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## 28K. Supplemental Regulations

## Introduction

*This subchapter includes the specific standards that apply to both permitted and conditional uses, where specified in each zoning district (a “Y” in the “Standards” column). Definitions of these land uses will be cross-referenced and hyper-linked in the final text.*

## 28K.0900 Statement of Intent

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.

## 28K.0901 Residential Uses – Family Living

A. Accessory dwelling unit. 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.

Accessory dwelling units in other residential districts may be allowed through creation of an ADU Overlay District.

B. Two-family - Twin.

1. 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.
2. The common wall between dwellings shall be approximately perpendicular to the street right-of-way line.
3. 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.
4. 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;
5. Dwellings shall have separate gas and electric meters.
6. 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.

C. Multi-family complex. A multi-family complex shall meet the following standards:

1. Recreational areas may be required to serve the needs of the anticipated population.
2. Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
3. 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.
4. 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.

## 28K.0902 Residential Uses – Group Living

A. Adult family home.

1. 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.

2. The applicant must disclose in writing the capacity of the adult family home
  3. 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.
  4. 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.
  5. 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.
- B. Cohousing community. Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Any housing type that is conditional within said zoning district may be used for cohousing with conditional use approval.
1. Lot area requirements 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.
  2. Usable open space may be combined and shared among cohousing units.
- C. Community Living Arrangement (CLA) serving up to eight (8) people.
1. The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
  2. The applicant must disclose in writing the capacity of the community living arrangement.
  3. 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 (5) below.
  4. 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 (5) below.
  5. 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.

D. Community living arrangement (CLA) serving up to fifteen (15) people.

1. The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
2. The applicant must disclose in writing the capacity of the community living arrangement.
3. No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
4. 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.

E. Housing cooperative.

1. Within 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 maximum occupancy of five (5) persons.
2. Within the TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS and CC-T districts, 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.
3. 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.
4. Two-family, three-family and multi-family buildings may be converted into cooperatives provided that the entire building is converted and must remain as a cooperative while so occupied.

F. Dormitory, fraternity or sorority.

1. The use must be within one-quarter ( $\frac{1}{4}$ ) mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use approval.
2. The yard requirements for multiple-family use in the district apply when the use is not located on a campus.
3. On-site services shall be for residents of the facility only.
4. Where the use is conditional, 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.
6. The owner shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and

bathrooms.

G. Lodging house.

1. The yard requirements for multi-family use in the district apply.
2. Where the use is conditional, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, to the extent practical.
3. The owner shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

H. Assisted living, congregate care, nursing home.

1. The yard requirements for multi-family use in the district apply.
2. 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.
3. 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.
4. 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.
5. The owner shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

I. Convent, monastery, similar religious group.

1. The use 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.
2. The yard requirements for multi-family use in the district apply.
3. 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.
4. 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.
5. 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.

## 28K.0903 Civic and Institutional Uses

A. Adaptive reuse of former school or municipal buildings. 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:

1. Day care centers
2. Elementary and secondary schools
3. Arts, technical or trade schools
4. Colleges and universities
5. Other public educational facilities
6. Recreational buildings and community centers, nonprofit
7. State or municipal offices
8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin

Business and professional offices may be allowed in former school or municipal buildings in residential and special districts as a conditional use.

B. Day care home, family.

1. The day care home shall be the principal place of residence of the operator.
2. No employees shall be permitted other than residents of the dwelling; however, temporary or substitute caregivers may be present periodically.
3. The facility 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.
4. 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.

C. Day care center, nursery school.

1. The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
2. 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.

3. 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. 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.

E. Mission house in conjunction with religious institution.

1. The yard requirements for multi-family use in the district apply.
2. 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.
3. 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. The owner shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

F. Place of worship.

1. 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.
2. Any facility with seating capacity of greater than 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.
3. 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.

G. 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.

H. Schools, public and private, colleges and universities.

1. 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.
2. 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.

- I. Schools, arts, technical or trade.
  - 1. 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.
  - 2. 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.
  - 3. With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- J. Correctional facility. Within the Conservancy District a correctional facility shall be located at least three hundred (300) feet from any residentially-zoned property.
- K. Land and water preserves. Within the Conservancy District the following activities are permitted:
  - 1. Arboretums, environmental education centers
  - 2. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
  - 3. Fishing and trapping.
  - 4. Boating and swimming.
  - 5. Raising of fish and game animals.
  - 6. Sustained forestry yield.

## 28K.0904 Mixed Commercial/Residential Uses

- A. 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.
  - 1. A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
  - 2. 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.
  - 3. The occupation must be conducted within a dwelling and not in an accessory building, unless authorized by the plan commission as a conditional use.
  - 4. The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
  - 5. 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.

6. 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;
7. 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;
8. Samples may be kept but not sold on the premises;
9. No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation;
10. The entrance to the space devoted to the home occupation must be from within the building.
11. No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
12. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
13. 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 7 through 11.

B. Live/work unit.

1. The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
2. The dwelling unit component 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.
3. The office or business component of the unit shall not exceed thirty percent (30%) of the total gross floor area of the unit.
4. The size and nature of the work space shall be limited so that the building type 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.
5. 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 may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a

*Mixed-use buildings in residential districts: Memo on this topic will be forthcoming. On the question of which commercial, office or studio uses might be allowed, we suggest those that are allowed within the Neighborhood Mixed-Use District.*

limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

- C. Mixed use buildings 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:
1. Buildings must be located at least one-quarter ( $\frac{1}{4}$ ) mile from other mixed-use buildings in residential districts.
  2. Minimum building height: two (2) stories
  3. Maximum height: two (2) stories, may be increased to three (3) stories for underground parking, outstanding design features, or green features.
  4. Buildings must meet NMX district frontage requirements for corner locations and building form standards for commercial block buildings.
  5. 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.

## 28K.0905 Medical Facilities

### A. Hospital.

1. The facility shall have vehicular access to a collector or higher classification street.
2. 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.
3. The boundaries of the institution shall be as defined in the conditional use permit or institutional master plan, 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 campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.

- B. 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.

## 28K.0906 Retail Sales and Service

### A. Animal boarding facility, kennel, animal shelter.

1. Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district

2. Any portion of an outdoor kennel 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.

B. Drive-through facility.

1. 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.
2. 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.
3. 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. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
4. 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.
5. 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.
6. A six-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.

C. Farmers market. Within the NMX District, a farmer's market with over 15 stalls for vendors is a conditional use.

1. A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

D. Garden center, greenhouse.

1. In the NMX, TSS and MXC districts there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.
2. In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.

E. Payday Loan Business: Any payday loan or auto title loan business must be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business.

- F. Pet day care. Applicants 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 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.
- G. Service business. Within the Employment Campus and Industrial districts (IL and IG), service businesses may only be located within a mixed-use building that includes office or other employment uses.

## 28K.0907 Food and Beverages

- A. All food and beverage uses. Within the Employment Campus and Industrial districts (IL and IG), these uses shall only be located within a mixed-use building that includes office or other employment uses.
- B. Brewpub. Wholesaling of beverages shall be permitted only where “wholesale establishment” is listed as an allowed use within a zoning district.
- C. Outdoor eating areas accessory to food and beverage uses.
  - 1. Primary access to the area shall be from within the establishment.
  - 2. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use permit.
  - 3. 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.

## 28K.0908 Commercial Recreation, Entertainment and Lodging

- A. Bed and breakfast establishment.
  - 1. A maximum of four rooms may be rented.
  - 2. The establishment must have a valid permit from the City Health Department.
  - 3. The only meal that may be served is breakfast to registered guests.
  - 4. 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.
  - 5. Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.
  - 6. Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

- B. Indoor recreation. In the NMX and TSS districts, the facility shall be located at least fifty (50) feet from the boundary of any residential use or district.
- C. Lodge or club, private. 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.
- D. Outdoor recreation, commercial.
  - 1. 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.
  - 2. 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 development proposal.
  - 3. 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 permit.
  - 4. 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.
- E. Golf course. Club houses and maintenance buildings shall be located a minimum of three hundred (300) feet from any residentially-zoned property.

## 28K.0909 Adult Entertainment Uses

- A. Adult entertainment establishment. (An adult entertainment establishment is an adult book or video store or an adult motion picture theater.)
  - 1. Such establishments shall be licensed as provided in Section 9.05 of these ordinances.
  - 2. Exterior windows shall not be covered or made opaque in any way.
  - 3. 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 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 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.

4. The distance requirement under subdivision 3. 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 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.
5. 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.
6. 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.

B. Adult entertainment venue or tavern.

1. 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 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.
2. The distance requirement under subdivision 1. above shall be measured along a straight line from the nearest property line of any church, private or public day care center, preschool center, or public or private school, or public park, or any library, 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.
3. Said tavern shall acquire and maintain an adult entertainment tavern permit pursuant to Section 38.11 of these ordinances prior to issuance of an occupancy permit.

## 28K.0910 Automobile Services

A. Auto body shop, automobile sales, automobile service station, convenience store.

1. All automobile servicing and repair activities must either:
  - a. be carried on within an enclosed building; or
  - b. be screened along any property line that abuts a residential zoning district with:
    - (1) a minimum of six-foot high masonry or decorative wood fence; and
    - (2) a planted area 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.
2. Automobile repair bays shall not face a local, collector or arterial street, but may face an alley or rear lot line.
3. A convenience store shall not be located within three-eighths (3/8) mile (1,980 feet) distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
4. The following activities and equipment are permitted only in the rear yard and at least fifty (50) feet from a residential zoning district:
  - a. Storage of vehicle parts and refuse;
  - b. Temporary storage of vehicles while during repair and pending delivery to the customer;
  - c. Vacuuming and cleaning.
5. The following activities and equipment are permitted only within an enclosed building:
  - a. Lubrication equipment;
  - b. Motor vehicle washing equipment;
  - c. Hydraulic hoists and pits;
  - d. Body work and painting;
  - e. Storage of motor vehicles not in safe operating condition.
6. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
7. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
8. Additional standards and conditions in 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 maximum setback requirement may be modified by the plan commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.

B. Car wash.

1. The car wash shall be completely enclosed when not in operation.
2. Any access drive shall be located at least thirty feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
3. Any car wash line exit shall be at least thirty feet from any street line.
4. The car wash shall be screened along all property lines with a minimum six-foot high (6') masonry or decorative wood fence. Along 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.
5. 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.
6. Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

C. Motor vehicle salvage yard, scrap yard.

1. 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.
2. 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.
3. 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.
4. 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.

## 28K.0911 Parking, Storage and Display Facilities

A. Parking. See standards and requirements in Section 28J.0811.

- B. 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 28J.0812(6).
- C. 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 28J.0812(10)B.

### 28K.0912 Limited Production, Processing and Storage Uses

- A. 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 as provided in Section 28J.0812(10)B.
- B. Laboratories - research, development and testing. No manufacturing shall be conducted on the premises except for experimental or testing purposes.
- C. Limited production and processing. In mixed-use, commercial and employment districts, all such uses are 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.
- D. Storage facility, personal indoor storage.
  - 1. No commercial transactions shall be permitted other than the rental of storage units.
  - 2. 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.

### 28K.0913 Agricultural and Resource Management Uses

- A. 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 1,000 animal units, in which case a WPDES permit is required under NR 243, Wis. Admin. Code.
- B. 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.
  - 1. Animal husbandry, (includes keeping of more than four (4) chickens, beekeeping and fish farming);

2. Off-street parking of more than ten (10) vehicles;
  3. Processing of food produced on site;
  4. Spreading of manure;
  5. Application of agricultural chemicals, including fertilizers and pesticides;
  6. Use of heavy equipment such as tractors.
- C. Roadside stand, farm stand.
1. The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
  2. Maximum area of a roadside stand is three hundred (300) square feet in ground area.
  3. No more than one (1) roadside stand is allowed on any one premise.
- D. Selective cutting. On parcels approved for development, selective cutting 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.
- E. Clear cutting. The applicant 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. Areas clearcut beyond thirty percent (30%) of vegetation shall be replanted; replanting may occur in other portions of the property.

## 28K.0914 Public Utility and Public Service Uses

- A. Sewage system lift station, water pumping stations, towers and reservoirs. The location of the facility must be reviewed and a landscape plan for the facility must be approved by the Director of Planning and Community and Economic Development.
- B. Telecommunication facilities. See Section 28J.013, General Regulations.

## 28K.0915 Accessory Structures and Uses

- A. Emergency electrical generator.
1. The electric output shall not exceed three thousand (3,000) kilowatts and the generator may be operated a maximum of two hundred (200) hours per year.
  2. The generator shall be located a minimum of twenty (20) feet from any zoning lot which permits residential uses
  3. 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 screening with materials similar in appearance to those used for the principal structure on the zoning lot, landscaping or fencing as approved by the Plan Commission.

4. Noise mitigation measures may be required.

## 28K.0916 Temporary Structures and Uses

### A. Dependency living arrangement.

1. 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.
2. 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%).
3. 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.

### B. Accessory apartment, temporary. One temporary accessory apartment may be created within an owner-occupied dwelling under the following standards.

1. 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.
2. 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.
3. 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%).
4. 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.

### C. Keeping of chickens. Keeping of chickens is allowed as an accessory use on lots with up to four (4) dwelling units.

1. Keeping of roosters is prohibited.
2. Slaughter of chickens is prohibited on site.
3. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at

all times.

4. The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.
  5. The owner, operator or tenant must obtain a license under Sec. 9.52, MGO.
- D. 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.
- E. Portable storage units.
1. 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.
  2. 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.
  3. A temporary use permit is required.
- F. 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.
- G. 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.