



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, October 28, 2019	7:00 PM	De Pere City Hall Council Chambers
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Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Plan Commission** of the City of De Pere will be held on **October 28, 2019** at **7:00 PM** in the **De Pere City Hall Council Chambers**, 335 S. Broadway Street, De Pere, WI 54115.

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on Spectrum Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the minutes of the September 23, 2019 Plan Commission meeting.
3. Staff recommendation and possible action regarding DRAFT Zoning Code Module 2, related to zoning districts, uses, building and site design, and regulations.

Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

*Items with an asterisk require City Council approval.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: October 28, 2019

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the September 23, 2019 Plan Commission meeting.

ATTACHMENTS:

- PC_Sep2019_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, September 23, 2019

7:00 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 7:00 PM by Mayor Michael J. Walsh

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Aldersperson	Present	
Derek Beiderwieden	Commissioner	Present	
Brenda Busch	Commissioner	Present	
Mark Higgins	Commissioner	Present	
Dean Raasch	Aldersperson	Excused	
Grant Schilling	Commissioner	Present	

Also present: Development Services Director Kim Flom, City Planner Peter Schleinz, and members of the public.

2. Approval of the minutes of the August 26, 2019 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Michael J. Walsh, Mayor
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Schilling
EXCUSED:	Dean Raasch

3. Staff recommendation and possible action regarding the removal of part of an expired Planned Development (PDD) overlay that is related to a PDD General Development Plan application for a new office building at 2100 BLK Innovation Court (Parcels WD-D0036 & WD-D0035-1-1).*

City Planner Peter Schleinz reviewed the removal of part of an expired Planned Development overlay that is part of a PDD General Development Plan application for a new office building at the 2100 Block of Innovation Court. Staff determined that the General Development Plan referenced design details that did not require a revised Planned Development District overlay, making it more efficient to remove the PDD overlay so the proposed project can be reviewed by Plan Commission as a site plan. Staff recommended approval, subject to no conditions. Mayor Walsh moved, seconded by Derek Beiderwieden, to approve the removal of the PDD overlay. Upon vote, motion carried unanimously. This project is similar to a rezoning project, which requires a Plan Commission recommendation, Class II public hearing, and a final decision by Common Council. The public hearing and Council decision are expected to occur on October 15, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Schilling
EXCUSED:	Dean Raasch

4. Staff recommendation and possible action regarding a Site Plan request for a new building façade, fence, and landscaping at 715 N Eighth Street (Parcel WD-609).

City Planner Peter Schleinzi reviewed the site plan for a new building facade for an existing building at 715 N Eighth Street. The applicant is proposing the use of brick at the base, with metal above and has added some additional landscaping to soften the metal building. This level of review typically only requires an administrative review, but Plan Commission review is required due to the material changes proposed for the building. Staff recommended approval of the site plan, subject to the conditions outlined in the report and also recommended approval of the metal siding material. Mayor Walsh asked if staff had an opportunity to look at the material. Peter stated that they did see a sample of the siding. Derek Beiderwieden moved, seconded by Mark Higgins, to approve the site plan. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Mark Higgins, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Schilling
EXCUSED:	Dean Raasch

5. Staff recommendation and possible action regarding a Site Plan request for a warehouse and parking lot addition at 2200 BLK American Boulevard (Parcel WD-1137-2).

City Planner Peter Schleinzi reviewed the site plan for a new warehouse and parking lot addition at the 2200 block of American Boulevard. The lower portion of the building is a split face masonry veneer and the upper portion is an embossed insulated metal panel with an exposed aggregate finish. Staff recommended approval of the site plan, subject to the conditions in the report. Staff also recommended approval of the use of an exposed aggregate finish on the warehouse in the following locations:

- On the front facade, over the first floor offices.
- On the two side facades over the height of the tops of windows and doors.
- On the entire rear facade as a temporary material to accommodate future expansion, which must be brought up to code with 25% approved material by July 1, 2025 (5 years) if the expansion does not occur.

Discussion followed regarding the gravel area which connects to the adjacent property. The recommendation was made for this gravel area to be replaced with asphalt. Mayor Walsh moved, seconded by Alderperson Boyd, to approve the site plan with all conditions. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	James Boyd, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Schilling
EXCUSED:	Dean Raasch

6. Status of City of De Pere Zoning Code Ordinance Rewrite -- September 2019.

City Planner Peter Schleinzi provided an update on the Zoning Code Ordinance Rewrite. He reported that staff and the consultant are preparing for the public comment phase of the project, which is expected to occur in the first quarter of 2020. Also, Module 2 should be presented to the Plan Commission by staff in October. Mayor Walsh asked when the Plan Commission will vote on the final draft. Peter stated that it could be as early as April or as late as July, depending on the number of required revisions that are needed. Mayor Walsh moved, seconded by Mark Higgins, to receive and place the report on file. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Mark Higgins, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Schilling
EXCUSED:	Dean Raasch

Adjournment

Mayor Walsh moved, seconded by Derek Beiderwieden, to adjourn the meeting at 7:25 PM.
Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: October 28, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Staff recommendation and possible action regarding DRAFT Zoning Code Module 2, related to zoning districts, uses, building and site design, and regulations.

ATTACHMENTS:

- Memo to Plan Commission - Module 2 - 28 Oct 2019 (DOCX)
- DE PERE PROPOSED ZONING MAP 21 Aug 2019 (PDF)
- Primary Frontage Streets in Downtown De Pere (DOCX)
- MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (PDF)

CITY OF DE PERE MEMO



To: Plan Commission
From: Peter Schleinz, Senior Planner | Zoning Administrator
Date: October 28, 2019

RE: DRAFT Zoning Code Module 2 – Summary of Significant Changes When Compared to Municipal Code 14-33 through 14-60

Introduction

DRAFT Zoning Code Module 2 (Articles II through IX) is being presented to the Plan Commission for review and comment. This is the second of three modules to be presented to Plan Commission. Module 1 was presented to the Plan Commission in July 2019 and Module 3 is expected to be presented in November 2019.

Public Review

Following the Plan Commission review, all modules of the DRAFT Zoning Code will be presented to the public during an open public review with a series of public review sessions. The public review will begin in January 2020.

Plan Commission & Council Final Review

Revisions, based on information gathered during the public reviews, will be made and a Final Draft version of the Code and zoning map will be returned to the Plan Commission for a final recommendation approval, Common Council public hearing, and Common Council final approval. The final review phases are expected to begin in the spring of 2020. Depending on how minimal any revisions are needed, final approval may occur by mid-2020.

Zoning Code Module 1 Summary of Changes

Many regulations from the existing zoning code will be carried over to the new code, some regulations will be added and some will be removed. The following table is a brief summary of substantial or content related changes proposed in Zoning Code Module 2, when compared to the existing Municipal Code 14-33 through 14-60. The subject sections of the proposed new and existing codes relate to zoning categories, allowed uses, and related regulations. Because the zoning code project is a complete rewrite, including a new format, a redlined version of the existing Municipal Code is not available. If there are any questions about the proposed Module 2 or the modifications, please contact us prior to the meeting.

Summary of Significant Changes

DRAFT Module 2	EXISTING Code	Summary of Changes
Document wide	The Code includes a handful of tables and illustrations to identify setbacks for various uses, street designs, etc., and illustrations at the end of the Code related to lot layouts and floor area ratios, etc.	The new code has more and better tables and illustrations, in addition to photo images
Article II, Residential Districts	Residential Districts named R-1, R-2, R-3, and R-4.	R-1 becomes either one of the following: R1-80, R1-65, or R1-45. The number at the end of the new name is the new required street frontage. Thus, neighborhoods can be maintained or newly designed with smaller lots and smaller houses, or with larger lots. R2 continues as R2. R-3 becomes RM for mostly multifamily buildings. Street frontage is dependent on the building units. R-4 is split to become part of RM District for mostly multifamily buildings and part of RX, GX1 & GX2 in the mixed use districts for residential-office mixes, referenced later in Article III of in this table.
Section 14-20 through 14-29	Typical 30 feet street setbacks, 10 feet interior side setbacks, and 30 feet rear setbacks for “most” lots.	R1-80 is reduced to 25 feet front & corner side, 8 feet interior side, and 30 feet rear setbacks. (These likely will be larger lots in newer neighborhoods, and less likely the developed downtown.). R1-65 is reduced to 15 feet front & corner side, 6 feet interior side, and 20 feet rear setbacks. R1-45 is reduced to 15 feet front & corner side, 6 feet interior side, and 20 feet rear setbacks. R2 is reduced to 25 feet front & corner side, 8 feet interior side, and 30 feet rear setbacks. RM is reduced to 25 feet front & corner side, 6 feet interior side, and 25 feet rear setbacks.

DRAFT Module 2	EXISTING Code	Summary of Changes
Section 14-20 through 14-29	Maximum building height is 35 feet for principal building and 15 feet for accessory building. Height measured at middle of gable roof.	Maximum building height is 35 feet for principal building and 20 feet for accessory building. Height measured at actual top of roofline.
Section 14-28, Backyard Cottages	Backyard Cottages (granny flats) are not permitted.	Backyard cottages are permitted in all residential districts with setback requirements and a maximum size of 650 square feet. Units may be rented but the owner must then occupy the primary structure on the property.
Section 14-29, Civic Building Regulations	Civic buildings in residential districts have no design standards.	Design, material, and setback standards are established for civic buildings.
Article III, Mixed-Use Districts	Residential District named R-4, Business Districts named B-1 and part of B-2..	<i>(See Table 3-2 for permitted building types in each new district.)</i> R-4 is split to become part of RM District (mostly multifamily), RX for higher density riverfront residential mix, as well as GX1 & GX2 for residential-office mixes (see "GX" summaries below). B-1 is split into the following five zoning districts, based on geographic location and business type. Part of B-2 becomes MX3, and also C & I2 in commercial & employment districts identified in Article IV: MX1 is a downtown mixed use district that continues the downtowns existing character with commercial corridors having commercial on the first floor with residential and offices on upper floors. - MX1 is mostly found in the downtown areas of Main Avenue closer to the river, and Broadway Street. MX2 is a neighborhood mixed use district with small scale storefronts with residential elements on the edges of downtown, adjacent to residential neighborhoods. - MX2 is mostly found along George Street, on Broadway Street near the former Shopko, downtown Main Avenue (400-500 block).

		MX3 is a corridor mixed use district along commercial corridors with multiple transportation access. Developments may be larger scale due to an automobile orientation. - MX3 is mostly found near Main Avenue (from Eight Street westward) at the northern end of Broadway Street, and at Honey Court. GX1 is a mid-scale residential and/or office building on the edges of intensive locations such as downtown. - GX1 is mostly found at downtown near Wisconsin Street, Front Street, and Reid Street. GX2 is an office-residential mix district for small scale residential and office buildings located in transition areas between commercial corridors and residential neighborhoods. - GX2 is mostly found near Ninth Street and on Wisconsin Street (near George Street).
Article III, Mixed-Use Districts	Business Districts B-2 and B-3.	B-2 and B-3 are renamed as multiple new zoning categories in Article IV of the new Code, identified later in this table (Commercial and Employment Districts).
Section 14-31, General Regulations	No designation of a primary or secondary street frontage in the downtown.	A map designating the primary street frontages is established to better define which façade higher end materials are required for corner lots.
Article III, Mixed-Use Districts	Existing code focuses on uses, conditional uses, setbacks, and floor area ratio, then relies on Section 14-60 during a site plan review for general building materials, landscaping, greenspaces and site design.	The new code is design based where specific setback (or build-to) lines, building design, landscaping, courtyards, driveway, and parking lot location options are established. Building material types and percentages have been expanded to provide clarity to building designers. Materials are stricter in the mixed use district than the industrial-business parks, which include the downtown and gateway corridors.

DRAFT Module 2	EXISTING Code	Summary of Changes
Article III, Mixed-Use Districts	Detailed façade design and breakup of massing is not identified.	Façade and cap requirements are identified for façade materials and transparency (window) needs, as well as features to help break up the mass of a monolithic façade.
Article III, Mixed-Use Districts	Floor Area Ratio (FAR) controls limits densities and building heights for B-1.	Floor Area Ratio (FAR) is eliminated from all zoning categories. Maximum building heights are established for each zoning category, along with required setbacks and greenspace percentages. Also, specific building height limits are established by the Cultural District Master Plan.
Section 14-35, Commercial Centers	Pedestrian access for commercial centers is not addressed.	Pedestrian areas and pathways are required.
Section 14-38, Civic Buildings	Civic buildings do not have special building height accommodations for features such as steeples and cupolas.	Steeple and cupolas have been added. Also, other screening of rooftop appurtenances, not including solar panels, from sidewalk level view has been added.
Section 14-39, Building Caps	There are no special requirements for towers.	Towers have regulations for location, height, quantity, and design is addressed.
Article IV, Commercial and Employment Districts	Business Districts named B-2 (part of), B-3, HWY 41-A, and HWY 41-B. Industrial Districts named I-1, I-2, I-3, C-EO, I-B-1, and I-B-2.	B-2 becomes MX3 (referenced above in the mixed use districts), and also C & I2 . B-3 becomes C and I2 . C-EO becomes O . O district is for stand-alone office buildings and office parks. - O is found near USH 41 and Southbridge Road. HWY 41-A and HWY 41-B become C . C district is for automobile oriented commercial development along major highways and corridors. - C is mostly along Lawrence Drive (between Main & Scheuring), and along Ashland Avenue. I-1 remains I1 . I-2 and I-3 become I2 . I-B-1 becomes I1 .

		I-B-2 becomes I2. I1 and I2 districts are for manufacturing, industrial and other uses that are not within established residential neighborhoods. I1 and I2 are mostly the business/industrial parks, the paper company along the river and industries along Fort Howard.
Section 14-44, Applicable Regulations	Existing code has either no acreage or large acreage requirements.	The new code allows for smaller lot development and establishes specific setbacks, 80% or 75% lot coverage, and 20% or 25% minimum open space requirements.
Section 14-44, Applicable Regulations	Floor Area Ratio (FAR) controls limits densities and building heights in I-1, I-2, and I-3 districts.	Floor Area Ratio (FAR) is eliminated from all zoning categories. 75' or no limit maximum building heights and a 6,00 sq. ft or 10,000 sq. ft minimum building floor area is established for each zoning category.
Article V, Special Districts	Agricultural District named A-1 Conservancy District named CON.	A-1 becomes AG. CON remains as CON. Both AG and CON remain similar to the existing code.
Section 14-53, Public & Institutional District	Public and Institutional uses are permitted use within other existing zoning categories.	PI-1 and PI-2 (Public & Institutional Districts) are newly created. The use are for public and institutional uses. PI-1 relates to neighborhood scale uses that are small scale and low intensity. Uses such as parks, religious assembly, safety and minor utilities fall into this category. PI-2 relates to campus scale institutional and public uses that accommodate expansion of large public, civic, and institutional uses. Uses such as cemeteries, colleges, hospitals, libraries, religious assembly, and utilities fall into this category.
Section 14-53, Public & Institutional District	The code is not flexible for campus design. Private institutions submit site plans, rezoning requests, and variances for site plan requests.	The new Code allows for the approval of institutional master plans to act as a framework for future development, allowing for variations to standard setbacks that may not work on a campus setting.

DRAFT Module 2	EXISTING Code	Summary of Changes
Article VII, Uses	Permitted and conditional uses are very specifically named (some outdated), and located within each separate zoning district area of the code. Oftentimes uses are “referred to” so one must flip back and forth between pages.	Use names are listed in broad categories to accommodate existing and potential future unknown uses. All permitted and conditional uses are on one table (Table 7-1) for all zoning districts.
Sections 14-71 through 14-79	Identified uses do not always have a definition.	All uses include a text description defining what the use means. Conditional uses will include additional criteria that must be met in order to obtain a permit.
Sections 14-71 through 14-79	Extensive conditional uses listed for many zoning categories.	The need for conditional uses are minimized because permitted uses are established in proper zoning districts.
Section 14-79, Wireless Telecommunications	Wireless telecommunications section of the code has become outdated with recent law changes.	An updated wireless telecommunications Section 14-79 is included.
Article IX, Building and Site Design	Section 154-60 of the existing code provided general site plan requirements.	The entire code, and Article IX specifically provides specific requirements and recommendations for façade materials, design elements automobile oriented structures, outdoor storage, and refuse/recycling areas.
Section 14-90, Building and Site Design	Building design is controlled with height, setback greenspace and general material requirements.	The code is written to be design based, and encourages human scale buildings, durable and high quality building materials and simple but well organized facades. Requirements for 65% major façade materials are established, along with side and rear façade requirements.
Tables 9-1 through 9-4 in Section 14-91, Building and Site Design	Permitted front façade building materials for most zoning districts are brick, masonry, stone, glass, and other materials approved by Plan Commission.	New detailed tables, with photograph samples, breaks down the various permitted materials for each zoning category, including the percentage of required major material and minor material for both street and non-street frontages. Specific lists of accent materials and prohibited materials have been added. Certain newer materials have been added to the lists, including architectural paneling and translucent paneling.
Section 14-91, Building and Site Design	Building colors are not addressed.	In the MX1 district, paint finish colors of any major material requiring an applied finish must be from an historic palette from any major paint manufacturer.

DRAFT Module 2	EXISTING Code	Summary of Changes
Section 14-91, Building and Site Design	Roof materials are not addressed.	Pitched roof materials are established as shingles, shakes, wood, metal, slate, and ceramic.
Section 14-91, Building and Site Design	Breakup of massive surface materials is not addressed.	The allowable changes in surface materials is identified and summarized in Figure 9-2.
Section 14-92, Building and Site Design	There are no specific design requirements for shutters, awnings/canopies, balconies, principal entryways or building articulation.	The new code establishes shutters that are appropriate for buildings, awnings that are designed of metal or canvas, and balconies that are designed with the building so the balcony looks right with the building design, entryway design, and building articulation to create pedestrian scale buildings that are interesting for the City of De Pere.
Section 14-93, Auto-Oriented Structures	There is no design requirement for parking ramps, etc.	Section 14-93 establishes design and access locations for parking areas for various uses.

Two maps are included with the meeting packet. The first map is a draft zoning map from August 2019; the second map is a zoning map detail highlighting the downtown “primary frontage” streets.

Please note that since the zoning map was last printed, the following zoning district names were revised within the Code text. Hence, some of the geographic boundaries were consolidated to be one color.

Acronym used on Map	Updated Acronym used in Code Text
R-50	R-45
I2, I3	I2
C1, C2, C3	C

KEY

Assumptions

Boundary

Other

MX1

MX2

MX3

C1

C2

C3

O

GX1

GX2

RX

RM2

RM1

R2-50

R2-60

R1-50

R1-60

R1-80

A

PI-1

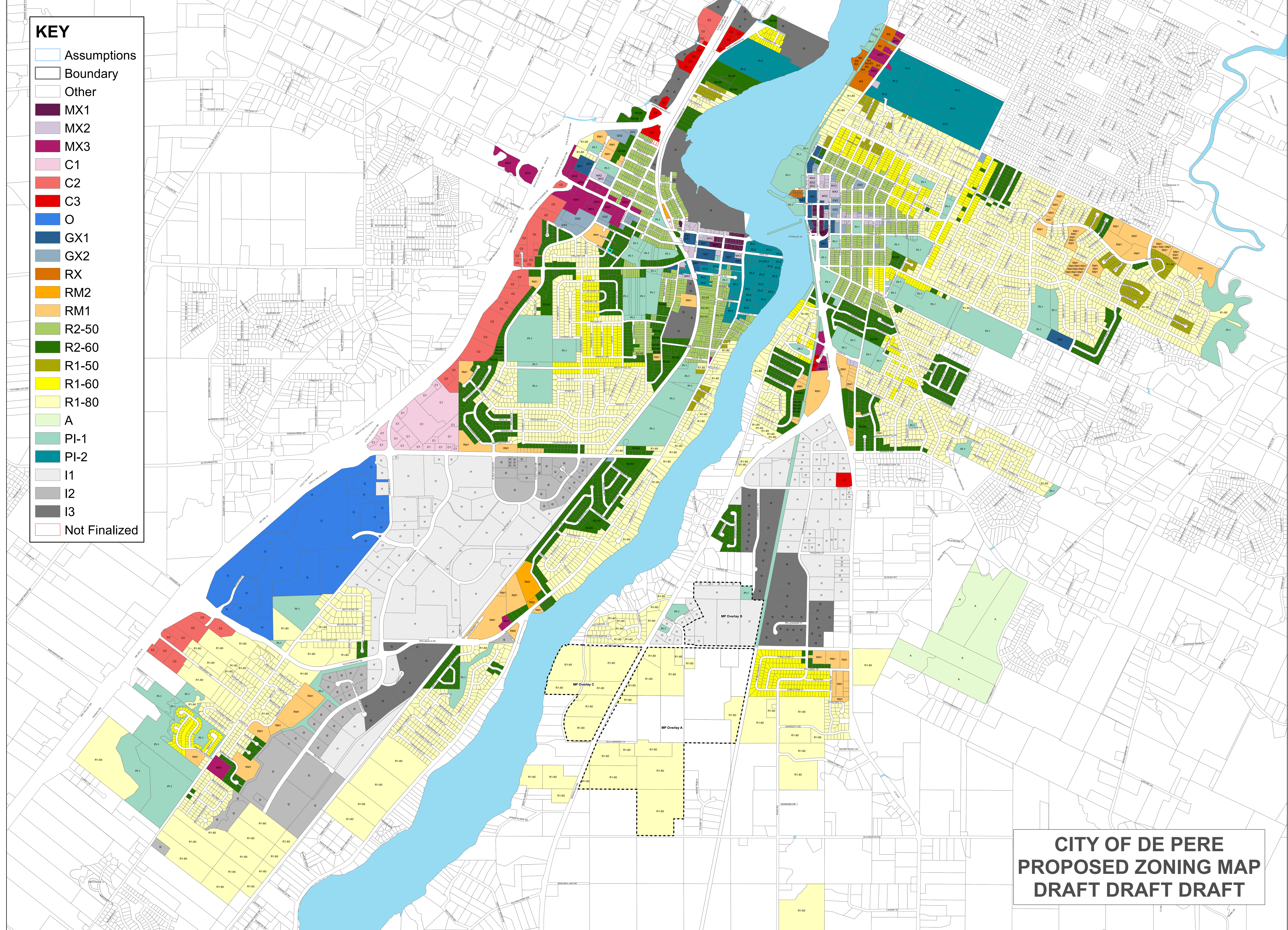
PI-2

I1

I2

I3

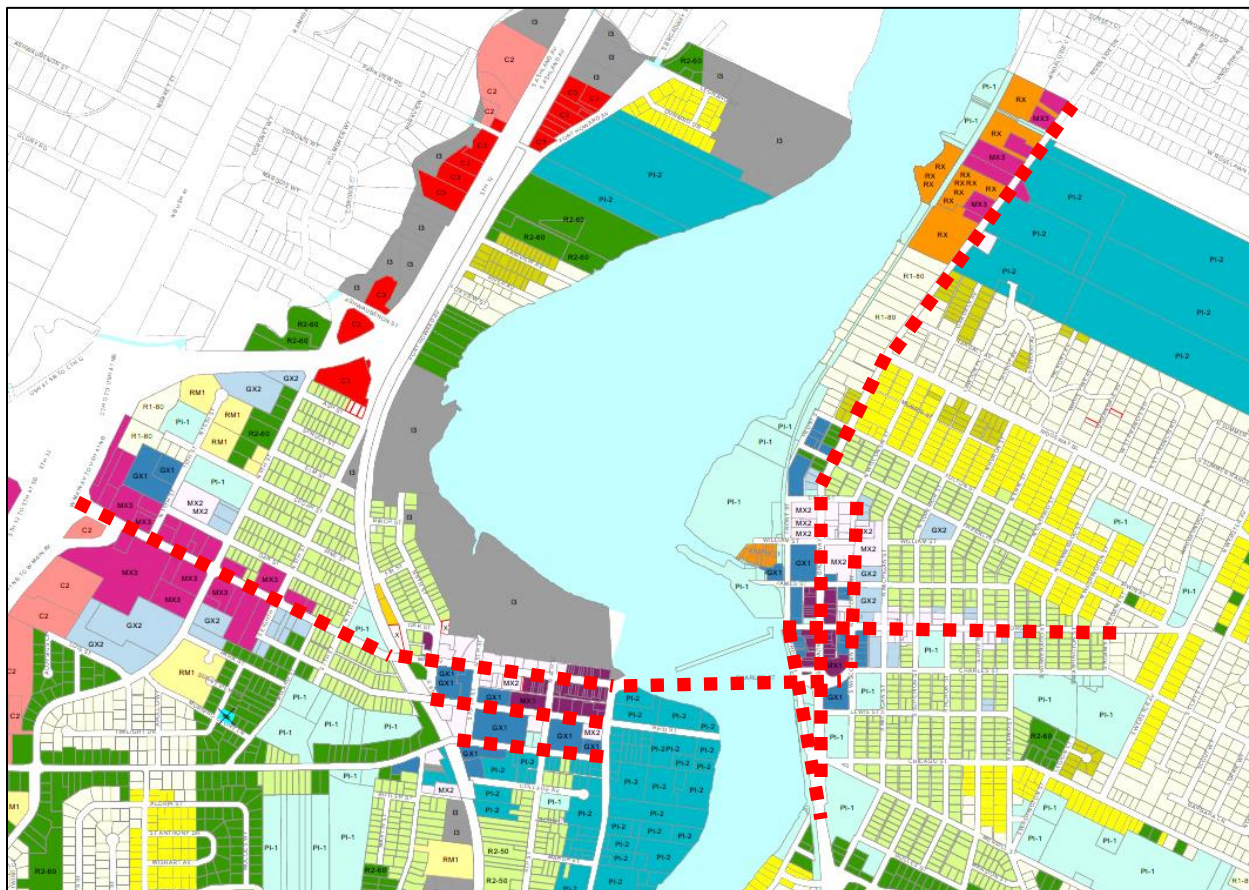
Not Finalized



CITY OF DE PERE
PROPOSED ZONING MAP
DRAFT DRAFT DRAFT

Module 2 of DRAFT De Pere Zoning Code

Proposed Primary Frontage Streets (Shown with red dashes)



Street Names:

Broadway Street, from Merrill Street to north city limits.

Front Street, from Merrill Street to George Street.

George Street, from Front Street to Adams Street.

Grant Street, from Third Street to Sixth Street.

Main Avenue, from USH 41 to Wisconsin Avenue.

Reid Street, from Third Street to rail road tracks.

Wisconsin Street, from Broadway roundabout to Cass Street.

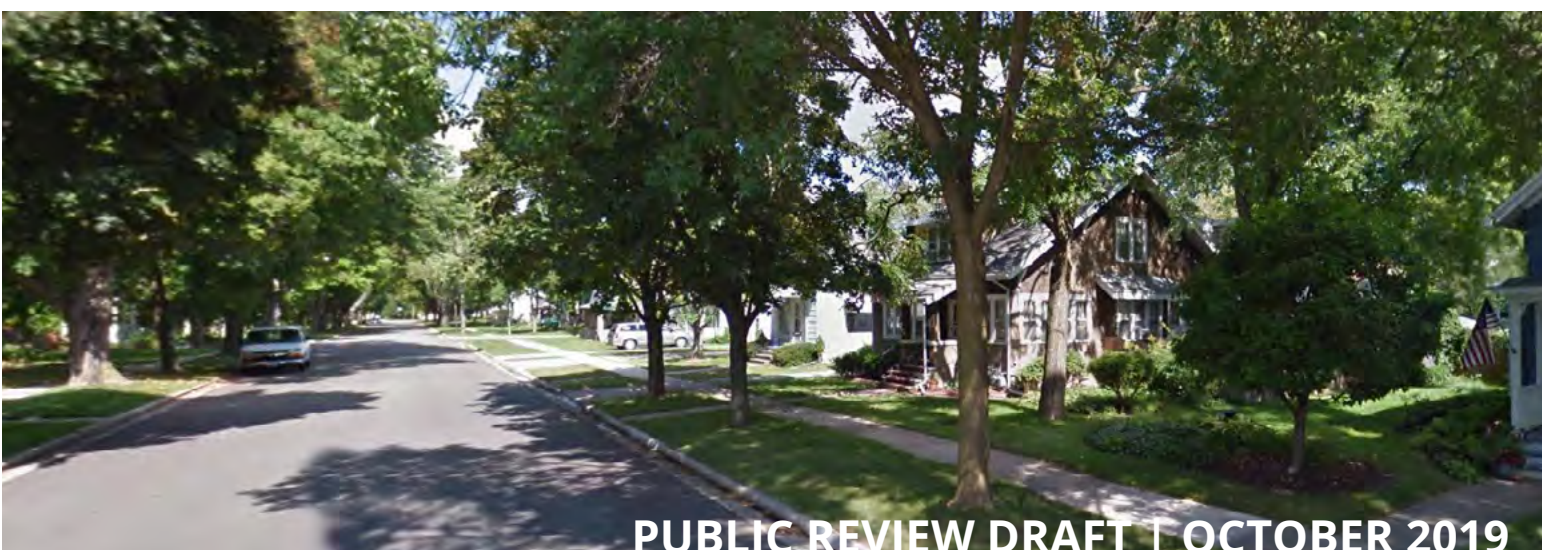
De Pere

W I S C O N S I N

ZONING ORDINANCE

Module 2.0

Districts, Uses, and Building Design



PUBLIC REVIEW DRAFT | OCTOBER 2019

Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

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DRAFT**ARTICLE II. RESIDENTIAL (R) DISTRICTS**

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14-20 Districts**(1) Districts Established**

The city's residential zoning districts are listed in [Table 2-1](#). When this zoning ordinance refers to "residential" zoning districts or "R" zoning districts, it is referring to these districts.

TABLE 2-1 — RESIDENTIAL (R) DISTRICTS

Symbol	Residential District Name
R1-80 ¹	Single-Dwelling Detached
R1-60 ²	<u>Single-Dwelling Detached</u>
R1-45 ³	<u>Single-Dwelling Detached</u>
R2-60 ⁴	Two-Unit
R2-45 ⁵	Two-Unit
RM-1 ⁶	Multi-Unit <u>(3-6 units)</u>
RM-2 ⁷	Multi-Unit <u>(7+ units)</u>

(2) District Descriptions**(a) General**

Residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individuals and households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential (public and civic) uses are also allowed.

(b) R1, Single-Dwelling Detached Districts

The R1 (single-dwelling detached) districts are primarily intended to accommodate detached houses. The number suffix attached to R1 district names is a shorthand

¹ Existing R-1, larger lots

² Existing R-1, 60' wide lots

³ Existing R-1, smaller lots but single family - very little mapped but may be used for new neighborhoods

⁴ Existing R-2 with side-by-side semi-detached

⁵ Existing R-2 in neighborhoods adjacent to downtown

⁶ Existing R-3

⁷ Existing R-4

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reference to the minimum lot width (in feet) required for detached houses. When this ordinance refers to "R1" districts it is referring to all R1 districts.

(c) R2, Two-Unit District

The R2 (two-unit) district is primarily intended to accommodate detached houses, semi-detached houses and two-unit houses.

(d) RM, Multi-Unit Districts

The RM (multi-unit) districts are primarily intended to accommodate detached houses, semi-detached houses, townhouse buildings, two-unit houses multi-unit residential buildings.

14-21 Allowed Uses

Uses are allowed in R districts in accordance with the use regulations of [Article VII](#).

14-22 Allowed Building Types

(1) Allowed residential uses must occupy residential buildings, which are allowed in R districts in accordance with [Table 2-2](#).

(2) Allowed public and civic uses must occupy civic buildings, which are allowed in R districts, as indicated in [Table 2-2](#).

TABLE 2-2 — R DISTRICT BUILDING TYPES

Building Type	Districts			Regulations
	R1	R2	RM	

● = permitted | – = prohibited

RESIDENTIAL BUILDINGS

Detached house	●	●	●	14-23
Semi-detached house	–	●	●	14-24
Two-unit house	–	●	●	14-25
Townhouse building	–	–	●	14-26
Multi-unit building	–	–	●	14-27
<u>Backyard cottage</u>	●	●	●	14-28

NONRESIDENTIAL BUILDINGS

Civic Building	●	●	●	14-29
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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-23 Detached Houses

DRAFT

14-23 Detached Houses

(1) Description

A detached house is a residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.

(2) Where Allowed

Detached houses are allowed in all R districts.

(3) Lot and Building Regulations

Detached houses are subject to compliance with the lot and building regulations of [Table 2-3](#) (see also [Figure 2-1](#)).

TABLE 2-3 — DETACHED HOUSES IN R DISTRICTS					
Regulation		R1-80	R1-60 and R2-60	R1-45 and R2-45	RM
(a) Lot					
	Minimum Lot Area (square feet)	10,000 9,000	7,000	5,000	7,500
1	Minimum Lot Width (feet)				
	Interior Lot	85 80	60	45	75
	Corner Lot	100 90	70	50	75
(b) Principal Building Siting					
Minimum Principal Building Setbacks (feet)					
2	Front	30 25	2015	2015	25 20
3	Front-Facade Garage Entrance	30	20	Not allowed	25
4	Street Side	30 25	2015	2015	2515
5	Interior Side	10 8	6	6	615
6	Rear	30	2520	2520	25
(c) Accessory Building Siting					
7	Allowed Location	Rear yard only			
8	Minimum Side and Rear Setbacks (feet)	Same as principal building 6 [1]			
	Minimum Building Separation	5 feet			
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less ⁸			
(d) Maximum Building Height					
9	Principal Building (feet)	35	35	35	35
	Accessory Building (feet)	15 20 [2]	20 [2]	20 [2]	15 20 [2]

[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2] Not to exceed height of principal building.

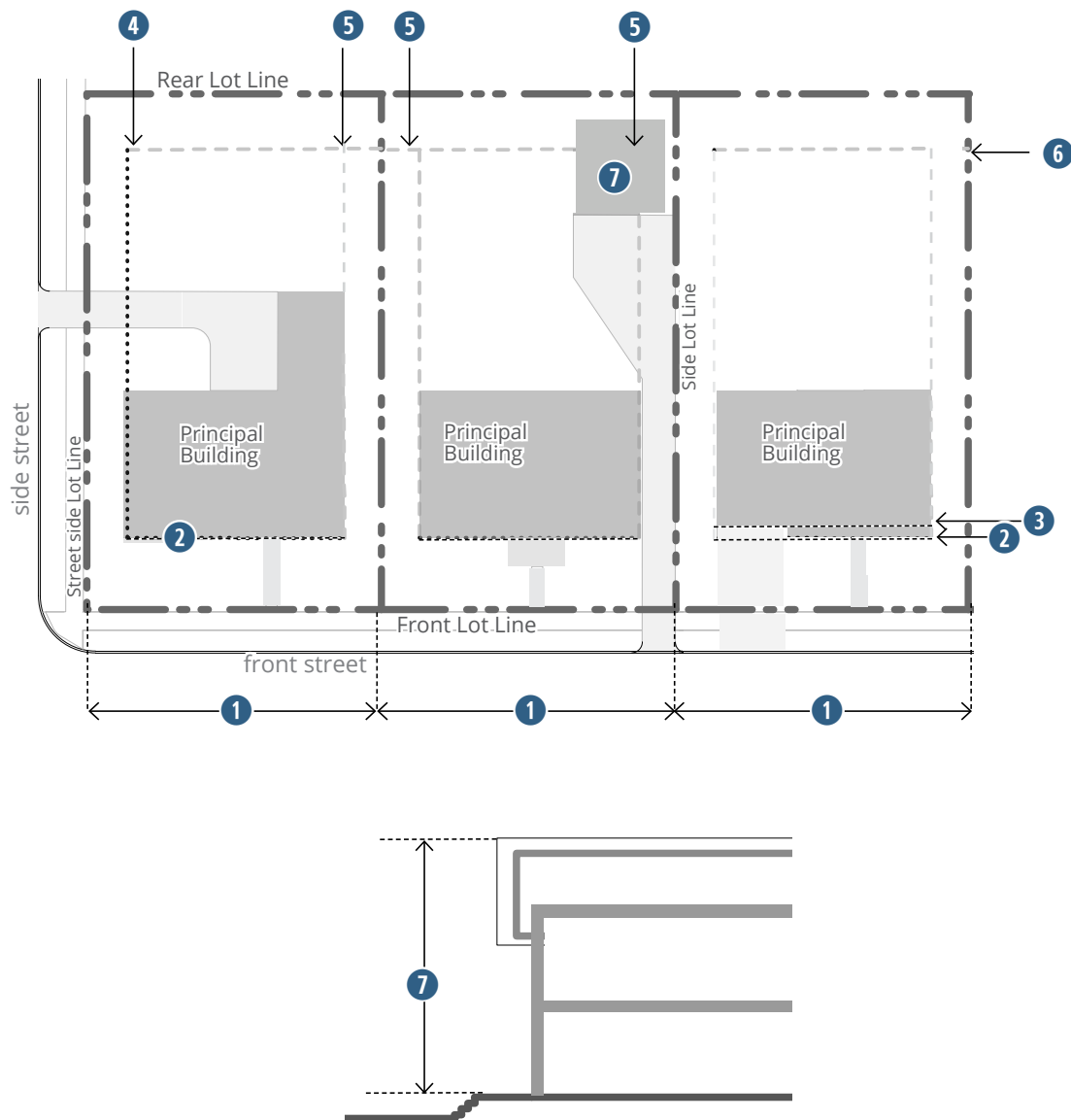
⁸ Existing ordinance is inconsistent; sometimes stating 45% and other times 50%.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-23 Detached Houses

Figure 2-1. Detached House Building Regulations



ARTICLE II RESIDENTIAL (R) DISTRICTS

14-24 Semi-detached Houses

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14-24 Semi-detached Houses

(1) Description

A semi-detached house building is a residential building occupied by 2 dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

(2) Where Allowed

Semi-detached houses are allowed in all R2 and RM districts.

(3) Lot and Building Regulations

Semi-detached houses are subject to compliance with the lot and building regulations of [Table 2-4](#) (see also [Figure 2-2](#)).

TABLE 2-4 — SEMI-DETACHED HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	2,000 <u>4,500</u>	2,000	<u>2,000</u>
1	Minimum Lot Width (feet)			
	Interior Lot	18 <u>35</u>	18	<u>18</u>
	Corner Lot	38 <u>50</u>	<u>38</u>	<u>38</u>
(b) Principal Building Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	20 <u>15</u>	20 <u>15</u>	25 <u>20</u>
3	<u>Front-Facade Garage Entrance</u>	<u>20</u>	<u>Not allowed</u>	<u>25</u>
4	Street Side	20 <u>15</u>	20 <u>15</u>	25 <u>15</u>
5	Interior Side	<u>6</u> [1]	<u>6</u> [1]	<u>6</u> [1]
6	Rear	25 <u>20</u>	25 <u>20</u>	25
(c) Accessory Building Siting				
	Allowed Location	Rear yard only		
	Minimum Side and Rear Setbacks	Same as principal building [2]		
	Minimum Building Separation	5 feet		
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less		
(d) Maximum Building Height				
7	Principal Building (feet)	<u>35</u>	<u>35</u>	<u>35</u>
	Accessory Building (feet)	<u>20</u> [3]	<u>20</u> [3]	<u>20</u> [2]

[1] Interior side setback applies only to end units (i.e., on non-attached side)

[2] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

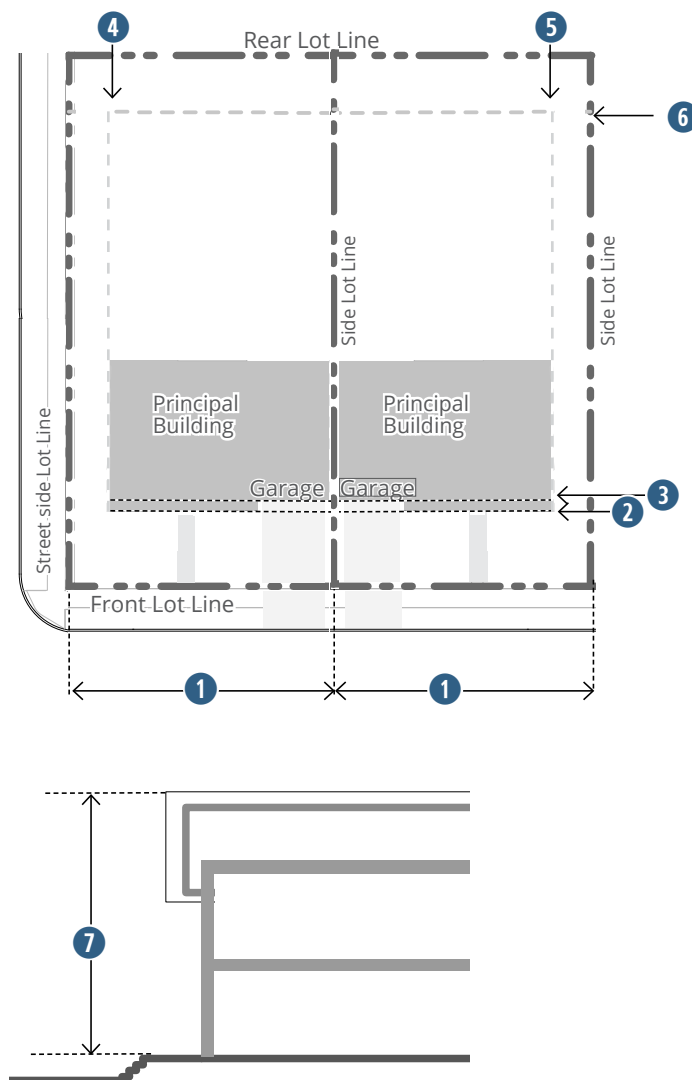
[3] Not to exceed height of principal building.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-24 Semi-detached Houses

Figure 2-2. Semi-Detached House Building Regulations



Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

ARTICLE II RESIDENTIAL (R) DISTRICTS

14-25 Two-unit Houses

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14-25 Two-unit Houses

(1) Description

A two-unit house is a residential building located on a single lot and occupied by 2 dwelling units.

(2) Where Allowed

Two-unit houses are allowed in all R2 and RM districts.

(3) Lot and Building Regulations

Two-unit houses are subject to compliance with the lot and building regulations of [Table 2-5](#) (see also [Figure 2-3](#)).

TABLE 2-5 — TWO-UNIT HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	11,000	<u>5,000</u>	<u>7,500</u>
1	Minimum Lot Width (feet)			
	Interior Lot	90	<u>45</u>	<u>75</u>
	Corner Lot	110	<u>50</u>	<u>75</u>
(b) Principal Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	<u>2015</u>	<u>2015</u>	<u>20</u>
3	<u>Front-Facade Garage Entrance</u>	<u>20</u>	<u>Not allowed</u>	<u>Not allowed</u>
4	Street Side	<u>2015</u>	<u>2015</u>	<u>20</u>
5	Interior Side	<u>6</u>	<u>6</u>	<u>6 [1]</u>
6	Rear	<u>2520</u>	<u>2520</u>	<u>25</u>
(c) Accessory Building Siting				
7	Allowed Location	Rear yard only		
	Minimum Side and Rear Setbacks	Same as principal building [1]		
	Minimum Building Separation	5 feet		
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less		
(d) Maximum Building Height				
8	Principal Building (feet)	35	35	35
	Accessory Building (feet)	15 [2]	15 [2]	15 [2]

[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

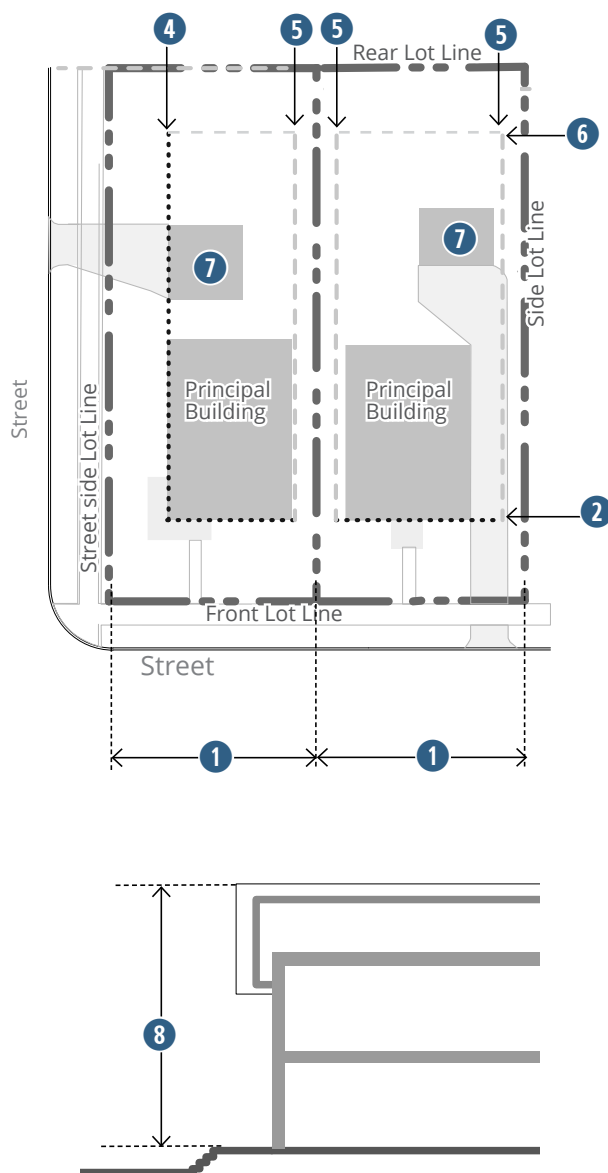
[2] Not to exceed height of principal building.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-25 Two-unit Houses

Figure 2-3. Two-Unit House Building Regulations



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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-26 Townhouse Building

DRAFT

14-26 Townhouse Building

(1) Description

A townhouse building is a residential building occupied by 3 or more dwelling units. Each dwelling unit within a townhouse building is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

(2) Where Allowed

Townhouse buildings are allowed in all RM districts.

(3) Lot and Building Regulations

Townhouse buildings are subject to compliance with the lot and building regulations of [Table 2-6](#) (see also [Figure 2-4](#)).

TABLE 2-6 — TOWNHOUSE BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area Per Dwelling Unit (square feet)	<u>2,000</u>	<u>2,000</u>
1	Minimum Lot Width Per Dwelling Unit (feet)		
	Interior Lot	<u>18</u>	<u>18</u>
	Corner Lot	<u>38</u>	<u>38</u>
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	<u>20-25</u>	<u>20</u>
3	Front-Facade Garage Entrance	<u>Not allowed</u>	<u>Not allowed</u>
4	Street Side	<u>20-25</u>	<u>20</u>
5	Interior Side	<u>6-8</u> [1]	<u>6</u> [1]
6	Rear	<u>25-30</u>	<u>25</u>
(c) Principal Building Width			
7	Maximum Number of Attached Units	<u>8</u>	<u>10</u>
(d) Accessory Building Siting			
	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building [2]	
	Minimum Building Separation	5 feet	
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less	
(e) Maximum Building Height			
8	Principal Building (feet)	<u>35</u>	<u>35</u>
	Accessory Building (feet)	<u>20</u> [3]	<u>20</u> [3]

[1] Interior side setback applies only to end units (i.e., on non-attached side)

[2] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

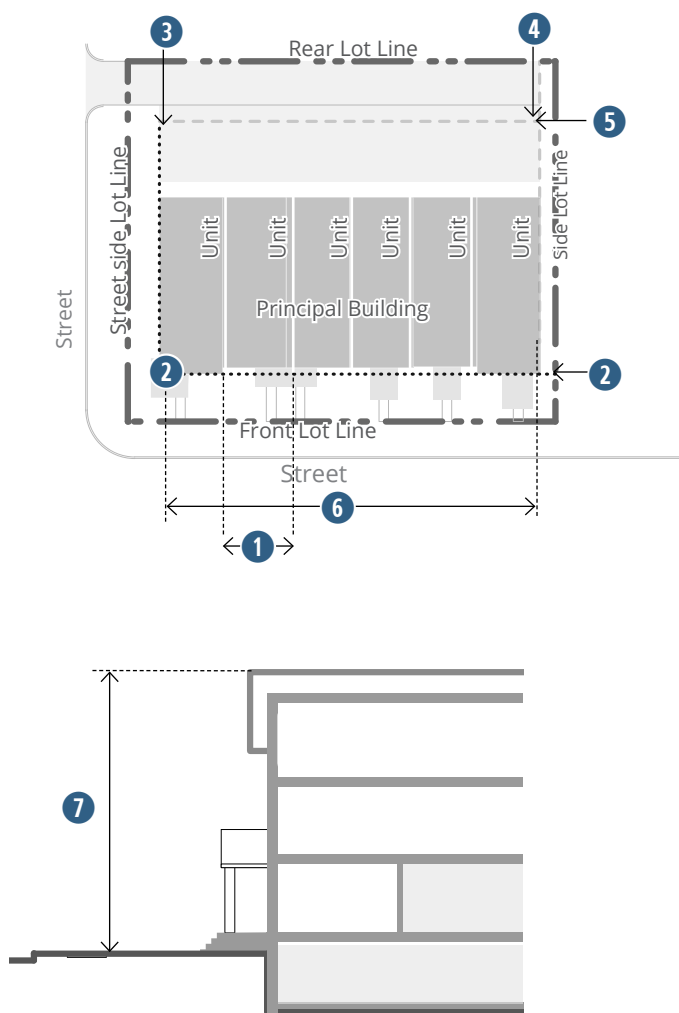
[3] Not to exceed height of principal building.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-26 Townhouse Building

Figure 2-4. Townhouse Building Regulations



Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

ARTICLE II RESIDENTIAL (R) DISTRICTS

14-27 Multi-Unit Buildings

DRAFT

14-27 Multi-Unit Buildings

(1) Description

A multi-unit building is a residential building that is located on a single lot and occupied by 3 or more dwelling units.

(2) Where Allowed

Multi-unit buildings are allowed in all RM districts.

(3) Lot and Building Regulations

Multi-unit buildings in RM districts are subject to compliance with the lot and building regulations of [Table 2-7](#) (see also [Figure 2-5](#)).

TABLE 2-7 — MULTI-UNIT BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area (square feet)	7,500	7,500
	Minimum Lot Area per Dwelling Unit (square feet)	2,000	1,000
1	Minimum Lot Width (feet)		
	Interior Lot	75	75
	Corner Lot	75	75
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	3025	2520
	Front-Facade Garage Entrance	Not allowed	Not allowed
3	Street Side	3025	2520
4	Interior Side	108	6
5	Rear	30	25
(c) Accessory Building and Parking Lot Siting			
6	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building [1]	
	Minimum Building Separation	5 feet	
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less	
(d) Maximum Building Height			
7	Principal Building (feet)	35	35
	Accessory Building (feet)	15 [2]	15 [2]

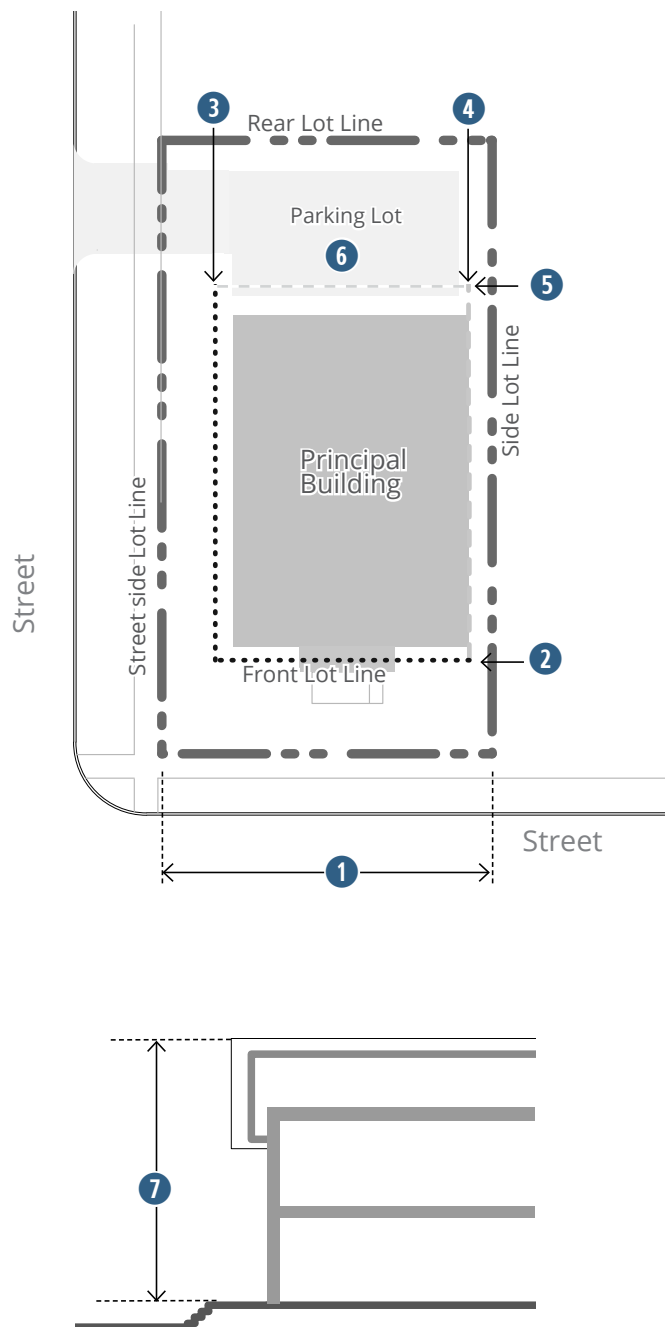
[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2] Not to exceed height of principal building.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-27 Multi-Unit Buildings



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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-28 Backyard Cottages

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14-28 Backyard Cottages⁹

(1) Description

A backyard cottage is a small accessory residential building occupied by a single, self-contained accessory dwelling unit. Backyard cottages are located on the same lot as but not attached to a detached house. See also "Secondary Suites" in [14-78\(9\)](#).

(2) Where Allowed

Backyard cottages are allowed in all R districts but only on lots occupied by a detached house.

(3) Lot and Building Regulations

Backyard cottages are allowed in all R districts, subject to compliance with the lot and building regulations of [Table 2-8](#) (see also [Figure 2-6](#)).

TABLE 2-8 — BACKYARD COTTAGES IN R DISTRICTS					
Regulation		R1		R1A, R2 and RM	
(a) Lot					
	Minimum Lot Area (square feet)		Same as required for detached house		
1	Minimum Lot Width & Frontage (feet)		Same as required for detached house		
(b) Building Siting					
Minimum Building Setbacks (feet)					
	Front		— — Permitted in rear yard only — —		
4	Street Side		25	25	
5	Interior Side		10	10	
7	Rear		10 [1]	10[1]	
	Separation from Principal Buildings		10	10	
(c) Building Size					
	Maximum Building Height (feet)		20 [2]	20 [2]	
	Maximum Floor Area (square feet)		650	650	

[1] Minimum 25-foot rear setback required for backyard cottage when rear yard adjoins side yard of abutting lot.

[2] Or height of principal building, whichever is less.

(4) Additional Regulations

(a) Zoning District Regulations

Backyard cottages are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.

(b) Number

No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite (see [14-78\(9\)](#)).

(c) Number of Residents

The total number of residents that reside in the backyard cottage and the principal dwelling unit, combined, may not exceed the number permitted for a single household.

(d) Parking

No additional parking is required for a backyard cottage. Any parking that is provided is subject to the same regulations that apply to the principal dwelling unit (detached house).

(e) Owner Occupancy and Rental

At least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling

⁹ These backyard cottage provisions are entirely new.

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-28 Backyard Cottages

unit or the backyard cottage as their permanent residence for a majority of the time each calendar year. Backyard cottages may not be used as short-term rentals.

- (f) **Sale of Backyard Cottage**
Backyard cottages shall not be sold separately from the principal detached house.
- (g) **Deed Restriction**
 Prior to issuance of a permit establishing a backyard cottage, the owner of the subject property must record a deed restriction stating that the owners of the subject property agree (1) to comply with the owner occupancy, rental and other applicable restrictions of this ordinance; and (2) to notify all prospective purchasers of such requirements. The deed restriction runs with the land must be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The deed restriction must be in a form prescribed by the community development director. Proof of recording must be provided to the community development director before any building permits for the backyard cottage are issued.
- (h) **Home Occupations**
 Home occupation uses in 14-78(5) may not be operated out of a backyard cottage.

Figure 2-6. Backyard Cottage Building Regulations

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ARTICLE II RESIDENTIAL (R) DISTRICTS

14-29 Civic Buildings

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14-29 Civic Buildings

(1) Description

A civic building is a building occupied by a public or civic use (as defined in [14-72](#)).

(2) Where Allowed

Civic buildings are allowed in all R districts

(3) Lot and Building Regulations

Civic buildings are subject to compliance with the lot and building regulations of [Table 2-4](#) (see also [Figure 2-7](#)).

TABLE 2-9 — CIVIC BUILDINGS IN R DISTRICTS			
Regulation		R1	R1A, R2 and RM
(a) Lot			
	Minimum Lot Area (square feet)	10,000	10,000
1	Minimum Lot Width (feet)		
	Interior Lot	85	85
	Corner Lot	100	100
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	30	25
3	Street Side	30	25
4	Interior Side	10	6
5	Rear	30	25
(c) Accessory Building Siting			
	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building [1]	
	Minimum Building Separation	5 feet	
	Maximum Building Coverage	50% of rear yard or 700 square feet, whichever is less	
(d) Maximum Building Height			
7	Principal Building (feet)	35	35
	Accessory Building (feet)	15 [2]	15 [2]
(e) Parking Siting			
	Surface or Accessory Parking Yard Location	Rear	
	Allowed Parking Location within Building	Basement and behind occupied space of all other stories	
	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 of all full height floors, not including basement	
(f) Facades			
	Minimum Transparency per Story: All Street Fa- cades (%)	15	15
	Minimum Primary Frontage Principal Entrances	One on primary street facade	

[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2] Not to exceed height of principal building.

DRAFT**ARTICLE II RESIDENTIAL (R) DISTRICTS**
14-29 Civic Buildings

Figure 2-7. Civic Building Regulations

Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

ARTICLE II RESIDENTIAL (R) DISTRICTS

14-30 Generally Applicable Regulations

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14-30 Generally Applicable Regulations

Buildings and uses and uses in R districts are subject to all other applicable regulations of this zoning ordinance, including the following:

(1) Accessory Uses and Structures

See 14-78.

(2) Parking

See Article VIII.

(3) Private Residential Garages

Private residential garages may not exceed 1,000 square feet in floor area or 50% of the living area of the principal dwelling unit, whichever is less.

(4) Landscaping and Screening

See Article X.

(5) Signs

See Chapter 98.

(6) Design

See Article IX.

Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

DRAFT**ARTICLE III. MIXED-USE DISTRICTS**

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14-30 Districts**(1) Districts**

The city's mixed-use zoning districts are listed in [Table 3-1](#). When this zoning ordinance refers to "mixed-use" zoning districts or "X" zoning districts, it is referring to these districts.

TABLE 3-1 — MIXED-USE (X) DISTRICTS

Symbol	Residential District Name
MX1 ¹	Downtown Mixed-Use
MX2 ²	Neighborhood Mixed-Use
MX3 ³	Corridor Mixed-Use
GX1 ⁴	Office-Residential Mix
GX2 ⁵	Neighborhood Office-Residential
RX ⁶	Riverfront Residential

(2) District Descriptions

Mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character of the downtown and commercial nodes and corridors within the city.

(a) MX1, Downtown Mixed-Use District

The MX1 (downtown mixed-use) district is intended to continue the existing character

of the city's downtown commercial corridors with storefronts on the ground-story and upper-story residential and office uses.

(b) MX2, Neighborhood Mixed-Use District

The MX2 (neighborhood mixed-use) district is intended to continue the character at the edges of the downtown and adjacent to residential neighborhoods, where a mix of small-scaled, traditional storefront buildings and commercial buildings with residential elements (i.e. pitched roofs, landscape yards) occur or are desired.

(c) MX3, Corridor Mixed-Use District

The MX3 (corridor mixed-use) district is intended for use along the city's commercial corridors to promote development that is accessible via all modes of transportation, including pedestrians. Commercial uses in the MX3 district may be larger in scale and more flexible than other MX districts, including auto-oriented uses.

(d) GX1, Office-Residential Mix District

The GX1 (office-residential mix) district is intended for areas with a mix of mid-scale residential and/or office buildings, primarily on the edges of intensive locations, such as downtown.

(e) GX2, Neighborhood Office-Residential District

The GX2 (neighborhood office-residential mix) district is intended for areas with a

¹ Existing B-1& B-3 (gas stations)

² Existing B-1& B-3 (gas stations)

³ Existing B-2 & B-3 (gas stations). Also see proposed commercial C3 district for existing B-2 and B-3 locations outside the downtown and gateway area

⁴ Existing B-3 & R-3

⁵ Existing B-1 and R-4

⁶ Existing B-1

ARTICLE III MIXED-USE DISTRICTS

14-31 Generally Applicable Regulations

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mix of small-scale residential and/or office buildings, often as a transition between commercial corridors and residential neighborhoods.

(f) **RX, Riverfront Residential Mix District**

The RX (riverfront residential mix) district is intended for large parcels with river frontage, where a higher intensity mix of residential buildings is desirable. Other uses may be permitted at nodes or on edges at corridors.

14-31 Generally Applicable Regulations

The following regulations apply to all mixed-use districts and building types defined in this article.

(1) **Allowed Uses**

Uses are allowed in X districts in accordance with the use regulations of [Article VII](#). Some building types have additional limitations on permitted uses.

(2) **Allowed Building Types**

Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district per [Table 3-2](#). See [Article XIV](#) for existing buildings that do not fully conform to a applicable building type regulations.

(3) **Exceptions and Exemptions**

The following exceptions and exemptions may apply to the building type regulations.

(a) **Design Exceptions**

General exceptions to building type regulations are allowed as indicated in

[14-125](#). Specific exceptions are also expressly identified in this article.

(b) **Temporary Patio on an MX Lot**

Any MX district lot may be fully developed as an outdoor patio area for allowed uses under the following conditions:

1. A design exception has been approved in accordance with [14-125](#).
2. No building exists on the lot or is included as a part of the patio development.
3. No parking is permitted on the lot, except where if it is fully screened from any primary street by the patio.
4. Screening is required along the primary street in line with the building face. A semi-opaque metal or wood fence must be constructed within the build-to zone of the lot. Shrubs or other plantings must be installed along the fence. A design exception may be requested to eliminate either the fence or landscape, but not both.

(c) **Outdoor Recreation Uses**

Outdoor parks and recreation and outdoor participant sports and recreation uses are exempt from compliance with building type regulations, except that:

1. Buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district; or, for uses accessory to the principal use, with an accessory structure as permitted [14-78](#).

TABLE 3-2 — X DISTRICT BUILDING TYPES

Building Type	Districts						Regulations
	MX1	MX2	MX3	GX1	GX2	RX	
● = permitted - = prohibited							
Storefront	●	●	●	-	-	-	14-33
Commercial Cottage	-	●	●	●	●	-	14-34
Commercial Center	-	-	●	-	-	-	14-35
General Building	-	-	-	●	●	●	14-36
Row Building	-	-	-	●	●	●	14-37
Civic Building	-	●	●	●	●	●	14-38

ARTICLE III MIXED-USE DISTRICTS

14-31 Generally Applicable Regulations

2. Side and rear setbacks for any applicable building type must be used for all structures.

(d) **Utility Structures**

The following structures are not required to comply with regulations applicable to a specific building type.

1. Cell tower structures
2. Utility stations

(4) **Permanent Structures**

All buildings constructed must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.

(5) **Build to the Corner**

All buildings are required to occupy the corner of a lot, defined by the intersection of the two build-to zones or setback lines.

(6) **Building Design Regulations**

All buildings in the X districts must comply with the building design regulations of [Article IX](#).

(7) **Accessory Structure Regulations**

Except as defined in the building type regulations, accessory structures are subject to the regulations of [14-78](#).

(8) **Treatment of Yards**

Paved vehicular areas are limited to specific locations in accordance with the applicable building type regulations. The following additional regulations govern the required treatment of yard areas around buildings.

(a) **Landscape, Patio, Sidewalks**

All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Yard area may not exceed the maximum levels of imperviousness and semi-perviousness established for the subject building type.

(b) **Driveways**

See [14-87](#) for driveway design and location regulations. Driveways may cross through yards as follows:

- a. Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards.

- b. In all X districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.

- c. Driveways accessing rear yard garages are permitted within the side or rear yard setback, up to the property line. If the driveway is shared, the minimum side yard must be provided outside the driveway.

(c) **Side Yard Parking Lots**

Some building types permit side yard parking lots. Side yard parking lots may not encroach into the front yard area or into the minimum required side setback.

(d) **Rear Yards**

Paved vehicular use areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear yard setbacks also apply to parking lots.

(9) **Primary Frontages**

A primary frontage establishes the fronts of lots and buildings and where to locate the principal entrance to the building. A primary frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Primary frontages must be provided as follows:

(a) **Mapped Street Frontages**

Primary frontage requirements must be met in those locations designated on the primary street map.⁷ The primary street map is an element of the city's official zoning map and subject to the zoning map regulations of [14-10](#).

(b) **Open Space Frontage**

Where a lot or parcel contains or abuts open space designated as a PI district, the frontage of a building abutting the open space must comply with primary frontage requirements.

(c) **River or Trail Frontage**

Any facade facing a river or trail system must be treated as a primary frontage.

(d) **Other Public Ways**

Pedestrian ways and paseos to parking lots through parcels, blocks, or buildings must be treated as street frontage, unless a reduction

⁷ Map to be provided.

ARTICLE III MIXED-USE DISTRICTS

14-32 Reading the Building Type Regulations

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in transparency or the use of alternative facade materials are approved as a design exception in accordance with the procedures of [14-125](#).

- (e) **Multiple Primary Frontages.** If multiple primary frontages and no other non-primary frontages exist for a lot, one primary frontage may be designated by the zoning administrator as a non-primary frontage subject to all of the following:
 1. The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with non-primary requirements; and
 2. No plans for primary street designation in the future exist for the proposed non-primary frontage.
- (f) **Corners**
At corners of buildings on streets and public ways, primary frontage treatments, including such items as, but not limited to, ground-story transparency, facade materials, building facade regulations, must be continued around the corner along the non-primary street or public way for a minimum of 30 feet.
- (g) **Non-Primary Frontages**
Non-primary street frontages may utilize the regulations that apply to primary street frontages.

(10) Trash, Recycling, Refuse Locations

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas must be located and treated as follows:

- (a) Trash, recycling, and other refuse areas in the rear yard of the lot.
- (b) When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear half of an interior side yard.
- (c) Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade if approved as a design exception in accordance with the procedures of [14-125](#). Access doors must be

opaque, screening a minimum of 80 of the opening.

- (d) See [14-95](#) for required screening of trash, recycling, and other refuse areas.

14-32 Reading the Building Type Regulations

This section explains how to read and interpret the building type regulations.

(1) Allowed Building Types Table

[Table 3-1](#) defines which building types are allowed within each district.

(2) Regulations of General Applicability

See [14-31](#) for building regulations applicable to all building types.

(3) Building Type Pages

In [14-33](#) through [14-38](#), four pages are provided for each of the building types:

- (a) **Description of Building Type**
The first page of each specific building type section provides a general description of the building type and several images showing typical examples of the building type.
- (b) **Table and Diagrams Spread**
The next 2 pages of each specific building type section provides the key spread of information, meant to be viewed as a whole. See [Figure 3-1](#) for an explanation of the building type regulations.
- (c) **Supplemental Regulations**
The final page of each specific building type section contains supplemental regulations referenced from the table of regulations. Specific design situations are explained on these pages and additional graphic diagrams may also be provided. For example, the explanation of how multiple buildings might be configured on one site may be included in this subsection.

(4) Building Design

See [Article IX](#) for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

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ARTICLE III MIXED-USE DISTRICTS

14-32 Reading the Building Type Regulations

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Figure 3-2. Illustrative Examples

Description of Building Type

ARTICLE III MIXED-USE DISTRICTS

14-33 Storefront Buildings

(3) Building Regulations

Storefront buildings are subject to compliance with the regulations of general applicability specified in 14-31, and the building type-specific regulations of Table 3-2 (further illustrated in Figure 3-3). See Article XX for rules governing how compliance with applicable regulations is measured.

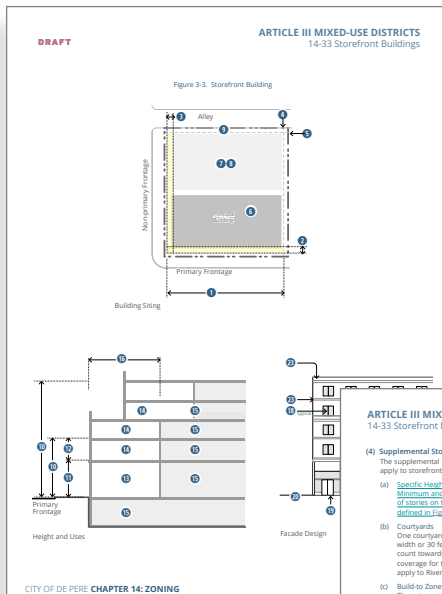
TABLE 3-2 — STOREFRONT BUILDING REGULATIONS

BUILDING SITING	DISTRICTS		REFERENCES
	MX1	MX2 & MX3	
1. Minimum Primary Frontage Coverage (%)	95	95	See 14-33(a) for allowed courtyards.
2. Primary Frontage Build-to Zone (feet)	0 to 5.	0 to 10	See 14-33(a) for allowed buildings.
3. Non-Primary Frontage Build-to Zone (feet)	0 to 10.	0 to 15	See 14-33(a) for explanation of permitted primary frontage.
4. Minimum Side Setback (feet)	0 to 5, if abutting other building type		
5. Minimum Rear Setback (feet)	10, 0 if abutting an alley		
6. Maximum Side Impervious Coverage (%)	10		
7. Additional Semi-Permeable Coverage (%)	10		
8. Surface or Accessory Parking Yard Location	Rear	Rear, limited side	See 14-33(a) for explanation of rear and side parking.
9. Telling & Recycling, Utilities, & Loading Yard Location	Rear		See 14-33(a) for recycling regulations.
10. Permitted Driveway Access Location	Alley only, if no alley exists, one off non-primary street		See 14-33(a) for driveway of allowed.
11. Permitted Garage Entry Facade Location	Rear or non-primary street facade		See 14-33(a) for doors off street.
Height			
12. Overall: Minimum Height (stories)	2	1	See step-back regulations in 14-33(a) and 14-33(b) for height regulations.
13. Maximum Height (stories)	5, step-backs required above 3rd specific street, Downtown District only	3	
14. Ground Story: Minimum Height (feet)	14	14	
15. Upper Stories: Minimum Height (feet)	9	9	Stories are measured floor to floor.
16. Maximum Height (feet)	12	12	
Uses			
17. Primary Frontage Ground-Story Allowed Uses	Limited to retail, eating & drinking establishments, personal services, fitness, and other active uses.		See Article VI for allowed uses.
18. Non-Primary Frontage, All Upper Stories, & Common Allowed Uses	All uses allowed in accordance with Article VI.		
19. Allowed Parking Location within Building	Permitted fully in any basement and behind measured occupied space of all other stories.		See 14-33(a) for definition of occupied space.
20. Minimum Depth of Occupied Building Space Along Primary Frontage Facade (feet)	25 at full height floors; not required in any basement		
Facade & Sign Requirements			
21. Minimum Transparency Ground-Story Primary Frontage Facades (%)	70 measured between 2 and 8 feet above sidewalk		14-33(a) requires primary frontage (ground story) to be open, clear wall openings apply to primary frontage facades per Article VI.
22. Minimum Transparency All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories		
23. Minimum Primary Frontage Principal Entrances	Principal entrances 1 per every 50 feet of facade, measured between 2 and 8 feet, up to 10 feet wide		See 14-33(a) for Principal Entrances per Article VI.
24. Entrance Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk grade		
25. Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 30 feet of facade width		See 14-33(a) for definition of shadow.
26. Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground story on any street facade		See 14-33(a) for building elevations, including texture variety.
27. Permitted Building Cap Types	Parapet, flat, lower permitted	Parapet, pitched, flat, lower permitted	See 14-33(a) for building cap requirements.

3-8

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Table and Diagrams Spread



CITY OF DE PERE CHAPTER 14: ZONING

Supplemental Regulations

ARTICLE III MIXED-USE DISTRICTS

14-33 Storefront Buildings

(4) Supplemental Storefront Building Regulations

The supplemental regulations of this subsection apply to storefront buildings.

- (a) Specific Height on East Side of Downtown
Minimum and maximum height in number of stories on the east side of downtown are defined in Table 3-4.
- (b) Courtyards
One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the Storefront building. Does not apply to Riverfront building.
- (c) Build-to Zone Expansion
The primary street build-to zone may expand to between 0 and 25 feet for a maximum of 15% of the frontage to allow for additional seating or sidewalk.
- (d) Additional Step-Back Regulations
Where required, upper stories must be set back from lower stories a minimum 12 feet. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.
- (e) Limited Side Yard Parking
Limited side yard parking is one double-loaded aisle of parking oriented perpendicular to the street, with a maximum width of 70 feet as measured along the street right-of-way.

add height range map from page 43 of Cultural District Masterplan

Figure 3-4. Specific Allowed Heights in East Downtown

3-10

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ARTICLE III MIXED-USE DISTRICTS
14-32 Reading the Building Type Regulations

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ARTICLE III MIXED-USE DISTRICTS

14-33 Storefront Buildings

14-33 Storefront Buildings

Storefront buildings are allowed in those districts indicated in [Table 3-2](#). See [14-62](#) for information regarding this building type on master development plan overlay sites.

(1) Intent

Storefront buildings are highly pedestrian-oriented, mixed-use buildings. Key elements include ground-story storefront windows and multiple entrances along primary streets, with retail stores, eating and drinking establishments, and a variety of service

uses to encourage a high level of pedestrian activity. Upper-story uses are flexible. Parking is located in the rear, screened from the primary street by the building.

(2) Illustrative Images

The images shown in [Figure 3-2](#) are intended to generally illustrate the character of storefront buildings. The buildings and sites in each image do not necessarily comply with all applicable storefront building regulations.



Figure 3-2. Illustrative Examples of Storefront Building. Each building image may not exhibit all of the requirements of the building type.

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ARTICLE III MIXED-USE DISTRICTS

14-33 Storefront Buildings

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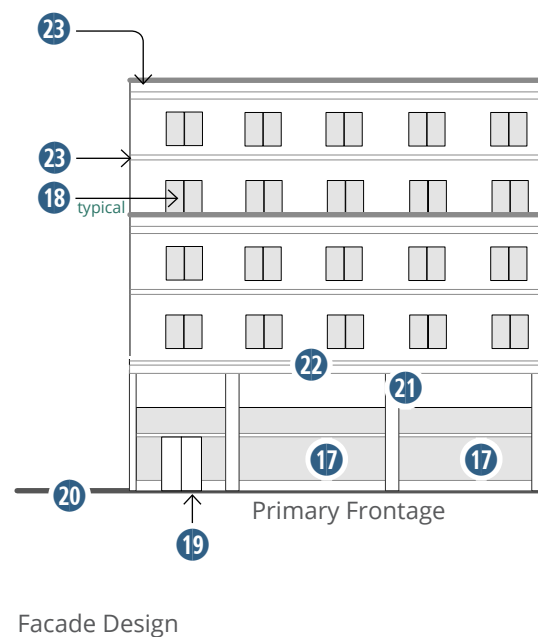
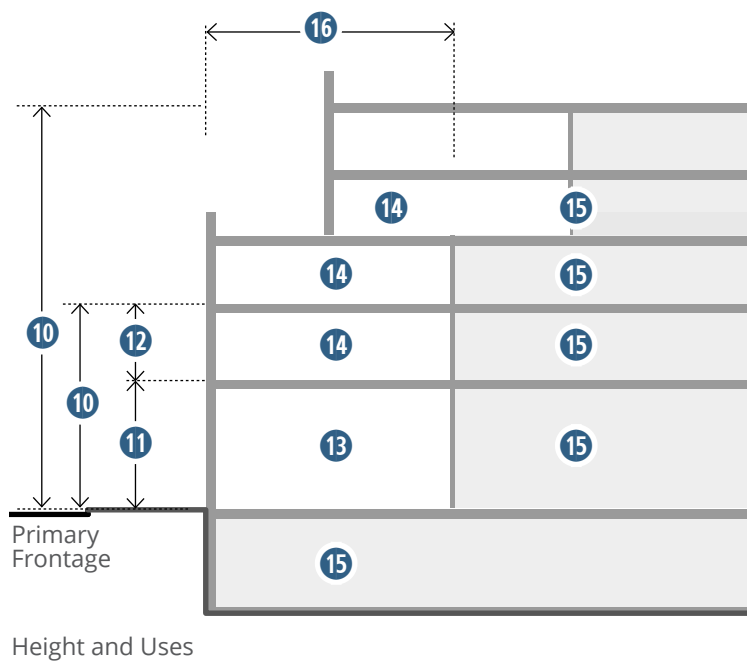
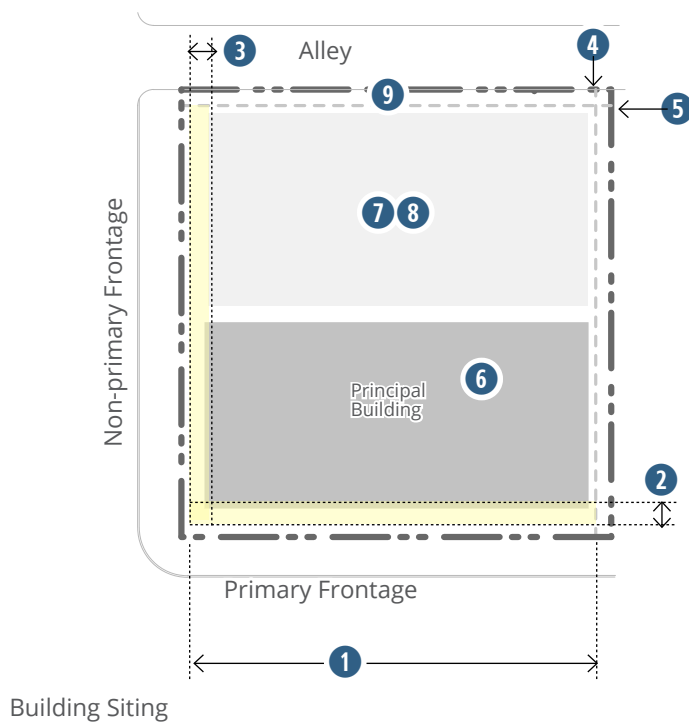
(3) Building Regulations

Storefront buildings are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-3](#) (further illustrated in [Figure 3-3](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured.

TABLE 3-3 — STOREFRONT BUILDING REGULATIONS

		DISTRICTS		REFERENCES
		MX1	MX2 & MX3	
(f) Building Siting				
1	Minimum Primary Frontage Coverage (%)	95	95	See 14-33(4) for allowed courtyards.
2	Primary Frontage Build-to Zone (feet)	0. to 5.	0 to 10	See 14-33(4) for allowed build-to zone expansions.
3	Non-Primary Frontage Build-to Zone (feet)	0. to 10.	0. to 15	See 14-31(9) for explanation of primary and non-primary frontages.
4	Minimum Side Setback (feet)	0; 5, if abutting other building type		
5	Minimum Rear Setback (feet)	10 ; 0 if abutting an alley		
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	90 10		
7	Surface or Accessory Parking Yard Location	Rear	Rear, limited side	See 14-33(4) for explanation of limited side yard parking..
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear or non-primary street facade		See 14-87(d) for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
(g) Height				
10	Overall: Minimum Height (stories) Maximum Height (stories)	2 5; step-backs required above 3rd; specific east downtown heights apply	1 3	See step-back regulations in 14-33(4) and specific east side height range regulations in 14-33(4)(a) .
11	Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 18	14 18	Stories are measured floor to floor.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	
(h) Uses				
13	Primary Frontage Ground-Story Allowed Uses	Limited to retail, eating & drinking establishments, personal service, studio, and office uses		See Article VII for allowed uses.
14	Non-primary Frontage, All Upper Stories, & Basement Allowed Uses	All uses allowed in accordance with Article VII		
15	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		See 14-163 for definition of occupied space.
16	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement		
(i) Facade & Cap Requirements				
17	Minimum Transparency: Ground-Story Primary Frontage Facades (%)	70 measured between 2 and 8 feet above sidewalk		14-31(9)(f) requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 14-161 .
18	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories		
19	Minimum Primary Frontage Principal Entrances	Principal entrances 1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide		See 14-90(6) for Principal Entryway regulations.
20	Entrance/Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk grade		
21	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 30 of facade width		See 14-163 for definition of shadow line.
22	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		See 14-90(7) for building articulation, including building variety.
23	Permitted Building Cap Types	Parapet, flat; tower permitted	Parapet, pitched, flat; tower permitted	See 14-39 for building cap regulations.

Figure 3-3. Storefront Building



ARTICLE III MIXED-USE DISTRICTS

14-33 Storefront Buildings

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(4) Supplemental Storefront Building Regulations

The supplemental regulations of this subsection apply to storefront buildings.

- (a) Specific Height on East Side of Downtown
Minimum and maximum height in number of stories on the east side of downtown are defined in Figure 3-4.
- (b) Courtyards
One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the Storefront building. Does not apply to Riverfront building.
- (c) Build-to Zone Expansion
The primary street build-to zone may expand to between 0 and 25 feet for a maximum of 15% of the frontage to allow for additional seating or sidewalk.
- (d) Additional Step-Back Regulations
Where required, upper stories must be set back from lower stories a minimum 12 feet. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.
- (e) Limited Side Yard Parking
Limited side yard parking is one double-loaded aisle of parking oriented perpendicular to the street, with a maximum width of 70 feet as measured along the street right-of-way.



Figure 3-4. Specific Allowed Heights in East Downtown

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ARTICLE III MIXED-USE DISTRICTS

14-34 Commercial Manor Buildings

14-34 Commercial Manor Buildings

Commercial manor buildings are allowed in those districts indicated in [Table 3-2](#). See 14-62 for information regarding this building type on master development plan overlay sites.

(1) Intent

The commercial manor is a smaller scaled building type with characteristics similar to residential houses, such as a pitched roof, a front stoop or porch, and yard surrounding, to allow it to fit into an existing specific context. Uses in this building

type are specifically set to function adjacent to residential.

(2) Illustrative Images

The images shown in [Figure 3-5](#) are intended to generally illustrate the character of commercial manor buildings. The buildings and sites in each image do not necessarily comply with all applicable commercial manor building regulations.



Figure 3-5. Illustrative Examples of Commercial Manor Building

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ARTICLE III MIXED-USE DISTRICTS

14-34 Commercial Manor Buildings

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(3) Building Regulations

Commercial manor buildings are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-4](#) (further illustrated in [Figure 3-6](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured.

TABLE 3-4 — COMMERCIAL MANOR BUILDING REGULATIONS

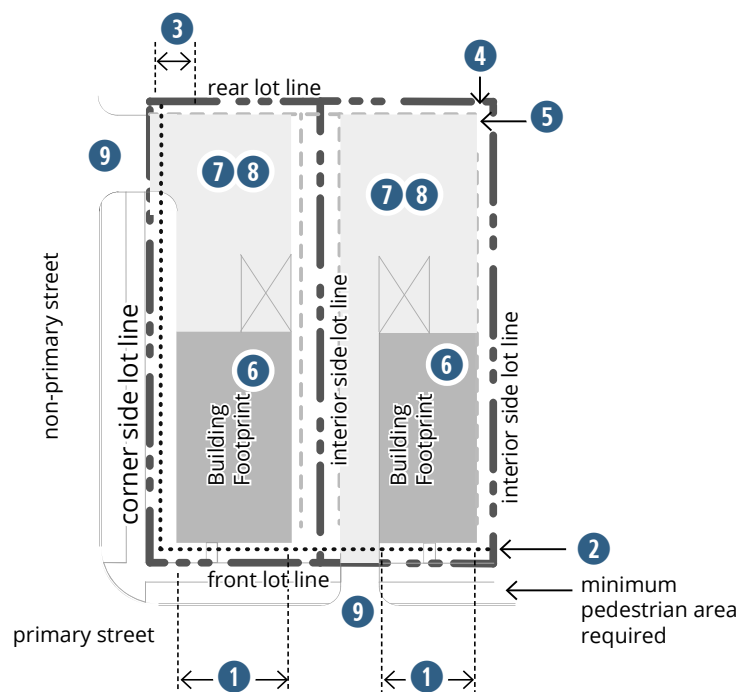
		DISTRICTS		REFERENCES
		MX2	GX2	
(c) Building Siting				
1	Maximum Building Width (feet)	60 90	60 90	See 14-34(4) for allowed connections between buildings.
2	Primary Frontage Build-to Zone (feet)	7.5. to 15.	12 to 25	See 14-34(4) for allowed build-to zone expansions.
3	Non-Primary Frontage Build-to Zone (feet)	7.5. to 15.	8. to 30	See 14-31(9) for explanation of primary and non-primary frontages.
4	Minimum Side Setback (feet)	5	5 (10 if abutting R district), and total of 20 both sides	
5	Minimum Rear Setback (feet)	5 ; 0 if abutting an alley	35 building; 0 for parking	
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 10	60 25	
7	Surface or Accessory Parking Yard Location	Rear, limited side		See 14-34(4) for explanation of limited side yard parking.
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley Rear or non-primary street facade		See 14-87 for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
(d) Height				
10	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	1 2.5 35 feet	1 2.5 35 feet	
11	Ground-Story: Minimum Height (feet) Maximum Height (feet)	9 14	9 14	Stories are measured floor to floor. .
(e) Uses				
12	Primary Frontage Ground-Story Allowed Uses	All uses allowed in accordance with Article VII , except residential		See Article VII for allowed uses.
13	Non-primary Frontage, All Upper Stories, & Basement Allowed Uses	All uses allowed in accordance with Article VII		
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	30 all full height floors; not required in any basement		See 14-163 for definition of occupied space.
(f) Facade & Cap Requirements				
16	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories		Blank wall limitations apply to primary frontage facades per 14-161 .
17	Minimum Primary Frontage Principal Entrances	1 per every 60 feet of facade; off a stoop, minimum 4 ft. wide and 3 ft. deep or a porch, minimum 6 ft. wide by 4 ft. deep		See 14-90(6) for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Principal entrance and the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)		See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 30 of facade width		See 14-163 for definition of shadow line. See 14-90(7) for building articulation, including building variety.
20	Permitted Cap Types	pitched; tower permitted		See 14-39 for building cap regulations.

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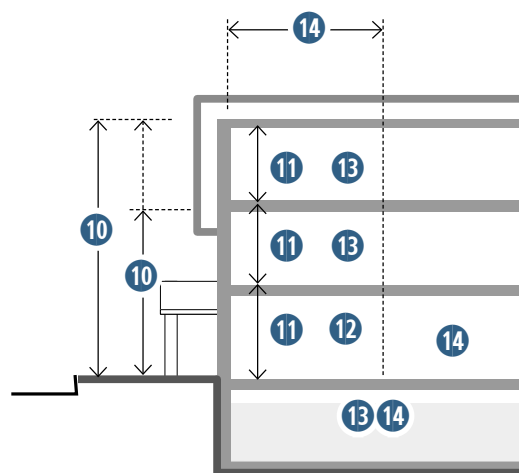
ARTICLE III MIXED-USE DISTRICTS

14-34 Commercial Manor Buildings

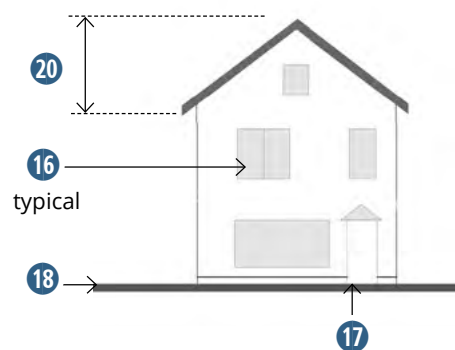
Figure 3-6. Commercial Manor Building



Building Siting



Height and Uses



Facade Design

ARTICLE III MIXED-USE DISTRICTS

14-34 Commercial Manor Buildings

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(4) Supplemental Commercial Manor Building Regulations

The supplemental regulations of this subsection apply to commercial manor buildings.

- (a) **Allowed Connections between Buildings**
Multiple commercial manor buildings may be connected by a single story enclosed building segment, a maximum of 15 feet in depth, setback from the front facade at least 12 feet. See [Figure 3-7. Connections must meet all setback regulations and must not cross parcel lines.](#)

(b) Shared Driveways/Alley

For lots without access to a non-primary street, one driveway per lot is permitted from the primary street. If multiple abutting lots are under common ownership or control, shared driveways must be used, with a maximum of one shared driveway off a primary street for 2 lots and a maximum of 2 driveways off a primary street for 3 or more lots.

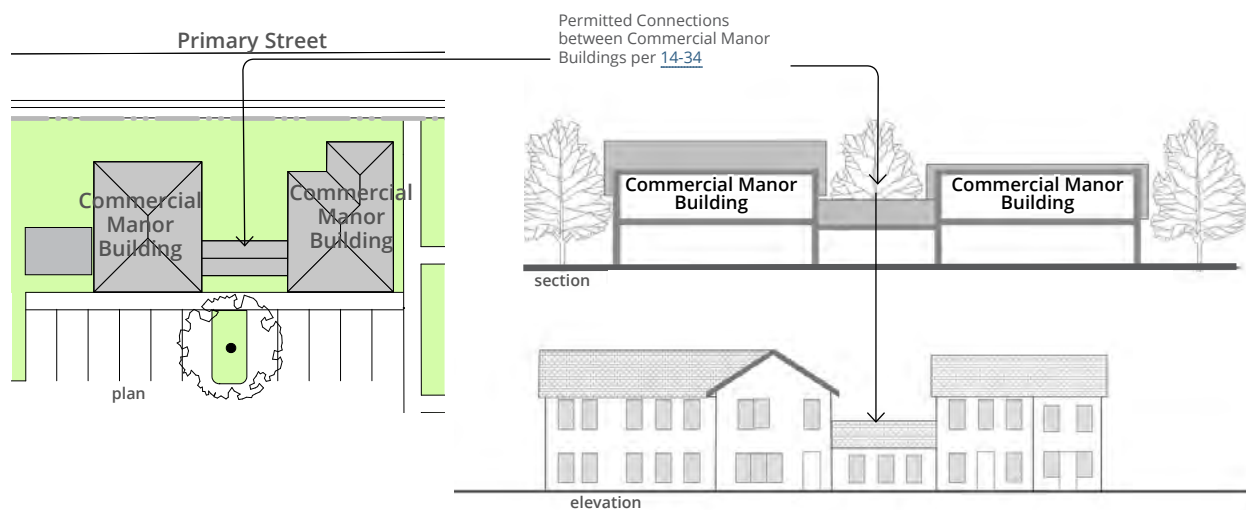


Figure 3-7. Commercial Manor Building: Connections

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ARTICLE III MIXED-USE DISTRICTS

14-35 Commercial Centers

14-35 Commercial Centers

Commercial centers are allowed in those districts indicated in [Table 3-2](#). See [14-62](#) for information regarding this building type on master development plan overlay sites.

(1) Intent

The Commercial Center building type is intended to accommodate multiple buildings on one site and more automobile parking, while maintaining pedestrian accessibility. Similar to the Storefront building, a high level of storefront glass and regularly spaced entrances along the front and main parking lot facades increases walkability

within the center, while buildings fronting the street provides interest and scale for pedestrians on the perimeter.

(2) Illustrative Images

The images shown in [Figure 3-8](#) are intended to generally illustrate the character of commercial center buildings. The buildings and sites in each image do not necessarily comply with all applicable commercial center building regulations.

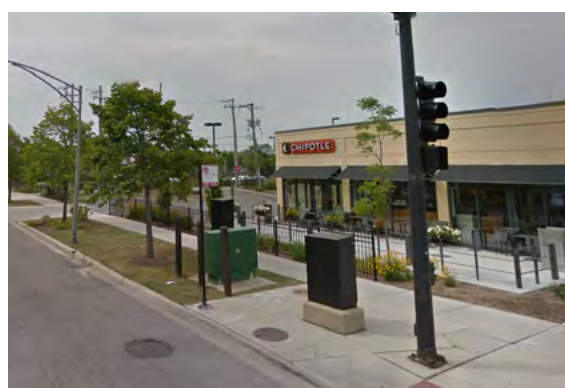


Figure 3-8. Illustrative Examples of Commercial Center Building. Each building image may not exhibit all of the requirements of the building type.

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ARTICLE III MIXED-USE DISTRICTS

14-35 Commercial Centers

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(3) Building Regulations

Commercial centers are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-5](#) (further illustrated in [Figure 3-9](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured.

TABLE 3-5 — COMMERCIAL CENTER BUILDING REGULATIONS

		MX3	REFERENCES
(g) Building Siting			
1	Minimum Primary Frontage Coverage (%)	60	See 14-35(4) for allowed courtyards.. See 14-35(4) for double frontage lots.
2	Primary Frontage Build-to Zone (feet)	0. to 15.	See 14-31(9) for explanation of primary and non-primary frontages.
3	Non-Primary Frontage Build-to Zone (feet)	0. to 10.	
4	Minimum Side Setback (feet)	0; 10, if abutting other district	
5	Minimum Rear Setback (feet)	15 ; 0 if abutting an alley	
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	
7	Surface or Accessory Parking Yard Location	Center, rear, interior side	See 14-35(4) for pedestrian pathways. See 14-35(4) for explanation of limited side yard parking..
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear	See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	1 per 300 feet of street frontage Rear, interior side, or non-primary street facade	See 14-87(d) for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
(h) Height			
10	Overall: Minimum Height (stories) Maximum Height (stories)	1 3; 5, if located at least 100 feet from any R district lot line	See 14-35(4) for step-back regulations
11	Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 18	Stories are measured floor to floor. See 14-32(8)(4) for taller floor to floor heights for warehouse retail.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 14	
(i) Uses			
13	Primary Frontage Ground-Story Allowed Uses	Limited to retail, eating and drinking establishments, personal service, studio uses	See Article VII for allowed uses.
14	Non-primary Frontage, All Upper Stories, & Basement Allowed Uses	All uses allowed in accordance with Article VII	
15	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories	
16	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement	See 14-163 for definition of occupied space.
(j) Facade & Cap Requirements			
17	Minimum Transparency: Ground-Story Primary Frontage & Main Parking Facades (%)	60, measured between 2 and 8 feet above sidewalk	14-31(9)(f) requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 14-161 .
18	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories (including half stories)	
19	Minimum Primary Frontage & Main Parking Principal Entrances	1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide outside BTZ	See 14-90(6) for Principal Entryway regulations.
20	Entrance/Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk grade	See Article XIV for measuring.
21	Ground-Story Vertical Facade Divisions on Primary Frontage & Main Parking Facades	One shadow line per every 30 of facade width	See 14-163 for definition of shadow line. See 14-90(7) for building articulation, including building variety.
22	Horizontal Facade Divisions on Primary Frontage & Main Parking Facades	One shadow line within 3 feet of the top of the ground-story on multi-story buildings	
23	Permitted Cap Types	Parapet, pitched, flat; tower permitted	See 14-39 for building cap regulations.

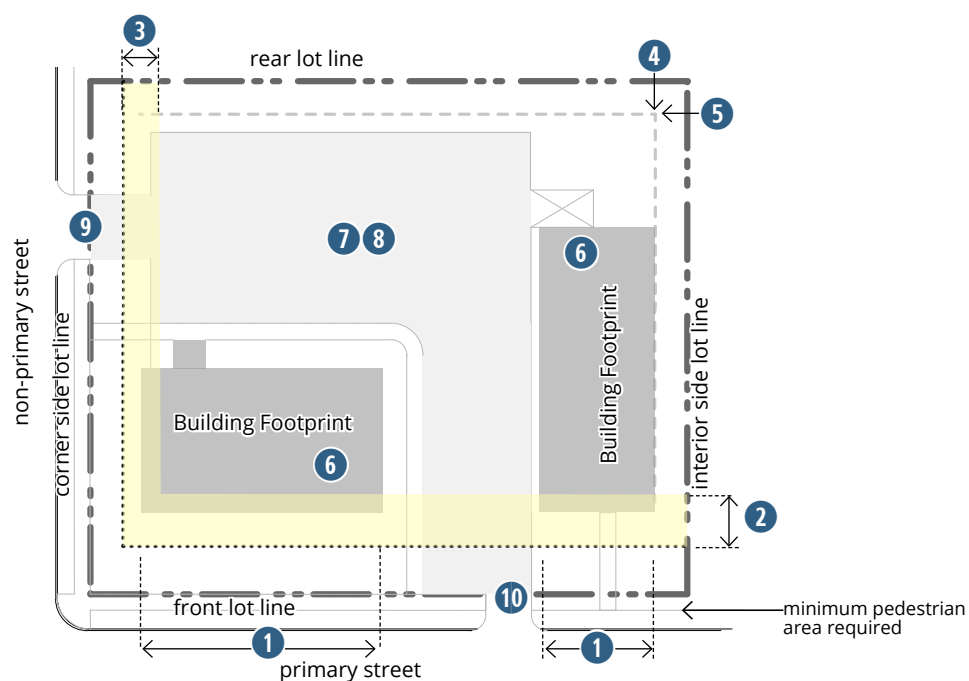
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ARTICLE III MIXED-USE DISTRICTS

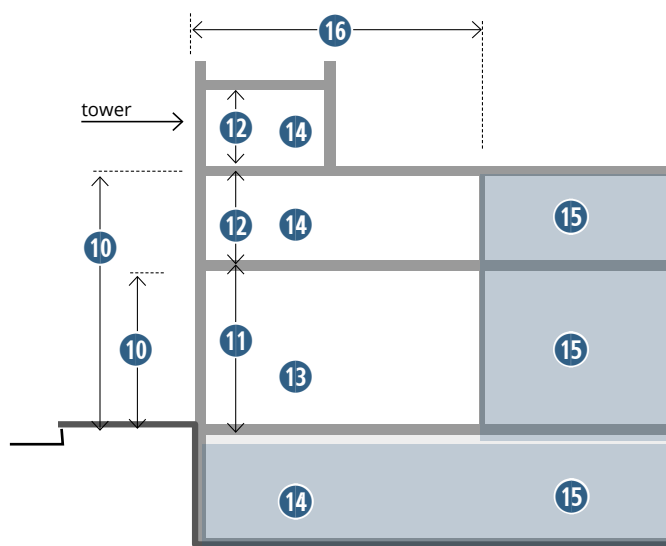
14-35 Commercial Centers

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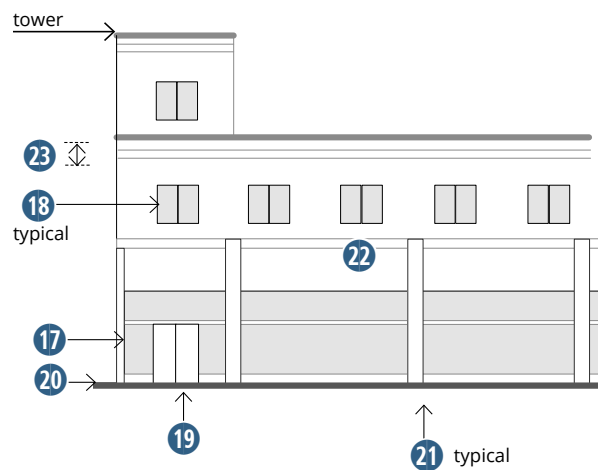
Figure 3-9. Commercial Center



Building Siting



Height and Uses



Facade Design

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ARTICLE III MIXED-USE DISTRICTS

14-35 Commercial Centers

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(4) Supplemental Commercial Center Regulations

The supplemental regulations of this subsection apply to commercial centers.

(a) Double Frontage Lots

Double Frontage Lots (see definition in [14-163](#)) that are deeper than 120 feet and share a primary frontage with an R district must provide the following:

1. The Row building types must front the adjacent R district primary street.
2. The Commercial Center lot must incorporate an interior alley, lane, or drive to provide access to both the Commercial Center building parking and the garage/ parking for the Row building.
3. The rear of all buildings must be fully screened by building from both primary streets.

(b) Courtyards

One courtyard, maximum of 30 of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.

(c) Minimum Pedestrian Area

Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone must begin at 12 feet from the back of curb and extend into the site the depth defined.

(d) Pedestrian Pathway

Direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on the main parking lot frontage, and dividing parking lots into segments no longer than 300 feet in length. ~~The pathway must include the following:~~

1. ~~Streetscape is required along the pedestrian pathway per XXX. Pavement must be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the community development director.~~
2. ~~Perpendicular crossings of parking drives are permitted, but the pavement must match the pathway.~~
3. ~~Parallel paths to parking must be located in a raised median or island.~~

(e) Limited Side Yard Parking

Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Parking screening is required in accordance with [14-103](#).

(f) Warehouse-Retail Space

Taller floor to floor heights may be permitted for warehouse-retail space with approval of a design exception per [14-125](#) and where all other primary frontage and main parking lot frontage ground-story requirements are met:

1. The maximum height of the primary or main parking frontage for up to a 24-foot wide segment may be 28 feet.
2. When the primary and main parking frontage ground-story maximum height is met per the 30-foot depth required in [14-161\(14\)](#) and the maximum height of any non-primary street is met per the "all stories" height, or, the remainder of the ground-story may have a maximum height of 28 feet.
3. The taller space may not front any other street.
4. The taller space may not be more than 30 feet from any other side, or rear lot line.

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ARTICLE III MIXED-USE DISTRICTS

14-36 General Buildings

14-36 General Buildings

General buildings are allowed in those districts indicated in [Table 3-2](#). See [14-62](#) for information regarding this building type on master development plan overlay sites.

(1) Intent

The General building type is a basic building that can accommodate a wide range of uses, from residential for apartment and/or condominium buildings to office buildings. The General building type does not call for ground-floor storefront glass, but requires the same minimum level of

transparency on the ground and upper stories. Additionally, unlike the Storefront building type, the ground-story may be elevated above the sidewalk level..

(2) Illustrative Images

The images shown in [Figure 3-10](#) are intended to generally illustrate the character of general buildings. The buildings and sites in each image do not necessarily comply with all applicable general building regulations.

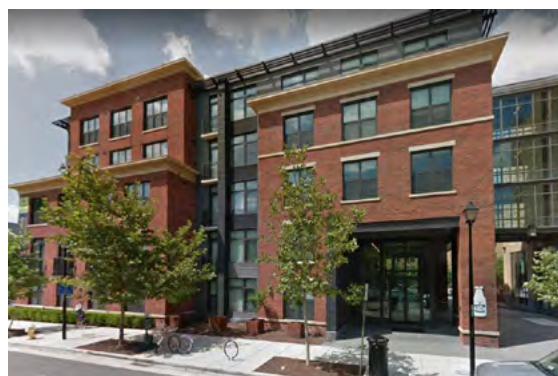
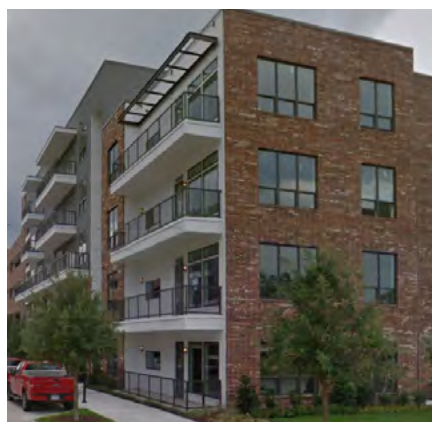


Figure 3-10. Illustrative Examples of General Building



ARTICLE III MIXED-USE DISTRICTS

14-36 General Buildings

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(3) Building Regulations

General buildings are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-6](#) (further illustrated in [Figure 3-11](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured.

TABLE 3-6 — GENERAL BUILDING REGULATIONS

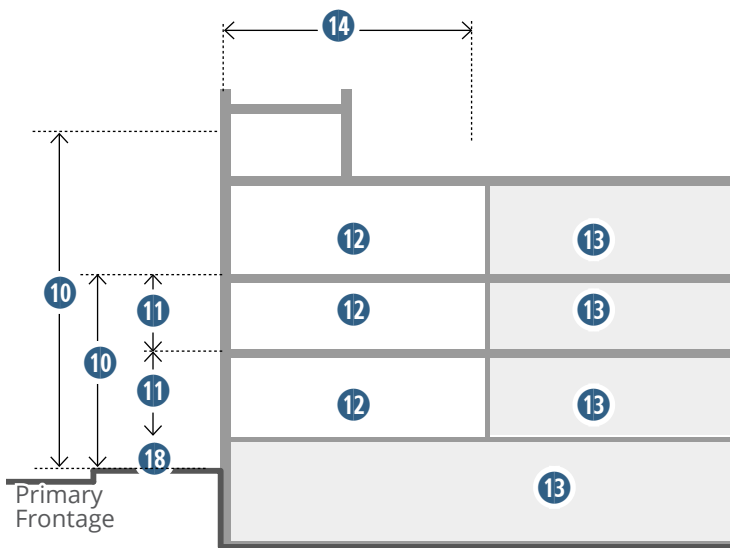
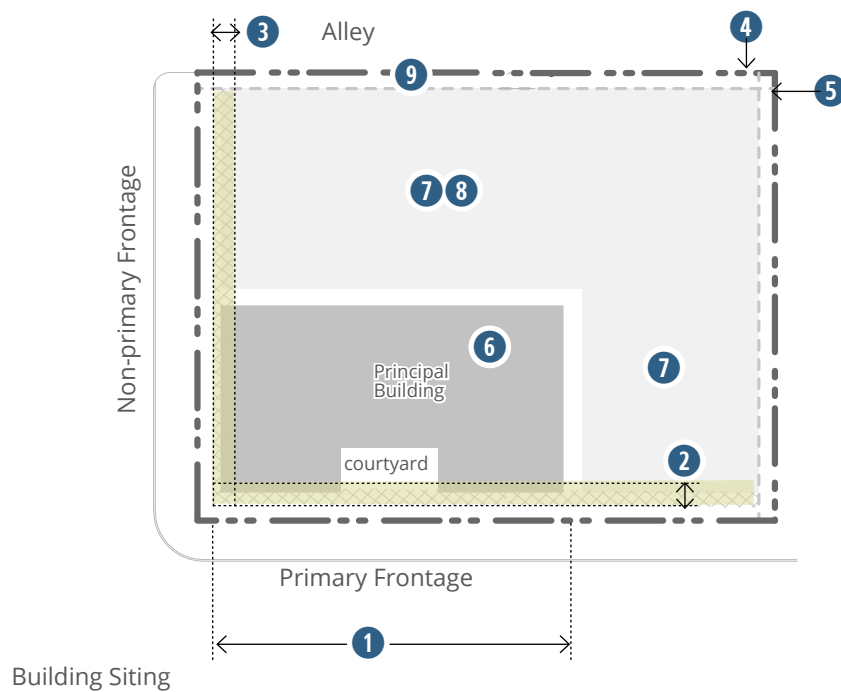
		GX1	GX2	RX	REFERENCES
(g) Building Siting					
1	Minimum Primary Frontage Coverage (%)	80	75	75	See 14-36(4) for allowed court-yards.
2	Maximum Building Width (feet)	not applicable	120	120	.
3	Primary Frontage Build-to Zone (feet)	5. to 15.	10 to 20	10 to 20	See 14-36(4) for deeper setback adjacent to R district. See 14-31(9) for explanation of primary and non-primary frontages.
4	Non-Primary Frontage Build-to Zone (feet)	5. to 15.	5. to 35	5. to 35	
5	Minimum Side Setback (feet)	5; 10, if abutting other building type			
6	Minimum Rear Setback (feet)	15	25		
7	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	65 25	65 25	
8	Surface or Accessory Parking Yard Location	Rear	Rear, limited side	Center, limited side	See 14-36(4) for explanation of limited side yard parking..
9	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		Center, side	See Article X for screening regulations.
10	Permitted Driveway Access Location	Alley only; if no alley exists, one off non-primary street		One per 200 l.f. of street frontage Side	See 14-87(d) for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
	Permitted Garage Entry Facade Location	Rear or non-primary street facade			
(h) Height					
11	Overall: Minimum Height (stories) Maximum Height (stories)	2 5, see 14-36(4) for specific heights; step-backs required above 3	1.5 3	2 7; step-backs required above 5	See 14-36(4) for step-back regulations See 14-161(14) for measuring height. Height is measured from street, not river-trail frontage.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	10 14	9 12	10 14	Stories are measured floor to floor..
(i) Uses					
13	All Frontages & Stories	All uses allowed in accordance with Article VII			See Article VII for allowed uses.
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories			
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement			See 14-163 for definition of occupied space.
(j) Facade & Cap Requirements					
16	Minimum Transparency: All Street & River -Trail Frontage Facades (%)	15, measured per story of all stories			Blank wall limitations apply to primary frontage facades per 14-161 .
17	Minimum Primary & River Frontage Principal Entrances	One per every 90 of building facade, off a stoop, minimum 6 wide and 3 deep			See 14-90(6) for Principal Entry-way regulations.
18	Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)			See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 100 of facade width			See 14-163 for definition of shadow line.
20	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade			See 14-90(7) for building articulation, including building variety.
21	Permitted Cap Types	Parapet, flat, pitched; tower permitted			See 14-39 for building cap regulations.

ARTICLE III MIXED-USE DISTRICTS

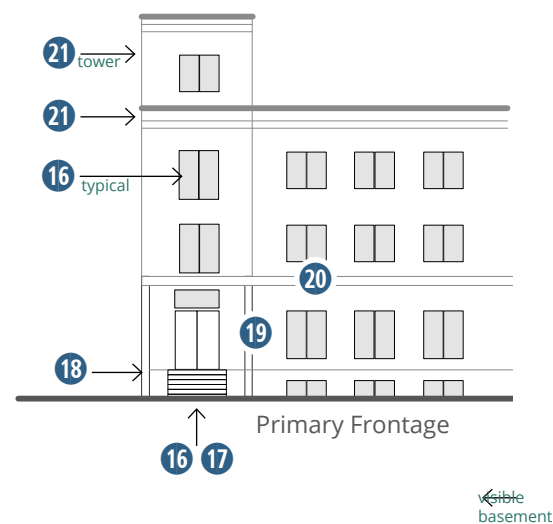
14-36 General Buildings

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Figure 3-11. General Building



Height and Uses



Facade Design

visible
basement

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ARTICLE III MIXED-USE DISTRICTS

14-36 General Buildings

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(4) Supplemental General Building Regulations

The supplemental regulations of this subsection apply to general buildings.

(a) **Courtyards**

One courtyard, maximum of 30 of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the General building.

(b) **Build-to Zone Exceptions**

For the General building, the primary street or the non-primary street build-to zone may expand to between 5 and 25 feet for a maximum of 15% of the frontage to allow for additional seating, plaza, or landscape area.

(c) **Step-Back Regulations**

1. Where required, upper stories must be set back from lower stories a minimum 12 feet.
2. Step-backs are required along street frontages and at side yards abutting an R district.
3. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.

(d) Specific Height on East Side of Downtown
Minimum and maximum height in number of stories on the east side of downtown are defined in Figure 3-12.

(e) **Build-to Zones Adjacent to R Districts**

Where adjacent an R district, the build-to zone may be expanded up to the setbacks of adjacent buildings.

(f) **Limited Side Yard Parking**

Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Parking screening is required in accordance with 14-103.



Figure 3-12. Specific Allowed Heights in East Downtown

ARTICLE III MIXED-USE DISTRICTS

14-37 Row Buildings

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14-37 Row Buildings

Row buildings are allowed in those districts indicated in [Table 3-2](#). See [14-62](#) for information regarding this building type on master development plan overlay sites.

(1) Intent

The row building type is similar to the General building, but is smaller in scale and divided into a series of vertical units each with separate entrances. Townhouses, rowhouses, or live-work units exemplify this building type.

(2) Illustrative Images

The images shown in [Figure 3-13](#) are intended to generally illustrate the character of row buildings. The buildings and sites in each image do not necessarily comply with all applicable row building regulations.



Figure 3-13. Illustrative Examples of Row Building. Each building image may not exhibit all of the requirements of the building type.



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ARTICLE III MIXED-USE DISTRICTS

14-37 Row Buildings

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(3) Building Regulations

Row buildings are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-7](#) (further illustrated in [Figure 3-9](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured. Supplemental Row Building Regulations.

TABLE 3-7 — ROW BUILDING REGULATIONS

		GX1	GX2	RX	REFERENCES
(d) Building Siting					
For the purposes of the Row building types, a building consists of multiple units.					
1	Minimum Primary Frontage Coverage (%)	80	75	75	See 14-37(4) for allowed courtyards.
2	Maximum Building Width (feet)	8 units or 200 feet, whichever is less			Building width is measured along street faces.
3	Primary Frontage Build-to Zone (feet)	0. to 20.	10 to 20	5 to 20	See 14-37(4) for build-to zones at courtyards.
4	Non-Primary Frontage Build-to Zone (feet)	5. to 15.	5. to 35	5. to 35	See 14-31(9) for explanation of primary and non-primary frontages.
5	Minimum Side Setback (feet) Minimum Space between Buildings (feet)	5; 10, if abutting other building type 15			
6	Minimum Rear Setback (feet)	15; 0 adjacent to alley	25; 5 adjacent to alley		
7	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	65 15	65 15	
8	Surface or Accessory Parking Yard Location	Rear	Rear	Center	
9	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		Center, side	See Article X for screening regulations.
10	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear			See 14-87(d) for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
(e) Height					
11	Overall: Minimum Height (stories) Maximum Height (stories)	2 3.5	1 2.5	1 3.5	See 14-161(14) for measuring height. Height is measured from street, not river-trail frontage.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	10 14	9 12	10 14	Stories are measured floor to floor. .
(f) Uses					
13	All Frontages & Stories	All uses allowed in accordance with Article VII			See Article VII for allowed uses.
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories			
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 for all full height floors; not required in any basement			See 14-163 for definition of occupied space.
(g) Facade & Cap Requirements					
16	Minimum Transparency: All Street & River/ Trail Frontage Facades (%)	15, measured per story of all stories			Blank wall limitations apply to primary frontage facades per 14-161 .
17	Minimum Primary & River Frontage Principal Entrances	Each unit requires one principal entrance on a street, courtyard, or open space facade. Minimum of one principal entrance required per 30 feet of primary street facade.			See 14-37(4) for allowance for entrances off courtyards.
	Principal Entrance Configuration	Entry doors must be off a stoop, minimum 4 wide and 3 deep, OR a porch, minimum 8 wide & 5 deep. No more than 2 entry doors may be located off each stoop or porch.			See 14-90(6) for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)			See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 60 feet of street facade width or every 2 units, whichever is less			See 14-163 for definition of shadow line.
20	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of any visible basement on any street facade			See 14-90(7) for building articulation, including building variety.
21	Permitted Cap Types	Parapet, flat, pitched; one tower permitted per building			See 14-39 for building cap regulations.

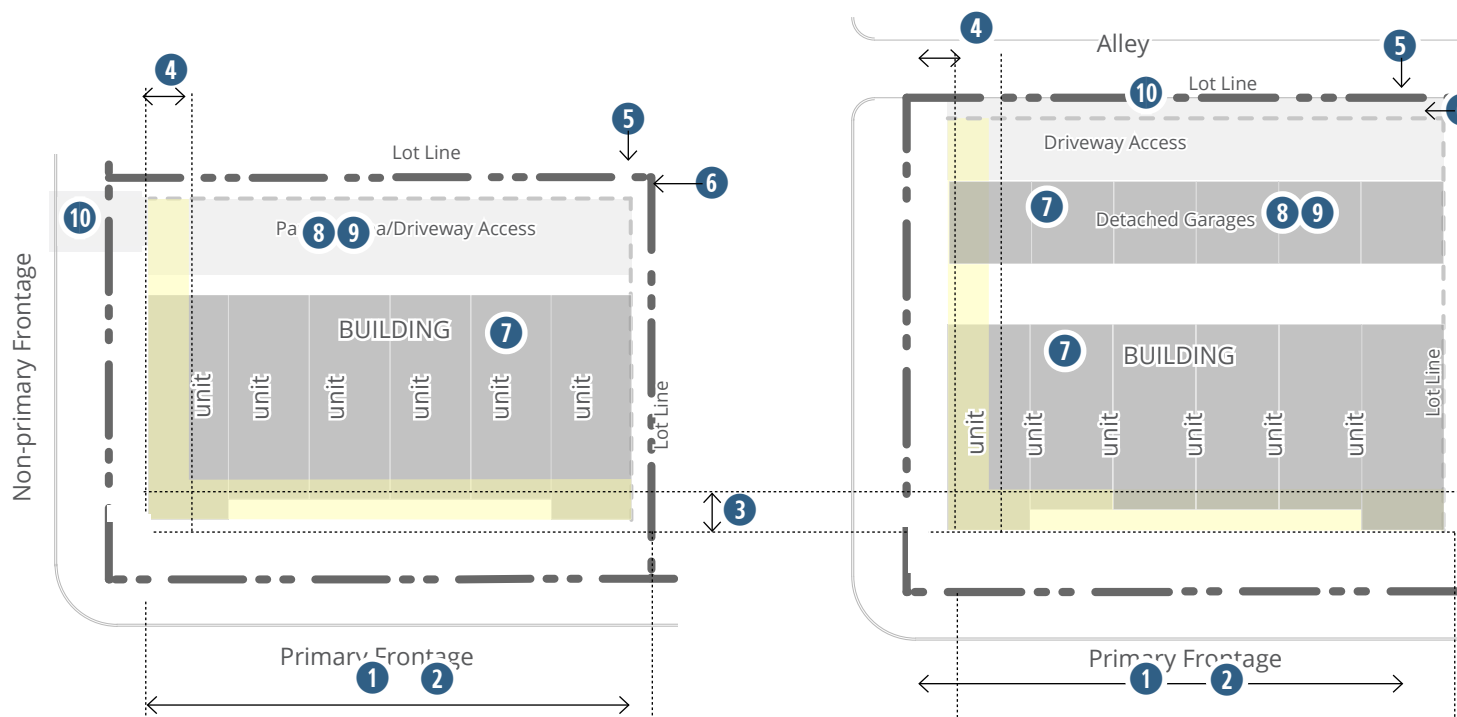
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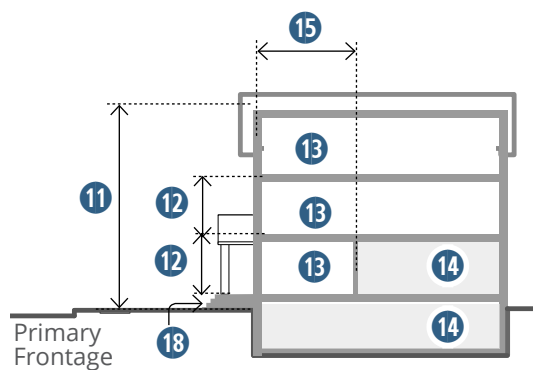
ARTICLE III MIXED-USE DISTRICTS

14-37 Row Buildings

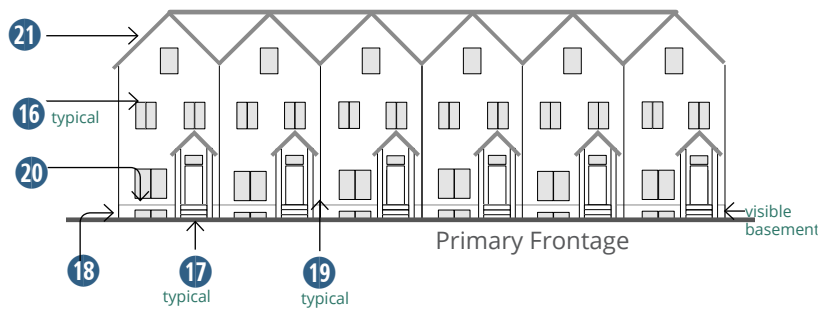
Figure 3-14. Row Building



Building Siting



Height and Uses



Facade Design

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ARTICLE III MIXED-USE DISTRICTS

14-37 Row Buildings

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(4) Supplemental Row Building Regulations

The supplemental regulations of this subsection apply to row buildings.

(a) Courtyards

One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is greater, may count towards the minimum primary frontage coverage for the Row building.

(b) Build-to Zone at Courtyards

For units fronting courtyards or open space, the build-to zone is measured from the edge of the courtyard or lot line of the open space. See [Figure 3-15](#).

(c) Front Facades and Entrances

Each unit must have a facade located within the primary build-to zone, except 1 of every 3 units may front a courtyard, open space, or

non-primary street with its principal entrance. See [Figure 3-15](#).

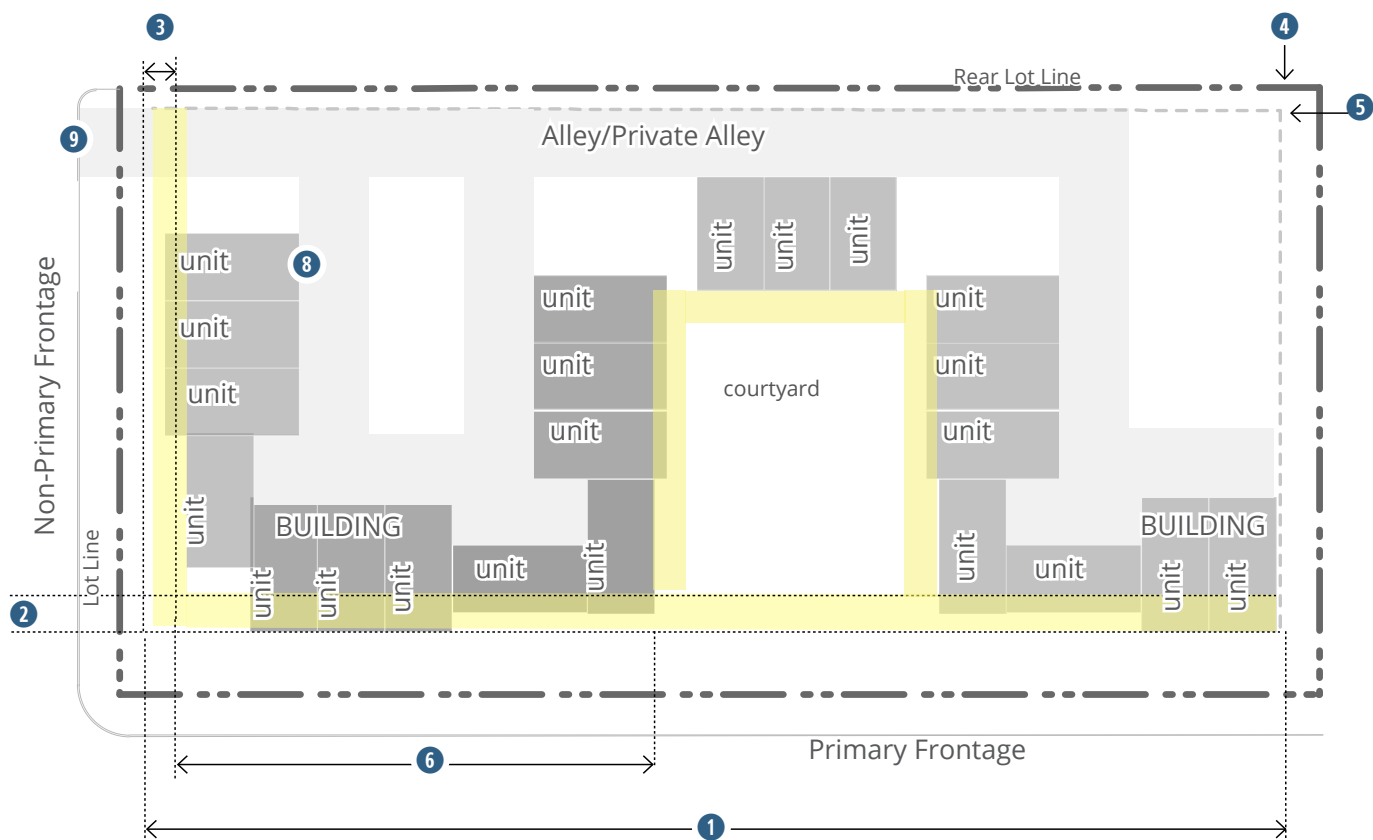


Figure 3-15. Row Building: Courtyard Layout Example

ARTICLE III MIXED-USE DISTRICTS

14-38 Civic Buildings

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14-38 Civic Buildings

Civic buildings are allowed in those districts indicated in [Table 3-2](#). See [14-62](#) for information regarding this building type on master development plan overlay sites.

(1) Intent

The civic building type regulations are the most flexible building type regulations and are intended to allow for singular, more iconic designs. The civic building type is allowed only for buildings occupied by civic and institutional uses.

(2) Illustrative Images

The images shown in [Figure 3-16](#) are intended to generally illustrate the character of civic buildings. The buildings and sites in each image do not necessarily comply with all applicable civic building regulations.



Figure 3-16. Illustrative Examples of Civic Building. Each building image may not exhibit all of the requirements of the building type.



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ARTICLE III MIXED-USE DISTRICTS

14-38 Civic Buildings

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(3) Building Regulations

Civic buildings are subject to compliance with the regulations of general applicability specified in [14-31](#) and the building type-specific regulations of [Table 3-8](#) (further illustrated in [Figure 3-17](#)). See [Article XVI](#) for rules governing how compliance with applicable regulations is measured.

TABLE 3-8 — CIVIC BUILDING REGULATIONS

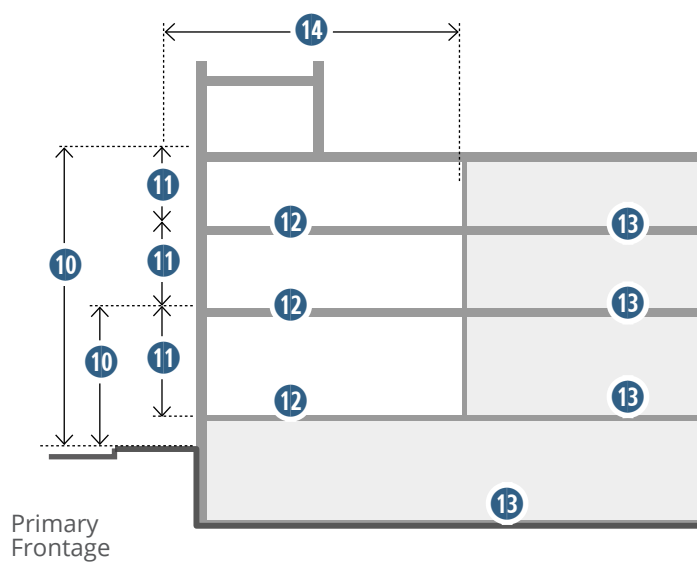
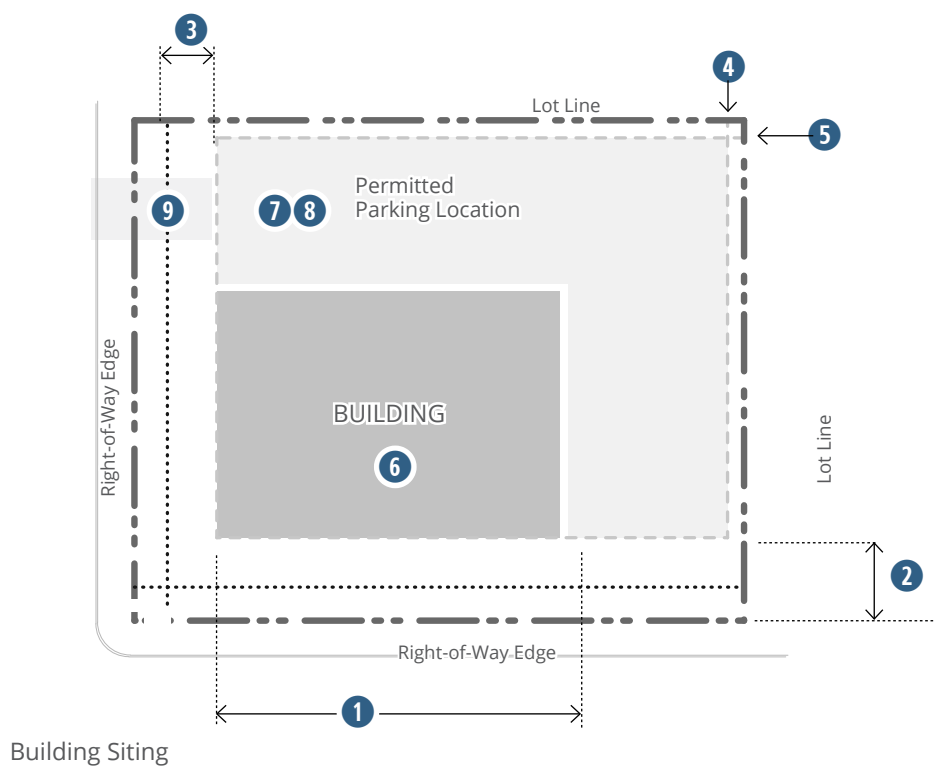
	ALL LOCATIONS	REFERENCES
(a) Building Siting		
1 Minimum Primary Frontage Coverage (%)	none required	
2 Primary Frontage <u>Setback</u> (feet)	15	See 14-31(9) for explanation of primary and non-primary frontages.
3 Non-Primary Frontage <u>Setback</u> (feet)	10	
4 Minimum Side Setback (feet)	15	
5 Minimum Rear Setback (feet)	15	
6 Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	50 30	
7 Surface or Accessory Parking Yard Location	Rear, limited side yard	
8 Refuse & Recycling, Utilities, & Loading Yard Location	Rear	See Article X for screening regulations.
9 Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only Rear or side facade	See 14-87(d) for hierarchy of allowed driveway access. See 14-90(10) for doors off street.
(b) Height		
10 Overall: Minimum Height (stories) Maximum Height (stories)	1 3	
11 All Stories: Minimum Height (feet) Maximum Height (feet)	9, 15 for single story building 18, 24 for single story building	Stories are measured floor to floor.
(c) Uses		
12 All Frontages & Stories	Limited to those public and civic uses allowed in accordance with Article VII	See Article VII for allowed uses.
13 Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories	
14 Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement	See 14-163 for definition of occupied space.
(d) Facade & Cap Requirements		
15 Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories (including half stories)	Blank wall limitations apply to primary frontage facades per 14-161 .
16 Minimum Primary Frontage Principal Entrances	Principal entrance required on primary frontage facade	See 14-90(6) for Principal Entryway regulations.
17 Entrance/Ground-Story Elevation (feet)	Principal entrance and 80 of the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)	
18 Ground-Story Vertical Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended per every 60 of facade width, whichever is less	See 14-163 for definition of shadow line. See 14-90(7) for building articulation, including building variety.
19 Horizontal Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended within 3 ft. of any visible basement	
20 Permitted Cap Types	Parapet, pitched, flat, other with design exception per XXX ; tower permitted	See 14-39 for building cap regulations.

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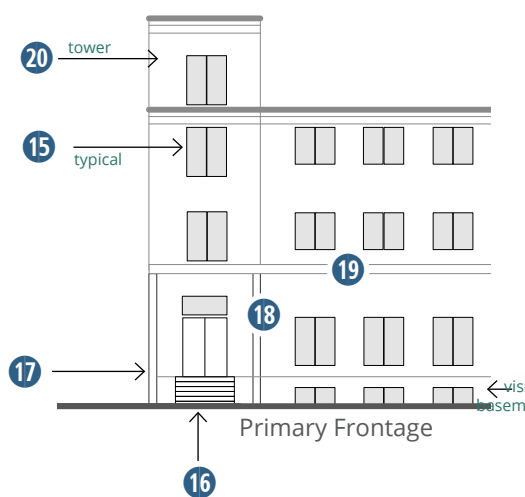
ARTICLE III MIXED-USE DISTRICTS

14-38 Civic Buildings

Figure 3-17. Civic Building



Height and Uses



Facade Design

ARTICLE III MIXED-USE DISTRICTS

14-39 Building Cap Types

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14-39 Building Cap Types

(1) General Regulations

- The major components of any roof must comply with the regulations established for one of the types of building caps permitted for the subject building type.
- Roofs for bay or bow windows and dormers are not required to comply with building cap regulations.
- Terraces, green roofs, rooftop gardens, and other outdoor facilities are permitted on any roof, except any permanently covered area is considered a story. Where the cover is visible from any public way or open space, it must comply with the regulations applicable to the subject type. The tower may be applied to these outdoor areas.

(2) Parapet Cap

A parapet is a low wall projecting above a building's roof along the perimeter of the building on all street facades and facades visible from the street or any open or civic space (see [Figure 3-18](#)).

- Parapet Height**
Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet. Horizontal shadow lines. A shadow line must define the parapet from the upper stories of the building and must also define the top of the cap. See [14-163](#) for definition of shadow line.
- Occupied Building Space**
Occupied building space is not allowed behind a parapet cap.
- Rooftop Appurtenances**
With the exception of solar panels, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. The parapet must screen the mechanicals from the elevation of the sidewalk across the street

(3) Flat Cap

A flat cap is a visibly flat roof with overhanging eaves (see [Figure 3-19](#)).

- Configuration**
The roof may not include a visible slope from the street and eaves

are required on all primary and non-primary frontage facades and facades visible from the street, any open space, or any civic space.

- Eave Depth**
Eave depth is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 14 inches.
- Eave Thickness**
Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves must be a minimum of 6 inches thick.
- Interrupting Vertical Walls**
Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - No more than one-third of the front facade may consist of an interrupting vertical wall.
 - Vertical walls must extend no more than 8 feet above the top of the eave.
- Occupied Building Space**
Occupied building space may not be located behind a flat cap.
- Rooftop Appurtenances**
With the exception of solar panels, any rooftop appurtenances must be located behind the interrupting vertical wall with no visibility on any street elevation drawing.

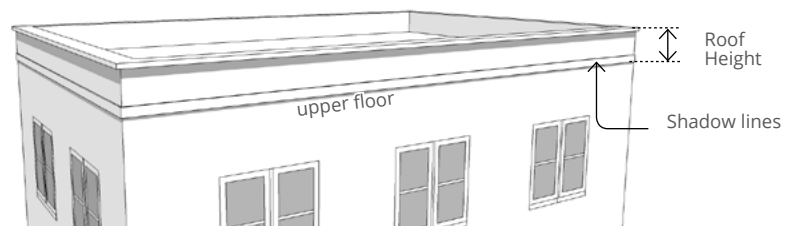


Figure 3-18. Example of a Parapet Cap Type



Figure 3-19. Example of a Flat Cap Type

(4) Pitched Cap

A pitched cap is a sloped or pitched roof, where the slope occurs on all street facades, any open space facade, and civic space facade. Slope is measured with the vertical rise divided by the horizontal span or run (see [Figure 3-20](#)).

(a) Pitch Measure

The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

(b) Configurations.

1. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
2. Butterfly (inverted gable roof) and shed roofs are ~~not~~ permitted, unless with an approved design exception.
3. Gambrel and mansard roofs are not permitted.

(c) Parallel Ridge Line

A gabled end or perpendicular ridge line must occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (See [Figure 3-20](#)).

(d) Roof Height

Roofs without occupied building space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the subject building's upper-story floor to floor height.

(e) Occupied Building Space

Occupied building space may be incorporated behind a pitched cap. If used, the occupied space counts as a half story.

(f) Rooftop Appurtenances

With the exception of solar panels, any rooftop appurtenances must be recessed

within the pitched roof with no visibility on any street elevation drawing.

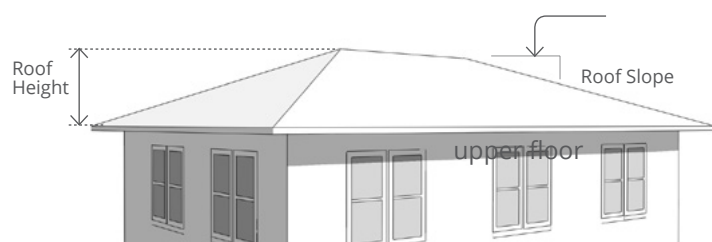
(5) Other Caps

Special building cap designs not otherwise defined in this section may be approved as a design exception, subject to the following:

- (a) The building or portion of building approved as an alternative building cap must be determined to warrant a separate status from the majority of buildings in the zone, with a correspondence between the form of the cap and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, singular roof for a more distinctive performing arts venue.
- (b) The approved alternative building cap may not create additional occupiable space beyond that permitted by the building type.
- (c) The shape of the roof must be different from those expressly defined in this section, such as a dome, spire, steeple, or vault, and not a gabled roof, hipped roof, roof with parapet, or flat roof.

(6) Towers

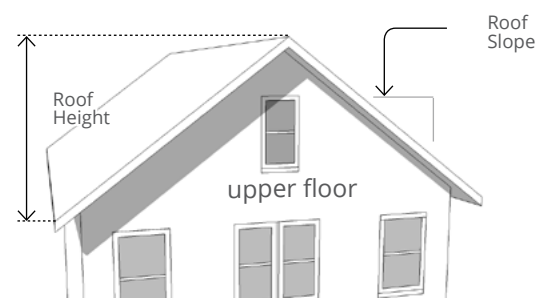
A tower is a vertical element, polygonal (simple), rectilinear or cylindrical in plan used with other types of building caps (see [Figure 3-21](#)).



Low Pitched Roof Cap Type (Hip Roof)



Parallel Pitched



Pitched Cap Type (Gable Roof)

Figure 3-20. Examples of Pitched Cap Type

ARTICLE III MIXED-USE DISTRICTS

14-39 Building Cap Types

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(a) Location and Quantity

Unless otherwise defined in the building type tables, the following regulations apply:

1. A maximum of 2 towers total are permitted within 15 feet of all street facades
2. Two additional towers are permitted a minimum of 30 feet from a street facade.
3. Tower locations are typically limited to allowing towers associated with the facade design and visible from the street, and those more functional towers located beyond the facade.
4. Towers may not be located within any required step-back per the building type.

(b) Tower Height

Maximum height, measured from the top of the parapet or eave to the top of the tower shaft not including the cap, is the equivalent of the height of one upper floor of the building to which the tower is applied.

(c) Tower Width

Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

(d) Tower Spacing

Towers must be generally spaced from other towers a minimum of 60 feet and specifically

by a minimum of 120 feet along a primary or non-primary frontage facade.

(e) Transparency

Towers that comply with the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade must comply with the minimum transparency requirements of the building.

(f) Horizontal Shadow Lines

A shadow line is required between the 4th and 5th stories of any tower and at the cap of the tower.

(g) Occupied Building Space

Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied, unless otherwise stated.

(h) Rooftop Appurtenances

No rooftop appurtenances are permitted on tower roofs.

(i) Tower Cap

The tower may be capped by the parapet, pitched, or flat building cap.

(j) Steeples

A steeple may be approved through a design exception as an "other cap" per [14-39\(5\)](#) and combined with a tower.

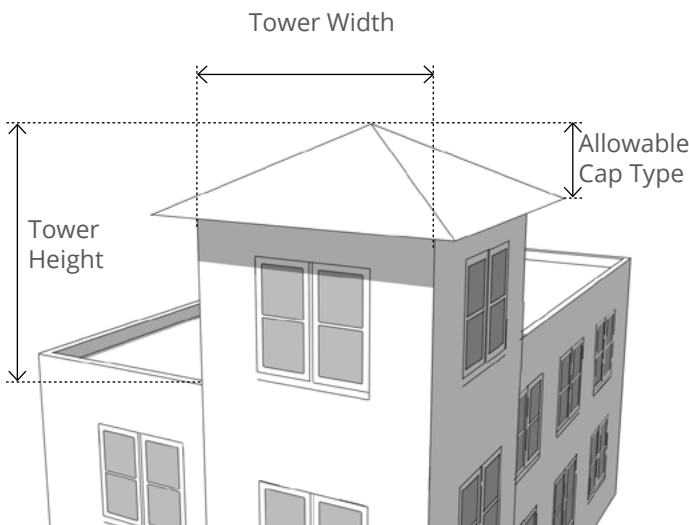


Figure 3-21. Example of a Tower

ARTICLE IV. COMMERCIAL AND EMPLOYMENT DISTRICTS

14-41 District Descriptions.....	4-1
14-42 Allowed Uses.....	4-1
14-43 Lot and Building Regulations	4-1

14-40 General

The city's commercial and employment zoning districts are listed in [Table 4-1](#). When this zoning ordinance refers to "commercial and employment" zoning districts, it is referring to all of these districts.

TABLE 4-1 — COMM. AND EMPLOYMENT DISTRICTS

Symbol	District Name
OFFICE	
O ¹	Office
COMMERCIAL	
C ²	Highway Commercial 1
C2³	Highway Commercial 2
C3⁴	Highway Commercial 3
INDUSTRIAL	
I1 ⁵	Industrial 1
I2 ⁶	Industrial 2
I3⁷	Industrial 3

14-41 District Descriptions

(1) General

Commercial and employment zoning districts are intended to accommodate commercial uses in auto-oriented locations and employment uses, such as office and industrial.

(2) Office (O) District

The office (O) district is primarily intended to accommodate office development in the form of stand-alone office buildings and office parks.

(3) Highway Commercial (C) Districts

Highway commercial (~~C1~~ and ~~C2~~) districts are primarily intended to accommodate attractive,

auto-oriented commercial development along major highways and corridors.

(4) Industrial (I) Districts

Industrial (I1 and I2 ~~and I3~~) districts are primarily intended to accommodate manufacturing, industrial and other uses. The I districts accommodate uses with operating characteristics or other impacts that makes them generally unsuitable for location in established residential or low-intensity neighborhood settings.

14-42 Allowed Uses

Uses are allowed in O, C, and I districts in accordance with the use regulations of [Article VII](#).

14-43 Lot and Building Regulations

All principal buildings in commercial and employment districts are subject to compliance with the lot and building regulations of [Table 4-2](#) (see also [Figure 4-1](#)).

14-44 Generally Applicable Regulations

(1) Accessory Uses and Structures

See [14-78](#).

(2) Parking

See [Article VIII](#).

(3) Landscaping and Screening

See [Article X](#).

(4) Signs

See [Chapter 98](#).

(5) Design

See [Article IX](#).

¹ Existing C-EO

² Existing HWY41-A, HWY41-B, B-2 and B-3 along S Ashland

³ Existing

⁴ Existing

⁵ Proposed consolidation of I-1 and I-B-1

⁶ Proposed consolidation of I-2, I-B-2, I-3

⁷ Existing I-3

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ARTICLE IV COMMERCIAL AND EMPLOYMENT DISTRICTS

14-44 Generally Applicable Regulations

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TABLE 4-2 — COMMERCIAL AND EMPLOYMENT DISTRICT LOT AND BUILDING REGULATIONS

Regulation	O	C1	C2	C3	I1	I2	I3
(6) Lot							
Minimum Lot Area (square feet)	5 2 acres	5- 1 acre	2-acres	2,000-per-business	5-Ac. ⁸ - 1 acre	43,560- 2 acres	None
1 Minimum Lot Frontage (feet)	300 150	None 100	None	None	300 100	150	None
2 Maximum Lot Coverage (% of lot area)	None 80	80	80	None	No-max 75	No-max 75	None
3 Minimum Open Space (% of area)	None 20	20	20	None	No-max 25	No-max 25	None
(7) Principal Building Siting							
Minimum Principal Building Setbacks (feet)							
4 Front	50	40 25	40	25	4050	50 3040	None
5 Street Side	50	40 25	40	25	4050	50 3040	None
6 Interior Side	30 20	25 10	25	0-5[1]	20 2530	25 1525	None
7 Rear	30	25 20 [2]	25[2]	05[1]	20 [1] 25[2]30	20 [1] 1525	None
Transitional	None	None	None	[1]	[2]	[2]	[3]
(8) Building Size/Scale							
Minimum Floor Area Ratio	None	0.2	0.05	None	None	None	
Maximum Floor Area Ratio	0.5	0.8	0.8	2.8 None	0.60.5	1.50.5	3
Minimum Building Floor Area (sq. ft.)	45,000 10,000	None- 6,000	None	None	45,000 6,000	5,000 10,000	None
8 Maximum Building Height (feet)	No-max. 75 [3]	No-max. 75 [3]	No-max.	No-max.35	No max. [3] 35[4]	No max. [3]	No-max.

[1] As required for the abutting district Minimum 50 when abutting residential

[2] Minimum 50 feet when abutting R district Additional landscaping or fence required when abutting residential

[3] Minimum 50-foot landscaped setback required abutting R district 35 feet within 100 feet of residential property line

[4] Buildings may exceed 35 feet in height if an additional one foot of front, street side and interior side setback is provided for each foot of height above 35 feet. No building may exceed 75 feet in height.

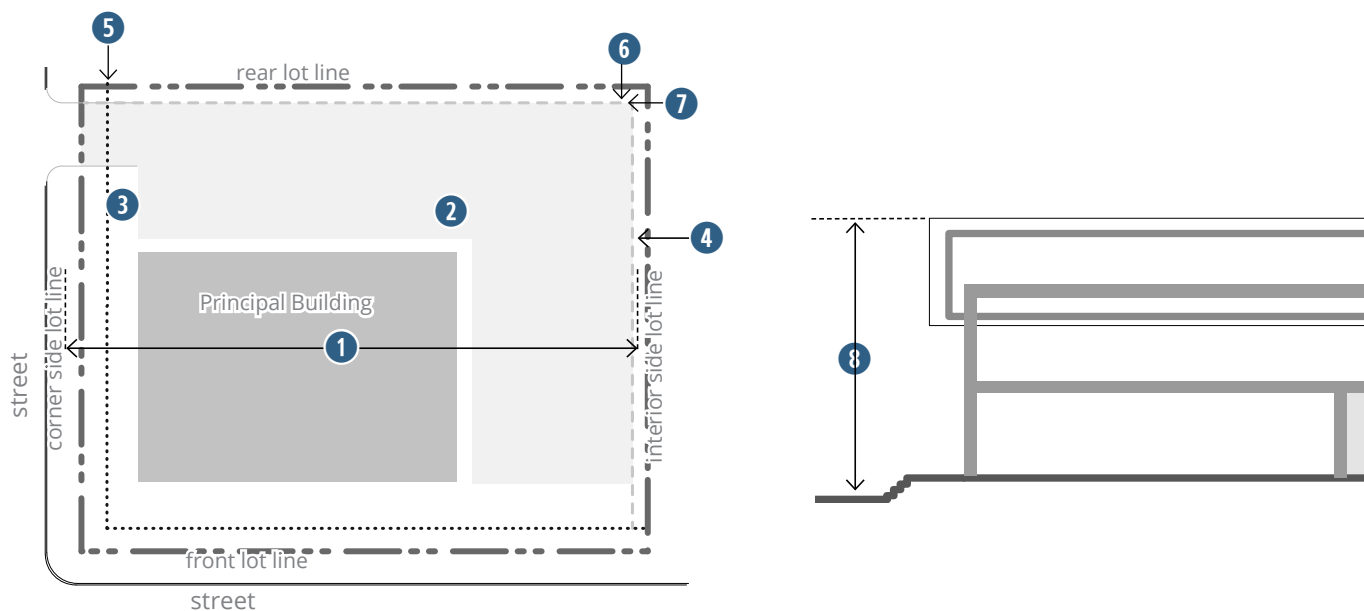
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8 These proposed deletions reflect the current I-B-1 and I-B-2 district regulations. If the districts are combined, as proposed, these regulations will likely create nonconformity issues for I-zoned lots.

ARTICLE IV COMMERCIAL AND EMPLOYMENT DISTRICTS

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Figure 4-1. Buildings in Commercial & Employment Districts



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14-50 General	5-1
14-51 AG, Agricultural District	5-1

14-50 General**(1) Purpose**

Like overlay zoning districts, special purpose zoning districts are tools for addressing unique areas or accomplishing special planning and zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not “over-lay” other base zoning districts.

(2) Establishment

Special purpose districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [14-122](#).

14-51 AG, Agricultural District¹**(1) Purpose**

The Agricultural (AG) district is generally intended to accommodate the continuation of farming activities and related uses in those areas of the city that are not yet suitable for or committed to more urban intensity development.

(2) Uses Allowed

Uses are allowed in the AG district in accordance with the use regulations of [Article VII](#).

(3) Lot and Building Regulations

The lot and building regulations of [Table 5-1](#) apply to all uses in the AG district.

TABLE 5-1 — LOT AND BUILDING REGULATIONS (AG)		
Regulation		AG
Minimum Lot Area (acres)		10
Minimum Building Setbacks (feet)		
	Front	35
	Street Side	50
	Interior Side	25
	Rear	25
Maximum Building Height		
	Detached House (feet)	35

¹ Currently called “A-1”

14-52 CON, Conservancy District	5-1
14-53 PI, Public & Institutional Districts	5-2

TABLE 5-1 — LOT AND BUILDING REGULATIONS (AG)

Regulation	AG
Farm Silo (feet)	60
Other Farm Buildings (feet)	40

(4) Outdoor Storage

- (a) Farm implements and machinery shall be stored inside accessory structures during periods of non-use. Storage of farm implements is not permitted in building setbacks.
- (b) Parking and outdoor storage of recreational vehicles is permitted only when no monetary or in-kind gain is realized by the property owner and such parking or storage occurs in the following areas:
 1. In a garage;
 2. In the rear yard;
 3. In the front yard on a driveway (allowed from November 1 to April 1 for no more than 30 cumulative days and from April 1 to November 1 without a time limit); or
 4. In the side yard no closer than 5 feet to the side yard lot line (allowed from November 1 to April 1 for no more than 30 cumulative days and from April 1 to November 1 without a time limit).
- (c) Outdoor storage of commercial vehicles is prohibited in the AG district except that off-street parking of no more than one commercial vehicle with a gross weight exceeding 10,000 pounds is permitted.

14-52 CON, Conservancy District**(1) Purpose**

The Conservancy (CON) district is generally intended to provide adequate natural areas for the drainage of surface and storm waters, and to protect and promote the general health, safety, and welfare of the community. The districts is

ARTICLE V SPECIAL DISTRICTS

14-53 PI, Public & Institutional Districts

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generally intended to be applied only to natural water or drainage courses or ditches, swamps, marshes, or wetlands where ground water is at or near the surface much of the year and characterized by flooding in the spring and other times of high water.

(2) Permitted Uses

- (a) The following uses are permitted in the CON district, subject to compliance with all applicable supplemental use regulations of 14-52(2)(b):
1. Forestry;
 2. The harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds;
 3. The cultivation of flowers;
 4. Public utilities;
 5. Hunting and fishing (where not otherwise prohibited);
 6. Preservation of habitat and natural resources;
 7. Preservation of scenic and historic resources;
 8. Recreational trails;
 9. Raising of waterfowl, minnows, and other similar lowland fowl or fish;
 10. Public and private parks, picnic areas, golf courses, and other open space and recreational areas; and
 11. Open space accessory to a permitted uses on abutting lands.
- (b) Uses permitted in the CON district are subject to compliance with the following supplemental regulations:
1. The property designated within such District shall be primarily reserved for the drainage of waters therein and shall be of a sufficient size to adequately handle or accommodate the maximum flow of such waters during high water periods.
 2. No building, structure, or improvement shall be allowed within the district without the express finding and approval of the Board of Public Works and Common Council that the proposed building, structure or improvement will not obstruct the drainage of waters

therein; if the proposed building, structure or improvement obstructs the drainage of such waters, the property owner may cause drainage facilities to be installed on such property within the district of adequate size to handle or accommodate the maximum flow of such water, as approved by the Board of Public Works and Common Council.

3. No filling of earth or dumping of any kind, or removal of soil or vegetation, or alteration of the area within the district shall be allowed without the express approval of the Board of Public Works and Common Council.

(3) Warning and Disclaimer of Liability

- (a) The degree of flood protection intended to be provided by the regulations of the CON district and this ordinance in general is considered reasonable for normal water or flooding levels. The regulations of this ordinance do not imply that areas adjacent to district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage.
- (b) This zoning ordinance does not create a liability on the part of the city or any officer or employee thereof for any flood or water damage that may result from reliance or compliance with this zoning ordinance.

14-53 PI, Public & Institutional Districts²

(1) Mapping

The PI, Public and Institutional zoning district designations may be applied regardless of ownership of the land on which the use is located. PI zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.

(2) PI-1, Neighborhood Public & Institutional District

(a) Purpose

The PI-1, Neighborhood Public & Institutional district is intended to accommodate small-scale, low-intensity public, civic, and institutional uses that are commonly found in or near residential neighborhoods.

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ARTICLE V SPECIAL DISTRICTS

14-53 PI, Public & Institutional Districts

(b) **Permitted Uses**

The following uses are permitted as of right in the PI-1 district:

1. Parks and Recreation
2. Religious Assembly
3. Safety Service
4. School
5. Utilities and Public Service Facility, Minor

(c) **Conditional Uses**

The following uses are allowed in the PI-1 district if reviewed and approved in accordance with the conditional use approval procedures of 14-123:

1. Cemetery
2. Community Center
3. Library
4. Fraternal Organization
5. Governmental Facility
6. Museum or Cultural Facility
7. ~~School~~
8. Utilities and Public Service Facility, Major

(d) **Lot and Building Regulations**

1. **Maximum District Area**

In order to maintain the intended low-intensity, neighborhood-scale character of the PI-1 district, the maximum contiguous PI-1 zoned area may not exceed 3 acres.

2. **Lot and Building Regulations**

- a. For uses permitted as of right, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, except that no minimum lot area or lot width requirements apply in an PI-1 district.
- b. For uses requiring conditional use approval, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, provided that no minimum lot area or lot width requirements

apply in an PI-1 district and provided further that the decision-making body may establish more restrictive or less restrictive lot and building regulations at the time of conditional use approval.

3. **Other Regulations**

Development in an PI-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping and other regulations of general applicability.

(3) PI-2, Campus Public & Institutional District

The PI-2, Campus Public & Institutional district is intended to accommodate development and expansion of large public, civic and institutional uses, while minimizing the potential for adverse impacts on surrounding areas.

(a) **Allowed Uses**

1. The following uses are permitted as of right in the PI-2 districts:
 - a. Cemetery
 - b. Club or Lodge
 - c. College or University
 - d. Hospital
 - e. Library or Cultural Exhibit
 - f. Parks and Recreation
 - g. Religious Assembly
 - h. Safety Service
 - i. School
 - j. Utilities and Public Service Facilities
2. Additional uses may be approved in the PI-2 district only if expressly approved as part of an institutional master plan. Multiple principal uses and buildings are allowed on a single lot in the PI-2 district.

(b) **Development Review**

1. **Applicability**

Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the PI-2 district. To comply with the development review requirements of this section, applicants have the option of:

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14-53 PI, Public & Institutional Districts

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- a. Securing conditional use approval for all proposed buildings development activities in the PI-2 district; or
 - b. Submitting and securing approval of an overall institutional master plan in accordance with the requirements of this section.
2. **Exemptions**
The following are exempt from the development review requirements of this section:
- a. Development that complies with a valid, approved institutional master plan;
 - b. Interior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces; and
 - c. Exterior building modifications that will not result in an increase in the number of employees or the creation of or need for additional parking spaces
- (c) **Lot and Building Regulations**
- 1. **Transitional Areas**
The size, location, and design of all buildings, structures, activity areas and other site improvements located within 150 feet of the boundary of any abutting R zoning district, are subject to the abutting R district's lot and building regulations, except that no minimum lot area or lot width requirements apply in the PI-2 district.
 - 2. **Interior Site Areas**
Areas of an PI-2-zoned site located more than 150 feet from the boundary of an abutting R zoning district are governed by the regulations approved at the time of conditional use or institutional master plan approval, whichever is applicable. Institutional master plans and conditional use applications must include the applicant's detailed description of the regulations proposed to be used.

(d) **Institutional Master Plans**

1. **Purpose**

Institutional master plan requirements provide a framework for development of large public, civic and institutional uses in campus-like settings. Approval of an institutional master plan is intended to protect the character and integrity of adjacent areas while allowing flexibility in site development and design that is not possible when development occurs on a lot-by-lot or building-by-building basis.

2. **Planning Area**

An institutional master plan must include all land located within the proposed PI-2 district and depict all land uses within the area extending out at least 300 feet from the PI-2 district boundary.

3. **Existing Property and Uses**

The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At a minimum, the following information shall be required:

- a. Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- b. Land and building uses;
- c. Gross floor area;
- d. Building heights;
- e. Landscaping and lighting; and
- f. Off-street parking and loading facilities.

4. **Uses and Development Envelope**

The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope shall be described in writing and through the use of drawings or models. The plan must

DRAFT**ARTICLE V SPECIAL DISTRICTS**
14-53 PI, Public & Institutional Districts

include the following in describing the development envelope:

- a. Floor area;
- b. Height;
- c. Setbacks;
- d. Total open space; and
- e. Total number of motor vehicle and bicycle parking spaces to be provided.

5. **Transportation Plan**

The institutional master plan must include a study that identifies traffic and parking impacts associated with the proposed use and a plan for mitigation of transportation-related impacts, including consideration of motorized and nonmotorized travel

(e) **Approval Procedures**

Institutional master plans require review and approval in accordance with the [plan commission site plan](#) procedures of [14-124](#).

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DRAFT**ARTICLE VII. USES**

14-70 General	7-1	14-75 Recycling Uses.....	7-14
14-71 Residential Uses	7-6	14-76 Agricultural Uses	7-14
14-72 Public and Civic Uses.....	7-6	14-77 Other Principal Uses	7-14
14-73 Commercial Uses.....	7-7	14-78 Accessory Uses	7-15
14-74 Industrial Uses.....	7-12	14-79 Wireless Telecommunications.....	7-21

14-70 General**(1) Principal Uses Allowed**

- (a) **Use Table**
Principal uses are allowed in accordance with Table 7-1.
- (b) **Interpreting the Use Table**
 1. **Use Classification System**
Uses are listed in the first column of Table 7-1. This zoning ordinance classifies uses into categories and subcategories, as explained in (2). In some cases, specific use types are listed in addition to the use categories and subcategories.
 2. **Permitted Uses**
 - a. Uses identified with a "●" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 7-1 and with all other applicable regulations of this zoning ordinance.
 - b. Uses identified with a "⦿" are permitted as-of-right in the subject zoning district but only when located above the ground-floor. Such uses are prohibited on the ground-floor.
 3. **Conditional Uses**
Uses identified with "©" are allowed only if reviewed and approved in accordance with the conditional use procedures of 14-123.

4. **Prohibited Uses**

Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in (2)(e)) to fall within any defined use category or subcategory are also prohibited.

5. **Reference**

The final ("Reference") column of Table 7-1 includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval. Bracketed numbers also refer to use-specific conditions, which are included as footnotes immediately following the use table..

6. **Accessory Use**

Accessory uses are generally not identified by Table 7-1. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by conditional use approval, subject to compliance with all applicable accessory use regulations of 14-78.

(2) Classification of Uses(a) **General**

This division describes the system used to classify principal uses in this zoning ordinance.

ARTICLE VII USES

DRAFT

(b) Use Categories

This zoning ordinance classifies principal land uses into 6 major groupings). These major groupings are referred to as "use categories." The use categories are as follows:

1. Residential (see [14-71](#)).
2. Public and Civic (see [14-72](#)).
3. Commercial (see [14-73](#)).
4. Industrial (see [14-74](#)).
5. Agricultural (see [14-76](#)).
6. Other (see [14-77](#)).

(c) Use Subcategories

Each use category is further divided into more specific "subcategories." Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

(d) Specific Use Types

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

(e) Classification of Uses

1. The zoning administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the zoning administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this article. In making such determinations, the zoning administrator must consider:
 - a. The types of activities that typically occur in conjunction with the use;
 - b. The types of equipment and processes to be used;

- c. The existence, number and frequency of residents, customers or employees;

3. Parking demands or the use; and
4. Other factors deemed relevant to a use determination.

- (f) If a use can reasonably be classified in multiple categories, subcategories or specific use types, the zoning administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."

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TABLE 7-1 — PRINCIPAL USE TABLE

USE CATEGORY	Districts																	Definition & Regulations	
Use Subcategory	Residential				Mixed-Use						Commercial/Employ.						SP ¹		
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	RX	O	C1/HwyA	C2/HwyB	C3/B-2	I1	I2	I3		AG
RESIDENTIAL																			
Household Living																			
Single-Household	●	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	●	14-71(1)
Two-Household	—	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(1)
Three-to-Six-Household	—	—	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(1)
Seven+-Household	—	—	—	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(1)
Live-Work	—	—	—	—	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(1)
Group Living ²																			
Adult Family Home	●	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(2)
Community Living Arrangement	●	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	●	14-71(2)
Foster Home	●	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-71(2)
Group Living not otherwise classified	—	—	—	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	—	—	—	—	—	—	—	—	14-71(2)
PUBLIC AND CIVIC																			
Cemetery	Ⓢ	Ⓢ	Ⓢ	Ⓢ	—	—	—	Ⓢ	Ⓢ	Ⓢ	—	—	—	—	—	—	—	—	14-72(1)
Club or Lodge	—	—	—	●	●	●	●	●	●	●*	—	—	—	●	—	—	—	—	14-72(2)
College or University	Ⓢ	●	●	●	●	●	●	—	—	●*	—	—	—	●	—	—	—	—	14-72(3)
Hospital	—	—	—	—	—	—	—	●	—	●	—	—	—	●	—	—	—	—	14-72(4)
Library or Cultural Exhibit	●	●	●	●	●	●	●	●	●	●	—	—	—	●	—	—	—	—	14-72(5)
Parks and Recreation	●	●	●	●	—	—	●	●	●	●	—	—	—	●	—	—	—	—	14-72(6)
Religious Assembly	—	—	—	—	●	●	●	●	●	●*	—	—	—	●	—	—	—	—	14-72(7)
Safety Service	—	—	—	—	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-72(8)
School	●	●	●	●	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-72(9)
Utilities and Public Service Facilities																			
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-72(10)
Major	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-72(10)
COMMERCIAL																			
Animal Service																			
Boarding	—	—	—	—	—	—	—	—	—	—	—	—	—	●	—	●	●	●	14-73(1)
Grooming	—	—	—	—	●	●	●	●	●	—	—	—	—	●	—	—	—	—	14-73(1)
Veterinary	—	—	—	—	●	●	●	●	●	—	—	—	—	●	—	—	—	—	14-73(1)
Assembly and Entertainment																			
Small	—	—	—	—	●	●	●	●	●	—	—	—	—	●	—	—	—	—	14-73(2)
Large	—	—	—	—	—	—	●	●	—	—	—	—	—	●	—	—	—	—	14-73(2)

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | *supplemental use regulations apply | -=prohibited

1 Add P/I district columns (see 14-53) once there is room from removal of deleted C and I districts.

2 Some group living uses subject to spacing (dispersal) and other state regulations. Need to discuss how city wishes to handle.

ARTICLE VII USES

DRAFT

TABLE 7-1 — PRINCIPAL USE TABLE

USE CATEGORY	Districts																	Definition & Regulations	
Use Subcategory	Residential				Mixed-Use					Commercial/Employ.					SP ¹				
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	RX	O	€1/HwyA	€2/HwyB	€3/B-2	I1	I2	I3		AG
Business or Trade School	–	–	–	–	●	●	●	●	●	–	–	–	–	●	–	–	–	–	14-73(2)
Commercial Service																			
Consumer Maintenance and Repair	–	–	–	–	●	●	●	●	●	–	●	–	–	●	●	●	–	–	14-73(4)
Personal Service	–	–	–	–	●	●	●	●	●	–	–	–	–	●	●	●	–	–	14-73(4)
Studio or Instructional Service	–	–	–	–	●	●	●	●	●	–	–	–	–	●	●	●	–	–	14-73(4)
Day Care																			
Family Day Care Home	●	●	●	●	●	●	●	●	●	–	–	–	–	–	–	–	–	–	14-73(5)
Group Day Care Center	–	–	–	●	●	●	●	●	●	–	⊙	–	–	–	⊙	⊙	–	–	14-73(5)
Adult Day Care Facility ³	–	–	–	–	●	●	●	●	●	●*	–	–	–	–	–	–	–	–	14-73(5)
Eating and Drinking Places																			
Restaurant	–	–	–	–	●	●	●	–	–	–	–	●	●	●	–	⊙	–	–	14-73(6)
Bar	–	–	–	–	●	●	●	–	–	–	–	●	●	●	–	–	–	–	14-73(6)
Financial Service (except as below)	–	–	–	–	●	●	●	●	●	–	●	–	⊕	●	–	–	–	–	14-73(7)
Convenient Cash Business	–	–	–	–	–	–	●	–	–	–	–	–	–	●	–	–	–	–	14-73(7)
Pawnshop	–	–	–	–	–	–	–	–	–	–	–	–	–	●	–	–	–	–	14-73(7)
Funeral or Mortuary Service	–	–	–	–	–	–	–	●	●	–	–	–	–	●	–	–	–	–	14-73(8)
Lodging																			
Bed & Breakfast Inn	–	–	●	●	●	●	●	●	●	●	–	–	–	–	–	–	–	●	14-73(9)
Hotel/Motel	–	–	–	–	●	●	●	●	●	●	⊙	●	●	●	–	–	–	–	14-73(9)
Short-term Rental	●	●	●	●	●	●	●	●	●	●	–	–	–	–	–	–	–	–	14-73(9)
Medical Service	–	–	–	–	●	●	●	●	●	–	⊙	–	–	●	⊙	–	–	–	14-73(10)
Office	–	–	–	–	●	●	●	●	●	–	●	–	●	●	●	●	●	–	14-73(11)
Parking, Non-accessory	–	–	–	–	⊙	⊙	⊙	⊙	⊙	⊙	–	–	–	●	●	●	–	–	14-73(12)
Retail Sales																			
Convenience Goods	–	–	–	–	●	●	●	●	●	–	–	⊕	⊕	●	–	–	–	–	14-73(13)
Consumer Shopping Goods	–	–	–	–	●	●	●	●	●	–	–	⊕	⊕	●	–	–	–	–	14-73(13)
Building Materials and Supplies	–	–	–	–	–	–	●	–	–	–	–	–	⊕	●	–	–	–	–	14-73(13)
Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	⊙	–	14-73(14)
Sports & Recreation, Participant																			
Indoor	–	–	–	–	⊙	⊙	●	–	–	–	–	–	–	●	⊙	⊙	–	–	14-73(15)
Outdoor	–	–	–	–	–	–	●	–	–	–	–	–	–	●	–	–	–	–	14-73(15)
Vehicle Sales and Service																			
Fueling Station	–	–	–	–	–	●*	●*	–	–	–	–	⊕	⊕	●	–	●	●	–	14-73(16)
Vehicle Sales	–	–	–	–	●*	●*	–	–	–	–	–	–	●	●	–	–	–	–	14-73(16)

KEY: ●=permitted by right | ●=permitted only above ground-floor | ⊙=conditional use | *supplemental use regulations apply | --=prohibited

3 Current ordinance defines but does not specify allowed districts.

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TABLE 7-1 — PRINCIPAL USE TABLE

USE CATEGORY	Districts																	Definition & Regulations
Use Subcategory	Residential				Mixed-Use						Commercial/Employ.						SP ¹	
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	RX	O	€1/HwyA	€2/HwyB	€3/B-2	I1	I2	I3	
Vehicle Rental	—	—	—	—	●*	●*	●*	—	—	—	—	—	—	—	—	—	—	14-73(16)
Vehicle Maintenance & Repair, Minor	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-73(16)
Vehicle Maintenance & Repair, Major	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-73(16)
INDUSTRIAL																		
Fabrication and Production																		
Artisan	—	—	—	—	●*	●*	●*	—	—	—	—	—	—	—	—	—	—	14-74(1)
Low-Impact	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(1)
Moderate-Impact	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(1)
High-Impact	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(1)
Industrial Service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(2)
Storage, Distribution and Wholesaling																		
Equip. & Material Storage, Outdoor	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(3)
Self-service Storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(3)
Trucking & Transportation Terminal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(3)
Warehouse	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(3)
Wholesale Sales and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(3)
Junk or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-74(4)
RECYCLING																		
Construction/Demolition Debris	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-75(1)
Consumer Material Drop-off	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-75(2)
Consumer Material Processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-75(3)
AGRICULTURAL																		
Community Garden	●	●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	14-76(1)
Animal Agriculture	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-76(2)
Crop Agriculture	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-76(3)
OTHER																		
Drive-in/Drive-through Service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14-77(1)
Wireless Telecommunications	See 14-79																	

KEY: ●=permitted by right | ●=permitted only above ground-floor | ©=conditional use | *supplemental use regulations apply | —=prohibited

Attachment: MODULE 2 - DRAFT EDITED FOR PC MTG - 24 Oct 2019 (8864 : Staff recommendation and possible action regarding DRAFT

ARTICLE VII USES

14-71 Residential Uses

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14-71 Residential Uses

The residential use category includes uses that provide for long-term residential occupancy by individual households or by groups of people.

(1) Household Living

Household living is residential occupancy of a dwelling unit by a single household for tenancy periods of 30 consecutive days or more, including, single household, two-household, three-household, three-plus household and live-work uses.

(a) Single-Household

One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of a secondary suite or backyard cottage, if allowed by the subject zoning district.

(b) Two-Household

Two principal dwelling units on a single lot.

(c) Three-to-Six-Household

Three or more principal dwelling units occupying a single building on a single lot.

(d) Seven+-Household

Three or more principal dwelling units occupying a single building on a single lot.

(e) Live-Work

A building or space within a building used jointly for residential and nonresidential uses allowed within the subject zoning district.

(2) Group Living

Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is typically arranged on a long-term (30-day or longer) basis. Buildings or spaces occupied by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Examples of group living uses include fraternities, sororities, convents, community living arrangements, adult family homes, foster homes, treatment foster homes, monasteries and nursing homes.

(a) Adult Family Home

As defined in Section 50.01(1), Wisconsin Statutes

(b) Community Living Arrangement

As defined in Section 46.03(22), Wisconsin Statutes

(c) Foster Home/Treatment Foster Home

As defined in Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.

(d) Overnight Shelter

A facility providing, without charge, overnight lodging, with or without meals, for people with no ordinary or regular home or residence address. Overnight shelters may not operate for more than 6 months in a 12 month period.

14-72 Public and Civic Uses

The public and civic use category includes public, quasi-public, civic and institutional uses.

(1) Cemetery

Lands and facilities for the interment of humans or domestic household pets, including columbariums and mausoleums.

(2) Club or Lodge

The use of a building or lot by a membership-based organization that restricts access to its facility to bona fide, dues-paying members and their occasional guests and in which the primary activity is a service not carried on as a business enterprise. Private clubs and lodges are characterized by definite membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

(3) College or University

Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.

(4) Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

(5) Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

(6) Parks and Recreation

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts,

community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.

(7) Religious Assembly⁴

The conduct of organized religious services. Examples include synagogues, temples, mosques and churches.

(8) Safety Service

Establishments that provide fire, police or life protection services, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

(9) School

Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory, state-mandated education.

(10) Utilities and Public Service Facilities

(a) Minor

Infrastructure services that require location in or very near the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include: underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

(b) Major

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include high-voltage electric substations, utility-scale power generation facilities and utility-scale water storage facilities, such as water towers and reservoirs.

14-73 Commercial Uses

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

⁴ Maybe include as “non-secular” assembly and entertainment?

(1) Animal Service

Uses that provide goods and services for care of animals, including the following use subcategories:

(a) Boarding

The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters. Any building or structure in which animals are kept or exercised must be set back at least 100 feet from any R-zoned lot.

(b) Grooming

Grooming of companion animals, including dog bathing and clipping salons and pet grooming shops. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

(c) Veterinary

Animal hospitals and veterinary clinics staffed by veterinarians. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

(2) Assembly and Entertainment⁵

Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, theaters and cinemas.

(a) Small

Assembly and entertainment uses with a seating or occupant capacity of no more than 250 persons.

(b) Large

Assembly and entertainment uses with a seating or occupant capacity of more than 250 persons.

(3) Business or Trade School

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Schools and

⁵ Maybe include secular and non-secular subcategories?

ARTICLE VII USES

14-73 Commercial Uses

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other training facilities that involve outdoor work or training activities are classified as industrial services.

(4) Commercial Service

Uses that provide low-impact repair, maintenance and improvement services to individual consumers and small businesses.

(a) Consumer Maintenance and Repair Service

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

(b) Personal Service

Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing and similar forms of body art.

(c) Studio or Instructional Service

Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

(5) Day Care

Uses licensed by the state and providing care and supervision for children or adults away from their primary residence for more than 4 hours and less than 24 hours per day.

(a) Day Care Facility, Adult

A day care use for elderly and/or functionally impaired adults.

(b) Day Care Home, Family

A day care use for 8 or fewer individuals under 7 years of age.

(c) Day Care Center, Group

A day care use for 9 or more individuals under 7 years of age.

(6) Eating and Drinking Places

An establishment that serves food or beverages for on- or off-premise consumption as its principal business.

(a) Restaurant

An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/ yogurt shops, donut shops and coffee shops.

(b) Bar

Uses that cater primarily to adults, 21 years of age and older and that sell and serve beer, wine or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, brewpubs, tasting rooms and nightclubs.

(7) Financial Service

Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see [14-78](#)). Typical examples of financial service use types are financial institutions, convenient cash businesses and pawnshops:

(a) Financial Institution

Any business authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a convenient case business or pawnshop.

(b) Convenient Cash Business

An individual or individuals, firm, partnership, association, corporation, limited liability company or any other business entity licensed pursuant to Wis. Stats. Secs. 218.05 or 138.09, engaged in the "payday loan business," "title loan business," "currency exchange business" (also known as "check cashing"), or any other substantially similar business.

1. A currency exchange business, in accordance with Sec. 218.05, Wis. Stats., is any business except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under Ch. 186, Wis. Stats. pursuant to a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidence of money.
 2. A payday loan business is a business that provides unsecured loans with an initial term of ninety-one days or less in which the amount borrowed does not exceed two thousand dollars and is usually for a period from the time of the loan until the borrowers next payday for which the lender charges either fees or interest for the loan.
 3. A title loan business is any business providing loans to individuals in exchange for receiving title to the borrower's motor vehicle as collateral.
- (c) **Pawnshop**
An entity engaged in whole or in part in the business of lending money on the security of pledged goods or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers.
- (8) **Funeral and Mortuary Service**
Uses that provide services related to the death of a human or companion animal, including funeral homes and mortuaries.
- (9) **Lodging**
Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Lodging use types include: bed & breakfast inns, hotels and motels and short-term rentals.
- (a) **Bed & Breakfast Inn**
A lodging establishment in a detached house in which the resident owner/operator offers 6 or fewer guest rooms and breakfast service to overnight guests for more than 10 days in a 12-month period.
- (b) **Hotel or Motel**
A lodging establishment other than a bed & breakfast inn or short-term rental. Guest rooms in hotels are accessed via internal corridors, while motels provide access directly from the exterior to each guest room.
- (c) **Short-term Rental**
A residential dwelling that is offered for rent for a fee and for more than 6 but fewer than 29 consecutive days.⁶
- (10) **Medical Service**
Personal health services including prevention, diagnosis and treatment services for humans, as provided by physicians, dentists, nurses and other health personnel. Medical service uses are performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, blood banks and kidney dialysis centers, unless otherwise expressly indicated.
- (11) **Office**
Uses that focus on providing executive, management, administrative and professional

⁶ Need to determine what if any local zoning restrictions should apply within the limits of 2017 Wisconsin Act 59. Can, for example, limit to no more than 180 days per calendar year.

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services other than those included in the medical service use subcategory. Also includes broadcast and recording studios and uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products or involve the use of hazardous materials or processes.

(12) Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

(13) Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies and equipment.

(a) Convenience Goods

Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, grocery stores, drug stores, specialty food stores, wine or liquor stores, newsstands and florists.

(b) Consumer Shopping Goods

Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, hardware stores (less than 10,001 square feet) furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office

supplies and office furnishing stores and wig shops.

(c) Building Supplies and Equipment

Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises and that include more than 10,000 square feet of gross floor area or that involve outdoor storage of goods. Typical uses include home improvement stores and garden supply stores.

(14) Sexually Oriented Adult Entertainment Establishments

(a) Defined

See definitions in Section 110-5 of the municipal code.

(b) Supplemental Regulations

1. A site plan must be prepared and submitted in accordance with [14-124](#). The site plan must be processed concurrently with the conditional use application.
2. No more than one sexually oriented adult entertainment establishment may be located on any one parcel, and such establishment must be at least 1,500 feet from any other sexually oriented adult entertainment establishment. Further, no sexually oriented adult entertainment establishment is permitted within 1,000 feet of the following:
 - a. Any land zoned residential;
 - b. Any historic site identified on the "National Register", or an adopted historic district;
 - c. Any public or private elementary or secondary school or licensed nursery school or day care center;
 - d. A religious (non-secular) assembly ~~use church or established place of worship~~;
 - e. A public park or parkway.
3. Signs advertising any sexually oriented adult entertainment establishment must conform with the requirements of Chapter 98 of the municipal code with the exception, however, that no tower or portable signs or billboards are permitted on the premises, and with further exception that signs ~~will inform only of~~

~~the establishment name and address and will must~~ not depict specified sexual activities and/or specified anatomical areas as defined in Section 110-5 of the municipal code, and provided further that no flashing or traveling lights may be located outside the building. The location and wording of such sign must be shown on the site plan.

4. Parking must be provided in accordance with Article VIII.
5. Lighting must be provided to illuminate the parking area and the entire exterior of the building. Such lighting must be shown on the site plan.
6. No display windows are allowed on the premises.
7. The owner and/or operator of the sexually oriented adult entertainment establishment must agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws and must further ensure that minors are not permitted on the premises. Solicitation for the purposes of prostitution is strictly prohibited.
8. Sexually oriented adult cabaret establishments are subject to compliance with Section 110-5 of the municipal code relating to noise; and the hours of operation for such establishments are limited to the same hours of operation for bars and taverns located within the City of De Pere.
9. Sexually oriented adult outdoor motion picture theaters are subject to compliance with the regulations set forth in Section 110-5 of the municipal code pertaining to noise. Furthermore, sexually oriented adult entertainment outdoor motion picture theaters must confine their hours of operation to those hours of operation established for bars and taverns within the City of De Pere. Sexually oriented outdoor motion picture theaters must also have the viewing screen located in such a fashion as to not be visible from any road, street or highway, or residential zoning district up to 1,000 horizontal feet away; and the premises must be surrounded by fencing

which is impervious to sight and at least 8 feet in height. All theaters must comply with Section 134.46, Wisconsin Statutes [Wis. Stats. § 134.46].

10. Prior to ~~approval of a site plan the granting of a conditional use permit~~, an inventory of the surrounding areas and population must be made by the ~~zoning administrator City Planning Department~~, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

(15) Sports & Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators are incidental). Examples include bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, and go-cart tracks.

- (a) Indoor
Participant sports and recreation uses conducted entirely within buildings.
- (b) Outdoor
Participant sports and recreation uses conducted wholly or partially outside of buildings.

(16) Vehicle Sales and Service

- (a) Fuel Station
A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses. See "14-93(2) Fueling Stations" for design regulations.
- (b) Vehicle Sales
 1. Defined
Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
 2. Supplemental Regulations
When located in the MX1 district, the business shall be fully located in an

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allowed building type with all activities located inside the building. A maximum of 5 parking stalls are allowed outside.

(c) Vehicle Rentals

1. Defined

Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.

2. Supplemental Regulations

When located in the MX1 district, the business shall be fully located in an allowed building type with all activities located inside the building. A maximum of 5 parking stalls are allowed outside.

(d) Vehicle Maintenance and Repair, Minor

Uses that repair, install or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Typical examples include oil-change shops, muffler shops, tire shops, and auto repair shops providing motor and mechanical repair services.

(e) Vehicle Maintenance and Repair, Major

Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Typical examples include body and paint shops.

goods made for the wholesale market, for transfer to other plants, or for firms or consumers.

(a) Artisan

Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site.

(b) Low-Impact

Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, musical instrument manufacturing, newspaper printing and binderies.

(c) Moderate-Impact

Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy products manufacturing, flour mills and paper products manufacturing.

(d) High-Impact

1. Defined

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products,

14-74 Industrial Uses

The industrial use category includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

(1) Fabrication and Production

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of

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coal products, plastic and synthetic resins. This subcategory also expressly includes asphalt and concrete plants, foundries, abrasive manufacturing, chrome plating, electroplating, tanneries, soap manufacturing, petrochemical tank farms, gasification plants, smelting, meat packing, metal reduction and refinement and oil refining.

2. Supplemental Regulations

- a. A site plan must be prepared and submitted in accordance with 14-124. The site plan must be processed concurrently with the conditional use application.
- b. The establishment must be located at least 1,000 feet of the following:
 - i. Any land zoned residential;
 - ii. Any historic site identified on the "National Register", or an adopted historic district;
 - iii. Any public or private elementary or secondary school or licensed nursery school or day care center;
 - iv. A religious (non-secular) assembly use;
 - v. A public park or parkway.
- c. Parking must be provided in accordance with Article VIII.
- d. Prior to approval of the granting of a conditional use permit, an inventory of the surrounding areas and population must be made by the zoning administrator, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

(2) Industrial Service

Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry-

cleaning, and carpet cleaning plants; photofinishing laboratories and maintenance and repair services that are not otherwise classified.

(3) Storage, Distribution and Wholesaling

Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

- (a) **Equipment and Materials Storage, Outdoor**
Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.
- (b) **Self-service Storage**
~~An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.~~
- (c) **Trucking and Transportation Terminals**
Uses engaged in the sales, rental, dispatching or long-term or short-term storage of large trucks, buses, construction equipment agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
- (d) **Warehouse**
Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "self-service storage" use or a "trucking and transportation terminal."
- (e) **Wholesale Sales and Distribution**
Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.

ARTICLE VII USES

14-75 Recycling Uses

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(4) Junk or Salvage Yard

(a) Defined

A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

(b) Supplemental Regulations

1. A site plan must be prepared and submitted in accordance with 14-124. The site plan must be processed concurrently with the conditional use application.
2. The establishment must be located at least 1,000 feet of the following:
 - a. Any land zoned residential;
 - b. Any historic site identified on the "National Register", or an adopted historic district;
 - c. Any public or private elementary or secondary school or licensed nursery school or day care center;
 - d. A religious (non-secular) assembly use;
 - e. A public park or parkway.
3. Prior to the granting of a conditional use permit, an inventory of the surrounding areas and population must be made by the zoning administrator, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

14-75 Recycling Uses

This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products. The recycling use subcategories are as follows:

(1) Construction or Demolition Debris

Establishments that receive and process general construction or demolition debris for recycling.

(2) Consumer Material Drop-off Station

An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel during times when recyclables are accepted from consumers; and (3) stores materials temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as "consumer material processing" establishments. (Note: dumpsters and recyclable material bins are regulated as accessory uses,

(3) Consumer Material Processing

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

14-76 Agricultural Uses

The agricultural use category includes general farming and community garden uses.

(1) Community Garden⁷

(a) Defined

Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

(b) Supplemental Use Regulations

Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

1. On-site sales of community garden food products is permitted as an accessory use.
2. All equipment must be stored in a completely enclosed building.
3. The community garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
4. On-site trash, recyclable and compost containers must be located and maintained as far as practicable from residential dwelling units located on other lots.

⁷ New

5. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than November 1 of each year.
6. The perimeter of all community gardens must be fenced.
7. Only permitted on city-owned land in the I district.

(2) Animal Agriculture

Uses that involve the feeding, housing and care of farm animals for private or commercial purposes, but not including feedlot operations, CAFOs or commercial mink, fox and other fur-bearing animal farms.

(3) Crop Agriculture

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be principal accessory uses and may be located on land, on a roof or within a building.

14-77 Other Principal Uses

This category includes uses that do not fit the other use categories.

(1) Drive-in and Drive-through Uses

A use accessory to a principal use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks and pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use.

(2) Wireless Telecommunications

See 14-79.

14-78 Accessory Uses

(1) Generally Applicable Regulations

- (a) **Accessory Uses Allowed**
Accessory uses are allowed only in connection with lawfully established principal uses.
- (b) **Allowed Uses**
Allowed accessory uses are limited to those expressly regulated in this section as well as

those that, in the determination of the zoning administrator, satisfy all of the following criteria:

1. They are customarily found in conjunction with the principal use of the subject property;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

(c) Time of Construction and Establishment

Accessory uses may be established only after the principal use of the property is in place.

(d) Location

Accessory uses must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

(e) Accessory Buildings and Structures

1. **Applicable Regulations**
 - a. Accessory buildings and structures are subject to the same regulations that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.
 - b. Accessory buildings attached to the principal building by a breezeway, passageway or similar means are considered part of the primary structure and are subject to the lot and building regulations that apply to the principal building.
 - c. Accessory buildings attached by structures less than 30 inches in height or less (e.g., patios, walks, decks without railing) are not considered part of the primary structure and are subject to accessory building and structure regulations.
2. **Building Separation**
Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required.

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Structures less than 30 inches in height are not subject to building separation requirements.

(2) Amateur Radio Service Antennas

- (a) Amateur radio service antennas and supporting towers are expressly allowed as permitted accessory uses, provided that no such antenna, including any support upon which it is mounted may exceed a combined height of 70 feet.
- (b) All amateur radio service antenna structures must be set back a distance of at least one-half the height of the tower structure from all property lines.

(3) Electric Vehicle Charging Stations⁸

- (a) General
 - 1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
 - 2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.
- (b) Parking
 - 1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
 - 2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
- (c) Equipment

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.
- (d) Posted Information
 - 1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
 - 2. Public electric vehicle charging stations must be posted with signs indicating that

the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

(e) Maintenance

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

(4) Geothermal Energy Systems⁹

- (a) General

Geothermal energy systems are permitted as an accessory use in all zoning districts.
- (b) Location
 - 1. Geothermal energy systems must be located entirely within the lot lines of the subject property or within appropriate easements.
 - 2. No portion of a geothermal energy system may be located within a stream or stream buffer.

(5) Home Occupations¹⁰

- (a) Purpose

The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) Type A and Type B Home Occupations

Two types of home occupations are defined and regulated under this section:

 - 1. **Type A Home Occupations**

Type A home occupations are those in which household residents use their home as a place of work, with no

⁹ New

¹⁰The home occupation provisions have been substantially revised and updated.

⁸ New

employees, customers or clients coming to the site.

2. Type B Home Occupations

Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site.

(c) Exemptions

1. Group Living

Group living uses are not regulated as home occupations and are not subject to the home occupation regulations of this section. Group living is allowed as indicated in [Table 7-1](#).

2. Family Day Care Homes

Family day care homes are not regulated as home occupations and are not subject to the home occupation regulations of this section. Family day care homes are allowed only as indicated in [Table 7-1](#).

3. Bed & Breakfast Inn

Bed & breakfast inns are not permitted as home occupations and are not subject the home occupation regulations of this section. Bed and breakfasts are allowed only as indicated in [Table 7-1](#).

4. Short-Term Rentals

Short-term rentals are not permitted as home occupations and are not subject the home occupation regulations of this section. Short-term rentals are allowed only as indicated in [Table 7-1](#).

5. Prohibited Home Occupations

The following uses are expressly prohibited as home occupations:

- a. Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- b. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- c. Equipment or supply rental businesses;

- d. Taxi, limo, van or bus services;
- e. Tow truck services;
- f. Firearms sales establishment;
- g. Eating or drinking places;
- h. Funeral or interment services;
- i. Animal care, grooming or boarding businesses; and
- j. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

6. Where Allowed

- a. Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of subsection [7](#) and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of subsection [7](#) apply to the combined home occupation uses.
- b. Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in subsection [8](#). Type B home occupations are subject to the general regulations of subsection [7](#), the supplemental regulations of subsection [8](#) and all other applicable regulations of this section. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.

7. General Regulations

All Type A and Type B home occupations are subject to the following general regulations:

- a. Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes.

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- They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in De Pere. Home occupations must be operated so as not to create or cause a nuisance.
- b. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
 - c. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
 - d. Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.
 - e. The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 650 square feet, whichever is less.
 - f. No window display or other public display of any material or merchandise is allowed.
 - g. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
 - h. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a

home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

8. Supplemental Regulations for Type B Home Occupations

- a. Type B home occupations are allowed only if reviewed and approved in accordance with the XXX procedures of XXX, provided that instruction, teaching or tutoring of no more than 4 students at one time is permitted as or right.
- b. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

(6) Outdoor Storage

(a) Applicability

The outdoor storage regulations of this section apply to the storage of goods, materials and equipment as an accessory use to commercial or industrial use types when located outside of enclosed buildings, including:

1. Merchandise or material in boxes, in crates, or on pallets;
2. Garden supplies, plants, lawn mowers, barbecues and other similar items intended for consumer sales and use;
3. Overnight storage of vehicles awaiting repair (not including new vehicles for sale);

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4. Construction and contractor's equipment;
5. Fleet vehicles; and
6. Construction material such as lumber, pipe, steel and unpackaged soil, mulch, recycled material or similar items.

(b) Regulations

XX

(7) Residential Composting¹¹

- (a) The composting of landscape waste (including grass clippings, leaves, and chipped brush) and food waste (including discarded fruits, vegetables, and grains) is an allowed accessory use in residential zoning districts, subject to the regulations of this section.
- (b) Only landscape waste generated from plants grown and maintained on the subject lot may be composted. This provision is not intended to prohibit property owners from adding "outside" materials or ingredients to speed or enhance decomposition.
- (c) Only food waste resulting from food preparation or consumption by residents of the subject lot and their visitors may be composted. This provision is not intended to prohibit property owners from adding "outside" materials or ingredients to speed or enhance decomposition. Meat products are prohibited in residential compost bins.
- (d) All food waste must be placed within rodent-resistant compost bins, which are prohibited in front and rear yards and must be set back at least 10 feet from all lot lines.
- (e) Landscape waste compost piles may not exceed 125 cubic feet in volume, and may not exceed 5 feet in height.
- (f) Landscape waste compost piles must be set back at least 10 feet from all lot lines. Landscape waste compost piles that are not contained within a rodent-resistant compost bin must be set back at least 30 feet from all dwelling units on abutting lots.
- (g) Only animal waste from herbivores is allowed within compost piles or bins.
- (h) Burning of compost piles is not allowed.

(8) Satellite Dish Antennas

(a) Applicability

Satellite dish antennas are subject to compliance with the regulations of this section.

(b) Location

1. In R districts, satellite dish antennas must be located in the rear yard or on the rear of the principal building. If usable communication signals cannot be obtained from the rear location, the satellite dish antenna may be located in the side yard or on the side of the principal building. If usable satellite television communication signals cannot be received by locating the antenna to the rear or side of the principal building, the antenna may be placed in the front yard or on the front-facing roof of the principal building, provided that (a) the dish diameter does not exceed 18 inches and (b) the community development department director's approval is obtained prior to such installation. The community development department director is authorized to approve a front yard location only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
2. In all districts other than R districts, satellite dish antennas may be located anywhere upon a building or within the buildable area of the lot, subject to applicable zoning district setback regulations.

(c) Other Regulations

1. In all R districts, satellite dish antennas may not exceed 36 inches in diameter.
2. A ground-mounted satellite dish antenna may not exceed 20 feet in height including any platform or structure upon which the antenna is mounted or affixed.
3. Roof-mounted satellite dish antenna may not exceed the height of the elevation of the ridge line of the principal structure.
4. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitations

¹¹ New

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imposed by this section, such satellite dish antennas may be installed at a greater height, provided that the height is approved by the community development department director. The community development department director is authorized to approve a greater height upon a showing by the applicant that installation at a height greater is necessary for the reception of usable communication signals.

5. All satellite dish antennas must comply with all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
6. All satellite dish antennas must be adequately grounded for protection against a direct strike of lightning pursuant to the requirements of the city electrical code.

(9) Secondary Suites¹²

- (a) **Description**
Secondary suites are accessory dwelling units contained wholly within the principal dwelling unit on the property (i.e., detached house).
- (b) **Applicability**
All secondary suites are subject to compliance with the regulations of this section.
- (c) **Where Allowed**
Secondary suites are allowed only on lots occupied by a detached house. They are permitted by-right in all R districts.
- (d) **Creation**
Secondary suites may be created by:
 1. Converting existing floor area within the interior of a detached house (e.g., attic or basement) to an accessory dwelling unit;
 2. Adding floor area to an existing detached house to accommodate an accessory dwelling unit; or
 3. Constructing a new detached house that includes an accessory dwelling unit within the principal building.

¹²New

- (e) **Zoning District Regulations**
Secondary suites are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.
- (f) **Number**
No more than one secondary suite is permitted on a single lot. Secondary suites are prohibited on lots occupied by a backyard cottage (see [14-28](#)).
- (g) **Size**
The floor area of a secondary suite may not exceed 30% of the gross floor area of the principal dwelling unit (excluding any attached garage).
- (h) **Number of Residents**
The total number of residents that reside in the secondary suite and the principal dwelling unit, combined, may not exceed the number permitted for a household.
- (i) **Parking**
No additional parking is required for a secondary suite. Any provided parking is subject to the same regulations that apply to the principal dwelling unit.
- (j) **Location of Entrances**
Only one entrance to a detached house containing a secondary suite may be located on a facade that faces a street, unless the detached house had an additional street-facing entrance before the secondary suite was created.
- (k) **Owner Occupancy and Rental**
At least one of the dwelling units on a lot occupied by a secondary suite must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling unit or the secondary suite as their permanent residence for a majority of the time each calendar year. Secondary suites may not be rented for periods of less than 90 consecutive days.

(10) Solar Energy Systems¹³

- (a) **General**
 1. Accessory solar energy systems must comply with all applicable

¹³New

building ordinance and electrical code requirements.

2. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

(b) Building-Mounted Solar Energy Systems

1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
2. All applicable setback regulations apply to building-mounted solar energy systems.
3. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.
4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit or more than 4 feet above the highest point of the roof line, whichever is less.

(c) Ground-Mounted Solar Energy Systems

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard.
2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

14-79 Wireless Telecommunications

(1) Applicability

The regulations of this section apply to mobile service facilities.

(2) Purpose

The regulations of this section are intended to regulate mobile service facilities to the full extent allowed by Wis. Stats. § 66.0404 and other applicable laws. These regulations are not intended to regulate or authorize the regulation of mobile service facilities in a manner that is preempted

or prohibited by Wis. Stats. § 66.0404 or other applicable laws.

(3) New Facilities and Substantial Modifications

(a) Applicability

The regulations of this subsection (3) apply to the siting and construction of new mobile service support structures and facilities and substantial modifications of existing mobile service support structures and facilities.

(b) Application and Fee

The applicant must submit to the zoning administrator a written application, which must include all of the following information. Applications for approval of a substantial modification must describe the proposed modifications, rather than the new structure.

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed tower.
3. The location of the mobile service facility.
4. A construction plan that describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
5. An explanation of why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
6. The application must be accompanied by the fee established by the common council to defray the cost of notification and holding of public hearing. Costs incurred by the city in obtaining legal, planning, engineering and other technical and professional advice in connection with the review and implementation of the conditional use will also be charged to the applicant. Such fee must be established by resolution of the common council and may not exceed the limits established by Wis. Stats. § 66.0404(4)(d).

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(c) **Determination of Completeness**

The zoning administrator must review the application and determine whether the application is complete. The zoning administrator must notify the applicant of the determination within 10 days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

(d) **Review Procedure**

Applications for new wireless telecommunications mobile service facilities and substantial modifications of existing facilities must be reviewed pursuant to the procedures set forth below:

1. After determining that an application is complete, the zoning administrator determines must forward the application to the plan commission for review. The plan commission must forward its recommendation to the common council for a public hearing on the matter.
2. Notice of the common council's public hearing must be published by the Clerk-Treasurer as a Class I notice. The Clerk-Treasurer must also provide by first class mail a copy of the public hearing notice to all owners of record of real property located within 300 feet of the property for which approval is sought.
3. Approval of a new wireless telecommunications mobile service facility or a substantial modification of an existing facility may not be granted unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse will be completely contained on the subject property. If an applicant provides the city with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area must be used unless the city has and provides the applicant substantial evidence that the engineering certification is flawed.
4. All facilities must comply with all applicable state and federal regulations.

(e) **Public Hearing and Decision**

1. The common council must make a decision on the application for a new wireless telecommunications mobile service facility or a substantial modification of an existing facility within 90 days of a completed application unless the time is extended by the applicant.
2. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.
3. An official record of the decision must be prepared by the zoning administrator. The official record must include a description of the use for which the approval is granted and all conditions attached to such approval as well as a copy of the resolution of the common council approving the application. A copy of the completed form must be recorded at the Brown County Register of Deeds as a covenant on the title for the premises for which the approval was granted.

(f) **Conditions of Approval**

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard, or parking requirements, among other issues as deemed appropriate may be required by the ~~Plan Commission~~ common council upon a finding that such conditions are necessary to fulfill the purpose and intent of this section.

(g) **Limitations on Authority**

The city's review and action on applications for new wireless telecommunications mobile service facilities or substantial modifications of existing facilities are subject to the limitations imposed by Wis. Stats. § 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter, to ensure that applicable laws are followed.

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DRAFT**(4) Non-Substantial Modifications****(a) General**

Non-substantial changes, additions or other modifications to an existing mobile service support structure or mobile service facility are subject to the requirements of this subsection. The application together with applicable fees must be submitted to be made to the zoning administrator, who must review the application determine whether the changes, additions, or other modifications shown on the application constitute a non-substantial modification.

(b) Application Information

The applicant shall submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the affected support structure.
3. The location of the proposed facility.

(c) Determination of Completeness

The zoning administrator must review the application and determine whether the application is complete. The zoning administrator must notify the applicant of the determination within 5 days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

(d) Decision

The zoning administrator must make a decision on the application within a reasonable time after receipt of the completed application and no later than 45 days after receipt of the completed application unless the time is extended by the applicant. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.

(e) Limitations on Authority

The city's review and action on applications for non-substantial modifications of existing facilities are subject to the limitations imposed by Wis. Stats. § 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter or to direct the zoning administrator to reconsider the matter, to ensure that applicable laws are followed.

(5) Definitions

The definitions of this subsection apply only in administering and enforcing the wireless telecommunication mobile service facility regulations of this section (14-79).

(a) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) "Application" means an application for a permit under this section to engage in either:

1. The siting and construction of a new mobile service support structure and facilities.
2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities or a class 2 collocation.

(c) "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

(d) "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

(e) "Collocation" means class 1 or class 2 collocation or both.

(f) "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a

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transport medium and that provides mobile service within a geographic area or structure.

- (g) "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (h) "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with city.
- (i) "Fall zone" means the area over which a mobile support structure is designed to collapse.
- (j) "Mobile service" has the meaning given in 47 USC 153 (33):
 1. The term "mobile service" means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:
 - a. Both one-way and two-way radio communication services,
 - b. A mobile service that provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and
 - c. Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.
- (k) "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete

geographic area, but does not include the underlying support structure.

- (l) "Mobile service provider" means a person who provides mobile service.
- (m) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.
- (n) "Permit" means a permit, other than a building permit, or approval issued by a political subdivision that authorizes any of the following activities by an applicant:
 1. A class 1 collocation.
 2. A class 2 collocation.
 3. The construction of a mobile service support structure.
- (o) "Public utility" has the meaning given in Wisconsin Statutes.
- (p) "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (q) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
 2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
 3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
 4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- (r) "Support structure" means an existing or new structure that supports or can support

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a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

- (s) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in Wisconsin Statutes; public utility, as defined in Wisconsin Statutes; telecommunications utility, as defined in Wisconsin Statutes; political subdivision; or cooperative association organized under Wisconsin Statutes; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wisconsin Statutes; for video service, as defined in Wisconsin Statutes; for electricity; or to provide light.

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14-90 General**(1) Applicability**

The design regulations of this section apply to all building types in X districts, unless otherwise stated.

(2) Intent**(a) General**

The regulations of this section 14-90 are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect or establish the character of the city.

(b) Durable, High Quality

The minimum design regulations are intended to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve the quality of buildings in that they weather well, have a lower failure rate, require a low level of maintenance, have a longer life cycle and sense of permanence, and maintain higher long term value.

(c) Simple, Well Organized Facades

The design regulations are intended to promote simpler, well organized facades that are easy to comprehend and have a clear hierarchy.

(d) Human-Scaled Building Units

The design regulations are intended to yield building facade proportions that are

comfortable to and in line with the scale of people. Additionally, a high level of detail relates facades to pedestrians and makes them more interesting and inviting.

14-91 Building Facade Materials**(1) Applicability**

The regulations of this section apply to all buildings and building types in the X, RM, O, C, and I districts, unless otherwise stated.

(2) Major Facade Materials

At least 65% of each street ~~and non-street~~ facade surface, not including window and door areas, must be composed of major materials in accordance with the regulations of Table 9-1.

(a) Simplicity of Surface Materials

At least 60% of each building or 60-foot or wider facade division, not including window and door areas, must be faced of a single major material. See Figure 9-1

(b) Side and Rear Facades

Permitted major facade materials must continue around the corner of a building from the street facade onto the side or rear facade for no less than 30 feet along the side or rear facade. Refer to Table 9-1.

(c) Other Materials

A design exception may be approved in accordance with 14-125 for materials not listed as permitted major materials, with the exception of those materials listed in Table 9-4 as prohibited materials.

ARTICLE IX BUILDING AND SITE DESIGN

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- (d) **Color**
In the MX1 district only, the paint or finish colors of any major materials requiring an applied finish must be from an historic palette from any major paint manufacturer. Other colors may be used for details and accent materials.

(3) Minor Facade Materials

- (a) **Maximum Minor Materials for Surface Areas**
 A maximum of 35% of each street facade surface and 100% of each non-street facade, not including window and door areas, may be composed of minor facade materials in accordance with the regulations of Table 9-2.
- (b) **Accents and Details**
 Additional materials are permitted for trim, accents, and details in accordance with the regulations of Table 9-3, not included in the maximum surface area.
- (c) **Other Materials**
 A design exception may be approved in accordance with 14-125 for materials not listed as permitted minor materials or accent and detail materials, with the

exception of those materials listed in Table 9-4 as prohibited materials.

(4) Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or slate may be approved through the design exception process ~~with an approved sample and documented examples of successful, high-quality installations within 100 miles of the site.~~

(5) Accessory Buildings

Accessory buildings including sheds and warehouses shall meet all building material regulations, except an accessory building may be 100% metal if all of the following conditions are met:

- (a) The building is less than 1,200 square feet;
- (b) The building is not visible from any property line;
- (c) The building is less than 20 feet in height; and
- (d) The metal color is the same as a color on the principal structure.

Minor Surface Material

Accent Material (column)

Single Major Surface Material

Minor Surface Material (storefront material)



Figure 9-1. Major and Minor Materials on a Facade

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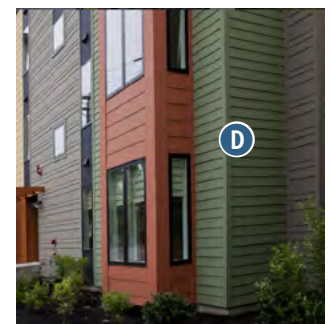
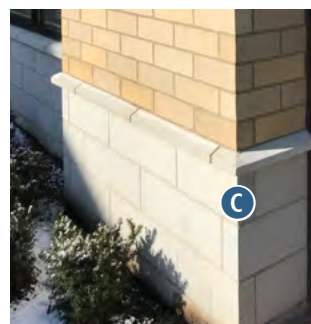
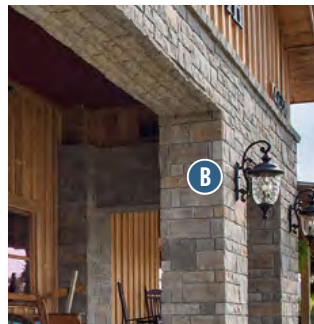
ARTICLE IX BUILDING AND SITE DESIGN

14-91 Building Facade Materials

TABLE 9-1 — ALLOWED MAJOR FACADE MATERIALS

		DISTRICTS				
		X, PI	RM	O	C	I
MAJOR FACADE MATERIAL (alphabetical)		Storefront, General, Commercial Cottage, Commercial Center, Row, Civic				
A	Brick full dimensional, unit, face brick	●	●	●	●	●
	<u>Brick economy size; or thin, veneer</u>				●	●
B C	Concrete Masonry Units architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal), "stone" face, "hewn stone", rock cut	●	●	●	●	●
	<u>Concrete Masonry Units minimum 3" depth, split-faced, burnished/ground face, glazed, or honed,</u>					●
	Concrete Surfaces finished, stained, painted, treated	—●—				
D	Fiber Cement Board finished lap siding or shingles	Commercial Cottage and Row Building only				
E	<u>Glass curtain wall system</u>	● except Commercial Cottage and Row Building		●	●	●
	Metal architectural panel system <u>with 35% ground level brick, approved concrete masonry units, or stone</u>	MX1, GX1, RX only				●
	Stone natural, units	●	●	●	●	●
	Stucco-cement-based, 2-3 layer hard coat	—●—	—●—		—●—	—●—
F	Wood painted, stained, or treated lap siding, shingles	Commercial Cottage and Row Building only	●			●

KEY: ● = allowed



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14-91 Building Facade Materials

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TABLE 9-2 — MINOR FACADE MATERIALS

All allowed major facade materials may be used for minor facade materials, unless otherwise listed as prohibited in [Table 9-4](#).

MINOR FACADE MATERIAL (alphabetical)	Allowed on Buildings in these Districts	Allowed Facades	Maximum Amount on each Facade
Brick, Economy economy size; or thin, veneer	All	Non-street facades only	100%
Concrete Surfaces unfinished	I districts only	All	35%
Concrete Surfaces finished stained, painted, treated	All	I districts: all facades All other districts:, below first floor only	20% 35%
Concrete Masonry Units minimum 3" depth, split-faced, burnished/ ground face, glazed, or honed,	All except Commer- cial Cottage	Non-street facades only; In I districts all facades	100%
G Fiber Cement Board, Composite finished panels	All	All, except a major material is required at grade up to 2 feet and adjacent to entrances	35%
Glass curtain wall system	All except Commer- cial Cottage	All	35%
Glass Block	All except Commer- cial Cottage	Non-street facades only	20%
H Metal architectural panel system	MX1, GX1, RX, Θ , I only	All, except a major material is required at grade up to 2 feet and adjacent to entrances	35%
Metal, Composite aluminum composite materials (ACM) or panels (ACP)	MX1, GX1, RX, O, I, PI only	Non-street facades only	35%
Metal Siding coated siding with concealed fasteners	I only	Rear facades only	100%
I Metal, Corten panels or panel systems, not ribbed or corrugated	MX1, GX1, RX, O, I, PI only	All	30%
J Stucco cement-based, 2- 3 layer hard coat	All		35%
Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories all facades	30%
Terra Cotta or Ceramic tiles or panels	All	All	20%
K Translucent Panel System double-wall, polycarbonate panels	All except Commer- cial Cottage	All	20%
Vinyl Siding minimum 0.42 inches thick	Allowed only on Row Building	All	30% of street facade, 100% on other facades
L Wood natural, aged lap siding, shingles, rain- screen system	All	All	30%
M Wood, Composite rainscreen system	All	All	30%

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14-91 Building Facade Materials

TABLE 9-3 — ALLOWED DETAIL AND ACCENT MATERIALS (all facades)

All permitted major and minor facade materials may be used for details, trim, and accents, unless otherwise listed as prohibited in [Table 9-3](#).

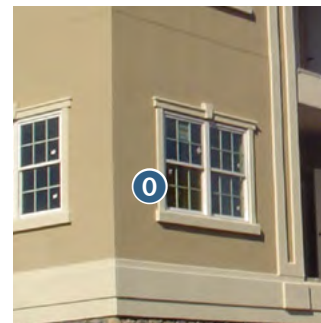
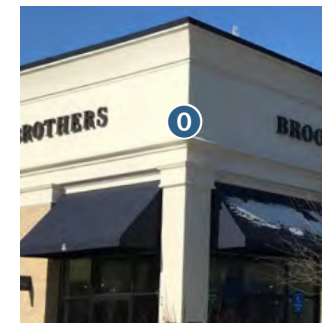
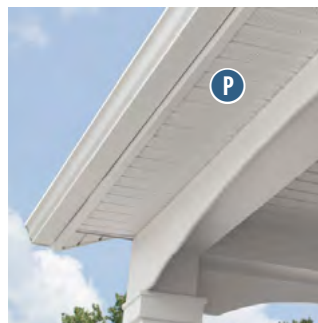
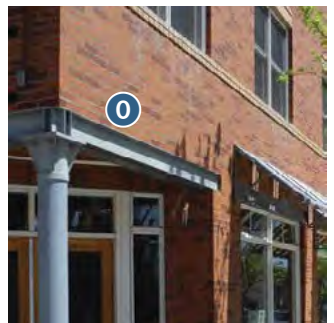
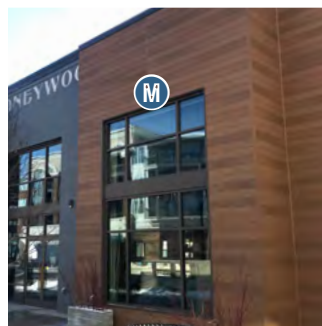
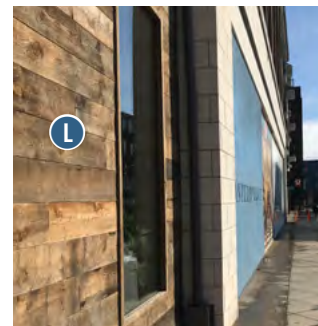
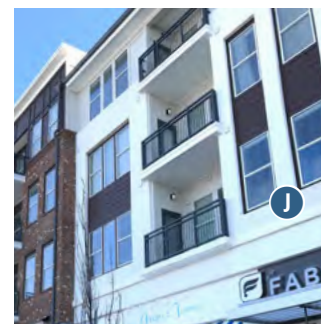
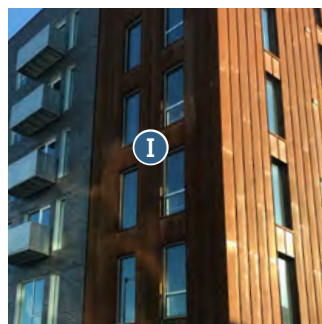
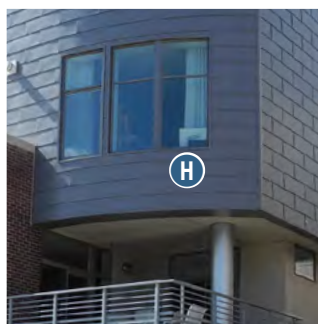
N	Concrete Details precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
O	Metal Details trim, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
P	Vinyl Details limited to soffits, window trim; minimum .042 inches thick

TABLE 9-4 — PROHIBITED MATERIALS (all facades)

Q **Stucco Mouldings or Synthetic Stucco Mouldings**
trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details

Wood

Unfinished, untreated plywood and wood panels



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(6) Materials Installation Quality

The intent of the materials installation quality regulations is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials. Changes in vertical surface materials for buildings must comply with the following regulations:

(a) Changes in Surface Materials

Changes in surface materials, whether major materials or minor materials, may only occur at concave corners, minimum 12 inches deep. Surface materials are materials intended to cover the facade surface (such as unit materials, siding, stucco, panels) and do not include detail materials, such as but not limited to cast stone for lintels or cornices, exposed metal beams, or any material used to create a shadow line.

(b) Materials Hierarchy

Unit materials must be elevated from the face of the building above less detailed, surface materials. For example, stucco, as a constant surface material, must be recessed behind a bricked surface. See [Figure 9-2](#)

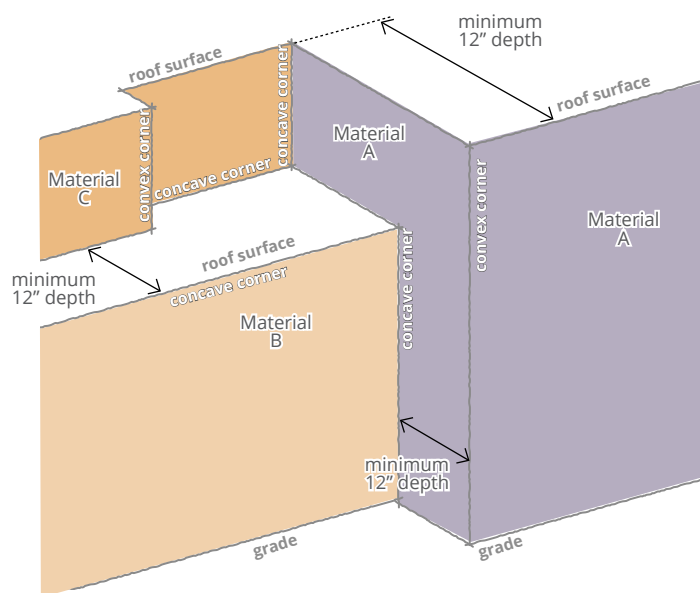


Figure 9-2. Diagram of Allowable Changes in Surface Materials

for an example, where Material A is brick, Material B metal panels, and Material C stucco.

(c) Shadow Lines on Surfaces

Shadow lines must be created at changes in materials with solid materials of a thickness that is greater than 2 inches, such as cast stone, masonry, or stone. For example, cast stone pieces may be offset to create a shadow, where the convex corner of the piece is used to create the corner of the detail.

(d) Appropriate Grade of Materials

Except the Row building type, all doors, windows, and hardware must be of commercial grade quality.

(e) Applique Materials

Materials with thickness of less than 2.5 inches, including but not limited to stucco, may not be used or formed to create shadow lines.

(f) Stucco Installation

Any stucco construction must be of the highest installation quality and comply with the following criteria:

1. All stucco joints must be aligned along the facade in the pattern shown on the elevations submitted for the site plan approval. Joints must also align with the locations of windows and doors and other changes in material.
2. The stucco wall assembly must be indicated on the plans specifying stucco type and construction.

(g) Design Exception

Modification to these material installation regulations may be approved through a design exception.

14-92 Building Design Elements

(1) Applicability

The design regulations of this section apply to all building types in the RM and X districts, unless otherwise stated.

(2) Windows

Windows on street and public way facades of all buildings are subject to the following regulations:

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- (a) **Amount**
Each building must comply with the transparency regulations applicable to the subject building type.
- (b) **Recessed**
All windows, with the exception of ground-story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 2 inches back, measured from the facade surface material or adjacent trim.
- (c) **Vertical Orientation**
All windows must be vertically oriented except that when a flat building cap is used, horizontally oriented windows may be used for up to 30% of the total transparency area of each upper-story.
- (d) **Visibility Through Glass**
Reflective glass and glass block are prohibited on street and public way facades. Windows must comply with the transmittance and reflectance factors established in the transparency definition (see 14-161).
- (e) **Expressed Lintels**
For masonry construction, the expression of lintels must be included above all windows and doors by a change in brick coursing or by a separate detail or element. See Figure 9-3 for illustrations of expressed lintels.

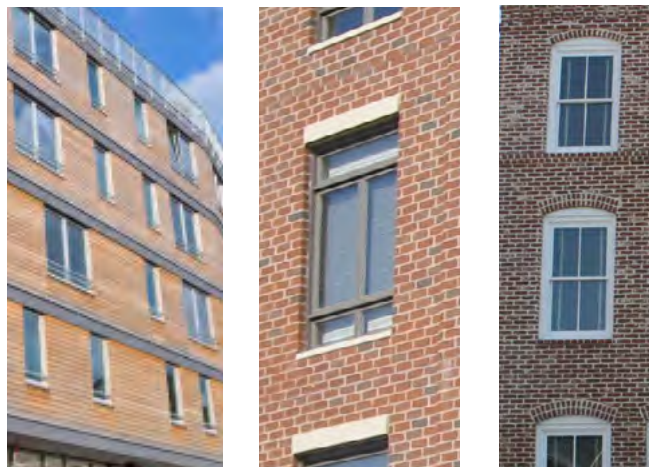


Figure 9-3. Vertically Oriented Windows with Expressed Lintels

Inappropriately Scaled Shutters: **Not Permitted**Appropriately Scaled Shutters: **Permitted**

quality, local installations of the material, located within 100 miles of the site.

(3) Shutters

When functional or non-functional shutters are used on a street or public way facade, the shutters must comply with the following regulations. See Figure 9-4 for examples of shutters.

- (a) **Size**
All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
- (b) **Materials**
Shutters must be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved through a design exception ~~provided that the applicant submits a sample and examples of high-~~

(4) Awnings, Canopies, & Light Shelves

~~Awnings, canopies, and light shelves on all buildings must be constructed in accordance with the regulations of this subsection. See Figure 9-5 for examples of awnings.~~

- (a) **Encroachment**
~~Awnings, canopies, and light shelves may not extend into a right-of-way or easement~~

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except with an approved-revocable-occupancy-permit, encroachment permit.

(b) **Attached Awnings & Canopies**

Awnings and canopies that are attached to the building and removable are subject to the following regulations:

1. **Material**

All awnings and canopies must be canvas or metal. Plastic awnings are prohibited. Other materials may be approved with a design exception.

2. **Shapes**

Waterfall or convex, dome, and elongated dome awnings are permitted only when approved as a design exception in accordance with 14-125.

3. **Lighting**

Backlit awnings are prohibited.

4. **Structures**

Frames must be metal and must be wall mounted. Support poles from the ground are prohibited unless the awning is over 8 feet in depth and used for outdoor eating areas or entrances.

(c) **Multiple Awnings on the Facade**

When more than one awning is mounted on a facade, the awning types and colors must be coordinated.

(d) **Canopies & Light Shelves**

Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are permitted.

(e) **Clearance**

All portions of any awning, canopy, or light shelf must provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.

(f) **Signs**

Refer to 14-118(2) for signs on awnings and canopies.

(5) **Balconies**

Balconies on a facade facing any street, courtyard, open space, or public way must comply with the regulations of this subsection. See Figure 9-6 for examples of balconies.



Metal Awning



Canvas Awning

Figure 9-5. Examples of Awnings

(a) **Definition**

For the purpose of this subsection, balconies must include any roofed or un-roofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include false balconies, Juliet balconies, or balconettes.

(b) **Balconettes**

Sometimes referred to as Juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less

than 18 inches in depth. Balconettes are permitted and do not count towards the maximum permitted amount of balcony on a street facade.

- (c) **Size**
Balconies must be a minimum of 4 feet deep and 5 feet wide.
- (d) **Integrated Design**
Balconies are intended to be integrated with the design of the facade in order to avoid a “tacked-on” appearance. ~~avoiding-tacking the balconies onto the facade after the elevation has been designed.~~
 1. ~~A minimum of 50% of the perimeter of each balcony must abut an exterior wall of the building, partially enclosing the balcony.~~
 2. The balcony support structure must be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
- (e) **Platform**
The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any public way must be finished. Metal open grate floors are not allowed.
- (f) **Facade Coverage**
A maximum of 35% of the public way frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.
- (g) **Build-to Zone Requirement**
The portion of the facade occupied by an upper-story balcony is exempt from build-to zone regulation.
- (h) **Right-of-Way**
Balconies may not extend into any right-of-way or easements except as otherwise approved by the city via a revocable occupancy permit.



Figure 9-6. Examples of Balconies

- (i) **Exception**
A design exception may be approved for an alternate balcony design in accordance with 14-125.

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(6) Principal Entryway

See [Figure 9-7](#) for examples of defined principal entryways. Principal entrances to all buildings or units must be clearly delineated through one or more of the following design features:

- (a) **Roof or Canopy**
The entryway is covered by a roof or canopy differentiating it from the overall building roof type.
- (b) **Porch**
The entryway is through a porch.
- (c) **Sidelights and Transom**
Sidelights or transom windows are included around the entryway.
- (d) **Extended Articulation**
The entryway is included in a separate bay of the building that extends up at least 2 stories.
- (e) **Other Design**
Entryway designs that do not comply with the regulations of this subsection may be approved in accordance with the design exception procedures of [14-125](#), if it is determined that the design adds emphasis and draws attention to the entryway.

(7) Building Articulation

The building articulation regulations of this subsection apply to all building types. See [Figure 9-8](#) for examples of building facade variety and articulation of stories.

- (a) **Building Facade Variety**
Each public way facade 120 feet in length or greater, as measured along any street or public way frontage must be varied in segments less than or equal to 90 feet. Each facade segment must vary in at least 3 of the following ways:
 1. The type of dominant material or by color, scale, or orientation of that material;
 2. The proportion of recesses and projections within the build-to zone;
 3. The location of the entrance and window placement;
 4. Roof type, plane, or material, unless otherwise stated in the building type requirements; or

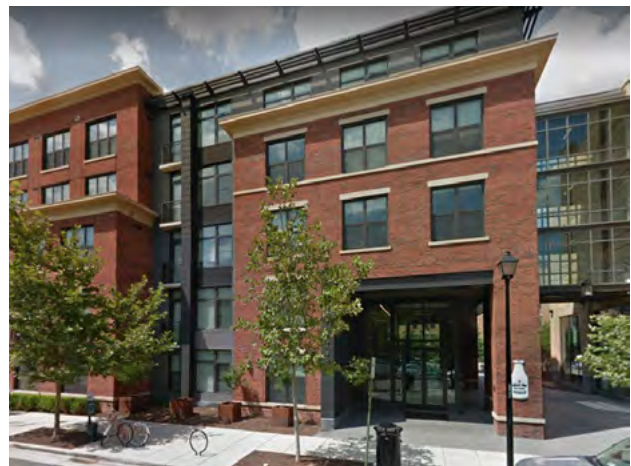


Figure 9-7. Examples of Defined Principal Entryways

5. Building heights.

(b) Articulation of Stories

Stories must be articulated on street and public way facing facades.

1. Fenestration or window placement on street facades must be organized by stories.
2. Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines as required for the subject building type.
3. Mezzanines that fall within the range of floor to floor heights of the building type must be articulated on the facade and require separate calculation for transparency.

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4. Spaces exceeding the allowable floor to floor heights of the building type must be articulated as multiple stories on the street facade.

(8) Arcade Design

See Figure 9-9 for an illustration of an arcade. The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground-story.

(a) Depth

An open-air public walkway must be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 15 feet.

(b) Build-to Zone

When an arcade is used, the outside face of the arcade is to be construed to be the front facade, located within the required build-to zone.

(c) Column Spacing

Columns must be spaced between 10 feet and 12 feet on center.

(d) Column Width

Columns must be a minimum of 1 foot 8 inches and a maximum 2 foot 4 inches in width.

(e) Arcade Openings

Openings may not be flush with interior arcade ceiling and may be arched or straight.

(f) Horizontal Facade Division

A horizontal shadow line must define the ground-story facade from the upper stories.

(g) Visible Basement

A visible basement is not permitted.

(h) Exception

A design exception may be submitted for approval of an alternate arcade design.

(9) Vistas

Views down streets must be considered when laying out streets and locating open space, parking, and buildings. See Figure 9-10 for an illustration of a vista.



Figure 9-8. Examples of Building Facade Variety and Articulation of Stories

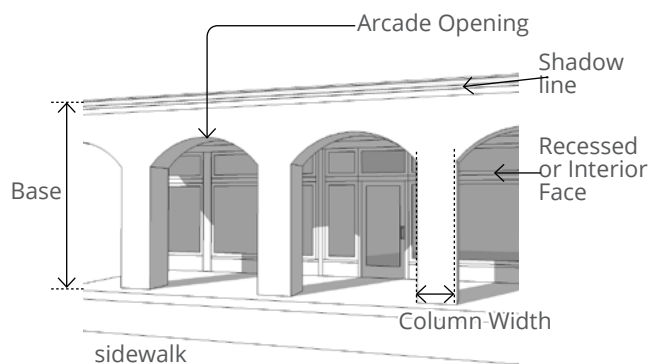


Figure 9-9. Illustration of Arcade

(a) Rears of Buildings

The location of open space and streets may not create views of the rear of buildings or parking behind buildings.

(b) Parking

Parking structures and surface parking lots are not permitted at the termination of a street vista.

(c) Street Termini

When a street terminates at a parcel, the parcel must be occupied by open space or a building, as follows:

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1. If the parcel is open space, a vertical element must terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.
2. If the parcel is not used as an open space, the facade of a building, whether fronting a primary street or not, must terminate the view. The building must incorporate a tower, a bay or a courtyard to terminate the view:

(10) Garage Doors

The following requirements apply to garage doors provided on any street facade.

(a) Location.

1. Primary Frontages. Except on the Workshop building type, garage doors are permitted on primary street facades only when used for patio access, open air dining, or display and not used for vehicular access.
2. Non-Primary Frontages. Garage doors may be permitted on non-primary street facades with direct access to the street where permitted by building type.
3. Interior Lot Facades. The preferred location is on interior lot facades.
4. ~~Workshop Building. Location of garage doors on the primary facade of a workshop building is defined in the building type regulations (14-01 through 14-39).~~

(b) Recessed from Facades

Garage doors located on street-facing facades must be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.

(c) Design.

1. Garage doors facing a non-primary street and intended to be closed during business hours must be clad with materials consistent with the design of the building.
2. On primary frontage facades, garage doors must be a minimum of 50% glass.

3. Carriage-style windows in the door or upgraded architectural doors are required on the Row building type.

(11) Ground-Story at Sloping Facades

See [Figure 9-11](#) for examples of ground-story treatments.

(a) Storefront

The following regulations apply to all non-storefront facades along sloping streets:

1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
2. The interior floor level must step to match the exterior grade within 3 feet. With approval of a design exception, changes in grade may be accommodated by a storefront window display space.
3. Knee wall and retaining walls may not exceed 30 inches in height except along a maximum 15 foot section of facade length.
4. If grade change is more than 9 feet along a single block face, entrance requirements may be increased to one entrance per 90 feet of building frontage.
5. If grade change is more than 9 feet along a single block face, building entrances adjacent to the street must be within 3 feet of the elevation of the adjacent sidewalk.

(b) Non-Storefronts

The following regulations apply to all non-storefront facades along sloping streets:

1. Grade transitions at the building along the sidewalk must be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
2. The interior floor level must step to match the changes in exterior grade within a 3-foot range. With a design exception approval, deeper transition zones between the sidewalk and

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building facade of porches, terraces, and landscape areas may be used assist with grade changes.

3. Changes can be accommodated by terraced planters and retaining walls. Retaining walls may not exceed 30 inches in height except along a maximum 15-foot section of frontage.
4. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations

(12) Mechanical Equipment & Appurtenances

Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical equipment and appurtenances is minimized. See [Figure 9-12](#) for illustrations.

(a) Mechanical Equipment in Building

Mechanical equipment must be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function.

(b) Rooftop Mechanical Equipment

Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators, and not including solar panels, must be located consistent with one of the following methods:

1. Incorporate equipment into the roof design consistent with the applicable building cap regulations of [14-39](#).
2. Set the equipment back a minimum of 20 feet from any street or public way facade.
3. To the extent practicable, all rooftop mechanical must be painted to blend with the structural roof and limit its visibility.
4. Rooftop mechanical equipment visible from adjacent highways must be screened with materials consistent with the building design.



Figure 9-10. Example of Terminated Views at buildings and civic open space.



Figure 9-11. Examples of Ground-Story Elevations along Slopes

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5. Solar panels are permitted, subject to the regulations of [14-78](#).
- (c) **Mechanical Equipment and Utility Appurtenances on Facades**
Mechanical equipment and utility appurtenances may not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade, such as dryer vents, gas meters, and air conditioners are subject to the following regulations:
1. ~~The mechanical equipment may be located on a primary facade only if the following requirements are met:~~
 - a. ~~The equipment is located on a surface perpendicular to any right-of-way;~~
 - b. ~~The equipment extends from the facade surface no more than 3 inches; and~~
 - c. ~~The equipment is screened from the sidewalk.~~
 2. Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this regulation must be illustrated on the drawing elevations submitted as part of the application.
 3. To the extent practicable, facade-mounted mechanical appurtenances must be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.
- (d) **Mechanical Equipment and Utility Appurtenances on Other Horizontal Surface**
Mechanical equipment and utility appurtenances located on the ground, decks, or horizontal surfaces other than the roof (e.g., electrical equipment and air conditioners) are subject to the following regulations:
1. **No Encroachment**
Mechanical equipment may not extend into any city right-of-way or easement.
2. **Yard Location**
Mechanical equipment may not be located in a front or street side yard.
 3. **Screening from Streets and Civic Spaces**
 - a. All equipment must be screened from view from any streets, open space, or civic space with landscaping, fencing, or walls consistent with the building design, colors, and materials.
 - b. Where landscaping only is employed, a single row of evergreen shrubs zoning administrator the equipment within 1 year of installation. The planning director may require additional landscape materials. See [Article X](#) for landscape regulations.
 - c. Where landscaping is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the bed design.
 - (e) The zoning administrator is authorized to approve appurtenances located on a primary street only if the following conditions are met:
 1. The applicant demonstrates that the equipment cannot be located in a rear yard, non-primary street yard, or in a side yard.
 2. No utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
 3. The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See [Figure 9-14](#) for examples of poorly located, unscreened equipment on primary streets.
 4. The appurtenance is located a minimum of 35 feet from a street intersection, measured from the

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Figure 9-12. Rooftop Utilities Screened from the Public Way by a Parapet

Utility vents aligned and colored to match facade surface

Utility vents colored to match facade surface



Hotel room vents organized and integrated into the facade design



Figure 9-13. Utility Appurtenances located on Facades

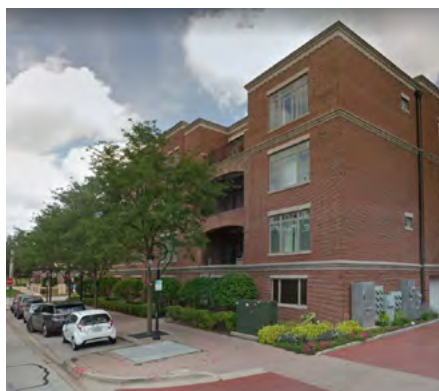


Figure 9-14. Examples of Poorly Located Utility Appurtenances without Screening on Primary Streets: NOT PERMITTED

ARTICLE IX BUILDING AND SITE DESIGN

14-93 Auto-Oriented Structures

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intersection of the curb line, and does not impact the sight vision clearance at intersections.

14-93 Auto-Oriented Structures

(1) Parking Structures

Parking structures along any non-primary street frontage must comply with the following. See [Figure 9-15](#) for one illustration of a parking structure.

- (a) **Location**
~~Parking structures are permitted in the rear of any lot. Frontage is permitted along non-primary streets only.~~
- (b) **Materials**
~~The major and minor material requirements of 14-90 must be met on all street facades. Additional permitted minor material is stained, finished concrete.~~
- (c) **Ramps and Slopes**
~~Ramps and slopes must be located on non-street facades.~~
- (d) **Vertical Divisions**
Vertical divisions extending the full height of the structure are required every 30 feet to de-emphasize the horizontal decks. Divisions must be a minimum of 2 feet in width with a minimum projection of 2 inches.
- (e) **Blank Wall Limitations**
No rectangular area greater than 30% of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.
- (f) **Entry Tower**
A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the space is enclosed, windows are required to provide transparency of at least 65%.
- (g) **Cap**
The top story of the parking structure must include a parapet or cap type along the street facades. See the building cap regulations of [14-39](#).

(2) Fueling Stations

Fueling stations and car washes must comply with the following. Refer to [Figure 9-16](#) for one illustration of a compliant Fuel Station.

(a) Location of Pumps

Any fueling pumps shall be located in the rear or interior side yard.

(b) Convenience Store/Building

A building on the premises of a fueling station shall be located in the build-to zone and shall occupy any corner. The building shall fulfill all requirements of the building type with the exception of the minimum primary frontage coverage and the minimum height requirement.

(c) Car Wash Facility

Any car wash facility shall be located in the rear of the lot. Vehicle entrance doors may be located on the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through a design exception.

(d) Additional Drive Entrance

One driveway entrance, in addition to the driveways permitted by building type, is permitted on the lot, maximum width 22 feet.



Figure 9-15. Illustration of Parking Structure

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14-94 Outdoor Storage

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With a design exception, the driveway may be located on the primary street.

14-94 Outdoor Storage

(1) Where Allowed

- (a) Outdoor storage of goods and materials is allowed only in the following zoning districts:
 1. C1, Highway Commercial 1
 2. C2, Highway Commercial 2
 3. I1, Industrial 1
 4. I2, Industrial 2
 5. I3, Industrial 3
- (b) Outdoor storage is prohibited in all other zoning districts.
- (c) Refuse and recyclable materials storage is regulated in accordance with

(2) Regulations

Where allowed, outdoor storage areas are subject to the following regulations:

- (a) Unless otherwise expressly approved by the plan commission, outdoor storage areas may not exceed 10% of the lot area or one-half acre, whichever is less.
- (b) Outdoor storage areas are limited to the rear yard area and the rear 25% of the side yard area.
- (c) Outdoor storage areas are prohibited in required setbacks.

- (d) Outdoor storage areas must be located on a paved, dust-free surface, not including gravel.
- (e) Outdoor storage areas must be contiguous with the building.
- (f) Outdoor storage areas must be screened from view by an opaque fence or wall.
- (g) Fences and walls must be constructed of a matching non-metal building material, vinyl, wood or masonry material.

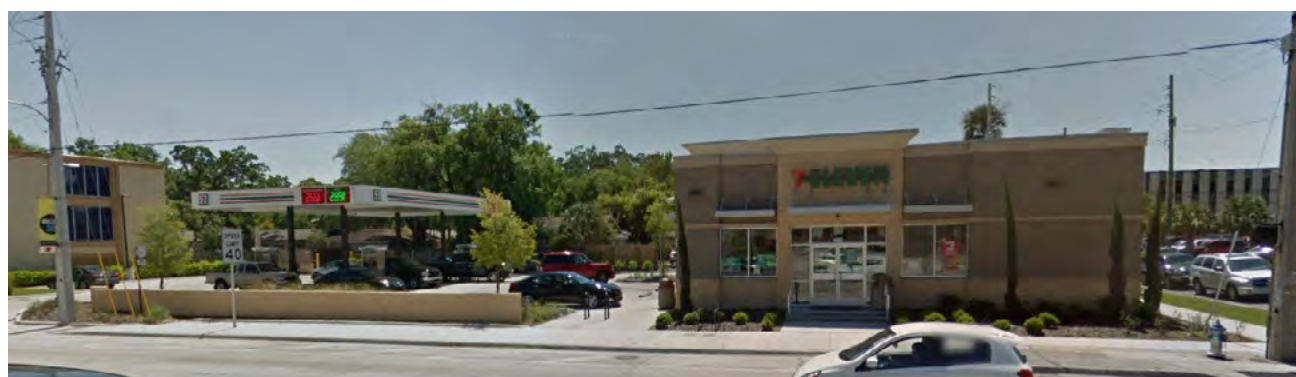
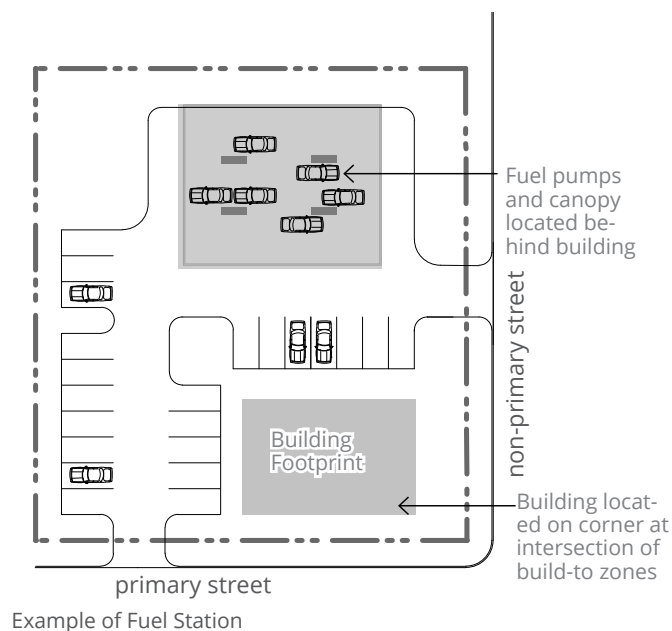


Figure 9-16. Side or Rear Fueling Pumps and Storefront Building

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ARTICLE IX BUILDING AND SITE DESIGN

14-95 Refuse and Recyclable Materials Storage

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- (h) No barb wire or other dangerous or injurious material may be placed upon the enclosure.
- (i) The height of materials within the outdoor storage areas may not exceed the height of the required fence or wall.

~~Outdoor storage of motor vehicles in operable condition is allowed provided such outdoor parking (storage) areas are screened pursuant to the definition of screening contained in the definition section of this Chapter (§14-03). A landscape area shall be provided along all fence areas with ground cover, shrubs or trees planted at an average spacing of 30 ft. on center.~~

14-95 Refuse and Recyclable Materials Storage

- (1) Refuse and recyclable materials containers must be stored within an enclosure.
- (2) Refuse and recyclable materials enclosures may not be used for storage of anything other than refuse and recyclable materials receptacles.
- (3) The enclosure must be opaque and provide complete visual screening of the refuse and recyclable materials receptacles.
- (4) The enclosure and gate must be a matching metal building material, vinyl, brick, masonry, or composite wood. Chain-link fencing (with or without slats) is not allowed.
- (5) The enclosure must be at least one foot taller than the receptacles. No refuse or recycle may be stored higher than the top of the enclosure.
- (6) The refuse and recycle storage area must be located on a paved, dust-free surface, not including gravel.
- (7) Landscaping is required around screening enclosures wherever they abut a non-paved surface or a required landscape area.

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