manufactured home, mobile home	0	(see lot coverage)	
Caretaker's dwelling	0	2 per dwelling	
<b>Residential - Group Living</b>			
Adult family home	1	4	1 per dwelling
Community living arrangement	as determined by <u>Z</u> oning <u>A</u> administrator based on number of rooms/employees	150% minimum	1 per dwelling plus 1 per 3 rooms
Cohousing community	as determined by <u>Z</u> oning <u>A</u> administrator	150% minimum	1 per dwelling
Housing cooperative	same as dwelling type prior to conversion to co-op	1 per bedroom	1 per bedroom plus 1 guest space per 4 bedrooms units
Lodging house, <del>rooming house</del>	as determined by <u>Z</u> oning <u>A</u> administrator based on number of rooms/employees	1 per bedroom	1 per bedroom plus 1 guest space per 4 units
Dormitory, fraternity or sorority	1 per 4 lodging rooms; or as established in <u>C</u> ampus <u>M</u> aster <u>P</u> lan	1 per bedroom	1 per bedroom plus 1 guest space per 4 units
<del>Retirement home, A</del> -assisted living, congregate care, <u>nursing home</u>	1 space per 10 dwelling units or lodging rooms; 1 per 5 beds	1 per dwelling unit	1 per 4 units + 1 per 5 employees
<u>Convent, monastery or similar residential</u>	see place of worship	1 per bedroom	1 per bedroom
<b>Civic and Institutional Uses</b>			
Cemetery, mausoleum	as determined by <u>Z</u> oning <u>A</u> administrator	as determined by <u>Z</u> oning <u>A</u> administrator	as determined by <u>Z</u> oning <u>A</u> administrator
Day care <u>center, adult, child,</u> nursery	1 per 15 clients	200% of minimum	1 per 5 employees
Library, museum	0	1 per 400 square feet floor area	1 per 2,000 square feet floor area
Mission house <del>in conjunction with religious institution</del>	see place of worship	1 per 400 square feet floor area	1 per 400 square feet floor area
Parks and playgrounds	none, except where required for specific facilities, as determined by <u>Z</u> oning <u>A</u> administrator		
Place of worship	1 per 10 seats or 15 lineal feet of seating area in the main worship space. If no fixed seats, 1 per 70 sq. ft. of floor area in main worship space	150% of minimum	1 per 50 seats or 75 lineal feet of seating area or 1 per 350 feet of floor area in main worship space
Public safety facilities ( <del>fire, police stations, etc.</del> )	as determined by <u>Z</u> oning <u>A</u> administrator	as determined by <u>Z</u> oning <u>A</u> administrator	as determined by <u>Z</u> oning <u>A</u> administrator

Use	Minimum	Maximum	Bicycle
Schools, public and private Schools, arts, technical or trade	1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per classroom + 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per 5 students
<del>Colleges, u</del> Universities, <del>colleges</del>	1 per classroom and 1 per 5 students based on the maximum number of students attending classes at any one time; or as established in campus master plan	1 per classroom and + 1 per 3 students based on the maximum number of students attending classes at any one time; or as established in <del>C</del> ampus <del>M</del> aster <del>P</del> lan	1 per classroom and 1 per 5 students, or as established in <del>C</del> ampus <del>M</del> aster <del>P</del> lan
<b>Mixed Commercial-Residential Uses</b>			
Live/work unit	1/d.u. +1 per 2 employees	2 outside	1 per dwelling
Mixed <del>commercial/residential</del> use	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)
<b>Office Uses</b>			
Offices Artist, photographer studio, etc. Insurance office, real estate office, sales office	1 per 400 sq. ft. floor area	1 per 200 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Call center	1 per 2 employees	1 per employee	1 per 10 employees
<b>Medical Facilities</b>			
Clinic, medical, dental or optical Medical laboratory Physical, occupational or massage therapy Veterinary clinic, animal hospital	1 per 400 sq. ft. floor area	1 per 200 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Hospital	1 per 4 beds or based on a parking study or <del>C</del> ampus <del>M</del> aster <del>P</del> lan	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	1 per 2,000 sq. ft. floor area
<b>Retail Sales and Services</b>			
General retail Animal boarding facility, kennel Bank, financial institution Business sales and services <del>Restaurants, restaurant-taverns, taverns, brewpubs</del> Food and related goods sales Laundromat, self-service Liquor store Package delivery service Payday loan business Post office Secondhand goods sales Service business; service business with showroom or workshop Small appliance <del>or engine</del> repair	1 per 400 sq. ft. floor area	1 per 200 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Building materials and home improvement retail center	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 4,000 sq. ft. interior floor area

Use	Minimum	Maximum	Bicycle
Drive-through sales and services, primary and accessory	0 or as determined by <del>Z</del> oning <del>A</del> administrator	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	n/a
Dry cleaning, commercial laundry	1 per 2 employees	1.25 per employee	1 per 4,000 sq. ft. floor area
Farmers' market	0	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator
Furniture and household goods sales Garden center, outdoor Greenhouse, nursery	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
Mortuary, funeral home	1 per 200 square feet of assembly area	1 per 100 square feet of assembly area	1 per 2,000 sq. ft. assembly area
Outdoor uses, commercial	1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
<del>Animal</del> Pet daycare	1 per 15 clients	200% minimum	1 per 5,000 sq. ft. floor area
<b>Food and Beverages</b>			
Catering	1 per 2 employees	1 per employee	1 per 5 employees
Coffee shop, tea house Restaurant, <del>carry-out, deli</del> Restaurant-tavern, tavern, brewpub	15% of capacity of persons	40% of capacity of persons	5% of capacity of persons
<b>Commercial Recreation, Entertainment and Lodging</b>			
Bed and breakfast establishment	1 per 2 bedrooms in addition to requirement for dwelling	200% of minimum	1 per 2 bedrooms
Health/sports club	10% of the capacity of persons	20% of the capacity of persons	5% of the capacity of persons
Hostel	0	1 per bedroom	1 per bedroom
Hotel, inn, motel	.75 per bedroom	2 per bedroom	1 per 10 bedrooms
Indoor recreation	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator (number employees & use characteristics)	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	5% of the capacity of persons
Lodge, private club, reception hall	15% of the capacity of persons	40% of the capacity of persons	5% of the capacity of persons
Outdoor recreation ( <del>i.e., mini-golf, driving range, etc.</del> )	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator	<del>as</del> determined by <del>Z</del> oning <del>A</del> administrator
Theater, assembly hall, concert hall	20% of the capacity of persons in the auditorium, or as established in <del>C</del> ampus <del>M</del> aster <del>P</del> lan (if applicable)	40% of the capacity of persons in the auditorium	5% of the capacity of persons in the auditorium
<b>Adult Entertainment</b>			
Adult <del>entertainment establishment</del> use, adult entertainment tavern	20% of capacity of persons	40% of capacity of persons	5% of capacity of persons
<b>Automobile Services</b>			
Auto service station, body shop, repair station	1 per 2,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 1,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 5 employees
Auto convenience <del>store</del> market	1 per 1,000 sq. ft. of floor area	1 per 500 sq. ft. of floor area	1 per 1,000 sq. ft. floor area

Use	Minimum	Maximum	Bicycle
Auto sales and rental Note: rental vehicles on site may be stacked	1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any	1 per 500 sq. ft. floor area + 4 spaces per service bay	1 per 5 employees
Automobile storage and towing (excluding wrecked or junked vehicles)	as determined by Zoning Administrator (number trucks and storage area size)	as determined by Zoning Administrator	1 per 5 employees
Car wash	as determined by Zoning Administrator	as determined by Zoning Administrator	1 per 5 employees
<b>Public Utility and Public Service Uses</b>			
Electric power production (principal use)	as determined by Zoning Administrator	as determined by Zoning Administrator	1 per 10 employees
Electric substations, gas regulator stations, telecommunications facilities, sewerage system lift stations, water pumping stations and other public utility uses	0	as determined by Zoning Administrator	-
<b>Transportation Uses</b>			
Bus or railroad passenger depot, railroad or intermodal freight yard, motor freight terminal, railroad yard or shop, taxi or limousine dispatching, maintenance and storage	0	as determined by Zoning Administrator	1 per 10 employees
<b>Limited Production, Processing and Storage</b>			
Artisan workshop	0	1 per employee/artist	1 per 5 employees
Bakery, wholesale Bottling plant Laboratories - research, development and testing Limited production and processing Mail order house Printing and publishing Recycling collection center, drop-off station	1 per 2 employees	1 per employee	1 per 5 employees
Contractor's yard	1 per 500 sq. ft. office or sales area + 1 per 3,000 sq. ft. storage area	1 per 250 sq. ft. office or sales area + 1 per 1,500 sq. ft. storage area	1 per 5,000 sq. ft. floor area
Storage - personal indoor facility	0	1 per employee	1 per 10 employees
<b>Industrial Uses</b>			
Light manufacturing General manufacturing Brewery Hazardous waste collection, storage or transfer Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
Asphalt, concrete batching or ready-mix plant Concrete, asphalt and rock crushing facility Extraction of gravel, sand, other raw materials Motor vehicle salvage	as determined by Zoning Administrator	as determined by Zoning Administrator	1 per 10 employees

Use	Minimum	Maximum	Bicycle
Lumberyard	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 10 employees
Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
<b>Agricultural Uses</b>			
Animal husbandry Cultivation	0	1 per employee	1 per 5 employees
Intensive agriculture On-site agricultural retail, farm stand	as determined by <del>Z</del> zoning <del>A</del> administrator	as determined by <del>Z</del> zoning <del>A</del> administrator	1 per 5 employees

(5) Adjustments to Minimum Number of Required Spaces.

Where minimum parking is required, the following adjustments may be made, as outlined in Table 28J-4.

**Table 28J-4. Minimum Parking Adjustments/Reductions, Waivers and Reductions.**

<del>Waiver or Reduction</del>	<del>Adjustment Requirement</del>
<del>Nonresidential parking waiver</del>	<del>For nonresidential uses, the first 5 spaces required under “Minimum Parking” or the first 40% of parking required, whichever is greater, may be waived.</del>
<del>Deferred provision of Residential parking deferral</del>	<del>Any use may defer installation of all or a portion of the required parking until such parking is needed. The approved site plan shall depict the minimum number of required parking spaces. single family or two family dwelling may defer construction of required parking and driveway until desired. Parking and driveway locations meeting all requirements must be shown on an approved site plan.</del>
<del>Shared parking reduction</del>	<del>The <del>Z</del> zoning <del>A</del> administrator may authorize a reduction in the minimum parking number of parking spaces required upon a determination that the hours of peak use among multiple uses will result in lower parking demand, using the method outlined in Subsection 28.141.(7).</del>
<del>Parking reduction request</del>	<del>A reduction in the minimum number of parking spaces required may be granted through the following procedures:                      1. <u>The applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking.</u>  <del>2. A further reduction of up to 20 spaces may be approved by the <del>Z</del> zoning <del>A</del> administrator or may be referred to the Plan Commission for consideration.</del>                      2. A reduction of more than 20 spaces but less than 25% of the required parking may be approved by the Director <del>or may be referred to the Plan Commission for consideration.</del>                      3. A reduction of more than 20 spaces and 25% or more of the required parking <u>requires must be reviewed by the Plan Commission as a conditional use approval.</u>                      A parking reduction request must be initiated by the owner, who must submit information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.</del>
<del>Bicycle parking reduction</del>	<del>The amount of <u>required</u> bicycle parking <del>required</del> may be reduced under the following circumstances:                      1. If more than 50 bicycle parking spaces are required, the required spaces above 50 may be reduced by one-half.</del>



	<ol style="list-style-type: none"> <li>2. If site constraints make it infeasible to provide sufficient bicycle parking on site, the required amount may be reduced or waived by the zoning administrator.</li> <li>3. If permission has been granted to locate required bicycle parking in the public right-of-way, those spaces may contribute to the minimum requirement.</li> <li>4. Public bicycle parking spaces within 300 feet may be counted toward compliance with required bicycle parking.</li> </ol>
<b>Shared car availability reduction</b>	A reduction in residential parking may be approved by the <del>Z</del> zoning <del>A</del> administrator <del>ifs</del> a shared or community car is available <u>for use by residents</u> on or within reasonable proximity of the site, <del>for use by residents</del> .
<b>Transit corridor proximity reduction</b>	Within 600 feet of a high-frequency transit corridor, <del>as defined, the Plan Commission may authorize</del> a reduction in minimum parking requirements of up to 25% <u>may be approved as a conditional use, with due consideration of,</u> <del>depending on the</del> frequency of transit service and adequacy of pedestrian and bicycle linkages to transit stops or stations.
<b>Off-site parking availability reduction</b>	Parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.
<b>Deferral of required parking spaces</b>	<del>Any applicant may defer installation of all or a portion of the required parking until such parking is needed; however, the site plan shall depict the minimum number of required parking spaces.</del>
<b>Moped sSubstitution by moped parking</b>	Moped parking is not required. However, three (3) moped spaces may be substituted for one (1) required automobile parking space. Where provided, moped parking shall meet the standards in Sub. 28.141(12).
<b>Bicycle sSubstitution by bicycle parking</b>	Four (4) bicycle parking spaces above the minimum number required may be substituted for one (1) required automobile parking space.

(6) ~~Exceptions Parking in Excess of the to Exceed~~ Maximum Number of Spaces.

(a) Parking may exceed the maximum requirement in Table 28J-3 provided that the excess parking is underground or structured.

(ba) Surface parking exceeding the maximum may be allowed as a conditional use. In addition to the standards in Section 28.183, the Plan Commission shall consider, ~~provided that~~ the following ~~factors are considered, in addition to the criteria of Section 28.183.:~~

1. Documentation regarding the actual parking demand for the proposed use.
2. The impact of the proposed use on the parking and roadway facilities in the surrounding area.
3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.
4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.
5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.

(cb) Zoning lots and uses that ~~already~~ exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without conditional use approval.

(7) Shared Parking Requirements.

The Zoning Administrator may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be located within one thousand three hundred twenty (1,320) feet of each use served, ~~and shall meet the following conditions:~~

- (a) Computation. The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:
  1. Multiply the minimum parking required for each individual use, as set forth in Table 28J-3, by the appropriate percentage indicated in the table, for each of the six (6) designated time periods.
  2. Add the resulting sums for each of the six (6) columns.
  3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
  4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
- (b) Other uses. If one or more of the ~~land~~ uses proposing ~~to make use of~~ shared parking facilities ~~is not found~~ ~~do not conform to the general land use classifications~~ in Table 28J-5, ~~Shared Parking Calculations, as determined by the zoning administrator,~~ the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Zoning Administrator shall determine the appropriate shared parking requirement ~~for use in the calculation in (a) above, if any, for such uses.~~
- (c) Alternative procedure. ~~An application may be submitted requesting that~~ the Zoning Administrator may authorize a greater reduction in the total number of required parking spaces for two (2) or more uses where an applicant believes that Table 28J-5 does not adequately account for circumstances unique to the particular property or properties in question ~~and~~ :
 

~~The applicant submission shall include, at a minimum, a parking study with a detailed description of the proposed uses, their hours of operation, their anticipated peak parking demand, and anticipated hours that such peak parking demand would occur. Based upon this information, the zoning administrator may authorize a greater parking reduction than is authorized by Table 28J-5. The Zoning Administrator may impose reasonable conditions to mitigate potential negative effects.~~

**Table 28J-5. Shared Parking Calculations**

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. -- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.	2:00 a.m.-- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.
Office/Warehouse/Industrial	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24 hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel: guest rooms (calculate conference and restaurant facilities)	100%	55%	100%	100%	55%	100%

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. -- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.	2:00 a.m.-- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.
separately)						
Conference / Convention Facilities	0%	100%	100%	0%	100%	100%
Place of Worship	0%	25%	50%	0%	100%	50%
School, Grades K-12	0%	100%	25%	0%	30%	10%
Community Center, Library, Museum	0%	100%	80%	0%	100%	80%

- (d) The shared parking spaces shall be maintained as long as the uses they serve are in operation.
- (e) The required number of bicycle parking spaces will be provided.
- (f) The property owner or owners shall sign and record, with the Dane County register of deeds, a written agreement, in a form satisfactory to the City Attorney, which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the Director.

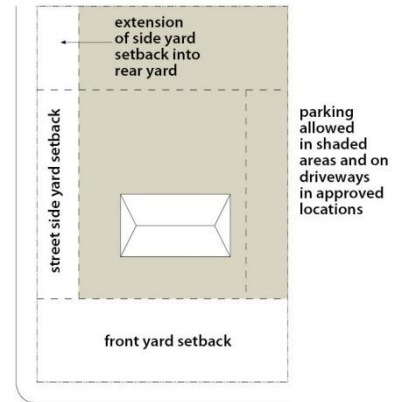
(8) Parking Design and Location.

Parking for automobiles and other motor vehicles shall be designed according to the requirements of Section 10.08, Madison General Ordinances and the following standards.

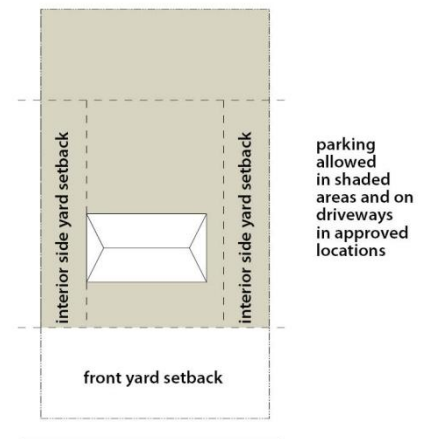
- (a) Surfacing. All parking lots and driveways shall have paved or approved surfaces, as required in Section 10.08, Madison General Ordinances. The use of permeable paving, as defined, is encouraged for all parking spaces provided above the minimum number required by this chapter.
  - 1. Residential drives serving single- to two-family dwellings may contain a grass center provided that the areas on which the vehicle’s wheels touch are a minimum of twelve (12) to eighteen (18) inches in width.
- (b) Snow removal. In winter months, required parking areas, including bicycle parking areas, shall be cleared of snow within a reasonable time. Areas used for snow storage shall be approved by the zoning administrator.

(c) Residential Parking Locations (see illustrations A, B, C).

1. Parking is not permitted within front yard setbacks, or any street side yard setback, including the side yard setback extension into the rear yard, except on a driveway meeting the standards of Subsection (9) below.
2. Parking shall not be located on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
3. Parking spaces may be located within:
  - a. an interior side yard setback;
  - b. a rear yard setback, with a minimum separation of three (3) feet from a street right-of-way (on a corner or reversed corner lot);
  - c. the building envelope.
4. Parking on a through lot. Through lots are defined as having two (2) front yards and no rear yard. Parking on a through lot may be located within the building envelope, or an interior side yard setback, but not in either front yard setback.
5. A maximum of forty percent (40%) of the front and rear yard setbacks may be paved and used for driveway and parking purposes provided. ~~Lot coverage requirements are not exceeded, also apply to residential lots.~~

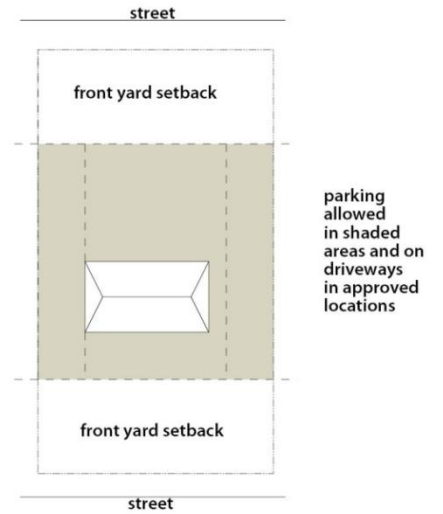


A. Parking locations on residential corner or reversed corner lot



B. Parking locations on interior lot

- (d) Landscaping and Screening. All off-street parking areas shall be landscaped according to the standards of Section 28.142, with the exception of parking for single-family detached, two-family and three-family dwellings.

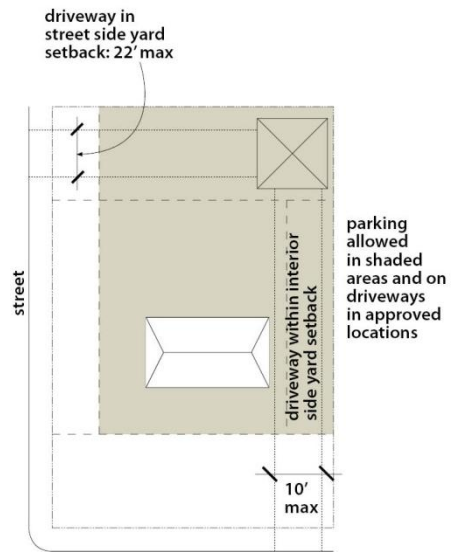


C. Parking locations on through lot

(9) Residential Driveway Design and Location.

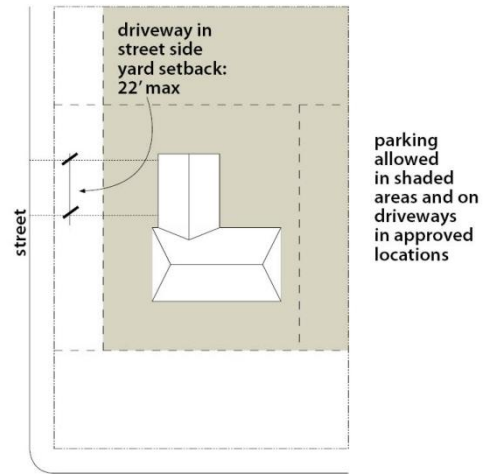
Driveways shall be designed according to the requirements of Section 10.08, Madison General Ordinances and the following standards.

- (a) Driveways shall be a minimum of eight (8) feet in width, except where otherwise specified in Section 10.08, Madison General Ordinances.
- (b) Driveways may be located in the following locations:
  1. Within a front yard setback or street side yard setback, including the extension of the side yard setback into the rear yard setback (see illustrations D and E). The driveway must lead only from a street to the nearest garage or to a paved or graveled parking area located in compliance with Subsection (8)(c) above. Maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty-two (22) feet.
  2. Within an interior side yard setback, leading to a garage or parking area located in compliance with Subsection (8)(c) above (see illustration D). Maximum driveway width is ten (10) feet, which shall not be exceeded within the front yard setback. No setback between the driveway and the side lot line is required

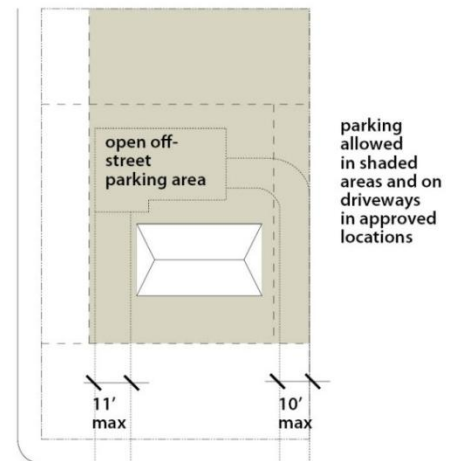


D. Interior and street side yard driveway examples; detached garage

- (c) Two driveways may be constructed within a front yard setback or, on a corner lot, within the street side yard setback, including the extension of the side yard setback into the rear yard setback, if the following standards are met (see illustration F):
1. Each driveway is a maximum of eleven (11) feet wide, or ten (10) feet within an interior side yard setback.
  2. Both driveways meet at a point outside the required front, street side or side yard extension setbacks.
  3. Both driveways lead to the same garage or to **the same** paved or graveled parking area located in compliance with Subsection (8)(c) above.
- (d) Two driveways may be constructed to serve twin dwellings (two-family dwellings separated by a common wall). Each dwelling may have one driveway that meets the requirement of Para. (c) above, with a maximum width equal to the width of the garage entrance or parking area, not to exceed twenty-two (22) feet.
- (e) A maximum of two (2) curb cuts are permitted for any residential lot.
- (f) Driveways may be shared between two single- or two-family lots, provided that appropriate easements or other agreements are established. Shared driveways shall meet the minimum and maximum width requirements of this section.
- (g) Driveways shall be oriented in a perpendicular fashion to the street from which they take access, and shall cross required setbacks in a perpendicular fashion, to the extent feasible.
- (h) Driveways serving commercial or industrial uses shall not cross residentially-zoned properties, except where allowed by conditional use.



E. Street side yard driveway example; attached garage



F. Two driveways on a residential lot

(10) Restrictions on Residential Parking.

- (a) A maximum of one (1) commercial vehicle per dwelling unit may be parked outdoors on residential property if the vehicle is:
1. Used by a resident of the dwelling unit;
  2. Has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less and is less than twenty-one (21) feet in length.
- (b). Vehicles and/or equipment not normally associated with a residential use are specifically prohibited from being parked or stored **outdoors** on residential property. Such vehicles include, but are not limited to:
1. Construction equipment, such as bulldozers, backhoes, skid steers, and fork lifts
  2. Dump and stake body style trucks

3. Cube type vans and trucks
  4. Landscaping business equipment such as tractors, tree spades, graders and scrapers
  5. Semi-trailers and tractors
  6. Concession, vending and catering trailers
  7. Commercial/Industrial equipment trailers and lifts
  8. Tow trucks, wreckers or car carriers
- (c) A recreational vehicle (RV) associated with residential uses may be parked as a passenger vehicle but shall not be utilized for living space or storage of goods, materials or equipment other than is considered part of the RV or essential to its function.
- (d) All vehicles parked on a residential lot shall display current license plates and be in safe, functional and operable condition.

(11) Bicycle Parking Design and Location.

- (a) Parking designation. Bicycle parking requirements are as shown in Table 28J-3 and shall be designated as long-term or short-term parking.
1. For all residential uses, including those in combination with other uses, at least ninety percent (90%) of resident bicycle parking shall be designed as long-term parking. Any guest parking shall be designed as short-term parking.
  2. For all other uses, at least fifty percent (50%) of all bicycle parking shall be designed as short-term parking.
- (b) Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position.
- (c) Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site. No fee shall be charged for long-term resident bicycle parking.
- (d) Bicycle parking spaces shall be located on an improved, dust-free surface with a slope no greater than three percent (3%).
- (e) Bicycle parking spaces shall be a minimum of two and one-half (2 ½) by six (6) feet in size, with an access aisle a minimum of five (5) feet in width. Each required bicycle parking space must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures.

(12) Moped Parking Design and Location.

Where moped or scooter off-street parking is provided, it shall meet the following standards:

- (a) Spaces shall be a minimum of three (3) feet by six (6) feet in size with a vertical clearance of six (6) feet and with a drive aisle of five (5) to six (6) feet.

- (b) The spaces may be located close to bicycle parking areas but kept separate and out of the way of conflict with other motor vehicle traffic. Moped parking shall not be located within front yard setback areas.
- (c) Spaces shall be located and access should be provided such that the use or crossing of pedestrian facilities, including wheelchair ramps, by mopeds is discouraged and such that mopeds do not come into conflict with pedestrians or the users of wheelchairs.
- (d) Access to moped areas should be provided using a separate driveway via a curb cut and ramp or mountable curb with a reduced slope after taking into account traffic movements on the street from which safe access must be provided.
- (e) Moped driveways may cross a sidewalk as may any driveway but must not use the sidewalk to provide access to moped stalls. Moped parking areas behind a sidewalk should be separated by a curb when possible.

(13) Off-Street Loading Requirements.

Any use which has a gross floor area of ten thousand (10,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.

- (a) Location. All loading berths shall be located twenty-five (25) feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street side yard setback area. All loading areas shall be located on private property and shall not be located within, or interfere with, any public right-of-way.
- (b) Required number of spaces are based on the size of the establishment as follows:

Size of establishment	Number of loading spaces
Office buildings and lodging:	
10,000 to 50,000 sq. ft. GFA	1 loading space
50,001 to 200,000 sq. ft. GFA	2 loading spaces
over 200,000 sq. ft. GFA	2 + 1 additional space per each 75,000 sq. ft. GFA above 200,000
Retail, service, commercial, wholesale and industrial uses	
10,000 to 20,000 sq. ft. GFA	1 loading space
20,001 to 100,000 sq. ft. GFA	2 loading spaces
over 100,000 sq. ft. GFA	2 + 1 additional space per each 75,000 sq. ft. GFA above 100,000

- (c) Size of spaces. A required off-street loading space shall be at least ten (10) feet wide by at least thirty-five (35) feet in length for structures less than twenty thousand (20,000) square feet in gross floor area, and at least ten (10) feet wide by fifty (50) feet in length for larger structures. The above areas shall be exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- (d) Shared loading. Two or more uses on adjacent zoning lots may share a loading area.



- (e) Uses for which off-street facilities are otherwise required but which are located in structures of less than twenty thousand (20,000) square feet of floor area may use drive aisles or other suitable areas on the same lot for loading purposes.
- (f) Surfacing. All open off-street loading areas shall be paved with a bituminous pavement or Portland cement concrete pavement in accordance with City of Madison standards and specifications.

## **28.142 LANDSCAPING AND SCREENING REQUIREMENTS.**

### (1) Statement of Purpose.

The landscaping and screening requirements specified in this section are intended to:

- (a) Protect and restore the natural environment throughout the development process.
- (b) Reduce the negative environmental effects of development while fostering aesthetically pleasing development which will protect and enhance the appearance, character, health, safety and welfare of the community.
- (c) Reduce the “heat island” effect of impervious surfaces such as parking lots by cooling and shading the surface area.
- (d) Increase the compatibility of adjacent uses, by minimizing adverse impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable views, activities or impacts to adjacent or surrounding uses.

### (2) Applicability.

The following standards apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures.

### (3) Landscape Plan and Design Standards.

Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, including zoning permits, where applicable. Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

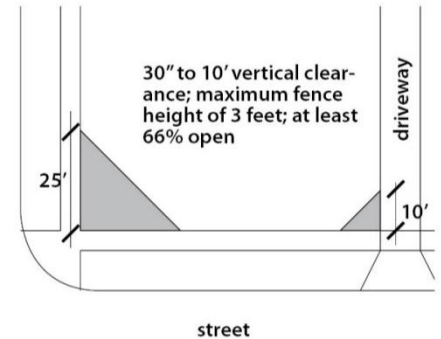
Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

- (a) Elements of the landscape plan shall include the following:
  - 1. Plant list including common and Latin names;
  - 2. Site amenities, including bike racks, benches, trash receptacles, etc.;
  - 3. Storage areas;
  - 4. Lighting (landscape, pedestrian or parking area);
  - 5. Irrigation;
  - 6. Hard surface materials;
  - 7. Labeling of mulching, edging and curbing;
  - 8. Areas of seeding or sodding;

9. Areas to remain undisturbed and limits of land disturbance;
  10. Plants shall be depicted at two-thirds (2/3) maturity.
- (b) Plant selection. Plant materials provided in conformance with the provisions of this section shall be of nursery quality and tolerant of individual site microclimates. Preferred and prohibited plant materials are listed in Appendix \_\_
  - (c) Mulch shall consist of shredded bark or chipped wood or other organic material. Landscape stone mulch and weed barriers are prohibited.
- (4) Vision Clearance at Corners.

In order to provide a clear view of intersecting streets to motorists, a triangular area of clear vision formed by the two intersecting streets and driveways and a line connecting said centerlines, shall be kept clear of visual obstruction, as specified below.

- (a) Where two streets intersect, the line shall extend a minimum of twenty-five (25) feet from the intersection of the two street property lines.
- (b) At the intersection of a private drive or alley with a street, the line shall extend a minimum of ten (10) feet from the intersection of the street and alley or drive property lines.
- (c) At the intersection of any railroad crossing with a street or highway, a vision clearance triangle with a minimum dimension of three hundred thirty (330) feet shall be maintained.
- (d) Within any vision clearance triangle, screening, planting, walls, fences or other obstructions are not permitted between a height of thirty (30) inches and ten (10) feet above the curb level, with the exception of fences a maximum of three (3) feet in height and at least two-thirds (2/3) open to vision.
- (e) Dimensions of the vision clearance triangle may be reduced based on the recommendation of the Traffic Engineering Division.



Vision clearance triangles for street and driveway

(5) Landscape Calculations and Distribution.

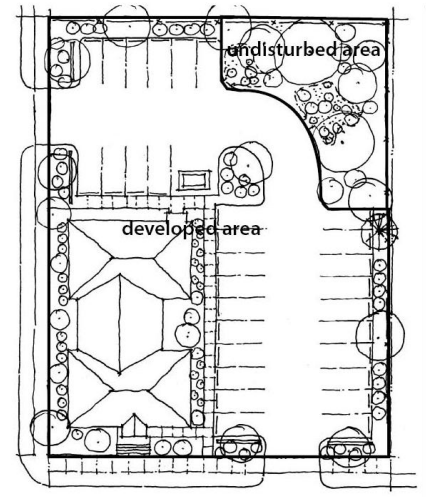
Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area, for the purpose of this requirement, is defined as all parts of the site that are not left in a natural state within a single contiguous boundary, including building footprints, parking and loading areas, driveways, internal sidewalks, patios, and outdoor activity areas. Developed area does not include other land within required setbacks and natural areas on the same property that are left undisturbed.

- (a) One (1) landscape unit shall be provided for each three hundred (300) square feet of developed area, with the exception of the IL and the IG districts as specified in B. below.
- (b) Within the Industrial - Limited and Industrial - General districts, one (1) landscape unit shall be provided for every six hundred (600) square feet of developed area.
- (c) One landscape unit consists of five (5) landscape points. Landscape points are calculated as shown in the following table.

Plant type	Points	Minimum Size at Installation
Overstory deciduous tree	35	2 inch caliper
Ornamental tree	15	1 1/2 inch caliper
Evergreen tree	15	3 feet tall
Shrub, deciduous	2	18" or 3 gallon container size
Shrub, evergreen	3	18" or 3 gallon container size
Ornamental grasses	2	18" or 3 gallon container size
Ornamental/decorative fencing or wall	4 per 10 ln. ft.	n/a

- (d) Calculations yielding a fraction up to one-half (1/2 or 0.5) shall be rounded down to the nearest whole number; fractions of more than one half (1/2) shall be rounded up.
- (e) Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings as specified in subsections (6) through (8) below, or as general site landscaping.
- (f) Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover. Non-planted areas shall not be paved, but shall be covered with a weed barrier and mulched.

~~(g) Additional landscaping requirements may be specified by the Plan Commission for conditional uses.~~



Total developed area

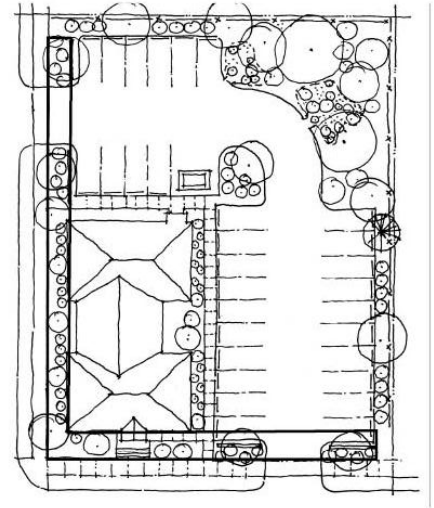


Development frontage landscaping examples

(6) Development Frontage Landscaping.

Landscaping and ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of trees, shrubs and groundcover, meeting the following requirements:

- (a) One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree.
- (b) In cases where building facades directly abut the sidewalk, required frontage landscaping shall be deducted from the required point total.
- (c) In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.
- (d) Fencing shall be a minimum of three (3) feet in height, and shall be constructed of wrought iron, masonry, stone or equivalent material. Chain link or temporary fencing is prohibited.

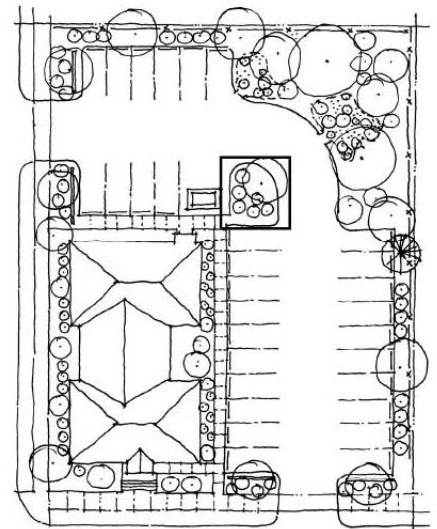


Development frontage landscaping

(7) Interior Parking Lot Landscaping.

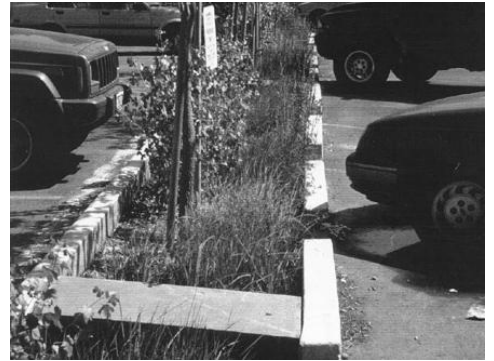
The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.

- (a) A minimum of five percent (5%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands or peninsulas. The planting islands shall contain a minimum of one hundred sixty (160) square feet and be a minimum of nine (9) feet in width.
- (b) The primary plant materials shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of landscaped area. Two (2) ornamental trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees. Islands shall include shrubs, ornamental grasses, or other vegetative ground cover between required trees.



Interior parking lot landscaping

- (c) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design approved by the Director of Public Works. The ability to maintain these areas over time must be demonstrated. (See [Chapter Article 37, Madison General Ordinances GO](#), Erosion and Stormwater Runoff Control.)



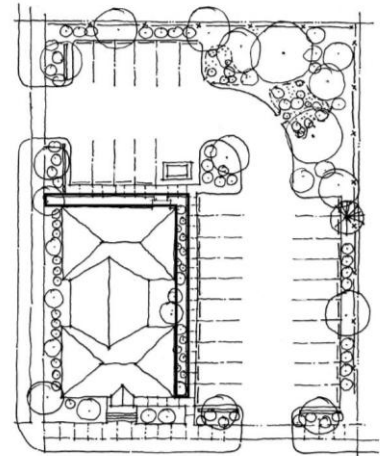
Interior parking lot landscaping examples

(8) Foundation Plantings.

Foundation plantings consist primarily of shrubs and native grasses, and shall be installed along building facades, except where building facades directly abut the sidewalk (a zero setback).

(9) Screening along District Boundaries.

Screening shall be provided along side and rear property boundaries between commercial, mixed use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height.



Foundation plantings

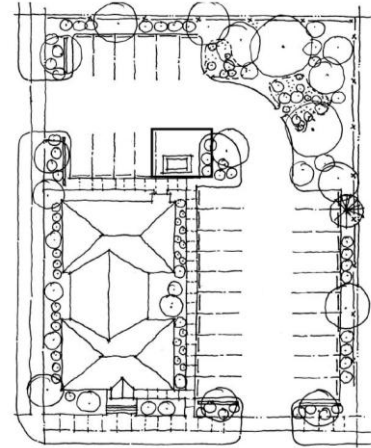
(10) Screening of Other Site Elements.

The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:

- (a) Refuse disposal areas. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent

material with a minimum height of six (6) feet and not greater than seven (7) feet.

- (b) Outdoor storage areas. Outdoor storage areas shall be screened from abutting residential uses with a by a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- (c) Loading areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- (d) Mechanical equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Aadministrator.



Screening of other site elements

(11) Maintenance.

The owner of the premises is responsible for the watering, maintenance, repair and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed free. Plant material that has died shall be replaced within twelve (12) months.

(12) Fences, Walls and Hedges.

Fences, walls and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction of any fence.

(a) Height in residential districts.

1. The maximum height of a fence or hedge within required side and rear setbacks in a residential zoning district shall not exceed six (6) feet. A fence of up to eight (8) feet in height may be constructed on a district boundary line between a residential district and a mixed-use, commercial or employment district.
2. Fences around pools shall not exceed eight (8) feet.
3. The maximum height of a solid fence or hedge within a required front or corner side yard setback shall not exceed four (4) feet, except that a fence or hedge of up to six (6) feet may be located within a corner side yard setback behind the rear plane of the principal building. Screening fences exceeding four (4) feet in height shall be set back a minimum of four (4) feet from the sidewalk.
  - a. Such front yard or corner side yard fences may be increased to a maximum height of five (5) feet if open, decorative, ornamental fencing materials that are less than fifty ~~percent~~ (50%) ~~percent~~ opaque are used or to a maximum height of six

- (6) feet if open, decorative, ornamental fencing materials that are less than twenty (20) percent opaque are used.
- (b) Height in mixed use or nonresidential zoning districts. The maximum height of a fence or wall shall not exceed eight (8) feet except in required front or corner side yard setbacks where the maximum height of a solid fence or wall shall not exceed three (3) feet.
- (c) Height measurement. Fence height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade. If the fence is set back from the retaining wall by a distance of at least four (4) feet, the fence height shall be measured from the base of the fence.
- (d) Fences or walls shall comply with the vision clearance triangle requirements of Subsection 28.142(4).
- (e) Fences and walls located in the front or street side yard setback areas must be made of materials such as wood, ornamental metal, brick, vinyl-coated chain link or stone. Uncoated chain link fences may be used in interior side or rear yards.
- (f) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty (180) consecutive days per calendar year.

### **28.143 TELECOMMUNICATION FACILITIES AND ANTENNAS.**

(1) Statement of Purpose.

The purpose and intent of this section is to strike a balance between the federal interest concerning the construction, modification and siting of telecommunication towers and antennas for use in providing personal wireless services, and the interest of the City in regulating local zoning. these regulations are designed to protect and promote the public health, safety and welfare of the community and the aesthetic quality of the City. The goals of this section are to:

- (a) Protect residential areas and land uses from the potential adverse impacts of towers and antennas;
- (b) Minimize the total number of towers throughout the community;
- (c) Encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers;
- (d) Minimize the visual impact of towers and antennas; and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

It is also the intent of this section to provide a public forum to insure a balance between public concerns and private interests in establishing commercial telecommunication and related facilities.

(2) Registration of Telecommunications Carriers and Providers.

- (a) Registration and Application Requirements. All personal wireless service carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the City or outside the corporate limits from telecommunications facilities within the City, and all Telecommunications tower owners, shall register and provide to the City, pursuant to this ordinance, on forms to be provided by the Neighborhood

Preservation and Inspection Division Director and shall provide with each conditional use application the following information:

1. The identity and legal status of the registrant, including any affiliates.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
3. A narrative and map description of registrant's existing telecommunications facilities within the City, adjacent cities, villages and townships.
4. Such other information as the Neighborhood Preservation and Inspection Division Director may reasonably require.

(b) Purpose of Registration. The purpose of registration under this ordinance is to:

1. Provide the City with accurate and current information concerning personal wireless services carriers and providers and telecommunications tower owners, who offer or provide services within the City, or that own or operate telecommunication facilities within the City.
2. Assist the City in enforcement of this Section.
3. Assist the City in monitoring compliance with local, state and federal laws.

(c) Enforcement. Any personal wireless services carrier or provider who offers or provides services within the City, or any telecommunications tower owner who owns or operates telecommunications facilities within the City, must register and provide the information required in subdivision (a) above within thirty (30) days of such a request by the City.

(d) Conditional Use Application Requirements. In addition to the requirements contained in subdivision (3)(a) above, the conditional use application shall address the following:

1. The requirements contained in subdivisions (5), (6), (7), (8) and (9) below, including a narrative and map description of the applicant's system-wide plan describing existing and applied for facilities to serve the community.
2. A visual analysis, which may include photo montage, field mockup, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts and the design capacity of the proposed facility to the satisfaction of the Plan Commission.

Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the impacts of the proposed facility and other existing telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed personal wireless services. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

As part of the Plan Commissions continuing jurisdiction over conditional uses, each registrant shall inform the City, within sixty days, of any change in the information set forth in subdivision (3)(a).

(e) Minor Alterations. Antennas affixed to an existing telecommunications tower or structure, together with the related support facilities and equipment buildings, or the replacement of a previously approved telecommunications tower and related antennas, support facilities and equipment buildings, may be authorized by issuance of a permit as a minor alteration to an existing conditional use or an existing permitted use when approved by the Director of Planning and Community and Economic Development, which are compatible with the



concept approved by the City Plan Commission and/or the standards in sec. 28.183 of this ordinance. If the minor alteration is not approved, the applicant shall apply to the Plan Commission for approval in accordance with the conditional use standards of this ordinance.

- (f) Inventory and Tracking System. The zoning administrator shall compile a list of existing telecommunications facilities within the City's jurisdiction based upon information provided by personal wireless services providers and telecommunications tower owners. The Zoning Administrator shall maintain and update said list on a regular basis. The list shall also include the location of public facilities that may be available for co-location.
- (g) A professional engineering consultant shall review each conditional use application for compliance with the requirements set out in subsections (7) and (8) below.

(3) Abandonment.

If a telecommunication facility shall cease to be used for a period exceeding one year and a day, the owner or operator of said facility shall remove the facility upon the written request of the City Neighborhood Preservation and Inspection Division Director at no cost to the City within ninety (90) days of said request. Prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a facility that has ceased being used for telecommunication purposes is removed. The bond amount shall be the lesser of twenty thousand dollars (\$20,000) or an amount based on a written estimate of a person qualified to remove such structures.

(4) Structural Requirements.

Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Secs. Comm 62.35 to 62.41, Wisconsin Administrative Code, as amended from time to time. If, upon inspection, the Neighborhood Preservation and Inspection Division Director concludes that a tower fails to comply with such codes, in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days or such time as determined by the Neighborhood Preservation and Inspection Division Director to bring such tower into compliance with said codes.

Failure to bring such tower into compliance within said thirty (30) days or such time as determined by the Neighborhood Preservation and Inspection Division Director shall constitute grounds for the removal of the tower or antenna at owner's expense.

(5) Basic Tower and Building Design.

All new telecommunication facilities, except exempt facilities as defined in subsection (9), below, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.

- (a) Telecommunications towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
- (b) Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only) to all extent possible and, where possible, shall be sited below the ridge line or designed to minimize their impact.
- (c) Telecommunication equipment buildings, shelters and cabinets shall be treated to look like a building or facility typically found in the area.
- (d) The City shall have the authority to require reasonable special design (materials, architectural features and color) of the telecommunication facilities where findings of

particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).

- (e) Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (f) Equipment buildings and outdoor equipment shall be located, designed and screened to reduce visual impacts to the extent feasible considering the technological requirements of the proposed personal wireless services and the need to be compatible with neighboring residences and the character of the community.
- (g) Emergency back-up generators shall be screened by a solid fence or wall. Other efforts to mitigate noise from such generators may be required.
- (h) Antennas shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible

(6) Location.

All new telecommunication facilities shall be located so as to minimize their visibility and the number of tower sites. To this end, a good faith effort in achieving co-location shall be required of the requestor and host entity, subject to existing co-location contracts; and all of the following measures shall be implemented for telecommunication facilities in addition to meeting the conditional use standards in sec. 28.183 of these ordinances:

- (a) No telecommunications tower shall be installed closer than one-quarter (1/4) mile from another telecommunications tower, measured from the base of the existing tower to the base of the proposed tower, unless credible evidence to a reasonable degree of certainty acceptable to the Plan Commission is submitted showing a clear need for said new tower and the infeasibility of co-locating it on an existing site. Such evidence may include but is not limited to the following:
  - 1. A demonstration that no tower in the area that the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost;
  - 2. A demonstration that the existing tower is not of sufficient strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost;
  - 3. A demonstration that the applicant's equipment would cause electromagnetic interference with equipment on the existing telecommunications tower(s) within the area in which the applicant's equipment must be located, or the equipment on the existing telecommunications tower(s) would cause interference with the applicant's equipment and the interference, from whatever source, cannot be eliminated at a reasonable cost;
  - 4. A demonstration that the fees, costs or contractual provisions required by the owner in order to co-locate on an existing communication tower are unreasonable relative to industry norms;
  - 5. A demonstration that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement or construction of a new telecommunications tower.

For the purposes of this requirement, exempt telecommunications facilities unavailable for co-location shall not be included in the one-quarter (1/4) mile computation.

- (b) No telecommunication tower shall be located on a lot in a residence district, unless said lot is greater than two (2) acres in area and the principal use is other than residential.
- (c) Telecommunications towers, guy wires, appurtenant equipment and buildings shall comply with the yard and set back requirements of the zoning district in which they are located and, in addition thereto, all telecommunications towers shall be set back at least one hundred (100) feet from any property devoted to residential use or two hundred (200) feet from any residential building, whichever is less.

(7) Co-located and Multiple-User Facilities.

- (a) Analysis. Unless an applicant is submitting an application to locate or co-locate upon an existing tower or structure, an analysis shall be prepared by or on behalf of the applicant, subject to the approval of the Plan Commission, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would be useable for the proposed personal wireless services.

The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental impacts, including aesthetics, of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives.

Approval of the project is subject to the Plan Commission making a finding that the proposed site results in fewer or less severe environmental impacts, including aesthetics, than any feasible alternative site. The City may require independent verification of this analysis by a qualified engineer at the applicant's expense.

Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

- (b) Design for Co-Location. All new telecommunications towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards of Sec. 28.183, a telecommunications tower of such height to accommodate three (3) antenna arrays is unwarranted.

Multi-user telecommunications towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the Plan Commission this will minimize overall visual impact to the community.

(8) Exempt Facilities.

- (a) Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator, complying with the provisions contained in Chapter 17, Madison General Ordinances, so long as all the following conditions are met:
  - 1. The antenna use involved is accessory to the primary use of the property which is not a telecommunication facility;

2. In a residential zone, no more than one support structure for licensed amateur radio operator is allowed on the parcel;
  3. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (b) Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

## SUBCHAPTER 28JK: SUPPLEMENTAL REGULATIONS

### 28.151 APPLICABILITY

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

### 28.152 RESIDENTIAL USES – FAMILY LIVING.

- (1) Single-family detached dwelling.

In the NMX and CC-T Districts, single family detached dwellings constructed after (date of adoption of this ordinance) require conditional use approval.

~~— See Subchapter 28L, Building Form Standards.~~

- (2) Two-unit dwellings flat and three flat building.

In the NMX and CC-T Districts, two-unit dwellings constructed after (date of the adoption of this ordinance) require conditional use approval.

~~— See Subchapter 28L, Building Form Standards.~~

- ~~(13)~~ Two-family dwelling - Twin.

~~See Subchapter 28L, Building Form Standards, in addition to the following:~~

- (a) Each unit shall be separated from the abutting unit by a minimum fire separation complying with ILHR Sec. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof.
- (b) The common wall between dwellings shall be approximately perpendicular to the street right-of-way line.
- (c) Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.
- (d) Dwellings shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage;
- (e) Dwellings shall have separate gas and electric meters.
- (f) Dwellings shall have a joint cross access and maintenance agreement that has been submitted with the land division application and which shall be recorded with the land division.

~~(g)~~ In the NMX and CC-T Districts, two family dwellings – Twin constructed after (date of the adoption of this ordinance) require conditional use approval.

- ~~(24)~~ Single-family attached building; townhouse, rowhouse.

~~See Subchapter 28L, Building Form Standards.~~

- (a) In the TW District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

(b) In the TW District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

(35) Multi-family building

~~See Subchapter 28L, Building Form Standards, for “Small Apartment,” “Large Apartment,” and “Courtyard Apartment” buildings.~~

(a) In the TW District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

(b) In the TW District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

(46) Multi-family building complex.

~~See Subchapter 28L, Building form Standards, in addition to the following:~~

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(e) In the TW District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

~~(d) In the TW District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses~~

(7) Accessory dwelling unit.

~~See Subchapter 28L, Building Form Standards, for “Carriage House Building” in addition to the following:~~

~~(a) Accessory dwelling units within the TR-P District shall meet the following standards:~~

- ~~1. No more than one (1) accessory dwelling unit may be located on a lot.~~
- ~~2. The lot must be a corner lot or abut an alley.~~
- ~~3. The lot must have a minimum area of five thousand (5,000) square feet.~~
- ~~4. The lot must have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.~~
- ~~5. An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single family dwelling is considered attached.~~

- ~~6. A detached accessory dwelling unit shall be located only above a detached garage of the single family dwelling on the same lot.~~
- ~~7. A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.~~
- ~~8. The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.~~
- ~~9. The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.~~
- ~~10. The single family dwelling on the lot shall be owner occupied.~~
- ~~11. The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.~~
- ~~12. The accessory dwelling unit shall have a separate entrance from the single family dwelling.~~
- ~~(b) Accessory dwelling units in other residential districts may be allowed through creation of an ADU Overlay District.~~
- ~~(8) Caretaker's dwelling. A caretaker's dwelling accessory to a nonresidential use shall meet all setback and dimensional standards required for the building type in question (for example, a detached dwelling) in the district where it is located.~~

### 28.153 RESIDENTIAL USES – GROUP LIVING.

(1) Adult family home.

- (a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.
- (b) The applicant must disclose in writing the capacity of the adult family home
- (c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability or handicap, or unless approved as a conditional use.
- (d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- (e) ~~No conditional use approved under this section shall be~~If the adult family home is allowed as a conditional use not meeting the separation requirement under (3) above, the use permit for the adult family home shall not be transferable to another location or permit-holder.

(2) Cohousing community.

~~Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located.~~

- (a) Any housing type that is a conditional use within the said zoning district may be located in a cohousing community used for cohousing with conditional use approval.
- (b) Any use allowed within the zoning district where the cohousing development is located may be located in a allowed as part of the cohousing community development.

~~(a)(c)~~ Lot area requirements may be combined and shared among cohousing units for individual lots within the cohousing community may be reduced with conditional use approval provided that the overall density remains consistent with minimum lot area standards.

~~(b)(d)~~ Usable open space may be combined and shared among cohousing units.

(3) Community Living Arrangement (CLA) serving up to eight (8) residentspeople.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.

(b) The applicant ~~shall~~must disclose in writing the capacity of the community living arrangement.

(c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, except as provided under ~~(e5)~~ below or unless approved as a conditional use.

(d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, except as provided under ~~(e5)~~ below, or unless approved as a conditional use.

~~(e)~~ No separation distance is required and the district percentage specified above does not apply if the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the CLA because of their disability or handicap.

~~(e)(f)~~ No conditional use permit under this section shall be transferable to another location or person.

(4) Community living arrangement (CLA) serving nine to fifteen (9-15) residentsor more people.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.

(b) The applicant ~~shall~~must disclose in writing the capacity of the community living arrangement.

(c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an ~~existin~~existing community living arrangement, unless approved as a conditional use.

~~(d)~~ The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a conditional use..

~~(e)~~ All CLAs in the SR-C1, SR-C2, TR-R, and TR-P districts shall obtain conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.

~~(f)~~ No conditional use permit under this section shall be transferable to another location or person.

(5) Community living arrangement (CLA) serving more than 15 residents.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.

(b) The applicant must disclose in writing the capacity of the community living arrangement.



(c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.

(d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.

~~(d)~~ (e) No conditional use permit under this section shall be transferable to another location or person.

(65) Housing cooperative.

(a) ~~Withi~~n the SR-V1, SR-V2, TR-C3 and TR-P districts, ~~upon conditional use approval, a housing cooperative may be established in a dwelling unit, with a the maximum occupancy is~~of five (5) persons.

(b) ~~Withi~~n the TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS and CC-T districts, ~~the maximum occupancy is five (5) persons., a housing cooperative may be established in a dwelling unit as a permitted use if the occupancy is five (5) or fewer persons.~~ Occupancy by more than five (5) persons requires conditional use approval.

(c) When housing cooperatives are established within single-family dwellings, the single-family appearance and function of the building shall not be altered through the addition of entrances or kitchens.

(d) Two-family, three-family and multi-family buildings may be converted into housing cooperatives provided that the entire building is converted and the entire building must remain as a housing cooperative while any portion of it is so occupied.

(6) Dormitory, fraternity or sorority.

(a) The use ~~shall~~must be within one-quarter (¼) mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use approval.

(b) The yard requirements for multiple-family use in the district apply when the use is not located on a campus.

(c) On-site services shall be for residents of the facility only.

(d) ~~Where the use is conditional, a~~All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, to the extent practical. An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(e) The owner shall submit a Mmanagement Pplan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

(7) Lodging house.

(a) The yard requirements for multi-family use in the district apply.

(b) ~~Where the use is conditional, a~~All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, ~~to the extent practical.~~

(c) The owner shall submit a Mmanagement Pplan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

(8) Assisted living, congregate care, nursing home.

(a) The yard requirements for multi-family use in the district apply.

- (b) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - (c) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
  - (d) ~~Where the use is conditional, a~~ An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
  - (e) The owner shall submit a ~~M~~management ~~P~~plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- (9) Convent, monastery, similar religious group.
- (a) The use ~~shall~~~~must~~ be accessory to a place of worship ~~that is an allowed use under this ordinance.~~ The use may be located on a separate zoning lot where separated by a public right-of-way from the primary use.
  - (b) The yard requirements for multi-family use in the district apply.
  - (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - (d) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
  - (e) Where the principal use is a conditional use, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## 28.154 CIVIC AND INSTITUTIONAL USES.

### (1) Adaptive reuse of former school or municipal buildings.

(a) Former public school or municipal buildings in residential and special districts may be adapted for the following uses with the approval of the Director of Planning and Community and Economic Development:

- ~~(a)~~ 1. Day care centers
- ~~(b)~~ 2. Elementary and secondary schools
- ~~(c)~~ 3. Arts, technical or trade schools
- ~~(d)~~ 4. Colleges and universities
- ~~(e)~~ 5. Other public educational facilities
- ~~(f)~~ 6. Recreational buildings and community centers, nonprofit
- ~~(g)~~ 7. State or municipal offices

~~(4)~~ 8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin

~~(b) Former public school or municipal buildings in residential and special districts may be adapted as b~~ Business and professional offices ~~may be allowed in former school or municipal buildings in residential and special districts as a~~with conditional use approval.

~~(2)~~

Day care home, family.

- (a) The day care home shall be the principal place of residence of the operator.
- (b) No employees shall be permitted other than residents of the dwelling; however, temporary or substitute caregivers may be present periodically.
- (c) The facility ~~shall~~must pass the inspections of the Director of the Neighborhood Preservation and Inspection Division and the Fire Prevention Bureau prior to issuance of a use permit.
- (d) The loss of any state license or permit by a family or group day care home shall result in automatic revocation of that facility's use permit.

(3) Day care center, nursery school.

- (a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
- (b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(4) Library, museum.

A library or museum established after the effective date of this ordinance within a predominantly residential area shall have vehicular access to a collector or higher classification street.

~~(5) Mission house in conjunction with religious institution.~~

~~(a) The yard requirements for multi-family use in the district apply.~~

~~(b) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.~~

~~(c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.~~

~~(d) The owner shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.~~

(6) Place of worship.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

- (b) Any facility with seating capacity of greater than **six-hundred (600)** persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with vehicular access to a collector or higher classification street.
  - (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (7) Schools, public and private, colleges and universities.
- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (8) School, arts, technical or trade.
- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
  - (c) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- (9) Correctional facility.
- Within the Conservancy District a correctional facility shall be located at least three hundred (300) feet from any residentially-zoned property.
- (10) Land and water preserves.
- ~~Within the Conservancy District the following Activities are limited to the following activities are permitted:~~
- (a) Arboretums, environmental education centers
  - (b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds
  - (c) Fishing and trapping
  - (d) Boating and swimming
  - (e) Raising of fish and game animals
  - (f) Similar low-impact educational and recreational activities as determined by the Zoning Administrator
  - (g) Sustained forestry yield

## **28.155 MIXED COMMERCIAL/RESIDENTIAL USES.**

- (1) Home occupation.

~~This subsection is established to permit work to be carried on in a residence, by an occupant of that residence, while protecting the integrity and residential character of neighborhoods.~~

- ~~(a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.~~
  - ~~(b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.~~
  - ~~(c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.~~
  - ~~(a)(d)~~ A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
  - ~~(b)(e)~~ A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
  - ~~(e) The occupation must be conducted within a dwelling and not in an accessory building, unless authorized by the plan commission as a conditional use.~~
  - ~~(d) The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.~~
  - ~~(e) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.~~
  - (f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use;
  - (g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use;
  - (h) Samples may be kept but not sold on the premises;
  - (i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation;
  - (j) The entrance to the space devoted to the home occupation ~~shall~~ must be from within the building.
  - (k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
  - (l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
  - (m) ~~Exception:~~ A home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).
- (2) Live/work unit.
- (a) The work space component ~~shall~~ must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

- (b) The dwelling unit component ~~shall~~**must** be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
  - (c) The office or business component of the unit shall not exceed fifty percent (50%) of the total gross floor area of the unit.
  - (d) The size and nature of the work space shall be limited so that the building type ~~is~~**may be** governed by residential building codes. ~~An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.~~
  - (e) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It ~~shall~~**may** not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
  - (f) ~~In the TW District, new residential uses, whether in new or existing buildings shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.~~
  - (e)(g) ~~In the TW District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.~~
- (3) Mixed use buildings at corner location in residential districts.
- Mixed use buildings that include residential, commercial and office or studio uses may be allowed as conditional uses at corner locations within certain residential districts, where specified, meeting the following standards:
- (a) Buildings ~~shall~~**must** be located at least one-quarter (1/4) mile from other mixed-use buildings in residential districts.
  - (b) ~~The m~~**Minimum** building height: ~~is~~ **is** two (2) stories.
  - (c) ~~The m~~**Maximum** height: ~~is~~ **is** two (2) stories, may be increased to three (3) stories for underground parking, outstanding design features, or other “green building” features.
  - (d) Buildings ~~shall~~**must** meet NMX district frontage requirements for corner locations and building form standards for commercial block buildings.
  - (e) Building footprint shall not exceed five thousand (5,000) square feet; any retail or office establishment shall not exceed two thousand five hundred (2,500) square feet in floor area.
- (4) Limited retail use of a landmark site or building.
- A designated landmark site or building may be used for general retail, office use, or service business not exceeding five thousand (5,000) square feet in floor area, provided that:
- (a) The owner of the property agrees to maintain the architectural and historical integrity and significance of said landmark or landmark site during the tenure of such conditional use;
  - (b) The use is not considered by the Plan Commission to be detrimental to the neighborhood in which it is situated;
  - (c) The Landmarks Commission has approved such conditional use as being appropriate for the subject structure of site and neighborhood;

- (d) The owner of the property agrees, on behalf of himself, successors and heirs that if and when the landmark designation is removed the conditional use permit becomes null and void.
- (5) Management office, ~~restaurant~~, limited retail or recreation facilities within a multi-family building (within residential districts).
  - (a) The use ~~shall be designed to~~ primarily serve building residents rather than the general public.
  - (b) Access to the use ~~shall be~~ from within the building.
  - (c) Size of the establishment may be limited as part of the conditional use approval.
- (6) Buildings or structures exceeding ten thousand (10,000) square feet in floor area (~~residential districts~~).
  - (a) ~~In any residential district, b~~Building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
  - (b) ~~In any residential district, a~~An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

### 28.156 MEDICAL FACILITIES.

- (1) Hospital.
  - (a) The facility shall have vehicular access to a collector or higher classification street.
  - (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
  - (c) The boundaries of the institution shall be as defined in the conditional use permit or ~~institutional Mmaster Pplan., and may not be expanded without the prior approval of the plan commission, as evidenced by an amended conditional use permit, or an approved master plan revision.~~ The ~~institutione~~campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the ~~campus~~ boundaries ~~shall~~must be contiguous.
- (2) Veterinary clinic, animal hospital.

All activity shall take place within completely enclosed buildings with soundproofing and odor control; ~~outdoor kennels are prohibited except in zoning districts where specifically permitted.~~

### 28.157 RETAIL SALES AND SERVICE.

- (1) General retail.
  - (a) ~~Except as allowed in (b), in the TW and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.~~
  - (b) Within employment districts, general retail uses shall ~~not be limited in size to a maximum of ten~~exceed ten thousand (10,000) square feet ~~in floor area, unless~~except where such uses are part of a planned multi-use site.
- (2) Animal boarding facility, kennel, animal shelter
  - (a) Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district

- (b) Any outdoor portion of an animal boarding facility, outdoor kennel, shelter, or animal daycare shall be screened from view from facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.
- (3) Drive-through sales and service facility.
- (a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.
  - (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
  - (c) Plans for onsite circulation and driveway locations shall be reviewed where as part of the conditional use approval is required review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
  - (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
  - (e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
  - (f) A six (6)-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (4) Farmers market.
- (a) Within the NMX District, a farmer's market with more than over fifteen (15) vendor stalls for vendors requires is a conditional use approval.
  - (b) Within any district, a permanent facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.
  - (c) Within any residential district, a farmer's market shall be accessory to a non-residential use and located in the parking lot of such use.
  - (d) In the EC, IG, and IL Districts, a farmer's market shall only be an accessory use.
- (5) Garden center, greenhouse.
- (a) In the NMX, TSS and MXC Districts, there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.
  - (b) In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.
- (6) Payday loan or auto title loan business.
- Any payday loan or auto title loan business shall must be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business.
- (7) AnimalPet day care.



Applicants ~~shall~~**must** submit at the time of permit application written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which ~~shall~~**are to** be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

(8) Service business.

~~(a) In the TW and SE Districts, service businesses shall not exceed five thousand (5,000) square feet in floor area unless approved as a conditional use.~~

~~(b) In~~**Within** the ~~EC~~**Employment Campus, and Industrial districts (IL, and IG) Districts**, service businesses ~~shall~~**may only** be located **only** within a mixed-use building that includes office or other employment uses.

(9) Contractor's business with showroom or workshop.

All activities shall be carried out in an enclosed space.

## 28.158 FOOD AND BEVERAGES.

(1) All food and beverage uses.

~~In~~**Within** the ~~Employment Campus, IL, and IG Districts, Industrial districts (IL and IG)~~, these uses shall only be located within a mixed-use building that includes office or other employment uses.

(2) Brewpub.

Wholesaling of beverages shall be permitted only where "wholesale establishment" is ~~listed as~~ an allowed use ~~within a zoning district.~~

~~(3) Outdoor eating areas accessory to food and beverage uses.~~

~~(a) Primary access to the area shall be from within the establishment.~~

~~(b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use permit.~~

~~(c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.~~

## 28.159 COMMERCIAL RECREATION, ENTERTAINMENT AND LODGING.

(1) Bed and breakfast establishment.

(a) A maximum of four rooms ~~shall~~**may** be rented.

(b) The establishment ~~shall~~**must** have a valid permit from the City Health Department.

(c) The only meal that may be served is breakfast to registered guests.

(d) No establishment within a residential district shall be located within five hundred (500) feet of any other such establishment, measured lot line to lot line.

(e) Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.

(f) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

(2) Indoor recreation.

In the NMX and TSS ~~D~~istricts, the facility shall be located at least fifty (50) feet from the boundary of any residential use or district.

(3) Lodge ~~or club~~, private club, reception hall.

~~Service of food and intoxicating beverages allowed when licensed. It is permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. Where properly licensed under existing City ordinances, the consumption of intoxicating beverages by members of such club or lodge, or their guests, is permitted.~~

(4) Outdoor recreation, ~~commercial.~~

(a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential ~~property~~district.

(b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any ~~application~~development proposal.

(c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use ~~approval~~permit.

(d) ~~Where the use is conditional, A~~an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(5) Golf course.

Club houses and maintenance buildings shall be located a minimum of three hundred (300) feet from any residentially-zoned property.

## 28.160 ADULT ENTERTAINMENT USES.

(1) Adult entertainment establishment. ~~(An adult entertainment establishment is an adult book or video store or an adult motion picture theater.)~~

(a) Such establishments shall be licensed as provided in Section 9.05 of these ordinances.

(b) Exterior windows shall not be covered or made opaque in any way.

(c) No adult entertainment establishment shall be located within one thousand (1,000) feet of any church, synagogue, temple, mosque or any other place of worship, any lot in a residential~~lee~~ district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public ~~pre-elementary~~school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment.

(d) The distance requirement under subdivision (c) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residential~~lee~~ district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public ~~pre-school~~, elementary,

secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment or adult entertainment tavern to the closest property line of the adult entertainment establishment.

- (e) No material referenced under the definition of Adult Book or Video Store shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window.
  - (f) An adult entertainment establishment may have only one (1) nonflashing business sign, which sign may only indicate the name of the business and identify it as an adult entertainment establishment.
- (2) Adult entertainment venue or tavern.
- (a) No such establishment shall be located within five hundred (500) lineal feet of a church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park, any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment.
  - (b) The distance requirement under subdivision (a) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the city of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any private or public playground; any private or public day care center, preschool center, or public or private school, or public park, or any library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs /YWCAs ; or any residential district, or any planned developments, or any tavern, or any other adult entertainment tavern or adult entertainment establishment to the closest property line of the adult entertainment tavern.
  - (c) Said tavern shall acquire and maintain an adult entertainment tavern licensepermit pursuant to Section 38.11 of these ordinances prior to issuance of an occupancy permit.

## 28.161 AUTOMOBILE SERVICES.

- (1) Automobile body shop, automobile sales and rental, automobile service station, automobile repair station, convenience store.
  - (a) All automobile servicing and repair activities shall~~must~~ either:
    1. be carried on within an enclosed building; or
    2. be screened along any property line that abuts a residential zoning district with:
      - a. a minimum of six-~~(6)~~ foot high masonry or decorative wood fenceinge; and
      - b. an planted area with a minimum width of eight (8) feet, and planted with a minimum of one (1) shade tree per fifty (50) linear feet and one (1) shrub per four (4) linear feet.

- (b) Automobile repair bays shall not face a local, collector or arterial street, but may face an alley or rear lot line.
  - (c) A convenience store shall not be located within ~~three eighths (3/8) mile~~ one thousand nine hundred eighty (1,980) feet) distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
  - (d) The following activities and equipment are ~~allowed~~permitted only in the rear yard and at least fifty (50) feet from a residential zoning district:
    1. Storage of vehicle parts and refuse;
    2. Temporary storage of vehicles ~~while~~ during repair and pending delivery to the customer;
    3. Vacuuming and cleaning.
  - (e) The following activities and equipment are ~~allowed~~permitted only within an enclosed building:
    1. Lubrication equipment;
    2. Motor vehicle washing equipment;
    3. Hydraulic hoists and pits;
    4. Body work and painting;
    5. Storage of motor vehicles not in safe operating condition.
  - (f) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not ~~allowed~~permitted for a period exceeding ten (10) days during any thirty (30) day period.
  - (g) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
  - (h) ~~Additional standards and conditions I in the NMX and TSS Districts. The principal building shall comply with the dimensional and design standards and design guidelines applicable to these districts, except that the requirement in (g) above, maximum setback requirement may be modified as part of the conditional use approval by the plan commission so that pump islands are located may be placed in front of the building if provides more effective this arrangement is considered preferable for~~ circulation, aesthetics or buffering of neighboring uses.
- (2) Car wash.
- (a) The car wash shall be completely enclosed when not in operation.
  - (b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
  - (c) Any car wash line exit shall be at least thirty (30) feet from any street line.
  - (d) The car wash shall be screened along all property lines with a minimum six-foot high (6<sup>2</sup>) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.
  - (e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.

- (f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.
- (3) Motor vehicle salvage yard, scrap yard.
  - (a) Vehicle salvage uses shall be located on sites which are suitable from a topographic standpoint, so that views at the ground elevation up to a point four hundred (400) horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.
  - (b) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is six (6) to ten (10) feet high and located on or inward from the established setback lines.
  - (c) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.
  - (d) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations.

~~28.162 PARKING, STORAGE AND DISPLAY FACILITIES.~~

- ~~(1) Parking.~~

~~See standards and requirements in Section 28.141.~~

- ~~(2) Outdoor display.~~

~~Where permitted,~~

~~outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).~~

- ~~(3) Outdoor storage.~~

~~Where permitted, outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street. Outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property with screening as specified in Section 28.142(10)B.~~

**28.163 LIMITED PRODUCTION, PROCESSING AND STORAGE USES.**

- (1) Contractor's yard.

In the TW district, outdoor storage shall be located to the rear of the principal building. In all districts, outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than seven (7) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening, as provided in Section 28.142(10)B.

- (2) Laboratories - research, development and testing.

No manufacturing shall be conducted on the premises except for experimental or testing purposes.

- (3) Limited production and processing.

~~In mixed-use, commercial and employment districts, A~~all such uses ~~shall be intended to~~ be compatible with adjacent nonindustrial uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

- (4) Storage facility, personal indoor storage.
- (a) No commercial transactions shall be permitted other than the rental of storage units.
  - (b) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

(5) Junkyard.

This use is retroactive to January 1, 1994.

## 28.164 AGRICULTURAL AND RESOURCE MANAGEMENT USES.

- (1) Intensive agriculture.

To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under NR 243, Wis. Admin. Code.

- (2) Community garden or market garden.

~~The following activities as part of a community or market garden operation require submittal of a management plan to the zoning administrator. The plan shall be reviewed as part of the site plan review process.~~

(a) ~~(a)~~ Submission of a Management Plan to the Zoning Administrator for the following activities as part of a community or market garden:

- 1. Animal husbandry, ~~(includes keeping of more than four (4) chickens, beekeeping and fish farming);~~
- ~~(b)~~ 2. Off-street parking of more than ten (10) vehicles;
- ~~(c)~~ 3. Processing of food produced on site;
- ~~(d)~~ 4. Spreading of manure;
- ~~(e)~~ 5. Application of agricultural chemicals, including fertilizers and pesticides;
- ~~(f)~~ 6. Use of heavy equipment such as tractors.

- (3) Roadside On-site agricultural retail stand, farm stand.

- (a) The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
- (b) Maximum area of a ~~farm~~roadside stand is three hundred (300) square feet in ground area.
- (c) No more than one (1) ~~farm~~roadside stand is allowed on any one premise.

- (4) Selective cutting of timber.

On parcels approved for development, selective cutting of timber is limited to areas designated for clearance on recorded plats or certified survey maps. ~~Destruction of trees in excess of this amount is considered clear cutting.~~

(5) Clear cutting of timber.

The applicant ~~shall~~ must demonstrate that clear cutting will improve the level of environmental protection on the subject property or is unavoidable due to grading or other development requirements. ~~Clearcut areas clearcut beyond thirty percent (30%) of vegetation shall be replanted; replanting may occur in any other location on portions of the property.~~

(6) Agriculture – Cultivation .

(a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for :

1. Off-street parking of more than ten (10) vehicles.
2. Processing of food produced on site.
3. Use of heavy equipment, such as tractors.
4. Application of agricultural chemicals, including fertilizers and pesticides.

(b) In the UA District, conditional use approval and a Management Plan are required for:

1. Spreading of manure.
2. Spraying of agricultural chemicals, including fertilizers and pesticides.
3. Use of heavy equipment, such as tractors, before 7:00 A.M and/or after 10:00 P.M.

(7) Agriculture – Animal Husbandry.

(a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:

1. Off-street parking of more than ten (10) vehicles.
2. Processing of food produced on site.
3. Use of heavy equipment, such as tractors
4. Application of agricultural chemicals, including fertilizers and pesticides.

(b) In the UA District, conditional use approval and a Management Plan are required for:

1. Spreading of manure.
2. Spraying of agricultural chemicals, including fertilizers and pesticides.
3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

**28.165 PUBLIC UTILITY AND PUBLIC SERVICE USES.**

- (1) Sewage system lift station, water pumping stations, towers, and reservoirs, electric substation, gas regulator systems, and mixing and gate stations.

~~The location of the facility must be reviewed and a~~ A landscape plan for these uses-facility shall ~~must~~ be approved by the Director of Planning and Community and Economic Development where a permitted use or the Plan Commission when a conditional use.

- (2) Telecommunication facilities.

See Section 28.143, General Regulations.

## **28.166 ACCESSORY STRUCTURES AND USES.**

- (1) Emergency electrical generator.

- (a) The electric output shall not exceed three thousand (3,000) kilowatts and the generator ~~shall~~may be operated a maximum of two hundred (200) hours per year.
- (b) The generator shall be located a minimum of twenty (20) feet from any zoning lot ~~which~~that ~~allows~~permits residential uses.
- (c) The generator shall be located and screened ~~so as~~ to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. ~~This may include s~~Screening with materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot, ~~landscaping or fencing as approved by the Plan Commission.~~
- (d) When approved as a conditional use, nNoise mitigation measures may be required.

- (2) Lease Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use:

- (a) The parking facilities ~~shall~~must meet the standards of this Chapter 28 and Chapter 10 of the Madison General Ordinances.
- (b) A certificate of occupancy ~~shall~~must be issued by the office of the Director of the Building Inspection Division prior to commencing the rental-

- (3) Lease of off-street parking facilities accessory to a residential use to non-tenants.

- (a) The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.
- (b) Adequate useable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area.
- (c) Occupants of the principal use shall have first right of refusal for the parking facilities.
- (d) The lessee shall provide the owner of the facility documentation establishing his/her place of residence.
- (e) All new parking facilities shall comply with City standards for design, paving, and screening.

## **~~28.167 TEMPORARY STRUCTURES AND USES.~~**

- ~~(4)~~ Dependency living arrangement.

- (a) The owner of the dwelling must continue to reside in the building. The use permit issued under this paragraph is not transferable to another owner or occupant.



- (b) The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent (10%).
- (c) Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within six (6) months unless an extension is granted because of potential re-occupancy.

(d) A letter of approval issued by the Zoning Administrator shall be recorded at the Dane County Register of Deeds Office.

~~(2) Accessory apartment, temporary.~~

~~— One temporary accessory apartment may be created within an owner-occupied dwelling under the following standards.~~

- ~~(a) The owner of the dwelling must continue to reside there. The use permit issued under this paragraph is not transferable to another owner or occupant.~~
- ~~(b) One of the owners must be sixty (60) years of age or older, or that the Madison Health Director must certify to the Zoning Administrator that the owner's health is such that conversion is permitted in accordance with standards recommended by the Public Health commission and Senior Citizens Advisory Committee and approved by the Common Council.~~
- ~~(c) The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent (10%).~~
- ~~(d) Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within six (6) months unless an extension is granted because of potential re-occupancy.~~

(53) Keeping of chickens.

Keeping of chickens is allowed as an accessory use on lots with up to four (4) dwelling units.

- (a) Keeping of roosters is prohibited.
- (b) Slaughter of chickens is prohibited on site.
- (c) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (d) The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.
- (e) The owner, operator or tenant must obtain a license under Sec. 9.52, MGO.

(64) Outdoor sales events.

A maximum of four (4) outdoor sales events may be held annually, for a total maximum of thirty (30) days per calendar year.

(75) Portable storage units.

- (a) A maximum of two (2) Portable Storage Units, not exceeding a cumulative gross floor area of two hundred fifty (250) square feet shall be permitted on a lot for no more than thirty (30) days per calendar year.
- (b) The Portable Storage Unit(s) may be placed on a driveway, but may not be placed on that portion of the driveway located in the front yard or side yard setbacks.

(c) A temporary use permit is required.

(86) Temporary buildings for storage of construction materials and equipment.

Buildings must be located on the same zoning lot as the project under construction, and shall be removed within thirty (30) days following completion of construction.

(97) Yard sales.

A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held in any three (3) month period.

(10) Accessory buildings and structures.

(a) Accessory buildings and structures shall not occupy more than the lesser of ten percent (10%) of the lot area or one thousand (1,000) square feet, unless approved as a conditional use.

(b) No individual accessory building or structure shall exceed five hundred (500) square feet in the TR district or eight hundred (800) square feet in the other residential districts, unless approved as a conditional use.

(11) Real estate sales office.

(a) Shall be associated with the sale of property in the development where the office is located.

(b) Use shall not exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is sooner.

(12) Solar energy systems.

(a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.

(b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed. Some development that includes solar energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and Planned development districts.

(13) Wind energy systems.

(a) A Placement Plan shall be submitted at the time of application. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot

and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.

(b) The Placement Plan shall be approved as part of the conditional use process. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency also may be imposed. Some development that includes wind energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and Planned development districts.

(14) Accessory dwelling unit.

Accessory dwelling units within the TR-P District shall meet the following standards:

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single-family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

(15) Caretaker's dwelling.

- (a) Shall be accessory only to a non-residential use.
- (b) Shall meet all dimensional requirements of the district.

(16) Mission house .

- (a) The use shall be accessory to a religious institution or a non-profit organization.
- (b) The yard requirements for multi-family use in the district apply.
- (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (d) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

(17) Outdoor eating areas accessory to food and beverage uses.

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(18) Outdoor display.

- (a) Outdoor sales and display shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).
- (b) In the IG District, outdoor display shall be located outside of required setbacks and shall occur only during business hours of the associated business establishment.

(19) Outdoor storage.

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than seven (7) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

## SUBCHAPTER 28KL: BUILDING FORM STANDARDS

### 28.171 GENERAL PROVISIONS.

(1) Statement of Purpose.

A variety of building forms are defined here in order to identify and establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. The purposes of design standards are:

- (a) To ensure compatibility between different land uses and building forms;
- (b) To encourage building forms that respect their context;
- (c) To encourage pedestrian movement by encouraging building forms that present an active face to the street.

(2) Applicability.

The design standards in this Subchapter shall apply to new buildings or building additions that exceed the gross floor area occupied by a given use by more than fifty percent (50%), with the exceptions listed below. Building additions shall comply with the design standards to the extent feasible, given the placement of the existing building. In all cases, design standards shall apply only to the portion of the building or site that is undergoing alteration.

Some design standards are closely linked to a specific building form (for example, a parking building). Other design standards vary by district, and are listed in those district subchapters.

Building types that are not listed in this Subchapter may be allowed if they meet the intent and other design standards of the district where they would be located.

(3) Exceptions and Waivers.

The design standards in this Section shall not apply within those zoning districts where buildings are specifically exempted from these design standards. Where there is a conflict between the design standards in this Section and the standards within a particular district, the district standards shall take precedence.

A waiver or modification of any standard may be requested as part of site plan review if the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. Waivers may be granted by the Zoning Administrator following review by the Urban Design Commission. The applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals.

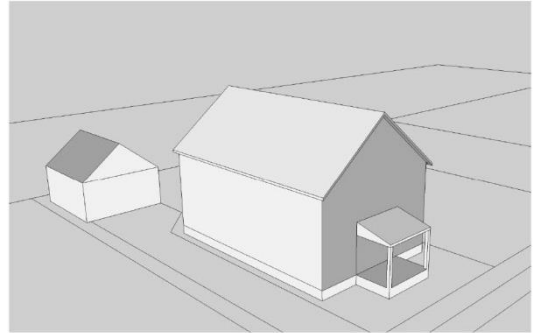
### 28.172 RESIDENTIAL BUILDING FORMS.

(1) Use of Dormers.

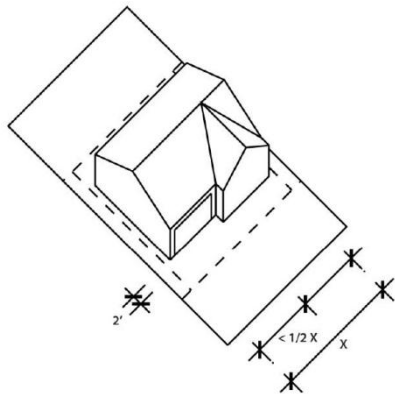
Dormers may be added to the roof of a two-story building, provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof.

(2) Single-Family Detached Building.

- (a) Building Type. A single-family dwelling with yards on all sides, oriented to the street, with an attached or detached garage.
- (b) Access and Entry. Each dwelling shall have direct access from a porch, stoop or courtyard to the street. Parking, loading and trash disposal may be accessed from an alley or driveway.
- (c) Parking. Surface parking may be located in the side or rear yard setbacks or within the building envelope, ~~as specified in Section 28.141.~~
- ~~(d) Attached Garages. See Section 28.031(3); Attached Garage Setback.~~
- (~~e~~) Frontage. Each building ~~shall~~**must** include a stoop, porch or courtyard oriented towards the primary abutting street.
- (~~e~~) Building Width. Buildings facing a public street shall not exceed a width of fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.



Typical Single Family Detached Building

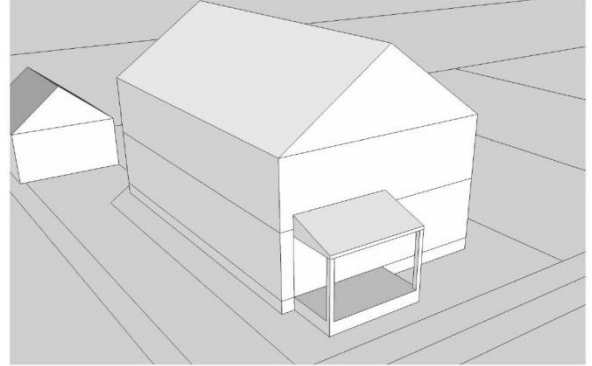


Attached Garage Setback

(3) Two-Unit Flat and Three-Flat Buildings.

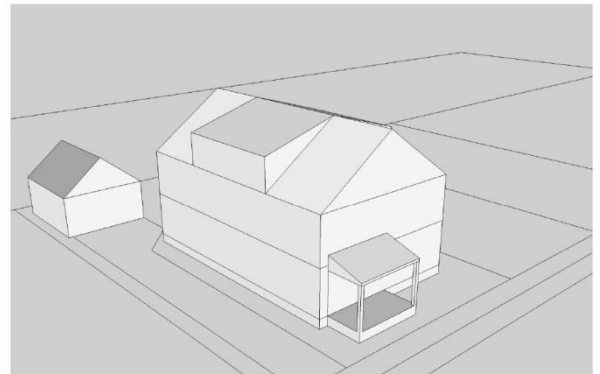
(a) Building Types.

1. Two-Unit Flat. A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
2. Three-Flat: A building containing three dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.



Typical Two-Flat Building

- (b) Access and Entry. At least one of the dwellings shall have direct access from a common porch or stoop facing the front lot line and street. Parking, loading and trash disposal may be accessed from an alley or driveway.
- (c) Parking. Surface parking may be located in the side or rear yard setbacks or within the building envelope (see Section 28.141).

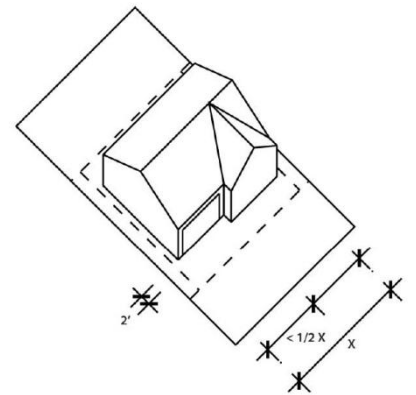


Typical Three-Flat Building

~~(d) Attached Garages. See Section 28.031(3); Attached Garage Setback.~~

(de) Frontage. Each building shall ~~must~~ include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street.

(ef) Building Width. Buildings facing a public street shall not exceed a width of forty (40) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.



Attached Garage Setback

(4) Two-Family Building, Twin.

(a) Building Type. A building containing two attached dwelling units that share a common side wall and that are usually on separate lots, with the common wall at the lot line. If the dwellings are on separate lots, the common wall must be located on the side lot line. The dwellings can also be treated as condominiums, with a third ownership area consisting of the remainder of the lots.

(b) Access and Entry. Each dwelling shall have direct access from a common or separate porch or stoop; at least one entrance shall face the front lot line.

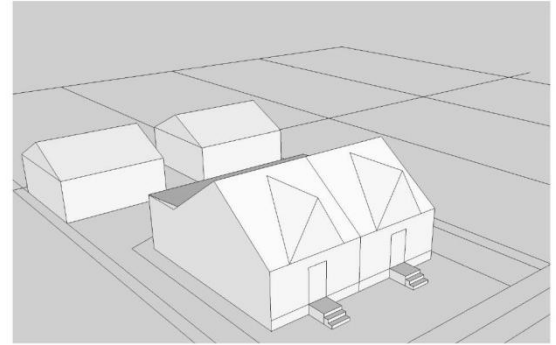
Parking, loading and trash disposal may be accessed from an alley or driveway. Both units may, (and are encouraged to) share a common driveway.

(c) Parking. Surface parking may be located in the side or rear yard setbacks or within the building envelope. ~~(see Section 28.141).~~

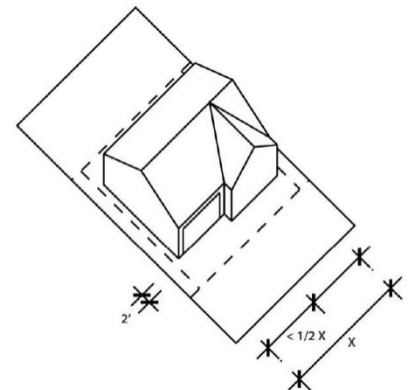
~~(d) Attached Garages. See Section 28.031(1); Attached Garage Setback.~~

~~(de) Frontage. Each building shall must include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street.~~

~~(ef) Building Width. Buildings facing a public street shall may not be wider than fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.~~



Typical Two-Family Twin Building

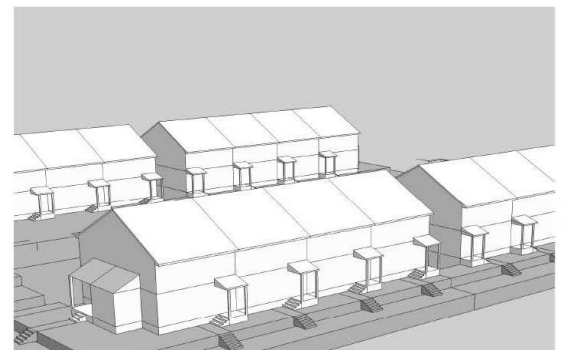


Attached Garage Setback

(5) Single-Family Attached Building, Townhouse, Rowhouse.

(a) Building Type. A dwelling unit within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light and ventilation. Buildings may be oriented to the street or to a central green or courtyard.

(b) Access and Entry. The principal entry to



Typical Single Family Attached Buildings



each dwelling shall have direct access to the street or to a courtyard. Each dwelling shall include a stoop or porch or a common green or courtyard oriented toward the primary street.

Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.

- (c) Parking. Parking shall be located behind each building or in a common parking court in the interior of a block. Parking may be in a variety of configurations: surface, under building~~“tuck under,”~~, underground, or within an attached or detached garage to the rear of the principal building. If located ~~Surface or structured parking may be located~~ within the side yard, surface or structured parking shall ~~provided that it~~ occupy ies no more than twenty-five (25%) of the frontage along the primary abutting street.

- ~~(d) Frontage. Each dwelling must include a stoop or porch or a common green or courtyard oriented toward the primary street.~~

- ~~(de) Massing and Articulation.~~ Buildings facing a public street shall be comprised of individual units, articulated vertically to create visual interest and continuity. Divisions or breaks in materials, entry placement, window bays or other architectural details shall be used to delineate individual units.

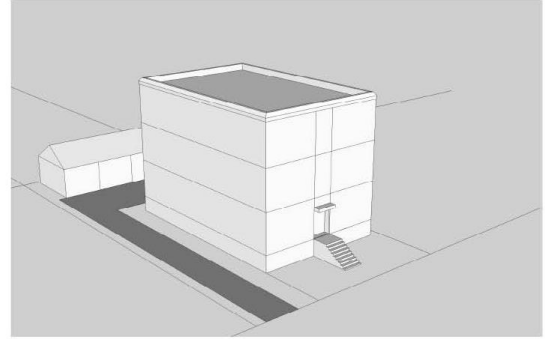
Massing, proportions and articulation of single-family attached buildings ~~shall~~ ~~ould~~ respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade.

- ~~(f) Landscaping. Front yards shall be landscaped to provide visual screening and privacy. Landscaping may consist of trees, shrubs, and/or groundcovers, in combination with decorative fences or walls.~~



(6) Small Multi-family Apartment Building.

(a) Building Type. A multi-story multi-family building with a central entrance oriented to the primary abutting street, containing four to eight units. Buildings of this type are sometimes designed to resemble a large single-family building with a pitched roof.



Typical Small Apartment Building

(b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch or a common green or courtyard, oriented toward the primary street.

Parking, loading and trash disposal may be accessed from an alley or common sideyard driveway serving one or more buildings.

(c) Parking. Parking shall be located behind each building, below the building, or in a common parking court in the interior of a block. ~~Surface or structured parking may be If~~ located within the side yard, ~~surface or structured parking shall provided that it~~ occupies no more than twenty-five percent (25%) of the frontage along the primary abutting street.



~~(d) Frontage. Each building must include a stoop or porch or a common green or courtyard, oriented toward the primary street.~~

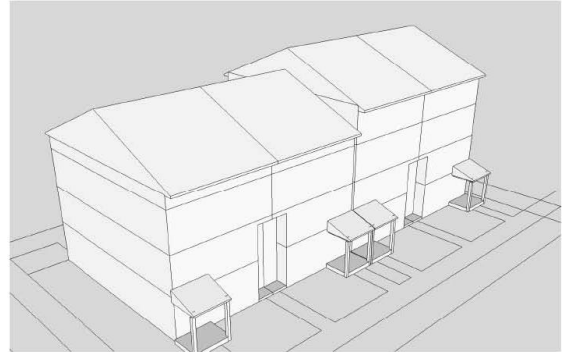
(de) Massing and Articulation. Massing, proportions and articulation of small ~~multi-family apartment~~ buildings shall ~~ould~~ respond to existing residential buildings in their vicinity, including features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. Building facades shall be articulated vertically and horizontally for visual interest.



~~(f) Landscaping. Front yards shall be landscaped to provide visual screening and privacy. Landscaping may consist of trees, shrubs, and/or groundcovers, in combination with decorative fences or walls.~~

(7) Large Multi-family Apartment Building, Stacked Flats.

- (a) Building Type. A multi-story building with combined entrances, stairways and elevators, comprised of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.
- (b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch oriented to the street. Parking, loading and trash disposal may be accessed from an alley or common drive serving one or more buildings.
- (c) Parking. Parking shall be located behind each building, under the building, or in a common parking court in the interior of a block. ~~Parking may be~~ located within the side yard, ~~parking shall provided that it~~ occupies no more than twenty-five percent (25%) of the frontage along the primary abutting street. Structured parking at ground floor level shall not be visible from the front facade of the building.
- ~~(d). Frontage. Each building must include a stoop or porch oriented to the street.~~
- ~~(de)~~ Massing and Articulation. Massing, proportions and articulation of single-family attached buildings shall ~~ould~~ respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.
- ~~(f) Landscaping. Front yards shall be landscaped to provide visual screening and privacy. Landscaping may consist of trees, shrubs, and/or groundcovers, in combination with decorative fences or walls.~~



Typical Large Apartment Building



(8) Courtyard Multi-family Apartment Building.

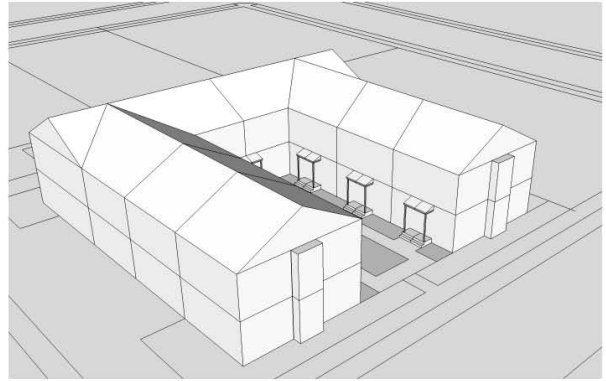
- (a) Building Type. A multi-story multi-family building designed around an open courtyard abutting a primary street, surrounded by building walls on three sides.
- (b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street or courtyard. The courtyard shall be oriented to a street and shall be largely visible from the street, but may be separated from the street by a decorative fence.

Parking, loading and trash disposal may be accessed from an alley, through the courtyard, or through a common drive serving one or more buildings.

- (c) Parking. Parking shall be located behind each building or wholly or partially underground. Structured parking visible at ground floor level shall not be visible from the front façade of the building. ~~Surface parking may be~~ located to the side yard of a courtyard building, ~~surface parking shall provided that it~~ occupies no more than twenty-five percent (25%) of the frontage along the primary abutting street.

- (d) Massing and Articulation. Buildings may be divided into individual attached units at ground level or served by shared entrances. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

- (e) ~~Landscaping and~~ Open Space. Courtyards shall be a minimum of thirty-five (35) feet in width or depth, and shall be maintained as common open space for residents. ~~Courtyards shall be fully landscaped and may also include play structures and other amenities.~~

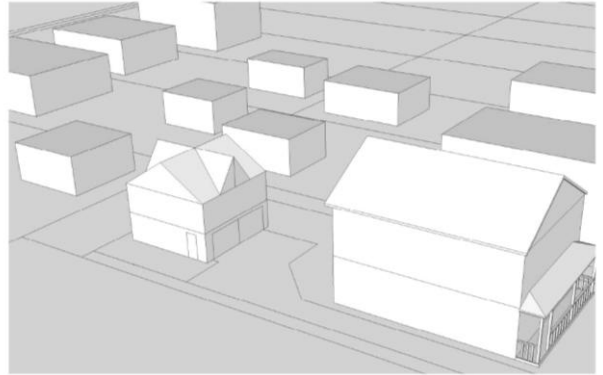


Typical Courtyard Apartment Building



(9) Carriage House Building.

- (a) Building Type. A building containing a detached garage and an accessory dwelling unit of modest size located above the garage. It is located on an alley or on the rear one-third of a lot that includes a principal building.
- (b) Access and Entry. The principal entry to the unit shall be accessed from the side or rear yard or alley. The entry shall be connected to the abutting street by a paved walkway.
- (c) Parking. Parking shall be located below or beside the unit and accessed from an alley or side yard driveway.
- (d) Building Design. Carriage houses shall employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.



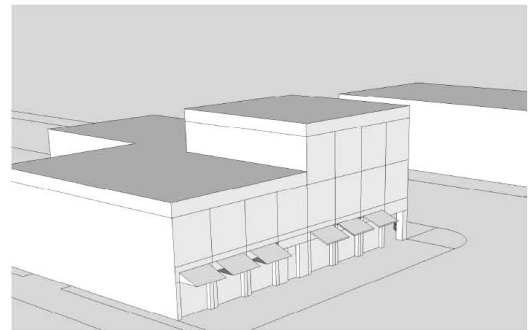
Typical Carriage House Building



**28.173 MIXED USE AND NON-RESIDENTIAL BUILDING FORMS.**

(1) Commercial Block Building.

- (a) Building Type. A multi-story building that is designed to support a mix of commercial or office uses on the ground floor with office, studio, lodging and/or residential units above. Buildings are typically designed with storefronts or arcades at ground floor.
- (b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.  
Buildings shall be designed with storefronts, stoops or patios along at least forty percent (40%) of the front ground floor façade along the primary abutting street.



Typical Commercial Block Building

Parking, loading and trash disposal may be accessed from an alley or through a side yard or rear yard drive serving one or more buildings.

- (c) Parking. Parking shall ~~be~~ not be located between the building's front ~~face~~ facade and the street. ~~Parking may be~~ If located behind the rear plane of the principal building ~~on the lot~~, or within a side yard, ~~parking and driveways shall~~ provided that ~~occupy~~ no more than seventy (70) feet of lot frontage along the primary abutting street ~~is occupied by parking or driveways~~. Parking may also be wholly or partially underground, or in a common parking area in the interior of a block.

- ~~(d) Frontage. Buildings shall be designed with storefronts, stoops or patios along at least forty percent (40%) of the front ground floor facade along the primary abutting street.~~

- ~~(de) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.~~



(2) Liner Building.

- (a) Building Type. A specialized building, parallel to the street, which is designed to conceal an area such as a parking lot or loading dock. While liner buildings may include commercial or residential uses, their limited depth (from front to back) makes them more disposed to residential use. Liner buildings may have a small common front yard, but do not include individual private outdoor spaces.
- (b) Access and Entry. The principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.
- (c) Massing and Articulation. Maximum building length parallel to the primary abutting ~~street shall~~ street shall not exceed three hundred (300) feet without a visual break such as a courtyard or recess.



Minimum building depth is sixteen (16) feet. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.

(3) Parking Building.

- (a) Building Type. A multi-story building specifically designed for parking of automobiles on a temporary basis, which may also include ground-floor storefronts and upper-level office space. Often paired with a liner building along the street frontage.
- (b) Access and Entry. Principal entry to each ground floor business or unit shall be a direct entrance from the primary abutting street. Vehicular entrance drives shall be located and designed to minimize interference with pedestrian movement. Vehicular entrances on secondary streets are encouraged.
- (c) Building Design. The ground floor of any parking structure abutting a public street or walkway shall be designed and architecturally detailed in a manner consistent with new commercial or mixed-use buildings.

Upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the facade.

Windows or openings shall be provided that echo those of surrounding buildings.

- (d) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed (300) feet without a visual break such as a courtyard or recess. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.

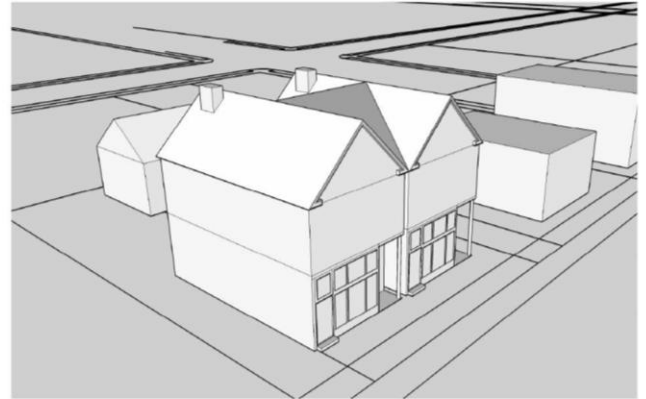


Typical Parking Building



(4) Live-Work Building.

- (a) Building Type. Similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Buildings are typically placed close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.
- (b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.
- (c) Parking. Parking shall be located behind each building or wholly or partially underground. ~~If located Parking may be located~~ within the side yard, ~~parking shall not provided that it~~ occupies no more than 25% of the lot frontage along the primary abutting street.
- (d) Massing and Articulation. Massing, proportions and articulation of live-work buildings ~~shall~~ respond to existing residential buildings in their vicinity. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

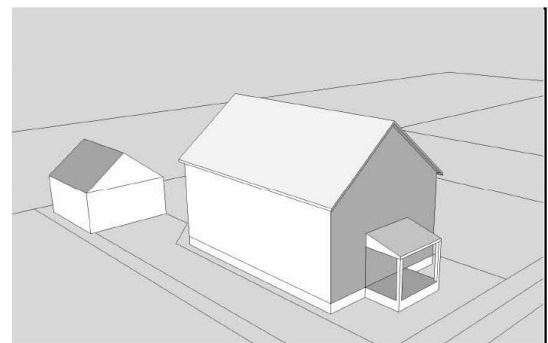


Typical Live-Work Building



(5) Residential/Commercial Conversion.

- (a) Building Type. A former single-family dwelling converted to commercial or office use. The front yard generally remains as landscaped open space or courtyard; parking must be in the rear. The building form remains residential in character; ground floor windows and doors may be enlarged for improved visibility and access.
- (b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. The



Typical Residential / Commercial Conversion



residential form of the building shall generally be maintained. Accessibility may be improved by changes in entrance grade or other means.

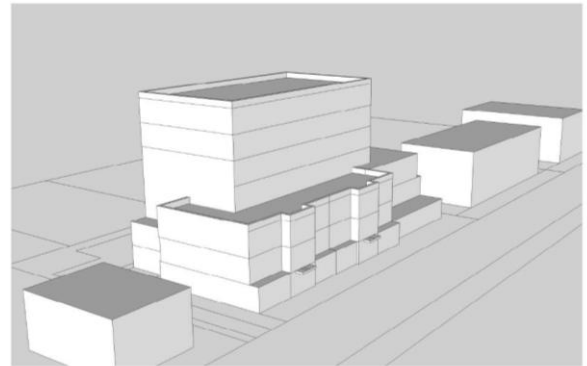
- (c) Parking. Parking shall be located behind the building or in a separate common off-street parking facility. Side yard parking may be acceptable if no other alternatives exist.

- ~~(d) Frontage and Design. The residential form of the building shall generally be maintained. Porch, stoop or patio frontage may be acceptable. Accessibility may be improved through changes in entrance grade or other means.~~



(6) Podium Building.

- (a) Building Type. A multi-story mixed-use building in which the upper stories are stepped back from a lower base, to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.
- (b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.
- (c) Parking. Parking shall be located behind each building, under the building, or in a common parking court in the interior of a block. ~~Parking may be also be~~ located within a side yard, ~~parking shall provided that it~~ occupies no more than forty percent (40%) of the frontage along the primary abutting street. Structured parking at ground floor level shall not be visible from the front façade of the building.
- (d) Massing and Articulation. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

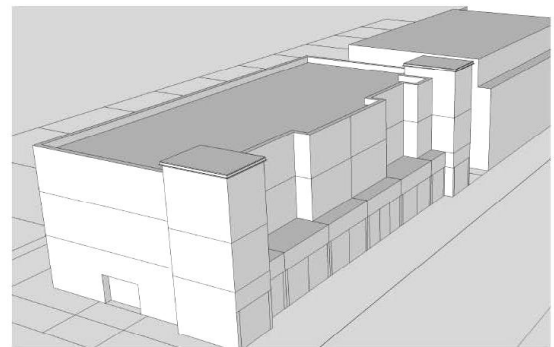


Typical Podium Building



(7) Flex Building.

- (a) Building Type. A variable building type at least two stories in height, designed to accommodate a variety of uses, including combinations of office, retail, lodging, and/or residential. A principal entrance should be oriented to the primary abutting street.
- (b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.
- (c) Parking. Parking shall not be located between the building's front façade and the street. ~~Parking may be~~ located behind the rear plane of the principal building on the lot, or within a side yard, ~~parking or driveways shall occupy - provided that~~ no more than seventy (70) feet of lot frontage along the primary



Typical Flex building

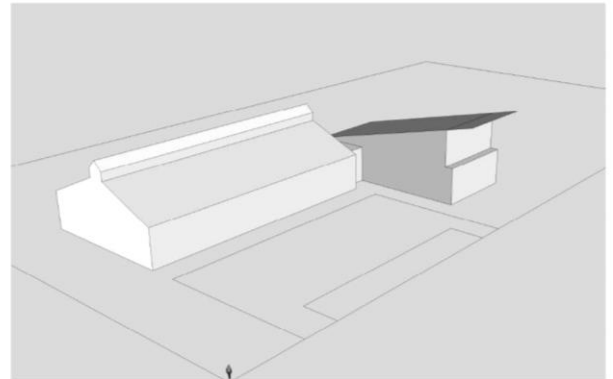
abutting street ~~is occupied by parking or driveways~~. Parking may also be wholly or partially underground, or in a common parking area in the interior of a block.

- (d) Massing and Articulation. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet



(8) Industrial Building.

- (a) Building Type. A large open-floor-plate building that allows maximum flexibility in the types of uses accommodated. Buildings are typically characterized by a tall single story or first floor, and may be set on a raised base to facilitate industrial loading and unloading.
- (b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.
- (c) Parking. Parking may be provided on any side of the building. Loading activities shall be situated to the side or rear of the building.
- (d) Massing and Articulation. Facades facing a public street shall be vertically articulated at a minimum interval of 60 feet.





**SUBCHAPTER 28LM: PROCEDURES**

**28.181 IN GENERAL.**

(1) Statement of Purpose.

This Section describes how land development decisions and projects are approved and permitted in Madison. It describes how an application is submitted, who processes the application, the types of procedures that are followed, and what the permit approval allows the applicant to do. ~~Refer to Appendix C for detailed application submittal requirements.~~

(2) Common Elements.

Many of the application requirements outlined in this Section have the following common elements:

**Table 28M-1. Common Elements of Zoning Applications.**

Element	Description
Applicability and Initiation	This <del>element describes specifies</del> the situations, building types, development types, uses, or contexts where the procedure applies, <del>and</del> who may file an application, <u>and where to file an application.</u> <b>Eligible Applicant:</b> Unless otherwise specified, any person, firm, corporation or organization that has any of the following interests that are specifically enforceable in the land that is subject to the application may file an application: <ul style="list-style-type: none"> <li>• a freehold interest</li> <li>• a possessory interest entitled to exclusive possession</li> <li>• a contractual interest which may become a freehold possessory interest</li> <li>• any exclusive possessory interest</li> <li>• any unit of government which issues a relocation order or adopts a resolution of necessity of taking describing the land for which the application is sought</li> </ul>
<del>Initiation</del>	<del>This describes how the application is filed, and who receives the application.</del>
Completeness Review	Application materials <del>shall</del> <u>must</u> be submitted as specified in each Section, <del>and in Appendix C.</del> Incomplete applications will not be accepted.
Notice	This <del>element describes specifies how notice, where required, is provided.</del> <del>This includes</del> the type of <u>required notice,</u> <del>and who provides it and</del> when it must be provided. <del>See subsection (5), below, for general notice requirements.</del>
Decision	This <del>elements specifies describes</del> the procedures for review <u>and decision-making</u> by appropriate staff, agencies, <u>commissions,</u> and boards <del>and for reaching a decision as to whether the permit is approved, denied, or approved with conditions.</del>
Standards	This <del>element specifies the lists</del> standards <del>or criteria</del> for approval <u>of an application.</u> <del>These standards or criteria supplement any other standards or criteria required by this Chapter for approval of the application.</del>
Subsequent Applications	This <del>element identifies any waiting period required before submission of an additional application</del> <u>provides a waiting period for some applications in order to avoid consuming staff resources to process of repetitive applications.</u>
Alterations	This <del>element describes specifies</del> how <u>changes are made to an approved application the applicant can make changes to the approval.</u> <del>Some applications have separate procedures for major and minor changes.</del>
Scope of Approval	This <del>element specifies what establishes and limits the rights that an Applicant obtains from approval or conditional approval of an application, what actions the permit</del>

	<p><del>authorizes, and any applicable</del> the time period for exercising rights under the <del>approval order or permit.</del>  <del>Before granting any application, the approving official or agency may attach conditions and restrictions to secure compliance with the standards in this Chapter. The official or agency may require such evidence and guarantees as proof that the applicant will comply with the conditions.</del></p>
Finalization of Approval	<p>This <del>element section specifies finalization or recording requirements following approval.</del> <del>describes how the decision on the application is finalized or recorded in the public records.</del></p>

(3) Pre-Application Meeting.

Before an application is filed, the applicant is strongly encouraged to attend a pre-application meeting with Zoning and Planning staff. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for an Application.

(4) Completeness Review.

These procedures apply to any Application unless a different procedure is established for the Application elsewhere in this Chapter.

- (a) No Application is complete unless all of the required information ~~required by Appendix C~~ is included, and all application fees ~~required by Appendix B~~ have been paid. The Zoning Administrator may refuse to accept an incomplete application.
- (b) The Zoning Administrator will make current application materials available in the offices of the Department of Planning and Community and Economic Development.
- (c) The Zoning Administrator may establish a schedule for filing any Application that requires action by the Plan Commission, Zoning Board of Appeals, Urban Design Commission, or the Common Council. Completed applications shall be filed according to any posted schedule of the Zoning Administrator.

(5) Notice.

The type of notice required for certain applications is established in Table 28M-2 below.

**Table 28M-2. Notice Requirements.**

Type of Notice (Responsible Party)	Requirements	Map Amendment	Text Amendment	Conditional Use	Variance	Demolition
<p><del>Preapplication</del> <del>Prior to filing application</del> (Applicant)</p>	<p>Applicant must notify the following <u>persons</u> at least <u>thirty (30)</u> days before filing an application. <u>Notice shall be</u> by <u>U.S.</u> mail or electronic mail, with a copy to the Department Director and the Zoning Administrator. <del>—</del></p>					
	<ul style="list-style-type: none"> <li>neighborhood association registered with City that serves the area where the property is located</li> </ul>	X	X	X		X
	<ul style="list-style-type: none"> <li>business association listed with City that serves the area where the property is located</li> </ul>	X	X	X		X
	<ul style="list-style-type: none"> <li>any person registered with the Department of Department of Planning and Community and Economic Development to receive such notice</li> </ul>					X
	<ul style="list-style-type: none"> <li>the alderperson of the district in which the property is located.</li> </ul>	X	X	X		X
	<p>Failure to provide the mailed pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The neighborhood notice requirement may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of Planning and Community and Economic Development.</p>					
Publication (City)	<p>Class 1 notice <u>in the official city paper</u> (see ch. 985 WSA) <del>in the official city paper.</del></p>				X	
	<p>Class 2 notice <u>in the official city paper</u> (see ch. 985 WSA) <del>in the official city paper.</del></p>	X	X	X		X
First class mail (City)	<p>Recipients:</p>					
	<ul style="list-style-type: none"> <li>the applicant</li> </ul>			X	X	X
	<ul style="list-style-type: none"> <li><del>the zoning file</del></li> </ul>	<del>X</del>		<del>X</del>	<del>X</del>	<del>X</del>
	<ul style="list-style-type: none"> <li>the alderperson of the district in which the property affected is located.</li> </ul>	X		X	X	X
	<ul style="list-style-type: none"> <li>the owners of record, as listed in the office of the City Assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected.</li> </ul>	X		X		X
<ul style="list-style-type: none"> <li>the owners of record, as listed in the office of the City Assessor, and occupants, of adjoining property.</li> </ul>				X		

Signage (Applicant)	Obtain the sign from the Department of Planning and Community and Economic Development, on the property that is the subject of the application. The sign must list the times and locations of all public hearing(s) to consider the application. The sign shall be posted at least fourteen (14) days prior to the public hearing and shall be located in a position on the property so that it can be read from the sidewalk or other public right-of-way. If a property abuts more than one (1) public right-of-way, a sign shall be placed facing each public right-of-way. The sign shall be removed within seven (7) days of the last hearing listed on the sign. <u>Failure to post the sign shall not invalidate any action taken on the application by the Plan Commission or Common Council.</u>	X		X		X
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**28.182 TEXT AND MAP AMENDMENTS**

(1) Purpose.

This section allows the Common Council to amend the text of this Chapter or the zoning districts in order to promote public health, safety, and welfare throughout the City, giving due consideration to existing conditions, conservation of property values, building development providing best advantage to the City, the current use of property, and in the case of map amendments, the cost of providing municipal services to the property and uses accommodated by the map amendment.

(2) Applicability and Initiation.

- (a) The Common Council may amend this Chapter at any time as provided in this section.
- (b) There are two classes of amendments: text amendments and map amendments. These are defined below:

<b>Text amendments</b>	Amendments to the <b>text</b> of this chapter.
<b>Map amendment</b>	<u>An amendment —change</u> to the <b>zoning map</b> . <del>The changes may either expand or contract the boundaries of a zoning district, or change</del> the district classification of an area or property.

~~(3) Initiation.~~

- ~~(ca) Text amendments may be initiated by the Common Council and any alderperson.~~
- ~~(db) Map amendments may be initiated the Common Council or an Eligible Applicant as specified in Table 28M-1.~~
- ~~(ce) Filing. The applicant shall file the application with the Zoning Administrator.~~

~~(34) Completeness Review.~~

- ~~See Section 28.181(4)(a) —The application must include the information prescribed in Appendix C.~~
- ~~(b) For a map amendment, the Zoning Administrator will review the application for completeness as provided in Section 28.181(4).~~
- ~~(c) If the application is incomplete, the Zoning Administrator may return the application with a summary of the deficiencies.~~

~~(45) Notice.~~



~~(a) Generally.~~ The following notice is required for any map amendment (see Section 28.181(5) above):

- ~~(a) Pre-application. Failure to provide preapplication notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of Planning and Community and Economic Development.~~
- ~~(b) Publication.~~
- ~~(c) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the date of the public hearing. (see subsection B, below)~~
- ~~(d) Signage.~~

~~(b) Mailed Notice.~~

- ~~1. Mailed notice must be sent at least ten (10) days before the date of each public hearing.~~
- ~~2. The applicant may choose to make the required mailing and may use labels purchased from the City, or the applicant may pay the City to do the mailing.~~

(6) Decision.

(a) Recommendation by the City Plan Commission.

1. The Plan Commission shall hold a public hearing on each application for an amendment ~~at a time and place as shall be established by the commission.~~ The procedures for conducting the hearing and recording the proceedings are prescribed in the “Basic Policy and Procedures Manual” adopted by the Plan Commission.
2. After the public hearing ~~on an amendment,~~ the City Plan Commission shall submit its recommendation to the Common Council prior to the Council’s public hearing.
3. The Plan Commission may recommend conditions that are consistent with the intent of this ordinance and will protect the public interest.
4. The Plan Commission may recommend the following modifications:
  - a. The adoption of a map amendment changing the zoning classification of the property in question to any classification that is more restrictive ~~iveed~~ than that proposed by the applicant. For this purpose, the Conservancy district is the most restrictive classification and the Industrial - General (IG) district is the least restrictive ~~iveed~~ classification.
  - b. That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area.

~~5. All map amendments that obstruct flow, or increase regional flood height .01 foot or more require flooding easements or other appropriate legal arrangement from all adversely affected property owners.~~

(b) Action by Common Council. The Common Council shall not act upon a text amendment or map amendment until it has received a recommendation from the City Plan Commission as provided above.

(c) Protest Petition.

1. A written protest against a map amendment may be filed after the application is filed or modified. If a valid protest petition is filed, the map amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change.
2. The protest must be filed with the City Clerk.
3. The protest must be duly signed and acknowledged by:
  - a. the owners of twenty percent (20%) or more of the area of land included in the proposed map amendment or modification, or
  - b. twenty percent (20%) of the registered electors residing in the areas of the land included in the proposed map amendment or modification, or
  - c. the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet from the subject property, or
  - d. the owners of twenty percent (20%) or more of the land directly opposite from the subject property and extending one hundred (100) feet from the street frontage of the opposite land, or
  - e. twenty percent (20%) of the registered electors residing within all buildings any part of which is on land immediately adjacent extending one hundred (100) feet from the subject property, or
  - f. twenty percent (20%) of the registered electors residing within all buildings any part of which is on land directly opposite the subject property and extending one hundred (100) feet from the street frontage of the opposite land.
4. Protest Petition Procedure.
  - a. If a protest is commenced under this Subdivision, the following procedure must be used in order for the protest petition to be accepted as valid by the City.
  - b. Each protest petitioner must date and acknowledge his signature in compliance with Sec. 706.07, Wis. Stats., Uniform Acknowledgment Act. The protest petitioner shall either sign in the presence of a notary public or other officer as specified in WSA § 706.07(2) or shall personally appear before the notary public or other officer and acknowledge his or her prior signing.
  - c. Protest petitions shall be delivered to the City Clerk by noon on the Thursday before final Common Council consideration.
  - d. If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional protest petitions may be again filed with the City Clerk until noon on the Thursday before the meeting at which the Common Council again proposes to act upon the map amendment.
  - e. The same day the petitions are received, the City Clerk shall make copies of the petitions and forward these copies to the Department of Planning and Community and Economic Development.
  - f. The Department of Planning and Community and Economic Development shall compute the protest petitions and inform the Common Council concerning the percentage of protesters prior to a vote by the Common Council.
  - g. Although protesters may exercise their rights to subsequently withdraw their names from a protest petition, the withdrawal must be signed, dated and

acknowledged and the form of the acknowledgement must also comply with Sec. 706.07, Wis. Stats. Withdrawals must be submitted to the City Clerk by noon on the Friday before final Common Council consideration. If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional withdrawals may be again filed with the City Clerk until noon on the Friday before the Common Council again proposes to act upon the map amendment.

(7) Standards for Map Amendments or Text Amendments.

Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

(8) Subsequent Applications.

An application for a map amendment that is denied by the Common Council cannot be resubmitted within one (1) year from the date of the denial, unless:

- (a) the Council specifically determines that the denial is without prejudice, or
- (b) the application is substantially different from the application that was denied.

(9) Amendments to Floodplain Regulations or Maps.

No amendment to floodplain regulations, either text or map, shall become effective until approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

(10) Finalization of ApprovalRecording.

A text amendment is codified by the City Attorney as provided in § 3.07 MGO. A map amendment becomes part of the “Zoning District Maps” on file in the office of the Zoning Administrator.

## 28.183 CONDITIONAL USES.

(1) Statement of Purpose.

This Chapter divides the City into districts where the design, use, bulk and location of buildings and structures are compatible ~~and substantially uniform~~. However, some uses, and in some cases, design, bulk, and building location, have unique characteristics, and therefore cannot be properly allowed as unrestricted permitted uses. The City requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the particular use at a particular location. These uses may be necessary or desirable in a particular district if sufficient consideration is given to their location, development and operation.

(2) Applicability and Initiation.

This section applies to those uses that are enumerated as conditional uses in the zoning district regulations (Subchapters 28C through 28I).

Any Eligible Applicant (see Section 28.181(2)) may file an application for a conditional use permit with the Zoning Administrator.

(3) Completeness Review.

See Section 28.181(4).

(4) Notice.

A conditional use permit application requires the following type of notice (see Section 28.181(5)):

- (a) Preapplication. Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of Planning and Community and Economic Development.
- (b) Mail. ~~by City or applicant,~~ Notice of the required public hearing shall be sent at least ten (10) days before the public hearing.
- (c) Publication ~~by City, at least seven (7) days before the public hearing~~

(5) Decision.

(a) City Plan Commission.

- 1. ~~On receipt of a complete application for a conditional use permit,~~ The Plan Commission shall hold a public hearing on each complete application. The hearing shall be conducted and recorded in accordance with the Plan Commission's Policies and Procedures Manual.
- 2. The Plan Commission shall approve, approve with conditions, ~~or~~ deny, or place on file any application for a conditional use ~~permit.~~
- 3. The Plan Commission shall render its decision within a reasonable time.
- 4. The concurring vote of a majority of quorum of the Plan Commission is required to ~~approvegrant~~ a conditional use ~~permit.~~
- 5. The decision of the Plan Commission shall include findings of fact. When a conditional use application is denied, the findings of fact ~~shall~~ must list the standard(s) that ~~have not been~~ are not met and the reasons ~~the Commission used to determine that such~~ each standard(s) was not met.
- 6. When reviewing a conditional use application that involves any new construction of a building or an addition to an existing building, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comments and recommendations.
- 7. Final action may be either initial action on a conditional use or action following reconsideration of the said initial action under the Plan Commission's Policies and Procedures Manual. However, reconsideration requires written notification of intent to reconsider by a Commission member to the Commission Secretary no later than ten (10) days after said initial action. The notice requirements of subsection D, above, apply to reconsideration, except that the notice by publication shall be a Class 1 Notice. The taking of an appeal before the third day after the initial action does not preclude or invalidate reconsideration by the Commission.

(b) Appeal From Action by Plan Commission.

- 1. The Plan Commission's decision is appealable to the Common Council.
- 2. The appeal may be filed by:
  - (a) the applicant, or
  - (b) the Alderperson of the district in which the use is located, or
  - (c) twenty percent (20%) or more of the property owners notified who object to the establishment of the conditional use.

3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.
5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.
7. The Common Council shall give public notice and due notice to the parties in interest.
8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
9. Any person aggrieved by the decision of the Common Council or any alderperson, officer, department, board or bureau of the City, may, within thirty (30) days after the decision is filed in the office of the City Clerk, commence an action seeking the remedy available by certiorari.

(6) Approval Standards.

- (a) The City Plan Commission shall not approve a conditional use without due consideration of the City of Madison Comprehensive Plan. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
  - ~~1. The proposed use and development is consistent with the Comprehensive Plan and the adopted neighborhood plan, if any.~~
  - ~~2. The proposed conditional use is consistent with the purposes and objectives of the zoning district.~~
  13. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
  24. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
  35. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.
  46. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  57. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.
  68. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

79. The conditional use conforms to all applicable regulations of the district in which it is located.
  8. The proposed conditional use conforms to the Comprehensive Plan and any applicable neighborhood plan.
  9. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:
    - a. Bear in mind the City general intent to accommodate community living arrangements.
    - b. Exercise care to avoid an over-concentration of community living arrangements, which could created an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility will increase the population of the community, the total capacity of all community living arrangements in the community, the impact on the community of other community living arrangements, the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.
  10. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission:
    - a. Shall bear in mind the statement of purpose for the zoning district, and
    - b. May require the applicant to submit plans to the Urban Design Commission for comment and recommendation.
  11. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.
  12. When applying the above standards to telecommunication facilities, the Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.143.
- (b) Conditions.
1. Before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use.

2. The commission shall require evidence and guarantees of compliance with the conditions.
3. For property in the Wetland Overlay District, the Plan Commission shall attach conditions that will further the purposes of the Wetland Overlay District.
  - a. Such conditions may include but are not limited to: type of shore cover; erosion control measures; increased setbacks; specific sewage disposal and water supply facilities; wetland restoration; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.
  - b. The Plan Commission may require additional information as needed to determine if the proposed use is consistent with the purposes of the Wetland Overlay District.
4. For residential development allowed as a conditional use, the Plan Commission shall require dedication of land for park and recreation purposes or a fee in lieu of land dedication in accordance with the current standards for plat, land divisions and planned developments in Sec. 16.23(8)(f) MGO and Parkland Impact Fees in Sec. 20.08(6) MGO. Credit shall be given for any prior dedication or fee paid under those Sections.

(7) Subsequent Applications.

No application for a conditional use that is denied wholly or in part by the Plan Commission (or, on appeal, by the Common Council) shall be resubmitted for a period of one (1) year from the date of the final decision, unless:

- (a) the decision expressly states that it is placed on file without prejudice, and
- (b) the applicant provides substantial new evidence or proof of a change of conditions that would support approval or conditional approval of the application.

(8) Alterations.

~~(a) No~~ Any alteration ~~of a conditional use in a property with an approved conditional use is processed in the same manner as the original application, except for minor alterations as provided below.~~ shall be permitted unless approved by the Plan Commission provided, however,

~~(b) T~~he Zoning Administrator may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in subsection (6), above.

(9) Scope of Approval.

- (a) An order granting a conditional use is valid for one (1) year from the date of the approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted.
- (b) Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.

(c) Continuing Jurisdiction.

1. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. This authority is in addition to the Zoning Administrator's authority under Section 28.202.
2. Any citizen, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use permit have not been completed, or are being violated.
3. The Plan Commission shall initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of a condition of approval. If the Plan Commission determines there is a reasonable probability of a violation, it shall conduct a hearing after giving notice as provided in Subsection (4), above.
4. The Plan Commission may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Plan Commission, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards in subsection F, above, the Plan Commission may revoke the conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.
5. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by subsection (5)~~(b)B~~, above.

(10) Changes in Use.

- (a) On any zoning lot where a conditional use is established, any alteration, expansion or establishment of any other use(s), including permitted uses, except structures and buildings serving as synagogues, mosques, temples, churches, parish houses, rectories, and other places of worship, shall be subject to conditional use approval.
- (b) However, within existing buildings, a change in use from one permitted use to another permitted use without any addition in square footage shall be exempted from this provision; provided that any exterior alterations to existing structures or the lot shall require approval as a conditional use.

**28.184 VARIANCES.**

(1) Applicability and Initiation.

This section applies to any application to the Zoning Board of Appeals for a variance from the terms of this Chapter.

Any Eligible Applicant (see Section 28.181(2)) may file an application for a variance with the Zoning Administrator.

(2) Completeness Review.

See Section 28.181(4).

(3) Notice.

A variance application requires the following type of notice (see Section 28.181(5)):

- (a) Mail – Notice of the required public hearing shall be sent at least five (5) days before the ~~first~~ public hearing



(b) Publication ~~at least seven (7) days before the first public hearing~~

(c) In the case of variances to the floodplain or wetland regulations, ~~such~~ notice shall also be sent to the Southern District Office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the required hearing.

(4) Decision.

(a) The Zoning Board of Appeals shall hold a public hearing on each application.

(b) The Zoning Board of Appeals may approve, conditionally approve, or deny a variance after a public hearing. The Zoning Board of Appeals shall conduct the public hearing after it receives a complete application.

(cb) The concurring vote of a majority of quorum~~four (4) members~~ of the Zoning Board of Appeals is required to grant a variance.

(de) The decision of the Zoning Board of Appeals shall include findings of fact.

(ed) The Zoning Board of Appeals may impose conditions on the use, development or activities subject to the variance. The Zoning Board of Appeals may require the conditions in order to comply with the standards in this section, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this ordinance.

(fe) When a floodplain variance is granted, the Zoning Board of Appeals shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property.

(5) Approval Standards.

(a) The Zoning Board of Appeals shall not grant a variance unless it finds that the following conditions are present:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

2. For a use variance, cCompliance with the strict letter of the ordinance is Chapter governing use will result in no reasonable use of the property.

3. For an area variance, cCompliance with the strict letter of the ordinance is Chapter governing area, setback, height, bulk, density or other bulk requirement, would unreasonably prevent use of the property for a permitted purpose or would render compliance~~conformity~~ with the ordinance is Chapter unnecessarily burdensome.

4. The Zoning Board of Appeals shall not grant a variance if the alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property, ~~rather than the terms of this Chapter.~~

~~5.—The Zoning Board of Appeals shall not grant a variance if the hardship is based on conditions personal to the property owner rather than those unique to the property.~~

~~5. 6.—The proposed variance does shall not create not impair an adequate supply of light and air substantial detriment to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values in the neighborhood.~~

~~67.~~ The proposed variance ~~will shall be compatible with not impede~~ the character of the immediate neighborhood, normal and orderly development of the surrounding property and neighborhood for uses permitted in the district.

~~8.~~ ~~The proposed variance is not contrary to the purpose of the zoning requirement.~~

~~7.9.~~ In the ~~case of~~ floodplain ~~districts~~areas, the ~~granting of the~~ variance ~~shall~~may not cause any increase in the regional flood elevations or profiles, permit a lower degree of flood protection in the floodplain than the flood elevation, allow any floor, basement or crawlway below the regional flood elevation, allow actions without the required amendments nor have the effect of allowing or expanding a use or building which is prohibited in the zoning district.

~~8.10.~~ In ~~the~~ floodplain ~~districts~~areas, ~~the lot for which the variance is requested, shall be~~ ~~variances can be granted only for lots that are~~ less than one-half (1/2) acre and ~~shall~~ ~~be~~are contiguous to existing structures constructed below the regional flood elevation.

~~9.11.~~ In floodplain ~~districts~~areas, ~~the~~ variances shall not increase costs for rescue and relief efforts.

(7) Scope of Approval.

- (a) An order granting a variance is valid for one (1) year from the date of the order. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building.
- (b) Where the plans have not been altered from those approved by the Zoning Board of Appeals, and the variance has expired, the Zoning Administrator may, after consulting with the Alderperson of the District, approve an extension up to twenty-four (24) months from the expiration date.

**28.185 APPROVAL OF DEMOLITION (RAZING, WRECKING) AND REMOVAL.**

(1) Statement of Purpose.

It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available at reasonable prices, and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.

(2) Applicability and Initiation.

No building as defined in Section 29.03 of the Madison General Ordinances shall be demolished or removed without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development.

Any Eligible Applicant (see Section 28.181(2)) may submit an application for a demolition or removal permits to the Director of the Building Inspection Division.

- (a) An application for a demolition or removal permit shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved.
  - (b) An application for a permit also shall include plans for any proposed future use, including site, grading and landscaping plans, ~~floorplans~~floor plans, building elevations and materials, the length of the current ownership, and photographs of the interior and exterior of the building(s). A written report of a licensed architect or engineer describing the condition of the building(s) may be submitted to substantiate the request.
  - (c) If the proposed demolition is to be accomplished by fire, the application shall designate the proposed method of demolition.
- (3) Completeness Review.  
See Section 28.181(4).
- (4) Notice.  
A demolition request, except for the applications submitted under (6) below, requires the following types of notice (see Section 28.181(5)):
- (a) Preapplication – ~~sent at least thirty (30) days before the application is submitted; For properties built before 1940, the notice shall be sent~~ sixty (60) days ~~prior to submitting an application for buildings built before 1940~~ Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement, except for registered persons may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of Planning and Community and Economic Development. For registered persons, the notice period may be reduced to fourteen (14) days if approved by the Alderperson, President of the Neighborhood Association n, and Director of the Department of Planning and Community and Economic Development.
  - (b) Mail – Notice of the required public hearing shall be sent at least ten (10) days before the ~~first~~ public hearing
  - ~~(c) Publication—~~at least seven (7) days before the first public hearing
  - ~~(d)~~ (c) (d) A demolition or removal permit application considered with a zoning map amendment shall meet the public hearing requirements for zoning map amendments (see Section 28.181(5))
  - ~~(e)~~ (d) (e) A demolition or removal permit considered with a conditional use permit shall meet the public hearing requirements for conditional uses (see Section 28.181(5))
- (5) Decision.
- (a) The Plan Commission shall hold a public hearing on each application.
  - ~~(b) City Plan Commission.~~ The Plan Commission shall approve, approve with conditions, or deny a demolition or removal permit.
  - ~~(c)~~ Appeal from Action by Plan Commission.
    1. The Plan Commission’s decision may be appealed to the Common Council.
    2. The appeal may be filed by:
      - a. the applicant, or
      - b. the Alderperson of the district in which the building proposed ~~for~~by be demolitished or removaled is located.

3. The appeal shall specify the grounds, with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Zoning Administrator within ten (10) days of the final action of the Plan Commission.
5. The Zoning Administrator shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
6. The Common Council shall fix a reasonable time for hearing the appeal, and shall decide the appeal within a reasonable time.
7. The Common Council shall give public notice and due notice to the parties in interest.
8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
9. If the applicant for a demolition or removal permit also has requested a zoning map amendment pursuant to Section 28.182 or a conditional use permit pursuant to Section 28.183, the determination shall be appealed with the appeal of the conditional use or map amendment.

(6) Exemptions.

Demolition or removal permits may be issued without the approval required in Subdivision (5) above whenever any one (1) of the following conditions is present, provided that: the subject building has not been used at any time as a single-family or multiple-family dwelling in whole or in part, is not a landmark, and is not located in an Historic District or Neighborhood Conservation District:

- (a) The Director of the Building Inspection Division finds that the building proposed to be demolished or removed is structurally unsound, subject to an appeal as provided in Section 29.18 of the Madison General Ordinances. The applicant may support the request with the report of a licensed architect or engineer certifying and providing reasons that the building is structurally unsound.
- (b) The Director of the Building Inspection Division determines that the building proposed to be demolished or removed is an accessory building as defined in Section 28.~~211402~~.

Demolition or removal permits that are exempt from Plan Commission approval, as required in Subdivision (5) above shall be issued, denied or deemed denied by failure to issue within seven (7) business days of the date of submission of a complete application.

(7) Approval Standards.

Applications for demolition or removal permits shall not be approved, except as provided in (6) above, unless the following standards are met:

(a) Applications With a Proposed Future Use.

1. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code.
  - a. If the Zoning Administrator finds that the proposed use of the property is not in compliance with the provisions of the Zoning Code, the applicant for a demolition or removal permit may apply for a map or text amendment pursuant to Section 28.182 or for a conditional use permit pursuant to Section 28.183 for

the proposed use. All of the provisions of Sections 28.182 and 28.183 shall apply to said applications, except that the time limit for commencement of the conditional use, pursuant to Section 28.183(9), shall be eighteen (18) months instead of twelve (12) months.

- b. If after the procedures provided in Paragraph 1.a. are followed, the proposed use of the property would be in compliance with the provisions of the Zoning Code, the Zoning Administrator shall grant zoning approval for the proposed use, pursuant to Section 28.202(3).
2. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be consistent with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts, including but not limited to:
    - a. the effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties;
    - b. the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building; and
    - c. the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.
  3. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Section 33.01(5)(c) of the Madison General Ordinances.
  4. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.
  5. If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator.
- (b) Application With No Proposed Use. In addition to the above standards in Subsection (7)(a)A-(3.-5.),
1. The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or
  2. For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City plans.

(8) Conditions and Guarantees.

The following conditions shall apply to all demolition or removal permits:

- (a) Before granting a demolition or removal permit, the Plan Commission may stipulate conditions and restrictions upon the proposed alternative use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in (7) above.

Conditions may include a requirement that a property owner obtain approval from the Plan Commission, pursuant to (7) above, for an alternative use that is not known at the time of application, and/or that the owner provide proof of financial capability and an executed contract with a construction firm, in a form acceptable to the Director of the Department of Planning and Community & Economic Development, prior to any permits being issued.

- (b) Any alteration in plans for a proposed alternative use shall require Plan Commission approval under (5) above, except for minor alterations as provided below.
- (c) The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in (7) above.
- (d) Following issuance of a Certificate of Occupancy, future additions or alterations to the proposed alternative use of the property shall not be subject to review under this section.

(9) Scope of Approval.

- (a) A demolition or removal permit is valid for one (1) year from the date of the Plan Com. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted.
- (b) Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.

(10) Reuse and Recycling Plan.

Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)A.5. above shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

(11) Demolition by Fire.

Demolition by Fire is prohibited unless the burn is conducted by the Madison Fire Department (MFD) in conjunction with an MFD training event and limited to no more than three (3) demolitions by fire events per year. For any permit approved for demolition by fire, the applicant shall provide written notice of the date of the proposed demolition to the alderperson of the district where the demolition is proposed and to all owners and residents of properties within one thousand (1,000) feet of the boundaries of the property on which the demolition will occur. Such notice shall be provided at least five (5) days prior to the date of the proposed demolition.

**28.186 SITE AND BUILDING PLAN REVIEW.**

(1) Purpose.

Site plan review is designed to:

- (a) promote development that is compatible with this Chapter, and
- (b) ensure that development is consistent with adopted neighborhood plans and the Comprehensive Plan, and
- (c) establish procedures for the review of uses, building types, or development situations that require site plan review where designated by this Chapter.

A site plan may be reviewed on its own or as part of another application (for example, a map amendment).

(2) Applicability.

The following buildings and uses are subject to site plan review:

- (a) Any new principal or accessory building.
- (b) Site alterations, including but not limited to alterations of parking lots and landscaped areas.
- (c) Exterior alterations to buildings.
- (d) Changes in use.
- (e) Alterations to approved site plans.

(3) Decision.

The site and building plans shall be reviewed by the Zoning Administrator for conformity with this chapter. The Zoning Administrator shall transmit a copy of submitted plans to appropriate City agencies for review and comment within their jurisdiction.

The Zoning Administrator shall approve, approve with conditions or deny a site plan. No public hearing is required. The applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals. On appeal, the ZBA shall consider the administrative site plan at a public hearing.





## **SUBCHAPTER 28MN: NONCONFORMITIES**

### **28.190 STATEMENT OF PURPOSE.**

Within the Zoning Districts established by this ordinance, there may exist uses, buildings, structures, and lots that do not conform to the provisions of this ordinance. The purpose of this Section is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

### **28.191 NONCONFORMING USES.**

- (1) The lawful nonconforming use of a building, structure, or land existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance, provided that:
  - (a) Structural repairs or structural alterations to the building or structure shall not exceed fifty percent (50%) of the total assessed value of the building or structure.
  - (b) The nonconforming use shall not be extended or expanded.
  - (c) The building or structure does not become and remain vacant for a continuous period of twelve (12) months.
  - (d) The nonconforming use of the land does not cease for a continuous period of twelve (12) months.

### **28.192 NONCONFORMING BUILDINGS OR STRUCTURES.**

A lawful nonconforming building or structure existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance with respect to bulk characteristics including, but not limited to, setback, open space, floor area ratio, height, density, parking facilities, amount of parking, and style, provided that any additions or enlargements shall conform to the provisions of the ordinance.

### **28.193 NONCONFORMING LOTS.**

- (1) A lawful nonconforming lot existing on the effective date of this ordinance may be continued although it does not conform to the provision of this ordinance, provided that the size and shape of the lot shall not be changed in any way to increase the nonconformity.
  - (a) Lots of record. In any district where residential uses are allowed, a single-family dwelling may be established on a lot of record existing on the effective date of this ordinance, regardless of the size of the lot, provided that all other requirements of the applicable zoning district are complied with.

### **28.194 RESTORATION OF A NONCONFORMING BUILDING OR STRUCTURE.**

- (1) A lawful nonconforming building or structure existing on the effective date of this ordinance that has been damaged or destroyed may be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided that:
  - (a) The nonconforming building or structure was damaged or destroyed on or after March 2, 2006, and

- (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (2) The size of the restored building or structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure or building to comply with applicable state or federal requirements.

**28.195 CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USE.**

Any person having a legal or equitable ownership interest of record in a property that is nonconforming as to use shall obtain a certificate of occupancy from the office of the Zoning Administrator. Such person shall present documentary evidence that said use was a lawful permitted or conditional use at the time it originated and was made nonconforming by the adoption of this ordinance or any amendment thereto or was made nonconforming by the zoning ordinance in effect at the time this ordinance was adopted. Documentary evidence may include leases, affidavits, lawfully issued permits, certificates of occupancy, and other legal documents, subject to verification of authenticity and accuracy.

## SUBCHAPTER 28~~N~~~~O~~: ADMINISTRATION AND ENFORCEMENT

### 28.201 GENERAL PROVISIONS.

(1) Administration.

The administration of this ordinance is vested the following three (3) offices of the City of Madison:

- (a) Zoning Administrator
- (b) Zoning Board of Appeals
- (c) City Plan Commission

### 28.202 ZONING ADMINISTRATOR.

(1) Establishment.

- (a) This section establishes the office of the Zoning Administrator of the Department of Planning and Community and Economic Development.
- (b) The Zoning Administrator is responsible to the Director of the Neighborhood Preservation and Inspection Division or her/his designee.
- (c) The Director of the Neighborhood Preservation and Inspection Division is assigned the same powers as the Zoning Administrator.

(2) Duties.

The Zoning Administrator shall enforce this ordinance, and shall exercise the duties listed below to determine compliance with this Chapter and to support its enforcement or administrative functions:

- (a) Issue all zoning certificates (see (3) below).
- (b) Issue all certificates of occupancy.
- (c) Approve all site plans.
- (d) Conduct inspections of ~~Inspect uses, land,~~ buildings, ~~or~~ structures, and use of land, including substantial damage assessment for floodplain structures, to determine compliance with this ordinance.
- (e) Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, zoning certificates, certificates of occupancy, and applications for approval.
- (f) Provide and maintain public records relative to all matters arising out of this ordinance.
- (g) Receive, file and forward to the City Clerk all applications for amendments to this ordinance.
- (h) Receive, file and forward to the City Plan Commission all applications for conditional uses.
- (i) Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances or other matters on which the Zoning Board of Appeals is required to act under this ordinance.
- (j) Initiate, direct and review, from time to time, a study of this Chapter.

(k) Make recommendations to the City Plan Commission about revisions to this Chapter.

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~~(m)~~(l) Refer violations of this Chapter to the City Attorney for prosecution. Copies of the violation report on floodplain regulations shall be sent to the Southern District office of the Wisconsin Department of Natural Resources.

~~(n)~~(m) Review and interpret deed restrictions which were initiated at the request of a City agency in order to relate the restrictions to uses of land authorized in this Zoning Code.

~~(o)~~(n) Provide substantial damage assessment for floodplain structures.

~~(p)~~(o) Maintain floodplain records, including floodplain maps, all water surface profiles, and substantial damage assessment reports.

~~(q)~~(p) Submit copies of applications for amendments, variances and appeals to the floodplain regulations and floodplain maps to the appropriate Regional Office of the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency.

~~(r)~~(q) Submit copies of any adopted amendments, any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps within ten (10) days of the decision, any case-by-case analyses of proposals in floodplain areas, an annual summary report of the number and types of zoning actions taken and substantial damage assessment reports to the appropriate District Office of the Wisconsin Department of Natural Resources. Decisions by the Zoning Board of Appeals on appeals and variances to the flood plain regulations and flood plain maps shall be signed by the chair of the Zoning Board of Appeals and shall state the basis for the board's decision, including appropriate facts.

~~(s)~~(r) Take other actions that are assigned under other provisions of this Chapter.

(3) Issuance of Zoning Certificates.

(a) A zoning certificate is required before any permit relating to the use of land, buildings or structures is issued by any officer, department or employee of the City.

(b) Any permit or certificate of occupancy issued in conflict with this Section is null and void.

(c) This section does not apply to:

1. lots without buildings or structures; and
2. lots used for public recreation purposes.

(d) The Zoning Administrator ~~shall will~~ approve or deny the zoning certificate application. Approval indicates that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this Chapter.

(4) Appeals to Decisions of the Zoning Administrator.

Any decision of the office of the Zoning Administrator may be appealed to the Zoning Board of Appeals, as specified in Section 28.205(5) below.

### 28.203 COMMON COUNCIL.

The Common Council is the governing body of the City of Madison. The Common Council is the final decision maker for text or map amendments to this Chapter. Refer to MGO Chapter 2 for the Standing Rules for the Government of the Common Council.

**28.204 PLAN COMMISSION.**

(1) Establishment.

The City Plan Commission is created by Chapter 16 of the City Code.

(2) Jurisdiction.

The City Plan Commission has the following jurisdiction and authority:

- (a) To hear and act upon all applications for conditional uses.
- (b) To hear and make recommendations about applications for amendments to this Chapter to the Common Council.
- (c) To hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (d) To hear and act upon all other matters referred to it upon which it is required to act under this Chapter.

**28.205 BOARD OF ZONING APPEALS.**

(1) Establishment.

This section establishes the Zoning Board of Appeals as authorized by W.S. § 62.23(7)(e).

(2) Membership and Administration.

- (a) The Zoning Board of Appeals has five (5) members appointed by the Mayor subject to confirmation by the Common Council.
- (b) Each member of the Zoning Board of Appeals serves for a staggered term of three (3) years.
- (c) The members of the board are removable by the Mayor for cause upon written charges and after public hearing.
- (d) The Mayor shall designate one (1) of the members as chairman.
- (e) The board may employ a secretary and other employees.
- (f) Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (g) The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members in addition to the five (5) standing members. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to the alternates.

(3) Jurisdiction.

The Zoning Board of Appeals has the following jurisdiction and authority:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Chapter.
- (b) To hear and act upon applications for variances from the terms provided in this Chapter (refer to Section 28.185 for procedures and standards).

(c) To hear and decide appeals where it is alleged there is error in a determination made by the Director of the Department of Planning and Community and Economic Development.

(d) To hear and decide disputes concerning the district boundaries shown on the official Floodplain Maps.

~~(e)~~ To hear and act upon all other matters referred to it upon which it is required to act under this Chapter.

(4) Meetings and Rules.

(a) Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine.

(b) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(c) All meetings of said board, including all deliberations on any appeal prior to reaching a decision thereon, shall be open to the public.

(d) The board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and other official actions. All of the Board's minutes and records shall be immediately filed in the office of the Board and shall be a public record.

(e) Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.

(f) The board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes.

(g) The Board may select or appoint any officer that it deems necessary.

(5) Appeals to Decisions of the Zoning Administrator.

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected, by any decision of the Zoning Administrator.

(a) An appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals.

(b) The applicant shall file a notice of appeal with the Zoning Board of Appeals. The notice of appeal must specify the grounds for the appeal, including a specific reference to the terms of this Chapter, state or federal law, or the state or federal constitution that the applicant believes were incorrectly applied.

(c) The Zoning Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the Zoning Board of Appeals.

(d) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in her/his opinion cause imminent peril to life or property. In that case, proceedings shall not be stayed unless the Zoning Board of Appeals or a court of record grants a restraining order on application. A restraining order requires the applicant to show due cause and to notify the Zoning Administrator.

(e) Notice. An appeal requires the following types of notice (see Section 28.181(5)):

1. Mail – sent at least 10 days before the ~~required~~<sup>first</sup> public hearing
  2. Publication - at least 7 days before the ~~required~~<sup>first</sup> public hearing
- (f) Scheduling. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal.
- (g) Rendering the Decision. The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from.
- (h) Approval Criteria. The Zoning Board of Appeals may reverse or modify the decision appealed from if it determines that it is error based on the terms of this Chapter, a lawful condition of approval established under this Chapter, or a provision of a federal or statute or constitution.
1. For appeals concerning increases in regional flood elevation the Board shall:
    - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
    - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.
  2. For disputes concerning floodplain district boundaries:
    - a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the map scale, and the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
    - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
    - c. If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Common Council for a map amendment.

(6) Finality of Decisions of the Zoning Board of Appeals.

All decisions and findings of the Zoning Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.

**28.206 FEES.**

The following fees are required for applications under this Chapter. All fees shall be payable to the City Treasurer except where specified below.

Type of Action	Fee
Zoning map amendment, except for Planned Developments	\$800 plus \$100 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of 20 acres or \$2,700

Type of Action	Fee
Zoning map amendment for Planned Development: General Development Plan or Specific Implementation Plan	\$1200 plus \$200 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of twenty acres or \$5,000
Conditional use application for telecommunication facilities and antennas under Section 28.143	\$1,750
Conditional use application for: <ul style="list-style-type: none"> <li>• multifamily complex</li> <li>• school</li> <li>• new construction or addition to existing building(s) that results in total square footage greater than 50,000 square feet in gross floor area and 25,000 or more square feet of gross floor area designed or intended for retail, hotel or motel use</li> <li>• new construction of a building, addition to any existing building or major alteration to the exterior face of a building in a [C4] [equivalent downtown] district</li> </ul>	\$800 plus one \$100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or \$2,700
Other conditional use applications	\$500 plus \$100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or \$2,400
Application for a demolition or removal permit	\$500, unless permit is issued in conjunction with a conditional use approval, in which case the fee for that application applies
Applications filed by the Common Council, the City Plan Commission, the Zoning Board of Appeals or pursuant to Sec. 13.48, Wis. Stats., the State of Wisconsin	No fee
Conditional use application filed by any nonprofit, nongovernmental organization registered with the Department of Financial Institutions or by any neighborhood organization registered with the City Department of Planning and Community and Economic Development. When a question arises as to whether an organization is nonprofit, nongovernmental the City Attorney shall investigate and make a determination.	No fee
Conditional use application for the following conditional uses: <ul style="list-style-type: none"> <li>• Day care centers [includes adult day care]</li> <li>• Adaptive reuse of former public school or municipal buildings</li> <li>• Accessory greenhouses and swimming pool roofs or domes which infringe on required usable open space</li> <li>• Community service organizations; day treatment facilities</li> <li>• Development of parcels adjacent to landmarks, landmark sites or historic districts designated by the Landmarks Commission, provided that the use of the parcel is either a permitted or conditional use allowed in the zoning district in which the property is located</li> </ul>	No fee
Application for an extension to the time period for obtaining a building permit for a Planned Development under Sec. 28.097(6)	\$500
Request for a zoning certificate, excluding a Floodplain Statement or a Certificate of Occupancy	\$50
Request for a zoning letter, i.e., written documentation, by the custodian of the records, as to property zoning, permitted and conditional uses of the property and property status, or the existence of any outstanding orders on the property	\$10 for each item requested
Application for an appeal filed by, or on behalf of, the owner or owners of the	\$200



Type of Action	Fee
property affected	
Application for a variance filed by, or on behalf of, the owner or owners of the property affected	\$300
Building and site plan review fee. This fee is assessed by the Zoning Unit and collected by the Building Inspection Division of the Department of Planning and Community and Economic Development for the examination and approval of building plans and site plans of all new buildings and structures, additions and alternations, and for all other services authorized by the Common Council.	\$.02 per square foot, minimum fee of \$25.00. The fee for building square footage is determined based on floor area measurements taken from outside of the building at each floor level, including the basement.

**28.207 PENALTIES.**

(1) In General.

Any person who violates any provisions of this chapter or fails to comply with any of its requirements shall upon conviction thereof be subject to a forfeiture of not less than one dollar (\$1.00) and not more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(2) Penalty for Failure to Provide Notice.

Failure to comply with the notice requirements for posting of signs (see Section 28.181(5)) shall subject the applicant to a forfeiture of at least fifty dollars (\$50) and no more than one hundred dollars (\$100). Failure to post or mail these notices does not affect the validity of the action taken.

(3) Penalty for Failure to Comply With Demolition Standards.

- (a) Any person who fails to submit documentation of compliance with an approved reuse and recycling plan shall, upon conviction thereof, be subject to a forfeiture of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.
- (b) Any person who fails to obtain a demolition or removal permit prior to the demolition or removal shall, upon conviction thereof, be subject to a forfeiture of not less than one thousand dollars (\$1,000) and not more than two thousand dollars (\$2,000). Each day or portion thereof such violation continues shall be considered a separate offense.



## SUBCHAPTER 28~~OP~~: DEFINITIONS AND RULES OF CONSTRUCTION

### 28.210 RULES OF CONSTRUCTION.

- (1) In the construction of this ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:
  - (a) Words used in the present tense shall include the future.
  - (b) Words used in the singular number shall include the plural number, and the plural the singular.
  - (c) The words “shall,” “must,” and “will,” are mandatory and not discretionary.
  - (d) The word “may” is permissive.
  - (e) The words “Director of the Department of Planning and Community and Economic Development”, “Director of the Neighborhood Preservation and Inspection Division”, “Director of the Planning Division” and “Zoning Administrator” shall include any designee of those persons.
  - (f) All words not defined shall have their common meaning.
  - (g) If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

### 28.211 DEFINITIONS.

#### A

A Zones. A Zones are those areas shown on the flood plain zoning maps which would be inundated by the “base flood” or “regional flood” as defined herein. Such areas may be numbered as AO, A1 to A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

~~Accessory Apartment, Temporary. A second dwelling unit within a single family detached dwelling, which is occupied for a limited period of time to provide care or assistance to an owner/occupant of the dwelling.~~

Accessory Building or Structure. A subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area.

Accessory Dwelling Unit. A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit. (See Section 28.172, “Residential Building Forms.”)

Accessory use. See “Use, Accessory.”

Addition. Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

Adult family home. A State of Wisconsin licensed or certified place where three (3) or four (4) up to five (5) adults who are not related to the operator reside and receive care, treatment or services that are above

the level of room and board and that may include up to seven (7) hours per week of nursing care per resident. Adult family homes are further defined in Wisconsin Statutes, Section 50.01(1).

Adult-Oriented Uses:

Adult Entertainment Establishment. An adult entertainment establishment is an adult book or video store or an adult motion picture theater.

- (a) Adult Book or Video Store. An establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:
1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein; or
  2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1. above.
  3. Significant part of the business means dedication or use of more than ten percent (10%) of the available floor, wall and display space to the sale, rental or loan of the subject matter referenced in Paragraphs 1. and 2. above, including space devoted to the viewing of videotapes or films, or display and advertisement of subject matter referenced herein in excess of ten percent of the total merchandise for sale, rental or loan.
  4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.
  5. Words used in this definition shall be defined as provided by Section 26.05(1).
- (b) Adult Motion Picture Theater. An adult motion picture theater is an enclosed building used for presenting or exhibiting a motion picture film, show or other presentation having as its dominant theme or distinguished or characterized by an emphasis on or exposure to “specified anatomical areas” or “specified sexual activities” as defined herein.

Adult Entertainment ~~Venue or~~ Tavern. Any establishment, including those licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 38, Madison General Ordinances of these ordinances, which is used for presentations or services distinguished or characterized by an emphasis on “specified anatomical areas” or “specified sexual activities” as defined herein.

Alley. A public right-of-way usually of reduced width compared to a street, which affords a secondary means of access to the side or rear of an abutting property and is not intended for general traffic circulation.

Agriculture, Animal Husbandry. All operations primarily oriented to the on-site raising and/or use of animals, at an intensity of less than one animal unit per acre. Apiaries and fish farms are considered animal husbandry land uses.

Agriculture, Cultivation. The use of land for growing or producing field crops, including field crops for consumption by animals located off-site, or for tree farming or nursery operations.

Agriculture, Intensive. All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one (1) animal unit per acre, or agricultural activities requiring large investments in permanent structures.

- (a) To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under NR 243, Wis. Admin. Code.

Airport. Any area of land which is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tiedown areas, hangars and other related building and open spaces.

Animal Boarding Facility, Kennel, Animal Shelter. Any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.

Animal Grooming Facility. An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than forty-eight (48) hours incidental to the grooming services.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Art Gallery. A building used for the display or sale of works of art or craftsmanship, including but not limited to drawing, vocal or instrumental music, painting, photography, sculpture and writing, with no goods produced on the premises.

Artisan Workshop. A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

Assisted Living, Congregate Care or Nursing Home. Housing complexes primarily for the elderly or chronically ill, in which assistance with daily activities, congregate dining, and limited health care may be provided.

Auto Body Shop. A shop in the business of making substantial repairs to the shell or body of any automobile, and of major or substantial painting of the shell or body, and where the following services may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating.

Automobile Sales. An establishment providing wholesale and retail sales or leasing of new or used automobiles, motorcycles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use.

Automobile Service Station. A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Auto Title Loan Business. Any person licensed pursuant to Wis. Stat. sec. 139.09, who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

Awning. A rooflike cover, temporary in nature, which projects from the wall of a building and is fully supported by said wall.

## **B**

Base Flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation. The base flood elevation is that which reflects the height of the base flood as defined above.

Basement. That portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level.

Bathroom. A room with lavatory, water closet and tub or shower.

Bed and Breakfast Establishment. A private residence that rents rooms as temporary lodging and which is the principal residence of the operator.

Bedroom. Any room of a dwelling unit in excess of kitchens, bathrooms and one (1) living room, which meets the standards for habitability according to the Uniform Dwelling Code, Chapters ILHR 20-25, Wisconsin Administrative Code, or the Uniform Multifamily Dwelling Code, Chapter ILHR 66, Wisconsin Administrative Code.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Boathouse. As defined in Section 30.121(1)(a), Wis. Stats., boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

Brewery. A facility used for the manufacture of more than five thousand (5,000) barrels per year of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.

Brewpub. An establishment which manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises, or off premises in hand-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. May include food sales.

Building. A structure with a permanent location on the land, having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building, Attached. A building joined to another building or structure by a shared wall.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Coverage. The proportion of the lot area expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building, Detached. A building surrounded on all sides by open space on the same lot.

**Building Envelope.** The area of a lot between the front, side and rear setback lines, within which an allowed building or structure may be placed.

**Building Height.** The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.)

- (a) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction.

**Building Material Sales.** An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard or home improvement center.

**Building, Principal.** A building in which ~~is conducted~~ the principal use of ~~the~~ lot is conducted on which it is located.

**Building, Residential.** A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

- (a) Single-family detached dwellings;
- (b) Two-family detached dwellings;
- (c) Single-family attached dwellings;
- (d) Multiple-family dwellings;
- (e) Lodging houses;
- (f) Fraternity and sorority houses.

**Building, Mixed-use.** A building that houses multiple uses, which may include residential and nonresidential uses.

**Building, Nonresidential.** A building that houses no residential uses, with the exception of a caretaker's dwelling.

**Business Sales and Services.** An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:

- (a) Business equipment and furniture sales or rental.
- (b) Copy center, excluding offset printing and publishing.
- (c) Commercial photography studio.
- (d) Mailing and packaging service.
- (e) Building maintenance, janitorial.

**Bulk.** Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

- (a) Size and height of buildings;
- (b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (c) Gross floor area of buildings in relation to lot area (floor area ratio);

- (d) All open spaces allocated to buildings; and
- (e) Amount of lot area provided per dwelling unit or lodging room.

**Bulkhead Line.** A geographic line along a reach of a navigable stream that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes and which allows complete filling on the landward side, except where floodway regulations of this ordinance would prohibit such filling.

## C

**Capacity in Persons.** The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, as determined by the required floor space per person as established in the Building Code.

**Car Wash.** An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.

**Cartage Establishment.** A business engaged in the hauling and moving of goods.

**Catering.** A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

**Central Area.** The central area shall mean all lands located in that area bounded by Blair Street to the northeast; the shoreline of Lake Monona to the southeast; Proudfit Street and Regent Street to the south; Park Street, University Avenue and Lake Street to the west; and the shoreline of Lake Mendota to the northwest (also known as Capitol Square and W-1 Plan Districts).

**Central Area Zone 1.** All the lands located in that part of the Central Area bounded by Lake Mendota, the northern prolongation of Butler Street, Gilman Street, Broom Street, Dayton Street, Park Street, University Avenue, and Lake Street Channel.

**Change of Use.** A change in the use of a property from one land use category to another, or the addition of a new use category to an existing use.

**Channel.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

**City.** The City of Madison, Wisconsin.

**Clinic, Medical, Dental or Optical.** A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.

**Civic Auditorium Complex.** A site consisting of a parcel of land under the ownership or control of the City of Madison, for one or more civic auditoriums, theatres, art centers, music halls, convention or community centers and assembly halls including, without limitation, parking and dining facilities and other related or accessory buildings, facilities and uses. Such site may include lake bed and air rights over contiguous property.

**Coffee Shop, Tea House.** An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

**Cohousing Community.** A living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters may range from detached units to townhouses or multifamily units, but do not include lodging rooms.



College, University, or Similar Institution of Higher Learning. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Co-location. The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

Commercial Use. A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

Community Living Arrangement. Community living arrangement ~~is any facility licensed or operated by the State of WI Department of health and family Services and uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities, where care, treatment or services above the level of room and board but less than skilled nursing care are provided to persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and for four (4) or fewer children are not community living arrangements for purposes of this ordinance. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.~~

Community Garden. An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Composting. The purposeful biodegradation of organic matter, such as yard and food waste.

Concrete, Asphalt, and Rock Crushing Facility. A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

~~Contractor's Businesses with Showroom or Workshop. Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.~~

Contractor's Yard. An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Conforming Building or Structure. Any building or structure which:

- (a) Complies with all the regulations of this ordinance governing the bulk of the zoning district in which such building or structure is located; or
- (b) Is designed or intended for a conforming use.

Convenience Store. An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Convent, Monastery or Similar Religious Group. A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

Copy Shop. A business that provides duplicating services using photocopying, blueprint, offset, or electronic means, and may include the collating and binding of booklets and reports.

Counseling/Community Service Organization. An organization that provides social services, including day treatment services

Curb Level. The level of the established curb in front of any building measured at the center of the building's front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Cutting Of Timber, Selective. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising less than or equal to thirty percent (30%) of the woodlands on the property.

Cutting Of Timber, Clear Cutting. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising more than thirty percent (30%) of the woodlands on the property. Clear cutting does not include timber harvesting for commercial purposes.

## D

Day Care Home, Family. An occupied residence in which a qualified person or persons residing in the dwelling provides care for four (4) to eight (8) children or adults. The care of fewerless than four (4) people is not subject to the regulations of this Chapter.

Day Care Center. A facility, with the exception of a dwelling, in which qualified persons, other than a relative or guardian, provide care and supervision of nine (9) or more children, adolescents and/or adults for less than twenty-four (24) hours a day. Such land uses may be operated in conjunction with another allowed use such as a place of worship or non-profit organization.

Dependency Living Arrangement. A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Director. The Director of Planning and Community and Economic Development.

Dormer. A window set vertically in a structure that projects through a sloping roof or a structure that contains such a window.

Dormitory. A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Drive-Through Facility. A facility consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile. Drive-through facilities may be associated with principal uses, such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

Dry Cleaning Establishment, Commercial Laundry. An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Dwelling. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

Dwelling Types (See also Section 28.172, “Residential Building Forms.”)

- (a) Dwelling, single-family detached. A building designed exclusively for and occupied exclusively by one (1) family in one (1) dwelling unit, with yards on all sides.
- (b) Dwelling, two-family – Two-unit flat. A building containing two dwelling units that generally are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
- (c) Dwelling, two-family – Twin. A single-family dwelling which is attached on one side to another single-family dwelling with a common side wall, each of which may be located on an individual lot.
- (d) Dwelling, three-family, or “Three-unit flat.” A building containing three (3) dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
- (e) Dwelling, single-family attached. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.
- (f) Dwelling, multi-family. A building, or portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other in individual dwelling units. (See also “Multi-family Complex”).

Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

## **E**

Elderly Housing, Senior Housing. A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.

Electrical Substation. An assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

Emergency Electric Generator. An electric generator powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil whose purpose is to provide electricity if normal electrical service is interrupted.

Encroachment. Any fill, building, structure or use (including an accessory use) in the floodway.

Encroachment/Floodway Lines. Encroachment/floodway lines are limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that they will not be available to convey flood flows.

Entrance, Main. The building entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

Environmental Control Facility. Any facility, temporary or permanent, which is designed to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants.

Equal Degree of Hydraulic Encroachment. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

Equipment Building, Shelter or Cabinet. A cabinet or building used to house equipment used by telecommunication providers.

Establishment, Business. A place of business carrying on operations which are physically separate and distinct from those of any other place located on the same zoning lot.

## **F**

### Family.

- (a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:
  1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
  2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
- (b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit.

Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;

- (c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

**Farmers Market.** An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods. May include concurrent special events, including cooking demonstrations, activities for children, unamplified music, and small scale theatrical, musical and educational presentations.

**Fence.** A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen or separate areas.

**Fence, Ornamental.** A fence that is no more than fifty percent (50%) opaque.

**Fence, Solid.** A fence that is at least ninety percent (90%) opaque.

**Fissile Material.** Any material fissionable by thermal (slow) neutrons. The five primarily fissile materials are uranium-233, uranium-235, plutonium-238, plutonium-239 and plutonium-241.

**Fissionable Non-Fissile Material.** Any material that can be fissioned by fast neutrons or lacking uranium-233, uranium-235, plutonium-238, plutonium-239 or plutonium-241.

**Fixed Houseboat.** As defined in Section 30.121(1), Wis. Stats, a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

**Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

**Flood Fringe.** That portion of the floodplain between the regional flood limits and the floodway.

**Flood Hazard Boundary Map.** A map prepared by the Federal Insurance Administration of the U. S. Federal Emergency Management Agency, designating areas of special flood hazard within a given community. Flood hazard areas are designated as A Zones. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

**Flood Plain.** The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regional flood; it includes the floodway and flood fringe.

**Flood Profile.** A graph showing the relationship of the water surface elevation of a flood event to a location along a river that generally is expressed as a distance upstream from a designated point on a stream or river.

**Floodproofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

**Flood Protection Elevation.** The flood protection elevation shall correspond to a point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

**Flood Storage.** Flood storage means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

**Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

**Floor Area** (for determining floor area ratio). For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. The floor area of a building shall include:

- (a) Basement floor area when more than one-half the basement height is above the established curb level or above the finished lot grade level where curb level has not been established;
- (b) Elevator shafts and stairwells at each floor;
- (c) Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;
- (d) Penthouses, attic space used for human occupancy, interior balconies and mezzanines;
- (e) Enclosed porches; and
- (f) Floor area devoted to accessory uses.
- (g) The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall also be included in “floor area” and shall be determined on the basis of height of such structures; that is, ten (10) feet in height shall equal one floor.

However, any space devoted to off-street parking or loading shall not be included in “floor area”.

**Floor Area** (for determining off-street parking requirements). Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the gross horizontal areas of the several floors of the buildings devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, with the common areas divided proportionately according to the usage of said buildings.

**Floor Area, Residential** (for determining floor area ratio on lakefront residential lots). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. Residential floor area includes finished or occupiable attic and basement space, elevated decks open to the sky, attached garages and open or enclosed porches.

**Floor Area Ratio (F.A.R.)**. The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot. Maximum floor area ratio, where specified in this ordinance, limits the total floor area of both principal and accessory buildings in direct ratio to the area of the zoning lot.

**Food and Related Goods Sales.** An establishment required to be licensed under Wisconsin Statutes §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, candy stores, catering establishments, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

**Fraternity or Sorority House.** A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary.

**Freeboard.** Freeboard is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

**Frontage.** The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

**Front Façade.** The wall of building closest to the street that separates interior living spaces from exterior. An open porch without living space above it shall not be considered a front façade. For buildings on corner or through lots, the front façade is usually that façade that fronts the street of higher classification.

## **G**

**Garden Center.** An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

**Greenhouse, Nursery.** An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

## **H**

**Health/Sports Club, Fitness Center or Studio.** An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

**Home Occupation.** An office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

**Hospital.** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**Hostel.** A place where transient guests may stay for a limited duration, for compensation, as recognized by the Hostelling International organization. Typically includes shared cooking facilities and dormitory-style accommodations.

**Hotel, Inn.** A building containing rooming units providing temporary lodging accommodations (less than 30 days duration) to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

**Housing Cooperative.** A dwelling unit where one-hundred percent (100%) of the ownership is held by a Cooperative Corporation organized under Chapter 185, Wisconsin Statutes, for the purpose of residential living where the residents share common areas and cooking, dining, and maintenance duties. All residents shall be members of the Cooperative Corporation.

## **J**

**Junkyard.** A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper,

rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof.. A junkyard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.

## K

Kennel. See “Animal Boarding Facility, Kennel, Animal Shelter.”

Kitchen Facility. A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

## L

Laboratories for Research, Development and Testing. Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.

Laboratory Scale. Work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person and in containers, in quantities no greater than their original shipment quantities. Laboratory scale excludes those workplaces whose function is to produce commercial quantities of materials.

Lattice Tower. A self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

Limited Production and Processing. Uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (a) Apparel and other finished products made from fabrics;
- (b) Blueprinting;
- (c) ~~C~~ Computers and accessories, including circuit boards and software;
- (d) Electronic components, assemblies, and accessories;
- (e) Film, video and audio production;
- (f) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing;
- (g) Jewelry, watches and clocks;
- (h) Milk, ice cream, and confections;
- (i) Musical instruments;
- (j) Novelty items, pens, pencils, and buttons;
- (k) Precision dental, medical and optical goods;
- (l) Signs, including electric and neon signs and advertising displays;
- (m) Toys;
- (n) Wood crafting and carving; and
- (o) Wood furniture and upholstery.



Live/Work Unit. A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Lodge or Club, Private. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

Lodging House. A house where more than five (5) paying guests are provided with meals and lodging, on a monthly or longer-term basis.

Lodging Room. A room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this ordinance. A lodging room designed for more than two (2) people shall be counted as one lodging room for each two (2) persons of total occupancy, for open space and parking requirements.

Lot. A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot Area. The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner. A lot of which at least two (2) adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than 5 feet, pervious pavement, and green roofs.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries

Lot Line, Front. The boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.

Lot Line, Rear. That lot line which is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line that is not a front lot line or a rear lot line.

Lot, Reversed Corner. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot having a pair of opposite lot lines along, and access to, two (2) more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

Lot, Zoning. A planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

**M**

**Manufacturing, General.** An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Some activities may occur outside of enclosed buildings. This term includes, but is not limited to:

- (a) Animal, poultry slaughter or processing facility. Processing of byproducts from industrial operations
- (b) Processing and packaging of alcohol beverages.
- (c) Chemical manufacturing.
- (d) Stonework or concrete product manufacturing.
- (e) Fabrication of metal products.
- (f) Manufacturing of agricultural, construction or mining machinery.
- (g) Motor vehicle manufacturing.
- (h) Lumber milling.
- (i) Paper manufacture.

**Manufacturing, Light.** An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food (not including meat and fish products), beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

**Market Garden.** An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit

**Massage Therapy.** A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, “massage” is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; “therapy” is action aimed at achieving or increasing health and wellness; “adjunctive therapies” may include (1) application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions and (3) instructed self care and stress management.

**Mission House.** An accessory use of a religious institution or a nonprofit organization which provides lodging or meals, or both, without compensation, and may also offer or provide worship services.

**Mobile Home, Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”

**Monopole.** A ~~towermonopolar~~ structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

**Motel.** A building containing rooming units designed primarily for providing sleeping accommodations for transient and semi-permanent lodgers, with rooms having a separate entrance providing direct access

to the outside and with automobile parking located adjacent to or near sleeping rooms. A maximum of fifty percent (50%) of a motel's rooming units may be occupied by non-transient guests (30 days or more).

Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor Vehicle Salvage Yard, Scrap Yard. A facility where used motor vehicles and vehicle parts are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, rubber tires, plastics, and other material which has been a part of or is intended to be a part of a motor vehicle.

Multi-Family Complex. A group of two (2) or more multi-family buildings on a single parcel or tract of land, developed under single ownership and common management.

## N

Natural Grade. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

Navigable Waters. All natural inland lakes, and all streams, ponds, sloughs, flowages and other waters which are navigable under the laws of this state. Under Wis. Stats. §144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. §62.231, and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

New Construction. For the purpose of floodplain regulation only, means structures for which the start of construction commenced on or after the effective date of the floodplain zoning maps adopted and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later and includes any subsequent improvements to such structures.

Nonconforming Building. Any building which:

- (a) Does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building is located; or
- (b) Is designed or intended for a nonconforming use.

Nonconforming Use. Any principal use of land or buildings which does not comply with all the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

Nonprofit. A group, often a corporation, organized for purposes other than generating profits; for example, a charitable, educational, religious, or scientific organization, the income of which is exempt from taxation under the Internal Revenue Code. When used with respect to a recreational building or community center, "nonprofit" means a facility owned or operated by a nonprofit corporation or association.

## O

Office. Use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

Official Letter of Map Amendment. A notification from the Federal Insurance Administration of the U. S. Federal Emergency Management Agency that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outdoor Display. The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

Outdoor Sales Events. A seasonal or occasional sale held on the sidewalk or other location outside a building.

Outdoor Storage. Permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered “outdoor storage.”

## P

Parking Facility. An area used for parking vehicles and includes parking lots and parking structures.

Parking Lot. A one-level, surfaced, open-to-the-air area used for parking vehicles.

Parking Structure. A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

Payday Loan Business. Any person licensed pursuant to Wisconsin Statutes §218.05, or a person licensed pursuant to Wis. Stats. §138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services and common carrier wireless exchange services as now defined in 47 U.S.C. 332 § (7)(C), as the same may be amended from time to time.

Pervious Pavement. Pavement that is designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick

Pet Day Care. An establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day.

Physical, Occupational or Massage Therapy. An establishment where licensed professional therapists provide services to clients on an outpatient basis.

Place of Worship. A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body.

Planned Multi-Use Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a reciprocal land use agreement or plan of

building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking.

Portable Storage Units. A portable structure used for temporary storage of household goods in residential areas.

Power Plant. A facility that, regardless of fuel or energy sources, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system.

Public Safety Facility. A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.

## **R**

Recreation, Indoor. A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court. pavers, and similar materials determined by the City Engineer to qualify.

Recreation, Outdoor ~~Commercial~~. A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, swimming pool, or water park.

Recreational Equipment. Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers and snowmobiles.

Recreational Equipment, Major. Major recreational equipment includes boats, canoes and snowmobiles not on vehicles, and camping and luggage carrying devices designed or intended to be mounted on a vehicle.

Recurrence Interval. The average interval of time, based on a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified stage or discharge. Recurrence interval is generally expressed in years.

Recycling Collection Center, Drop-Off Station. A facility for the deposit, sorting, or batching but not processing of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Regional Flood. A flood determined or approved by the Department which is representative of large floods known to have generally occurred in Wisconsin and which is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and, if depicted on the Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation.

Reasonably Safe from Flooding. For the purpose of floodplain regulation only, means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed building.

Restaurant. A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. Does not include sales of fermented malt beverages or intoxicating liquor ~~sales~~.

**Restaurant-Tavern.** Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises, where meals account for over fifty percent (50%) of the gross receipts.

**Retail, General.** General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. For the purpose of this ordinance, general retail sales include but are not limited to the following:

- (a) Antiques and collectibles store;
- (b) Art gallery;
- (c) Bicycle sales and repair;
- (d) Book store, music store;
- (e) Clothing and accessories;
- (f) Drugstore, pharmacy;
- (g) Electronics sales and repair;
- (h) Florist;
- (i) Jewelry store;
- (j) Hardware store;
- (k) News stand, magazine sales;
- (l) Office supplies;
- (m) Pet store;
- (n) Photographic equipment, film developing;
- (o) Stationery store;
- (p) Picture framing; and
- (q) Video store.

**Roadside Stand, Farm Stand.** An open air stand for the seasonal sale of agricultural produce produced on the same property.

**Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

**Roomer.** A roomer is a person living in a dwelling unit who is other than part of the family because of blood, marriage or legal adoption, and is other than a foster child.

**Rowhouse.** A dwelling not more than three (3) stories in height, arranged to accommodate two (2) or more attached row dwelling units in which each dwelling unit is separated from the adjoining unit by a wall extending the full height of the building. Also known as “single-family attached.”

## S

Schools, Public and Private. Public, parochial, or private schools which provide an educational program for one or more grades between kindergarten and grade twelve (12) and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

Schools, Arts, Technical or Trade. Business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Screening. A hedge, wall or fence to provide a visual separator and physical barrier not less than four (4) feet nor more than six (6) feet in height, unless otherwise provided for in this ordinance.

Secondhand Store, Consignment Store. A retail establishment that sells used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment or a retail store that sells used merchandise donated to a charitable, tax exempt organization that also sorts, cleans, and marks goods for resale.

Service Business. Business that provide services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Barber and beauty shops;
- (b) Dry-cleaning pick-up station;
- (c) Interior decorating/upholstery;
- (d) Locksmith;
- (e) Mailing and packaging services;
- (f) Photocopying, document reproduction services;
- (g) Consumer electronics and repair;
- (h) Shoe repair;
- (i) Tailor shop; and
- (j) Watch repair, other small goods repair.

~~Service Businesses with Showroom or Workshop. Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.~~

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way, lot line, or Ordinary High Water Line. Also known as “required yard.”

Setback, Front Yard. The minimum distance by which any building or structure must be separated from the front lot line.

Setback, Rear Yard. The minimum distance by which any building or structure must be separated from the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.

Setback, Side Yard. The minimum distance by which any building or structure must be separated from the side lot line.

Setback, Street Yard. The minimum distance by which any building or structure must be separated from the front, side or rear lot line when such lot line abuts a street right-of-way.

**Sewage Treatment Plant.** A facility which collects, treats, and disposes of water-borne sewage generated within a given service area.

**Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**Sign.** An emblem, name, identification, description or illustration which is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Neither official court or public notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group, shall be considered a sign under this ordinance.

**Specified Anatomical Areas:**

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
- (b) Human male genitals in a discernible turgid state, even if opaquely covered.

**Specified Sexual Activities, simulated or actual:**

- (a) Showing of human genitals in a state of sexual stimulation or arousal.
- (b) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
- (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**Split Two-Family Dwelling.** See “Dwelling, Two-Family - Twin.”

**Storage Facility, Personal Indoor Storage.** A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

**Start of Construction.** For the purpose of floodplain regulation only, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Storage Capacity of a Flood Plain.** The storage capacity of a flood plain is the volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

**Story.** A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

- (a) For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than fifty percent (50%)



- (b) Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs with a slope of 8:12 (33.7 degrees) or greater, is not a story, but may be occupied as long as the requirements for human occupancy are met.

Street. A public right-of-way which affords traffic circulation and a principal means of access to abutting property. For the purpose of this ordinance, an alley shall not be considered a street.

Structural Alteration. Any change other than incidental repairs which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure. A structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of flood plain areas, in the stream bed or lake bed.

Substantial Damage. For the purpose of floodplain management only, means damage of any original sustained by a structure, whereby the costs of restoring the structure to its predamaged condition would equal or exceed fifty percent (50%) of the equivalent assessed value of the structure before the damage occurred.

Substantially Underway. Substantially underway means that a use is commenced or construction is begun and diligently prosecuted toward completion.

## T

Tavern. An establishment serving fermented malt beverages or intoxicating liquors primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

Taxicab or Limousine Business. A service which offers transportation in passenger automobiles and vans to persons including those who have a disability in return for remuneration. The business may include facilities for dispatching, servicing, repairing, and fueling the taxicabs or vans.

Telecommunication Facilities. Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area and other accessory development.

Telecommunications Tower. A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than fifteen (15) feet tall and six (6) inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.

Theater, Assembly Hall. A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

Towing and Wrecker Service Business. A service that includes pulling, pushing or hauling motor vehicles to automobile service station for immediate service, to a garage or body shop for repairs or to a motor vehicle storage or salvage yard.

Trailer. Any structure which is or may be mounted upon wheels for moving about, and is propelled by its own power or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

Transportation Demand Management (TDM). Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

Transportation Management Association. A membership group of owners and/or tenants of places of employment within close proximity that provides support and administration for a Transportation Demand Management program operated for the benefit of its members.

## U

Usable Open Space. That portion of a zoning lot, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.

Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, Accessory. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, Conditional. A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. ~~A special exception to the height, area or bulk standards of this ordinance may also be allowed as a conditional use, where specified. After due consideration, as provided for in this ordinance, of the impact of such use or exception upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted.~~

Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

Use, Principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

## V

Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Veterinary Clinic, Animal Hospital. An establishment for the routine examination, medical or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

## W

Walk-Up Service Opening. A window or door in a commercial establishment which is used for the sale of food or drinks to pedestrians.

Wetland Alteration. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Wetlands. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Warehousing and Storage. An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.

Wholesale Establishment. An establishment providing storage, distribution and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

## Y

Yard. Open space on a zoning lot between the principal building and the adjoining lot lines.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required. See “Setback.”

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.

Yard Sale. Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential.

Yard Waste Site, Municipal. A facility for collection, storage, and composting of vegetative matter resulting from landscape maintenance.