

Section 22.01. General Provisions

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22.01.01. Title

This Zoning Code, effective as of **ADD DATE, 2026**, shall be known and may be cited as the Zoning Code of the City of Waukesha, Wisconsin. This Zoning Code may also be referred to as "this Chapter," "this Code," or "the Code."

22.01.02. Zoning Map

The Zoning Map is hereby incorporated into and made part of this Chapter. The Community Development Director or their Designee shall maintain the Zoning Map in accordance with Section 22.11.14.

22.01.03. Authority

- A. **General.** This Title is created pursuant to authority under Wis. Stats. § 62.23(7), 62.231, 87.30, 236.45, and 281.31 and amendments thereto.
- B. **References to Wisconsin Law.** Where this Chapter refers to or cites a section of the Wisconsin Statutes and that section is later amended or superseded, then this Chapter shall be deemed to refer to the amended section or the section that nearly corresponds to the superseded section.

22.01.04. Title Purpose and Applicability

- A. **Purpose.** The purpose of this Chapter is to:
1. Protect the public health, safety, and welfare,

2. Implement the City's Comprehensive Plan, consistent with Wis. Stat. § 66.1001,
3. Provide adequate light and air; secure safety from fire, panic, and other dangers,
4. Promote safe and efficient access for all users of the transportation system
5. Encourage efficiency and economy in the use and development of land,
6. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements, and
7. Allow for the development of residential, commercial, public and institutions, and industrial areas which function in an orderly and harmonious manner, both internally and in relation to each other, and which promote the convenience and prosperity of the public and institutions.

B. Applicability.

1. **Jurisdiction.** This Chapter applies to:
 - a. All lands within the corporate limits of the City, and
 - b. Those lands located outside the corporate limits that have been formally designated by the Common Council for extraterritorial zoning pursuant to Wis. Stat. § 62.23(7a).
 - c. **Application to Government Units.** To the extent allowed by the State of Wisconsin, this Chapter shall apply to any development, subdivision, land, building, structure, or use by City, county, state, or federal agencies on lands subject to this Chapter. Where this Chapter does not control, such agencies are encouraged to meet the provisions of this Chapter.

22.01.05. District Boundaries

- A. **General Rule.** Except as otherwise provided for conservancy and flood-related districts, zoning district boundaries shall follow:
1. Corporate limits,
 2. U.S. Public Land Survey lines, or
 3. Lot or property lines.
- B. **C-1 Lowland Conservancy Overlay District.** District boundaries are based on the Wisconsin Wetland Inventory Maps for the City of Waukesha, as updated from time to time. These maps illustrate general wetland limits; precise delineations require field verification prior to development.

- C. **ECO Environmental Conservancy Overlay District.** Boundaries follow the property lines of parcels containing important woodlands, steep slopes, wildlife habitat, scenic viewsheds, or other significant natural resources.
- D. **Floodway and Flood-Related Overlay Districts (FW-O, GFP-O, FS-O and FF-O).**
 - 1. Boundaries are determined using the technical data from the Flood Insurance Study – City of Waukesha (March 2, 1982) and updated Fox River III Hydraulic Analysis (Hey and Associates, April 2001) on file in the Planning Department. For lands annexed after March 2, 1982, boundary determinations shall be based on applicable Flood Insurance Rate Maps (FIRMs) issued by FEMA, as updated from time to time.
- E. **Boundary Interpretation.** Where uncertainty exists regarding the exact location of a district boundary, the Board of Zoning Appeals shall make the final determination.

22.01.06. Interpretation

- A. The provisions of this Chapter shall be held to be minimum requirements.
- B. This Chapter shall be liberally construed in favor of the City.
- C. These provisions shall not be deemed a limitation or repeal of any other power granted by Wisconsin law.

22.01.07. Conflicting Provisions

Where a conflict arises between this Chapter and any other regulation, the more restrictive provision shall govern unless otherwise required by State or federal law.

Section 22.02. Zoning District and Dimensional Standards

22.02.01. General Provisions

22.02.02. Establishment of Districts

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22.02.05. Node Overlay District

22.02.06. Neighborhood Node Overlay District (NN-O)

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22.02.11. Bulk and Dimensional Standards

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22.02.01. General Provisions

A. **Purpose.** The purpose of this Section is to establish the zoning districts of the City including their purpose, dimensional standards, and allowed encroachments to:

1. Implement the intent of this Chapter and the Comprehensive Plan, and the City's other long-range plans,
2. Allow for orderly development, and
3. Protect natural resources.

B. **Applicability.** The zoning districts established in this Section shall apply to all parcels within the City of Waukesha as detailed on the City of Waukesha Zoning Map.

22.02.02. Establishment of Districts

The following zoning districts are established:

- A. **Base Districts.** A base zoning district prescribes a basic set of uniform development regulations for a defined geographic area.

Table 22.02.02(A) Base Districts	
T	Temporary Zoning District
RN-1	Residential Neighborhood District 1
RN-2	Residential Neighborhood District 2
RN-3	Residential Neighborhood District 3
RN-4	Residential Neighborhood District 4
MU	Mixed-Use Commercial District
DC	Downtown Commercial District
GC	General Commercial District
CC	Corridor Commercial District
LM	Light Manufacturing District
GM	General Manufacturing District
OM	Office and Manufacturing Park District
MM	Mixed-Use Manufacturing District
A	Airport District
I	Institutional District
P	Park District

- B. **Overlay Districts.** An overlay district prescribes an additional set of standards for regulations on properties in a defined geographic area within one or more underlying base district. The standards of the overlay district shall supersede the standards of all other applicable district types.

Table 22.02.02(B) Overlay Districts	
EC-O	Environmental Conservancy Overlay District
FW-O	Floodway Overlay District
GFP-O	General Floodplain Overlay District
FS-O	Flood Storage Overlay District
FF-O	Flood Fringe Overlay District
HPD-O	Historic Preservation Overlay District
PUD-O	Planned Unit Development Overlay District
	Node Overlay Districts:
NN-O	Neighborhood Node Overlay District
SN-O	Suburban Mixed-Use Node Overlay District
RN-O	Regional Commercial Node Overlay District

22.02.03. Base Zoning Districts Purpose and Intent

- A. **T, Temporary Zoning District.** The T, Temporary Zoning District is established to accommodate the continuation of existing land uses on lands annexed to the City of Waukesha, pending the establishment of a permanent zoning classification.
- B. **RN-1, Residential Neighborhood-1 District.** The RN-1, Residential Neighborhood-1 District is established to accommodate single-family detached residential development on larger lots and to preserve the character of low-density, suburban neighborhoods. It allows for density increases in select areas, ensuring that new development is compatible with the surrounding residential context. The district is also intended to support the integration of accessory dwelling units (ADUs) where appropriate, fostering flexibility for residential growth.
- C. **RN-2, Residential Neighborhood-2 District.** The RN-2, Residential Neighborhood-2 District is established to accommodate the development of moderate density and missing middle residential development while maintaining the established character and scale of neighborhoods. It is designed to support a range of housing options including single-family detached, stacked and side-by-side duplexes, triplexes, quadplexes, cottage home/ tiny home courts, and rowhomes on smaller lots, with a maximum of four units per building that meet diverse residential needs within the community.
- D. **RN-3, Residential Neighborhood-3 District.** The RN-3, Residential Neighborhood-3 District is established to support a wide range of residential developments, including single-family detached, stacked and side-by-side duplexes, triplexes, quadplexes, cottage home/ tiny home courts, multi-unit buildings up to eight units. This district also accommodates mobile home parks and mobile home subdivisions, as well as tiny homes within a residential setting. Development is intended to be allowed at relatively high densities with a variety of housing types to provide housing options to suit the lifestyle and cost needs of a variety of households, regardless of income, age, and other factors. Housing types should be designed to integrate well within the surrounding environment and should generally be located adjacent to the downtown core, near transit options, and in areas that provide transitions between lower-intensity and higher-intensity uses.
- E. **RN-4, Residential Neighborhood-4 District.** The RN-4, Residential Neighborhood-4 District is intended to accommodate new and existing larger multi-unit developments and their immediate surroundings, providing buffers and transition between commercial, major streets and lower-density neighborhoods. This district promotes development that includes a range of higher density housing types, building configurations, and development styles that are compatible with existing residential contexts, allowing for gradual transitions in density between commercial areas and lower density housing.
- F. **MU, Mixed-Use Commercial District.** The MU, Mixed-Use Commercial District is established to create dynamic, walkable areas that combine residential, retail, and service uses. The district accommodates a range of residential development types, including single-family detached, stacked and side-by-side duplexes, triplexes, quadplexes, cottage home/ tiny home courts,

rowhomes, and multi-unit buildings. This district is intended to support small-scale centers of activity where ground-floor commercial uses are integrated with residential spaces above or adjacent to these businesses. The district aims to foster vibrant, accessible neighborhoods that are well-connected to surrounding areas, with a focus on pedestrian-oriented environments.

- G. **DC, Downtown Commercial District.** The DC, Downtown Commercial District is established to enhance the downtown area as a dynamic hub of commercial, cultural, entertainment, and residential activities. This district encourages primarily vertical mixed-use development that contributes to the vibrancy of the City's core. Development should be located along property lines to create a sense of enclosure, enhance the pedestrian environment, and create a consistent street wall with activated ground-floor spaces. Upper floors of vertical mixed-use buildings are encouraged to be utilized with residential uses. Development in this district should be designed to serve both pedestrians and motorists, with site and building standards ensuring compatibility with the surrounding urban environment.
- H. **GC, General Commercial District.** The GC, General Commercial District is established to support a mix of retail, office, and service businesses at key locations. It encourages a variety of shopping and professional office uses while maintaining compatibility with nearby residential areas. Development should prioritize pedestrian accessibility and integrate with the surrounding environment, ensuring both commercial and office spaces are designed to blend with the neighborhood's character.
- I. **CC, Corridor Commercial District.** The CC, Corridor Commercial District is established to support the grouping of businesses and office uses along major highway routes and throughways, focusing on services that depend on highway traffic or are designed to serve its needs. The allowed uses should be compatible with the surrounding neighborhood, maintaining a balance between commercial activity and residential harmony, with lower intensity development as compared to other business districts. Multi-unit uses are also permitted in this district.
- J. **LM, Light Manufacturing District.** The LM, Light Manufacturing District is established to accommodate manufacturing, assembly, warehousing, distribution, and service-oriented activities, along with related office functions, that do not generate off-site impacts and have limited operational impacts on surrounding areas. This district is designed to foster industrial uses, while ensuring that activities do not negatively impact the surrounding environment due to noise, dust, odor, or other similar factors.
- K. **GM, General Manufacturing District.** The GM, General Manufacturing District is established to accommodate a broad range of manufacturing and industrial activities that support economic development while maintaining compatibility with surrounding areas. The district allows for more intensive industrial uses while ensuring that off-site impacts, such as noise, traffic, and emissions, are minimized. Development is intended to preserve land designated for industrial use and should be concentrated in areas that minimize conflicts with incompatible uses, such as near major roadways.
- L. **OM, Office and Manufacturing Park District.** The OM, Office and Manufacturing Park District is established to provide for the development of an attractive and aesthetic grouping of limited

light industrial uses, offices, corporate headquarters, and support facilities in a campus-style setting. The district is further intended to promote properly arranged traffic and parking facilities, and to promote landscaping which will provide for an attractive setting, minimizing adverse effects upon the adjoining or surrounding areas.

- M. **MM, Mixed-Use Manufacturing District.** The MM, Mixed-Use Manufacturing District is established to provide for a variety of light industrial and manufacturing uses, while also allowing for a combination of commercial uses, including retail and service activities along high-traffic arterial corridors within and adjoining the district. The MM district may be used to serve as a transition between industrial areas and commercial districts.
- N. **A, Airport District.** The A, Airport District is to establish standards for the development of airports, including the development of public and private buildings, structures, landing and navigational aids, and facilities.
- O. **I, Institutional District.** The I, Institutional District is established to accommodate civic and institutional uses, municipal facilities, educational facilities, utilities, and noncommercial places of assembly or worship. Development in the district should be located near residential uses to serve the community, while also ensuring sufficient vehicular and pedestrian access.
- P. **P, Park District.** The P, Park District is established to provide public and private open space, parkland, and recreational facilities.

22.02.04. Overlay Zoning Districts Purpose and Intent

- A. **Environmental Conservancy Overlay (EC-O) District.** The Environmental Conservancy Overlay (EC-O) District is established to preserve, protect, enhance, and restore the City's environmentally sensitive areas, including but not limited to wetlands, ponds, streams, shorelands, flood-prone areas, significant woodlands, wildlife habitat areas, areas of steep or unstable topography, groundwater recharge and discharge areas, and related scenic and natural resources.
- B. **Floodway Overlay (FW-O) District.** The Floodway Overlay (FW-O) District is the Channel of a river or stream and those portions of the Floodplain adjoining the Channel required to carry the regional floodwaters, within AE Zones as shown on the Flood Insurance Rate Map (FIRM), or within A Zones shown on the FIRM when determined according to Wis. Stats. § 24.08(5).
- C. **Flood Fringe Overlay (FF-O) District.** The Flood Fringe Overlay (FF-O) District is that portion of a riverine special flood hazard area outside the Floodway within AE Zones on the FIRM, or, when Floodway limits have been determined according to Wis. Stats. § 24.08(5), within A Zones shown on the FIRM.
- D. **General Floodplain Overlay (GFP-O) District.** The General Floodplain Overlay (GFP-O) District is those riverine areas that may be covered by floodwater during the regional flood in which a Floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- E. **Flood Storage Overlay (FS-O) District.** The Flood Storage Overlay (FS-O) District is that area of

the Floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

- F. **Historic Preservation Overlay (HPD-O) District.** The Historic Preservation Overlay (HPD-O) District is established to protect, enhance, and preserve districts, sites, and structures that represent or reflect elements of the City's cultural, social, economic, political, and architectural history; safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts; stabilize and improve property values; foster civic pride in the beauty and accomplishments of the past; protect and enhance the City's attractions to residents, tourists, and visitors for education, pleasure and general welfare; serve as a support and stimulus to business and industry; and strengthen the economy of the City.
- G. **Planned Unit Development Overlay (PUD-O) District.** The Planned Unit Development Overlay (PUD-O) District is established to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the City, as detailed in Subsection 22.02.09, but which cannot be achieved through the strict application of the development and design standards of this Chapter. The PUD-O District provides a process by which customized development and design standards may be approved that meet the needs and character of the site-specific features and context of the district.

22.02.05. Node Overlay District

- A. **Purpose.** The purpose of the Node Overlay Districts is to:
1. Support the development and redevelopment of commercial and mixed-use centers serving adjacent neighborhoods and other neighborhoods in the City, as identified in the 2024 Comprehensive Plan,
 2. Permit a wide range of retail, service, and office uses, with residential uses allowed subject to applicable design standards,
 3. Encourage development patterns that locate buildings closer to the sidewalk rather than behind front-yard parking areas,
 4. Recognize the multimodal function of node areas in serving automobile, pedestrian, bicycle, and Metro transit users,
 5. Allow vertical and horizontal mixes of commercial and residential uses that are pedestrian-friendly and include ground-floor hospitality, retail, or service uses oriented to the street, and
 6. Maintain existing single-family detached and duplex residential properties within any Node Overlay District as conforming uses that are exempt from the site and architectural standards of the overlay district until such time as the use is changed.

B. Applicability.

1. The Node Overlay Districts apply to properties identified on the Official Zoning Map as being located within a Node Overlay District.
2. The Node Overlay Districts are applied as an overlay to the underlying base zoning district. Where the standards of the Node Overlay District conflict with the standards of the underlying zoning district, the standards of the Node Overlay District shall apply.
3. Development within a Node Overlay District shall comply with:
 - a. The standards of the underlying base zoning district, and
 - b. The applicable standards of the Node Overlay District and the specific Node Overlay sub-district.
 - c. **Node Overlay District Types.** The Node Overlay Districts include the following sub-districts:
 - i. Neighborhood Node Overlay District (NN-O),
 - ii. Suburban Mixed-Use Node Overlay District (SN-O), and
 - iii. Regional Commercial Node Overlay District (RN-O).
4. Each Node Overlay sub-district is intended to respond to its surrounding context and intensity while advancing the shared purpose of the Node Overlay District.

22.02.06. Neighborhood Node Overlay District (NN-O)

- A. **Purpose.** The Neighborhood Node Overlay (NN-O) District is intended to promote pedestrian-oriented development, enhance architectural character, and ensure high-quality site and landscape design that supports vibrant mixed-use environments.
- B. **Applicability.** The NN-O District applies to the areas shown on the Zoning Map.
- C. **Site Development Standards.**
1. **Setbacks.**
 - a. A minimum setback of one foot shall be required from front and street side yards.
 - b. A build-to line of 10 feet from the front property line shall be established. The Plan Commission may approve an increase to this build-to line to accommodate outdoor seating or other active outdoor uses adjacent to public streets.
 - c. No vision triangle shall be required.

2. Parking and Loading Standards.

- a. Off-street parking shall be prohibited within front and street side yards. Exceptions may be granted by the Plan Commission for existing parking areas or for corner lots.
- b. Parking areas abutting a public right-of-way shall be designed in accordance with 22.06.04 of the Parking and Access Standards (Section 22.06).
- c. Commercial uses within the Overlay District shall be exempt from off-street parking requirements of this Chapter.
- d. New residential uses shall provide off-street parking in accordance with Subsection 22.06.04. The Plan Commission may modify residential parking requirements in accordance with Subsection 22.06.04(C). Shared parking between residential and commercial uses is encouraged where possible.
- e. Bicycle parking shall be provided in accordance with Subsection 22.06.05 and shall be located in a visible and accessible area.
- f. A continuous pedestrian walkway, in conformance with ADA minimum requirements but no less than three feet wide, shall be provided from the abutting public sidewalk(s) to the principal entrance(s) of the building.

3. Landscaping.

- a. Landscaping shall be provided in accordance with Subsection 22.07.03.
- b. Additional landscaping shall be required along the sidewalk or street edge and may include, but is not limited to, the following:
 - i. Planters,
 - ii. Raised or tiered planting beds,
 - iii. Foundation plantings, and
 - iv. Hanging basket planters.

D. Building Design Standards.

1. Building Orientation and Entrances.

- a. The primary business entrance shall face the public street.
- b. Direct pedestrian access shall be provided from the public sidewalk to the primary entrance(s).

2. Façade Design.

- a. Façades shall incorporate a minimum of two articulated façade planes to avoid flat or monotonous building appearances.
- b. Additional design elements shall include at least one of the following:
 - i. Canopies or awnings,
 - ii. Variation in façade plane depth,
 - iii. Architectural detailing such as belt courses, color changes, cornices, and recessed doorways,
 - iv. Artistic features including murals or sculptural elements, and
 - v. Decorative wall-mounted lighting fixtures, or
 - vi. An alternative design element proposed to the Plan Commission.

3. **Franchise Architecture.** Buildings incorporating standardized corporate architectural designs shall be designed to comply with the architectural standards of the NN-O District. Building design elements subject to modification include roof forms, window and door configurations, building massing, exterior materials, and architectural detailing.

22.02.07. Suburban Mixed-Use Node Overlay District (SN-O)

- A. **Purpose.** The Suburban Mixed-Use Node Overlay (SN-O) District is intended to promote the redevelopment of aging commercial properties, underutilized parking areas, and other vacant or underperforming parcels located along collector streets. This district supports a mix of residential and commercial uses that enhance street-level activity, improve multimodal access, and foster economic vitality.
- B. **Applicability.** The SN-O District applies to the areas shown on the Zoning Map.
- C. **Site Development Standards.**
 1. **Setbacks.** A minimum setback of 10 feet shall be required from front and street side property lines.
 2. **Parking and Loading Standards.**
 - a. Off-street parking shall be permitted only in side or rear yards. Exceptions may be granted by the Plan Commission for existing parking areas or for corner lots.
 - b. Where parking directly abuts a public right-of-way, decorative fencing, planting beds, or a combination of both shall be required.

- c. Bicycle parking shall be located in a visible and accessible area.
- d. Shared parking agreements may be permitted in accordance with Subsection 22.06.04(C). Shared parking may account for up to 80 percent of the required parking.
- e. A continuous pedestrian walkway shall be provided from the abutting public sidewalk(s) to the principal entrance(s) of the building.
- f. For developments containing multiple buildings, a private internal sidewalk network shall be required to provide safe and direct pedestrian connectivity between businesses and shall be designed to avoid routing pedestrians through vehicular parking areas.

3. Landscaping.

- a. Landscaping shall comply with Subsection 22.07.03 with emphasis on areas adjacent to public rights-of-way and private access drives.
- b. Each business shall incorporate supplemental landscape features to enhance visual appeal and the pedestrian experience.

4. Building Design Standards.

- a. Storefront entrances shall be oriented toward public streets or private access drives.
- b. All buildings shall be designed with four-sided architecture, with consistent architectural detail on all visible elevations.
- c. Façades shall incorporate a minimum of three articulated façade planes.
- d. Additional design elements shall include at least two of the following:
 - i. Canopies or awnings,
 - ii. Variation in façade plane depth,
 - iii. Architectural detailing such as belt courses, color changes, cornices, and recessed doorways,
 - iv. Artistic features including murals or sculptural elements, and
 - v. Decorative wall-mounted lighting fixtures, or
 - vi. An alternative design element proposed to the Plan Commission.
- e. Buildings incorporating standardized corporate architectural designs shall be designed to comply with the architectural standards of the SN-O District.

22.02.08. Regional Commercial Node Overlay District (RN-O)

- A. **Purpose.** The Regional Commercial Node Overlay (RN-O) District guides development and redevelopment near major arterial intersections and large commercial centers. The RN-O District promotes pedestrian and bicycle connectivity, enhanced transit access, and a mix of higher-density residential and commercial uses.
- B. **Applicability.** The RN-O District applies to the areas shown on the Zoning Map.
- C. **Site Development Standards.**
1. **Setbacks.** The setback standards of the Corridor Commercial (CC) District (Subsection 22.02.11(D)) shall apply.
 2. **Parking and Loading.**
 - a. Off-street parking shall be primarily located in side or rear yards. One double-loaded aisle of parking may be permitted in front or street yards. The Plan Commission may approve exceptions for existing parking lots.
 - b. Bicycle parking shall be provided in accordance with Subsection 22.06.05 and shall be located in a visible and accessible area.
 - c. Pedestrian access shall include:
 - i. A continuous walkway connecting the public sidewalk to main building entrances, and
 - ii. A private internal sidewalk system for multi-building sites, designed to keep pedestrians out of parking areas.
- D. **Building Design Standards.**
1. Façades shall incorporate canopies, variations in façade plane, architectural detailing, or artistic features in accordance with Subsection 22.05.02 of this Chapter.
 2. Four-sided architecture is required.
 3. Buildings at prominent intersections shall incorporate distinct corner design elements.
 4. Façades shall incorporate a minimum of three articulated façade planes.
 - a. Additional design elements shall include at least two of the following:
 - i. Canopies or awnings,
 - ii. Variation in façade plane depth,

- iii. Architectural detailing such as belt courses, color changes, cornices, and recessed doorways,
 - iv. Artistic features including murals or sculptural elements, and
 - v. Decorative wall-mounted lighting fixtures, or
 - vi. An alternative design element proposed to the Plan Commission.
5. Buildings incorporating standardized corporate architectural designs shall be designed to comply with the architectural standards of the RN-O District.

22.02.09. Planned Unit Development Overlay (PUD-O) District

- A. **Purpose and Intent.** The Planned Unit Development Overlay (PUD-O) District is established to allow flexibility in land use, site design, and development standards through a unified and comprehensively planned development. The PUD-O District is intended to facilitate high-quality, creative, and innovative development that advances the goals and policies of the Comprehensive Plan, but which cannot be effectively achieved through the strict application of conventional zoning districts. Development within the PUD-O District is guided by an approved PUD Plan that establishes site-specific development standards and design requirements tailored to the unique characteristics of the site and its surrounding context.
- B. **Applicability and Governance.**
- 1. **Applicability.** Property shall be rezoned to the PUD-O District in accordance with the procedures of this Chapter. Development within the PUD-O District shall be governed by the regulations of this Subsection and the approved PUD Plan.
 - 2. **Governance.** Each PUD-O District is governed by an individually approved PUD Plan, as detailed in Subsection 22.11.11.
 - a. **Continuing Effect.** A Planned Unit Development approved prior to the effective date of this Chapter shall remain in effect and shall continue to be governed by its approved PUD Plan. Amendments to an existing PUD shall comply with the procedures and standards of this Chapter.
- C. **PUD Objectives.**
- 1. **Required Objectives.** Each PUD shall meet all of the following objectives:
 - 2. **Comprehensive Plan Alignment.** The PUD shall be consistent with and clearly implement the goals, objectives, and policies of the Comprehensive Plan and other adopted plans and policy documents of the City.

3. **Placemaking.** The PUD shall establish a distinctive and cohesive identity through coordinated site planning, architecture, streetscape design, public spaces, landscaping, signage, and other placemaking elements.
4. **Integrated Design with Identifiable Centers and Edges.** The PUD shall be planned and developed as a unified and integrated whole. The overall design shall establish identifiable centers and edges through the coordinated arrangement of buildings, uses, open spaces, and circulation systems. The PUD shall promote strong internal and external connectivity and support multimodal transportation.
5. **Compatibility with Adjacent Land Uses.** The PUD shall include uses that are generally compatible with surrounding land uses, with consideration given to intensity, activity levels, noise, light, and operational characteristics. Where incompatibilities exist, potential impacts shall be mitigated through building design, height, placement, buffering, landscaping, open space, or other site design techniques beyond what is otherwise required.
6. **Landscape Conservation and Visual Enhancement.** To the greatest extent reasonably possible, the PUD shall include the preservation and enhancement of existing natural features and amenities, such as mature trees, high-value or specimen trees, riparian areas, wildlife habitat, and unique landforms or topography.
7. **Public Art.** Commercial, multi-unit residential, and mixed-use PUDs shall contribute to public art within the City as follows:
 - a. **Projects with a Total Construction Valuation of \$250,000 to \$1,000,000.** A contribution shall be made to the City's Public Art Fund equal to 0.005 times the total construction valuation.
 - b. **Projects with a Total Construction Valuation Greater Than \$1,000,000.** The applicant shall select one of the following options:
 - i. Provide a contribution to the City's Public Art Fund equal to 0.005 times the total construction valuation; or
 - ii. Provide public art with a value equal to or greater than the required contribution amount.
 - c. **Affordability Exemption.** Developments that meet the affordability objective in subsection 22.02.09(D)(5) may be exempt from the public art requirement.
- D. **Optional Objectives.** Each PUD shall meet at least one of the following objectives:
 1. **Environmentally Sustainable Design.** The PUD incorporates site design, building design, or infrastructure strategies that reduce energy or water consumption, improve stormwater management, enhance environmental performance, or support sustainable development practices. Such strategies may include, but are not limited to:

2. Net-zero or high-efficiency building construction,
3. Green infrastructure or low-impact development techniques, or
4. Design intended to meet LEED Silver certification or LEED Neighborhood Development standards.
5. **Affordability.** One of the following standards is met for a minimum period of 30 years:
 - a. At least 25 percent of dwelling units are offered for rent or sale at rates affordable to households earning no more than 100 percent of the county median income, as defined by the U.S. Department of Housing and Urban Development (HUD), or
 - b. At least 15 percent of dwelling units are offered for rent at rates affordable to households earning no more than 60 percent of the county median income.
6. **Accessible Design.**
 - a. The PUD complies with all applicable Federal Fair Housing Act and state accessibility regulations, and
 - b. PUDs consisting of detached single-unit dwellings or townhomes not otherwise subject to such regulations shall provide a minimum of 20 percent of dwelling units designed to be accessible to persons with limited mobility.
7. **Mix of Land Uses.** The PUD provides social gathering space and/or residential park space and one or more of the following:
 - a. A variety of dwelling types, or
 - b. A variety of commercial use types, or
 - c. A mix of residential and nonresidential uses.
8. **Other.** The applicant may propose an alternative objective that advances the purpose and intent of the PUD-O District.

22.02.10. Zoning Map, Annexed Land, Vacations, and District Boundaries

- A. **Official Zoning Map.** The boundaries of the zoning districts are established and shown on the official zoning map. This map, along with all notifications, references, data, district boundaries, and amendments, shall be considered part of these regulations. The zoning map shall be attested by the Mayor and City Clerk and kept on file in the office of the City Clerk.
- B. **Overlay Districts with Environmental or Flood-Related Boundaries.**
 1. The boundaries of the Environmental Conservancy Overlay (EC-O) District, Floodway Overlay (FW-O) District, General Floodplain Overlay (GFP-O) District, Flood Storage Overlay (FS-O)

District, and Flood Fringe Overlay (FF-O) District shall be determined based on the applicable adopted mapping sources rather than lot or property lines.

2. **Environmental Conservancy Overlay (EC-O) District.** The EC-O District includes both lowland and upland environmental resource areas, as described below:
 - a. **Lowland Areas.** Lowland areas within the EC-O District are based on the Wisconsin Wetland Inventory (WWI) Maps for the City of Waukesha, dated April 10, 1986, and stamped "FINAL," and include, but are not limited to, shoreland wetlands five acres or greater as shown on those maps. The wetlands depicted are intended to represent the approximate extent of regulated areas. Precise wetland boundaries shall be determined through field delineation in accordance with applicable state and federal requirements prior to development.
 - b. **Upland Areas.** Upland areas within the EC-O District include lands containing significant woodlands, steep or unstable slopes, wildlife habitat areas, scenic vistas, viewpoints, and other environmentally sensitive natural resource features, as identified on adopted City maps, environmental inventories, or supporting studies. The boundaries of upland EC-O areas may align with parcel boundaries, natural features, or mapped resource limits, as appropriate
- C. **Boundaries Interpretations.** In cases where the exact location of a district boundary is in question, the Board of Zoning Appeals shall determine the boundary line.
 1. **Vacations.** Whenever a street, alley, or other public way is vacated by official action as provided by law, the zoning district adjacent to the side of the public way will automatically extend to include the vacated right-of-way. If the vacated street is adjacent to more than one district, the vacated land shall be split to align with the boundary lines of the adjacent districts and shall be subject to the regulations of each district. The vacated land will then be subject to all regulations of the extended district(s).

22.02.11. Bulk and Dimensional Standards

A. Calculation of Bulk and Dimensional Standards.

1. **Lot Width.** Lot width shall be measured as the distance between the side lot lines of a lot at right angles to its depth along a straight line at the building setback.
2. **Yard Setbacks.**
 - a. Required yard setbacks shall be measured as the horizontal distance from the center point of the applicable lot line into the interior of the lot for the minimum distance specified in Table 22.02.11(A). For platting purposes, refer to Section 22.08 for additional requirements.
 - b. The span of a yard setback shall be measured as follows.
 - i. **Front-street Yard.** From the front property line to the building setback line, parallel to the front property line.
 - ii. **Street-side Yard.** From the front yard setback line to the rear lot line.
 - iii. **Interior Side Yard.** From the front yard setback line to the rear yard setback line.
 - iv. **Rear Yard.** From the rear lot line to the nearest point of the principal structure.
3. **Building Height.** The highest point of a building shall be measured as follows for different roof types.
 - a. **Flat and Shed Roofs.** To the highest point of the roof.
 - b. **Gable, Hip, and Gambrel Roofs.** To the mean height between the principal eave and the peak of the roof.
 - c. **Mansard Roofs.** To the deck line of the roof.

- B. **Bulk and Dimensional Standards in Residential Neighborhood-1 and Residential Neighborhood-2 Districts.** Table 22.02.11(B) establishes the bulk and dimensional standards for the development or the use of a lot in each RN-1, Residential Neighborhood-1 and RN-2, Residential Neighborhood-2 Districts.

Table 22.02.11(B) Residential Neighborhood Districts Bulk and Dimensional Standards

Standard	RN-1	RN-2	
		w/ Alley	w/o Alley
Lot Standards (Minimum)			
One-Two Unit Dwelling Lot Area (sq ft)	12,000	4,500	6,000
Three-Four Unit Dwelling Lot Area (sq ft)	n/a	6,000	8,000
Rowhome Lot Area (sq ft)	n/a	2,000	2,000
Cottage Home Court Lot Area (sq ft)	1 acre	12,000	12,000
One to Two Unit Dwelling Lot Width (ft)	80	40	50
Three to Four Unit Dwelling Lot Width (ft)	n/a	50	50
Rowhome Lot Width (ft) per unit	n/a	25	25
Cottage Home Court Lot Width (ft) per development	100	50	50
Yard Setbacks (Minimum) [1]			
Front (ft), Minimum	25	15 [1]	15 [1]
Street, Minimum [2]	15	15	15
Interior Side (ft)	10	5 [3]	5 [3]
Rear (ft)	35	30	30
Building Standards (Maximum)			
Height (ft)	40	40	40
Notes			
[1] Garage doors shall be set back a minimum of 25 feet from the front and street side lot line, 35 feet from the interior side lot line, and eight feet from the alley.			
[2] Setback shall be adjusted to the average of neighboring properties, but shall not be less than 10 feet or exceed the applicable setback.			
[3] The minimum setback shall be 10 feet between building structures.			

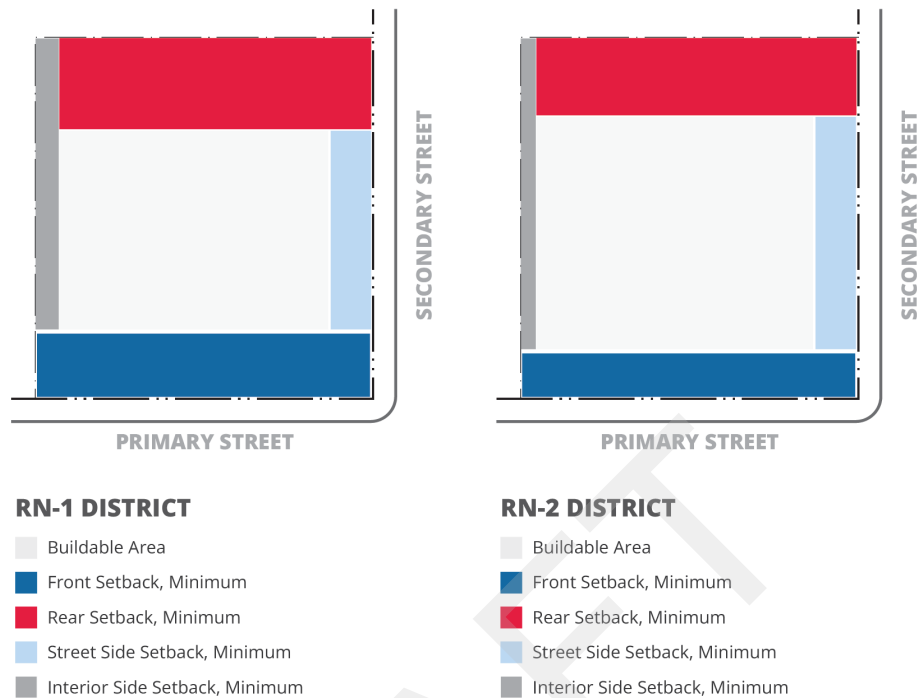


Figure 1 RN-1 and RN-2 Districts

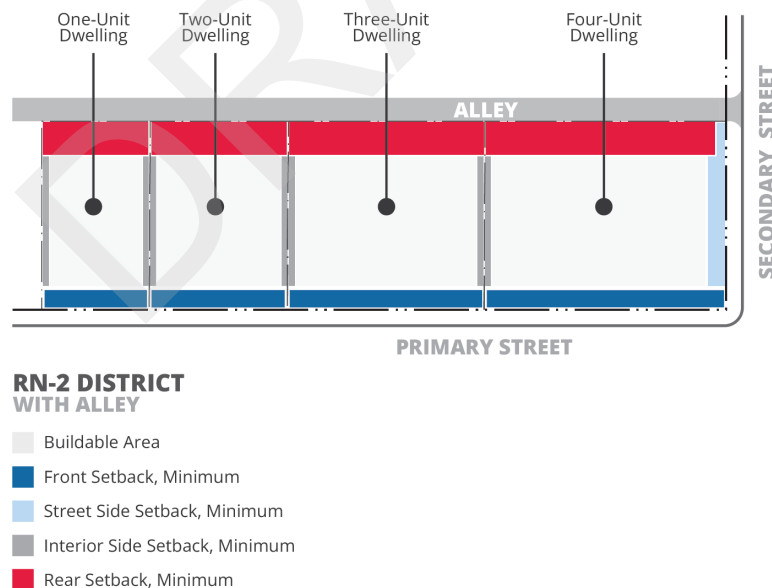


Figure 2 RN-1 and RN-2 Districts with Alley

- C. **Bulk and Dimensional Standards in Residential Neighborhood-3 and Residential Neighborhood-4 Districts.** Table 22.02.11(C) establishes the bulk and dimensional standards for the development or the use of a lot in each Residential Neighborhood-3 and Residential Neighborhood-4 Districts.

Table 22.02.11(C) Residential Neighborhood-3 and Residential Neighborhood-4 Districts Bulk and Dimensional Standards		
Standard	RN-3	RN-4
<i>Lot Standards (Minimum)</i>		
Lot Area (sq ft)	5,500	4,500
Lot Width (ft)	40	40
<i>Yard Setbacks (Minimum)</i>		
Front (ft)	15	15
Street Side (ft)	15	15
Interior Side (ft)	5	5
Rear (ft)	25	25
<i>Building Standards (Maximum)</i>		
Height (ft)	40	60

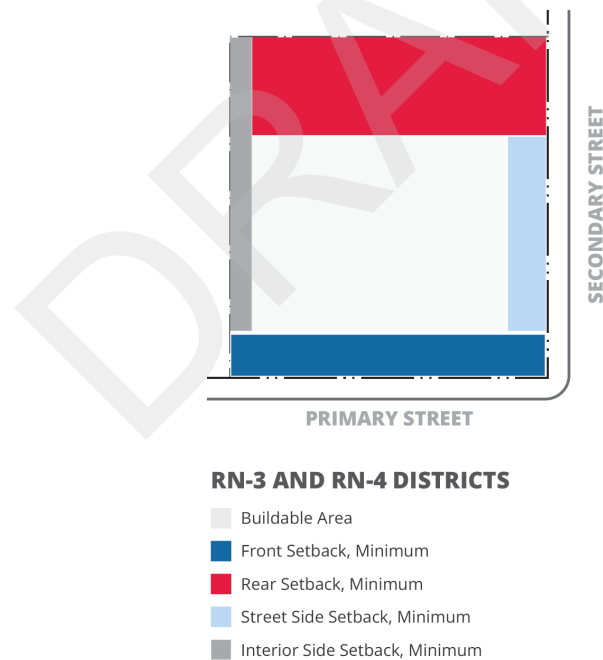
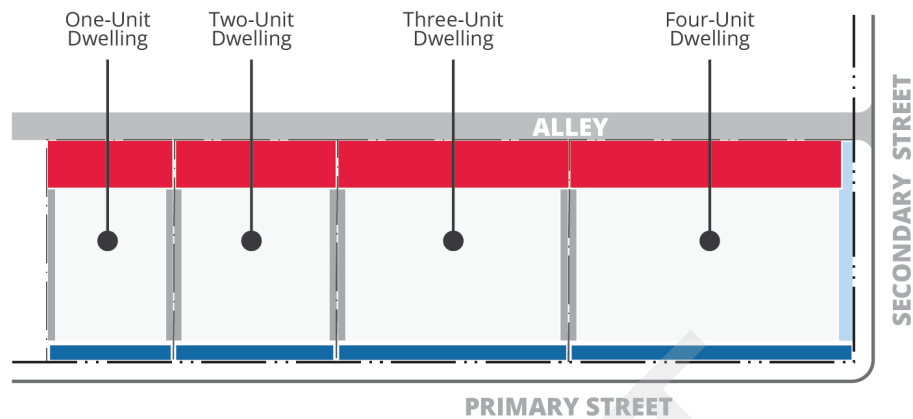


Figure 3 RN-3 and RN-4 Districts



**RN-3 AND RN-4 DISTRICT
WITH ALLEY**

- Buildable Area
- Front Setback, Minimum
- Street Side Setback, Minimum
- Interior Side Setback, Minimum
- Rear Setback, Minimum

Figure 4 RN-3 and RN-4 Districts with Alley

- D. **Bulk and Dimensional Standards in Mixed-Use and Commercial Districts.** Table 22.02.11(D) establishes the bulk and dimensional standards for the development or the use of a lot in each mixed-use and commercial districts.

Table 22.02.11(D) Mixed-Use and Commercial Districts Bulk and Dimensional Standards				
Standard	MU	DC	GC	CC
<i>Lot Standards (Minimum)</i>				
Lot Area (sq ft)	5500	n/a	7500	10,000
Lot Width (ft)	50	n/a	55	75
<i>Yard Setbacks</i>				
Front (ft) Minimum	5	1	10	15
Front (ft) Maximum	25	15	50	n/a
Street Side (ft) Minimum	5	1	10	15
Street Side (ft) Maximum	25	15	50	n/a
Interior Side (ft)	5 [1]	n/a	10	10
Rear (ft)	25	n/a	25	25
<i>Building Standards</i>				
Height, Maximum (ft)	60	n/a	60	n/a
Height, Minimum (stories)	n/a	2	n/a	n/a
<i>Notes</i>				
[1] The minimum setback shall be 10 feet between buildings.				

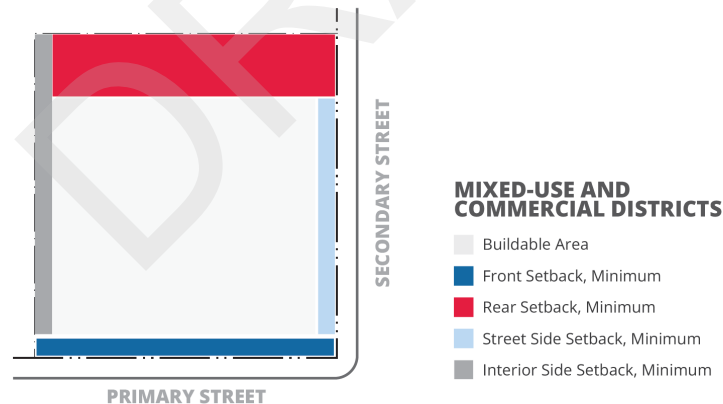


Figure 5 Mixed-Use and Commercial Districts

- E. **Bulk and Dimensional Standards in all Manufacturing districts.** Table 22.02.11(E) establishes the bulk and dimensional standards for the development or the use of a lot in all other districts.

Table 22.02.11(E) Manufacturing Districts Bulk and Dimensional Standards				
Standard	LM	GM	OM	MM
<i>Lot Standards (Minimum)</i>				
Lot Area (sq ft)	n/a	n/a	20,000	n/a
Lot Width (ft)	n/a	n/a	90	n/a
<i>Yard Setbacks (Minimum)</i>				
Front (ft)	15	15	25	25
Street Side (ft)	15	5	25	25
Interior Side (ft)	10	10	10	10
Rear (ft)	25	25	25	25
<i>Building Standards (Maximum)</i>				
Height (ft)	n/a	n/a	n/a	n/a

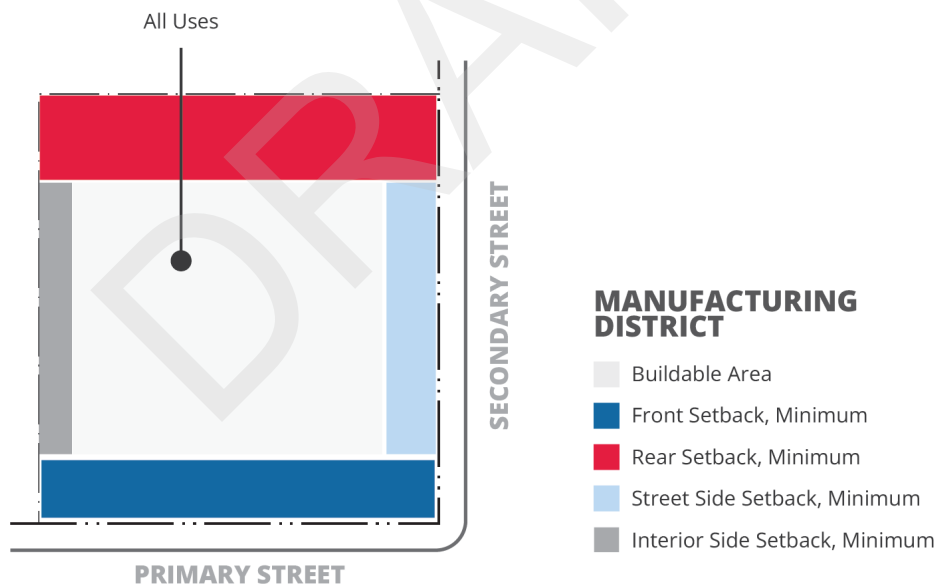


Figure 6 Manufacturing Districts

- F. **Bulk and Dimensional Standards in all Other Districts.** Table 22.02.11(F) establishes the bulk and dimensional standards for the development or the use of a lot in all other districts.

Table 22.02.11(F) All Other Districts Bulk and Dimensional Standards			
Standard	A	I	P
Lot Standards (Minimum)			
Lot Area (sq ft)	[1]	10,000	n/a
Lot Width (ft)		75	n/a
Yard Setbacks (Minimum)			
Front (ft)	25	25	[2]
Street Side (ft)	25	25	
Interior Side (ft)	NA	10	
Rear (ft)	NA	30	
Building Standards (Maximum)			
Height (ft)	[3]	n/a	n/a
Notes			
[1] Shall meet Federal Aviation Administration (FAA) design standards.			
[2] For parcels two acres or less, structures shall be 20 feet from lot lines or 50 feet from adjacent residential buildings.			
[3] FAA approval and compliance with Waukesha County Height Limitation required.			

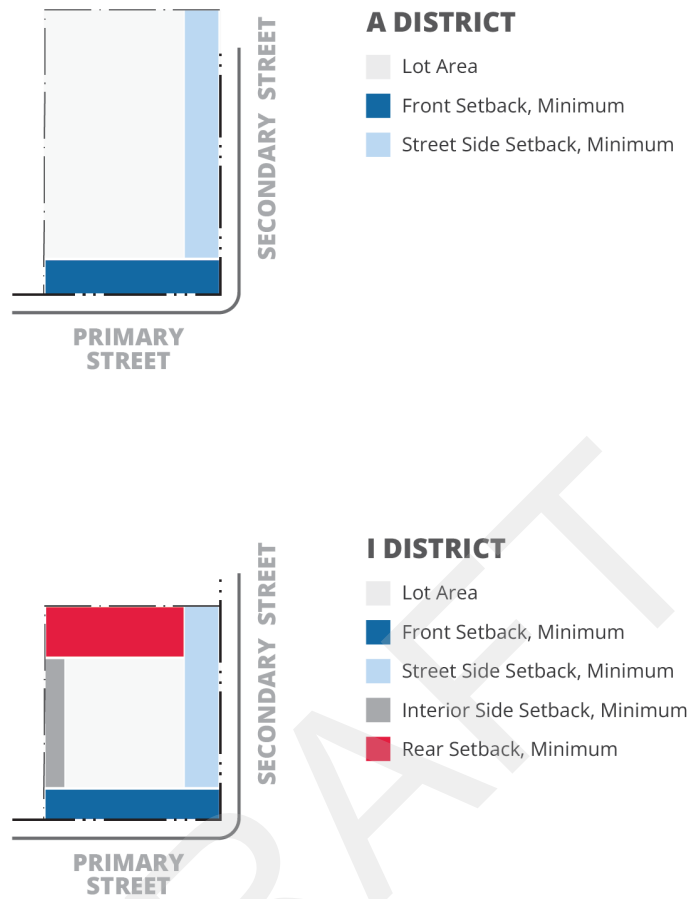


Figure 7 A and I Districts

22.02.12. Exceptions to Bulk and Dimensional Standards

A. Allowed Yard Encroachments.

Table 22.02.12 Allowed Encroachments into Required Yard Setbacks		
Encroachment Type	Allowed Location	Limitations of Encroachment
Uncovered Stairs, Landings, and Fire Escapes	Any required yard	May encroach up to six feet into the required yard but must be at least three feet from any lot line.
Architectural Projections	Any required yard	May encroach up to three feet into the yard area. This includes chimneys, flues, sills, eaves, bay windows, belt courses, and ornaments. (These projections may encroach up to three feet into the required setback area, but shall remain at least three feet from the lot line).
Decks (Attached or Detached)	Any required yard	Shall comply with the standards of Subsection 22.03.06(A)
Off-Street Parking	All districts	Shall comply with the standards of Subsection 22.06.04
Landscaping and Vegetation	Any required yard	Shall comply with the standards of Subsection 22.07.03
Computation of Depth of Rear Yards	Rear yard abutting an alley	One-half the width of the alley may be included as part of the required rear yard. Projections or overhangs shall not be closer than five feet to the lot line.
Handicapped Access	Any required yard	Structural additions to allow handicapped access may be permitted by the Building Inspector, provided they meet structural soundness requirements and minimize visual impact in accordance with any applicable Federal Standards.

B. **Height Exceptions.** The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

1. **Architectural Features.** Structures such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys.
2. **Utility Structures.** Utility structures including water towers; electric, power and

communication transmission lines; elevator penthouses; manufacturing equipment and necessary mechanical appurtenances; cooling towers; fire towers; substations; and smokestacks.

3. Communication Structures.

- a. Television transmission relay towers and receiving antennas, and
- b. Observation towers, and earth station dish antennas when mounted on the roof of a principal structure.
 - i. All requirements set forth in Subsection 22.03.04(D)(7) and established by the Federal Communications Commission shall be met.

DRAFT

Section 22.03. Use Standards

22.03.01. General Provisions

22.03.02. Classification of Uses

22.03.03. Principal Uses

22.03.04. Principal Use Supplemental Standards.

22.03.05. Accessory Uses

22.03.06. Accessory Use Supplemental Standards

22.03.07. Temporary Uses

22.03.08. Temporary Use Supplemental Standards

22.03.01. General Provisions

- A. **Purpose.** The purpose of this Section is to establish the principal, accessory, and temporary uses allowed in each zoning district, including how they are regulated (permitted, conditional use, etc.) and required supplemental standards.
- B. **Applicability.** The uses and supplemental use standards established in this Section shall apply to all parcels within the City of Waukesha as detailed on the City of Waukesha Zoning Map.

22.03.02. Classification of Uses

- A. **General Use Types.** To regulate the use of land, general use types have been established. General use types provide a systematic basis for assigning land uses to appropriate categories with other similar uses. General use types classify land uses and activities based on common functional, product or physical characteristics.
1. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
- B. **Qualified Uses.**
1. **Floor Dependent.**
 - a. If a use includes “above ground floor only” in the title, it shall be allowed on the second story or higher of a building only.

- b. If a use does not include “above ground floor only” in the title, it shall be allowed on all building stories.

2. Square Footage Dependent.

- a. If a use includes a qualifying statement regarding square footage, such as “less than 15,000 sq ft” or “less than 40,000 sq ft,” the total footprint of the building in which the use may operate shall not exceed the specified square footage.
- b. If a use does not include a qualifying statement regarding square footage, the total footprint of the building in which the use may operate is not restricted, unless otherwise stated in this ordinance.

3. Public or Private Designation.

- a. If a use includes “public” in the title, it shall be owned and operated by a governmental entity, non-profit organization, or other nontaxing body.
- b. If a use includes “private” in the title, it shall be owned and operated by a for-profit organization or business.

C. Principal Uses.

1. Allowance.

- a. Principal uses are allowed by district as established in Table 22.03.03 Principal Uses.
- b. A parcel may contain one or more principal uses.
- c. A development with multiple principal uses shall include only those principal uses designated in Table 22.03.03 Principal Uses as allowed in the applicable zoning district, and each principal use shall be subject to all applicable supplemental standards.

2. Use Categories.

- a. **Residential.** Premises for long-term human habitation by means of ownership or rental, excluding short-term leasing or rental of less than 30 days.
- b. **Public and Institutional.** Any use that is not owned by one of the aforementioned organizations is private.
- c. **Commercial.** Premises for the commercial sale of merchandise, prepared foods, and food and drink consumption; the transaction of general business and the provision of services; and short-term human habitation, including daily and weekly rental.
- d. **Industrial.** Premises for the creation, assemblage, storage, and repair of items including their wholesale or retail sale in addition to uses and premises dedicated to the sale, maintenance, servicing or storage of automobiles or similar vehicles.

D. Accessory Uses. Accessory uses are allowed by district, as established in Table 22.03.05

Accessory Uses, but only incidental to a legally established, conforming principal use.

- E. **Temporary Uses.** Temporary uses are allowed by district as established in Table 22.03.05 Temporary Uses.

22.03.03. Principal Uses

- A. **Principal Uses Table.** The following shall be used in the interpretation of Table 22.03.03.
1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed principal uses subject to all applicable regulations of this Section.
 2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Subsection 22.11.08 prior to establishment.
 3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
 4. **Uses Not Listed.** A use not specifically listed is prohibited unless it is determined that the use is a part of a general use type as described in Subsection 22.03.02(A).
 5. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Supplemental standards shall apply to the use, regardless of whether it is a permitted, or conditional use.
 6. **Overlay Districts.** Overlay districts are not included in Table 22.03.03(A) Principal Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:
 - a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in Subsection 22.11.11 and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Section.
 7. **All Other Overlay Districts.**
 - a. Development within all other overlay districts, including ECO, FW, FF, GFP, FS, CN, and HPD shall generally be more restrictive than the underlying base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Permitted uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table 22.03.03 Permitted Uses in Residential Districts					
Permitted Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Residential					
Community Living Arrangement, 8 or fewer residents	22.03.04(A)(1)	P	P	P	P
Community Living Arrangement, 9 or more residents	22.03.04(A)(1)	C	C	C	C
Dwelling, Cottage Home/ Tiny Home Court	22.03.04(A)(2)	P	P	P	P
Dwelling, Duplex; Side-by-side	22.03.04(A)(3)		P	P	P
Dwelling, Duplex; Stacked	22.03.04(A)(3)		P	P	P
Dwelling, Live-Work Unit	22.03.04(A)(4)			C	P
Dwelling, Mobile Home Park	22.03.04(A)(5)			P	P
Dwelling, Multi-Unit Building Complex	22.03.04(A)(6)				P
Dwelling, Multi-Unit, above ground floor only					
Dwelling, Multi-Unit, more than 8 units	22.03.04(A)(7)				P
Dwelling, Multi-unit, Rear Ground-Floor	22.03.04(A)(8)				
Dwelling, Multi-Unit, 5-8 units	22.03.04(A)(9)			P	P
Dwelling, Quadplex	22.03.04(A)(12)		P	P	P
Dwelling, Rowhome	22.03.04(A)(10)		P	P	P
Dwelling, Single-Family, Detached	22.03.04(A)(11)	P	P	P	P
Dwelling, Triplex	22.03.04(A)(12)		P	P	P
Foster Family Home		P	P	P	P
Residence Hall	22.03.04(A)(13)				P
Single Room Occupancy	22.03.04(A)(14)				P
Public and Institutional					
College/University			C	C	C
Nursing Home				P	P
Parks and playgrounds		P	P	P	P
Place of Worship		C	C	C	C
Post Office					
Schools K-12	22.03.04(B)(4)	C	C	C	C

Table 22.03.03 Permitted Uses in Residential Districts					
Permitted Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Commercial					
Bed and Breakfast/Short-Term Rentals	22.03.04(C)(3)	P	P	P	P

Table 22.03.03 Permitted Uses in Non-residential Districts												
Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Residential												
Dwelling, Live-Work Unit	22.03.04(A)(4)	P	C	C								
Dwelling, Multi-Unit, above Ground Floor Only		P	P	P	P							
Dwelling, Multi-unit, Rear Ground Floor	22.03.04(A)(8)	P	P	P	C							
Dwelling, Multi-Unit; 5-8 Units	22.03.04(A)(10)	P		P								
Dwelling, Duplex; Side-by-side		P										
Dwelling, Duplex; Stacked		P										
Community Living Arrangement	22.03.04(A)(1)										P	
Dwelling, Single-Family, Detached		P										
Dwelling, Multi-Unit, more than 8 units	22.03.04(A)(7)		P	C	C							
Dwelling, Rowhome	22.03.04(A)(11)	P										
Residence Hall	22.03.04(A)(13)	P	P	P	P							
Single Room Occupancy	22.03.04(A)(14)	P	P	P	P							
Public and Institutional												
Alternative Education Facilities				C	C						P	
Cemetery	22.03.04(B)(1)										P	
Clinic		P	P	P	P			P	P		P	
College/University			C	C	C						P	
Community Services Facility	22.03.04(B)(2)		C	P	P	C			C		P	
Crematory											P	
Funeral Home		C		P	P						P	
Hospital					C						P	

Table 22.03.03 Permitted Uses in Non-residential Districts

Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Nursing Home	22.03.04(B)(3)		C								P	
Parks and Playgrounds											P	P
Place of Worship		P	P	P	P						P	
Post Office		P	P	P	P	P	P	P	P		P	
Private Place of Assembly		P	P	P	P						P	
School, K-12	22.03.04(B)(4)										P	
Theater		P	P	P	P						P	
Vocational/Technical School		P	P	P	P				C		P	
Commercial												
Adult-Oriented Establishment	22.03.04(C)(1)					P	P					
Animal Boarding Facility					P			P	P			
Animal Hospital		C		C	P			P	P			
Veterinary Clinic		C	C	C	P				P			
Artisan Manufacturing	22.03.04(C)(2)	P	P	P	P	P	P	P	P			
Bar / Lounge / Tavern		P	P	P	P							
Bed and Breakfast/Short-Term Rentals	22.03.04(C)(3)											
Brewery / Winery / Distillery						P	P	P	P			
Coffee Shop		P	P	P	P				P			
Commercial Adult and Child-care Centers		P	P	P	P			P	P		P	
Commercial Kitchen			C		C	P	P	P	P			
Commercial Recreation, Indoor			P	P	P	C	C		P			P
Commercial Recreation, Outdoor					C	C						P
Co-Working Space		P	P	P	P			P	P			
Financial & Professional Services		P	P	P	P			P	P		P	
Food Truck Court	22.03.04(C)(4)	C	P	P	P				P			

Table 22.03.03 Permitted Uses in Non-residential Districts

Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
General Office		P	P	P	P	P	P	P	P			
General Retail (Greater than or equal to 15,000 SF)			C	P	P				P			
General Retail (less than 15,000 SF)		P	P	P	P				P			
General Service		P	P	P	P			P	P	P	P	
Grocery Stores (greater than 25,000 SF)			C	P	P				P			
Grocery Stores (less than 25,000 SF)		P	P	P	P				P			
Hotels and Motels			P		P				C			
Meeting/Event Facility		P	P	P	P							
Micro-Brewery / Winery / Distillery	22.03.04(C)(5)	P	P	P	P	P	P	P	P			
Personal Services		P	P	P	P				P			
Restaurant		P	P	P	P				P			
Industrial												
Auto Dealership and Rental	22.03.04(D)(1)				C							
Car Wash	22.03.04(D)(2)			P	P							
Garden Center (With Outdoor Storage)				P	P				P			
Fleet Fueling Facility							C					
General Manufacturing						P	P	P	P			
Heavy Industrial, Indoor							P					
Heavy Industrial, Outdoor							P					
Light Industrial, Indoor						P	P	P	P			
Light Industrial, Outdoor						P	P	P	P			
Self-storage Facility						C						
Utility Infrastructure			C	C	C	C	P	C	C		P	

Table 22.03.03 Permitted Uses in Non-residential Districts

Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Vehicle Fueling Station	22.03.04(D)(3)	C		P	P	C			P			
Vehicle Services - Major Repair/Body Work	22.03.04(D)(4)					P	P		P			
Vehicle Services - Minor Maintenance/Repair	22.03.04(D)(5)			P	P	P	P		P			
Wireless communications facility	22.03.04(D)(6)	C	C	C	C	C	P	C	C	C	C	

22.03.04. Principal Use Supplemental Standards.

A. Residential Uses.

1. Community Living Arrangements and Adult Family Homes.

- All community based residential facilities shall comply with Wis. Stats. § 62.23(7)(i) and obtain all proper licensing.
- All adult family homes shall comply with Wis. Stats. § 62.23(7)(i) and § 50.01(1)(b), and obtain all proper licensing (§ 50.032 and §50.033).

2. Dwelling-Cottage Home / Tiny Home Court.

- Number of Cottage Courts.** A maximum of one cottage home/ tiny home court shall be allowed per development site.
- Dwelling Units Standards.**
 - Dwelling Unit Lot Standards.** If the dwelling-cottage home/ tiny home court buildings are located on individual lots, the following standards shall apply.
 - Area.** The maximum area for each dwelling unit in a cottage home/ tiny home court shall be 1,000 square feet.
 - Size of Dwelling Units.**
 - A dwelling-cottage home/ tiny home court building utilized as a dwelling shall have a maximum floor area of 1,000 square feet.
 - A dwelling-cottage home/ tiny home court building utilized as a common amenity space shall have a maximum floor area of 3,000 square feet.
 - Number of Dwelling Units.**
 - A maximum of one dwelling unit shall be allowed per building in a dwelling-

cottage home/ tiny home court.

- b) A dwelling-cottage home/ tiny home court development site shall have a minimum of three and a maximum of 12 buildings per site.
- c) One of the allowed dwelling-cottage home/ tiny home court buildings may be utilized for common amenity space.

iv. **Building Orientation and Design.**

- a) Buildings shall be oriented with their main entrance facing the shared common court open space, except for corner buildings.
- b) Corner buildings shall be oriented with their main entrance facing either the shared common court open space or the public right-of-way.

v. **Ingress/Egress Windows.** A minimum of one two by three foot window or a window meeting the ingress/egress requirements of the building code shall be located on the front façade.

- a) Buildings shall have a covered front porch meeting the following standards:
 - a) **Width.** Eight feet minimum.
 - b) **Depth.** Six feet minimum.
 - c) **Height.** Seven feet minimum, from floor to bottom of ceiling.

vi. **Permanent Foundation Required.** Individual cottage home court / tiny home buildings shall be affixed to the ground with a permanent foundation.

c. **Common Court Open Space.**

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

d. **Pedestrian Access.**

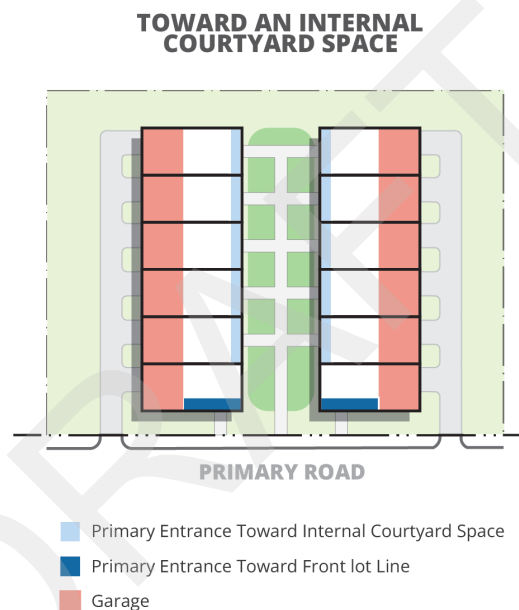
- i. A pedestrian walkway meeting minimum ADA standards, but no less than three feet

wide, shall connect all buildings to the public right-of-way, common court open space, and parking areas.

- ii. The pedestrian walkway shall be setback a minimum of six feet from building entrances.

e. Vehicle Access and Parking.

- i. Parking and driveways shall be located to the rear of the buildings in a dwelling-cottage home / tiny home court.



- ii. Parking shall be accessed by an alley if an alley exists.
- iii. If no alley exists, parking shall be accessed by a single driveway.
- iv. The driveway shall be located either:
 - a) From the secondary street for a corner development site, or
 - b) To the interior side of the buildings on the development site.

3. Dwelling, Duplex; Side-by-side and Stacked.

- a. The primary entrance shall be oriented toward the designated front lot line
- b. A minimum of one window, meeting the ingress/egress requirements of the building

Figure 1 Dwelling-Cottage Court / Tiny Home Court

code, shall be located on the front façade.

- c. The overall design shall ensure clear separation between the two units, with shared or distinct walls as applicable.
- d. If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.

4. Dwelling, Live-Work Unit.

- a. Construction shall meet requirements of the applicable Wisconsin building code.
- b. The work area shall occupy a maximum of 50 percent of the total unit.
- c. The work area shall be limited to the first or main floor only.
- d. A minimum of one person shall reside and be employed in the live-work unit.
- e. A maximum of five people who are not residents of the live-work unit may be employed in the work area at any one time.
- f. Live-work units shall be located in buildings meeting the mixed-use building design standards of Subsection 22.05.02.
- g. Allowed non-residential uses in a live-work unit shall include:
 - i. Artisan Manufacturing
 - ii. Personal Services
 - iii. Private Meeting/Event Facility
 - iv. Financial & Professional Services,
 - v. General Retail,
 - vi. General Office, and
 - vii. Restaurant, no drive-through.

5. Dwelling, Mobile Home Park.

- a. **Minimum Area Requirement.** Mobile home parks shall be located on lots with a minimum area of one acre.
- b. **State Licensing Requirements.** All mobile home park communities shall obtain and maintain a valid license from the applicable state licensing authority.
- c. **Access and Circulation.** Access to and circulation within a mobile home park community shall meet the Internal Access Drive Standards of Subsection 22.06.02.

d. **Rental Pads.**

- i. A rental pad shall be provided on each mobile home park rental space.
- ii. Rental pads shall be of sufficient size to accommodate the maximum length and width of the mobile home or tiny home to be placed upon it and shall be so located within the rental space to allow compliance with all setback requirements, especially in relation to the placement of porches, decks, carports, garages or other additions.

iii. **Dimensional Standards.**

Table 22.03.04(A) Mobile Home Park Community Rental Pad Dimensional Standards	
<i>Rental Pad Standards</i>	
Lot Area, Minimum (sq ft)	2,000
Lot Width, Minimum (ft)	25
<i>Setbacks for Pads Fronting Internal Access Drives</i>	
Front, Minimum (ft)	10
Side, Minimum (ft)	5
Rear, Minimum (ft)	10
<i>Setbacks for Pads Fronting Public Right of Way</i>	
Front, Minimum (ft)	20
Street Side, Minimum (ft)	20
Interior Side, Minimum (ft)	10
Rear, Minimum (ft)	10

- iv. **Accessory Community Buildings and Spaces.** Accessory community buildings and spaces are allowed within manufactured home communities, including but not limited to indoor storage facilities, outdoor recreational areas, laundry facilities, community rooms, or fitness facilities.

6. **Dwelling, Multi-Unit Building Complex.**

- a. **Buildings in a Multi-Unit Building Complex.** All multi-unit buildings in a multi-family building complex shall meet the supplemental standards of Subsection 22.05.05 in addition to the standards of this Subsection.
- b. **Balconies and Patios.**
 - i. Balconies and patios required in Subsections (ii) and (iii) below are required on at least 25 percent of all multi-unit units per development site.
 - ii. Upper-story dwelling units adjacent to an existing or proposed street or internal access

drive (per Subsection 22.06.02) shall incorporate a balcony or screened porch accessible from inside the dwelling unit with a minimum area of at least 25 square feet.

- iii. Ground-level units adjacent to a sidewalk, walkway, or public open space shall include a patio or porch of at least 25 square feet in area.
 - iv. Balconies and patios required in ## and ## above shall either project or recess a minimum of two feet from the façade wall, as measured from the edge of the patio or railing, as appropriate, to the façade wall.
- c. **Upper Story Pedestrian Access.** Stairwells to upper story accessways serving two or more individual multi-unit units shall be located per Table 22.03.04(B).

Table 22.03.04(B) Upper Story Pedestrian Access		
Building Façade	Fully Enclosed Stairwell	Open Stairwell [1]
Front	Required	Prohibited
Street Side	Allowed	Allowed
Side, Rear	Allowed	Allowed
Notes		
[1] The visibility of an open stairwell from the public right of way or adjacent property shall be minimized through the use of decorative screening materials. Where screening is not possible, other decorative elements including but not limited to decorative awnings, railings, or stair treads may be approved by the Community Development Director or their Designee.		

- d. **Mass and Scale.** If the street-facing façade of a multi-unit building in a multi-unit building complex is more than 60 feet wide, the perceived mass and scale of the building shall be reduced by incorporating at least three of the following design elements that are consistent with the development's architectural character to create distinctive variations in the façade:
- i. Changes in texture, material, and color of wall surfaces at least every 60 feet,
 - ii. Pedestrian building pass-through,
 - iii. Eight-foot minimum step back of the entire front facade after the ground, second, or third floor,
 - iv. 20-foot minimum step back of 30 percent of the mass of the front façade after the ground floor in a manner that results in a "C" or "U" shaped building,
 - v. One-story minimum step down of height of the side or wing of a building.

- e. **Internal Access Drives.** Multi-Unit complexes shall meet the internal access drive standards established in Subsection 22.06.02.

7. Dwelling, Multi-Unit, more than 8 units.

a. Vehicle Access and Parking.

- i. Parking and driveways shall be located to the rear of a multi-unit building.
- ii. Parking shall be accessed by an alley if an alley exists.
- iii. The driveway shall be located either:
 - a) From the secondary street for a corner development site, or
 - b) To the interior side of the multi-unit building.

8. Dwelling, Multi-Unit, Rear Ground-Floor.

- a. A nonresidential area, with a minimum depth of 60 feet shall occupy the front façade of building.
- b. The building entry for the rear ground floor multi-unit dwelling(s) shall be located on one of the following facades, listed in priority order:
 - i. Street-side façade,
 - ii. Rear façade,
 - iii. Front façade.
- c. Dwelling, multi-unit, Rear Ground-Floor shall be in compliance with the building design standards established under Subsection 22.05.05 of this Section.

9. Dwelling, Multi-Unit, 5-8 units.

a. Vehicle Access and Parking.

- i. Parking and driveways shall be located to the rear of a multi-unit building.
- ii. Parking shall be accessed by an alley if an alley exists.
- iii. If no alley exists, parking shall be accessed by a single driveway.
- iv. The driveway shall be located either:
 - a) From the secondary street for a corner development site, or
 - b) To the interior side of the multi-unit building.

10. Dwelling, Rowhome.

- a. **Orientation.** Rowhomes shall be oriented with their primary entrances either:
 - i. **Toward the designated front lot line.** The primary entrance of end unit rowhomes on corner lots may be oriented toward the designated front or exterior side lot line.
 - ii. **Toward an internal courtyard space.** The primary entrance of end unit rowhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
- b. **Garages.** If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.
- c. **Ingress/Egress Windows.** For each unit facing a front or exterior side lot line, a minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.
- d. **Maximum Units per Development.**
 - i. In the RN-2 District, a maximum of four rowhome units shall be permitted per development.
 - ii. In the RN-3 District, a maximum of eight rowhome units shall be permitted per development.
- e. **Rowhome Clusters.**

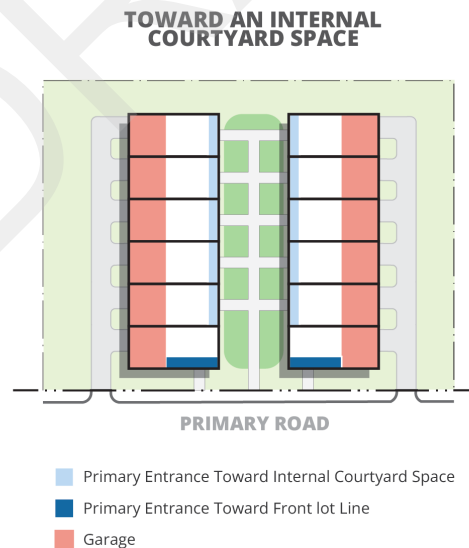


Figure 2 Rowhomes Cluster

- i. Individual rowhome units shall be articulated through the exterior design of the rowhome cluster. This can be accomplished through dormers, porches, vertical

design elements, varying roof forms, or other architectural devices.

- ii. The siting of the rowhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
- iii. **Maximum Units per Cluster.** In all other districts where rowhomes are permitted, the maximum number of units within a rowhome cluster shall be eight.

11. Dwelling, Single-Family; Detached.

- a. Any residentially zoned lot of any size that existed prior to the date of this Chapter adoption may allow a single-family dwelling, provided it meets all dimensional standards of the residential districts, except for lot area and width.
- b. The primary entrance shall be oriented toward the designated front lot line.
- c. A minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.
- d. The height of all garage doors shall not exceed eight feet, unless it is set back a minimum of 40 feet from the front and/or exterior side property line.

12. Dwelling, Triplex and Quadplex.

- a. The primary entrance shall be oriented toward the designated front lot line.
- b. A minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.

- c. If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.

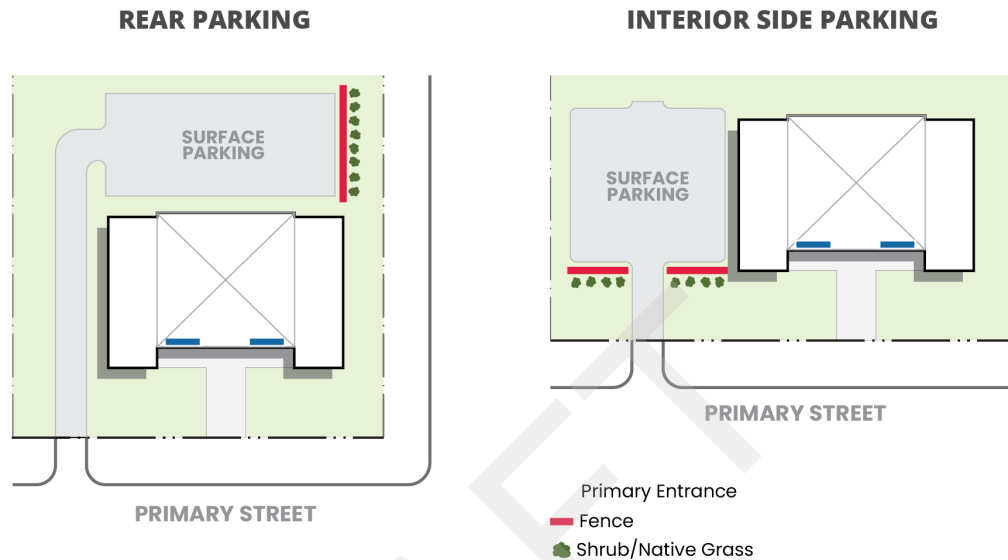


Figure 3 Dwelling, Triplex-Quadplex

- 13. **Residence Hall.** All residence halls shall meet the building design standards (Section 22.05) applicable to multi-unit buildings.
- 14. **Single Room Occupancy.**
 - a. **Building Type.** Single-room occupancies shall be located within a multi-unit building that meets the supplemental standards of Section 22.05 and this Chapter.
 - b. Permitted on upper floors only in MU, DC, GC, and CC districts.
 - c. **Building and Lot Standards.**
 - i. The minimum size of any sleeping room shall be 200 square feet per resident.
 - ii. One full bath consisting of a tub or shower, toilet, and sink shall be provided for every four residents.
 - iii. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all residents.
 - iv. Signs, other than address or tenant identification signs meeting the requirements of Section 22.09, shall not be permitted.
 - d. **Tenancy Restrictions.** The minimum rental period of a single-room occupancy shall be

30 days.

- e. **Licensing.** Single-room occupancy uses shall comply with all applicable City licensing and operational requirements.

B. Public and Institutional Uses.

1. Cemetery.

- a. **Minimum Lot Size.** A minimum of three contiguous acres shall be required to establish a cemetery not located on the same tract of land as a place of worship.

- b. **Minimum Yard Setback Requirements.**

- i. The minimum yard setback required for all structures, excluding gatehouses, shall be 20 feet from any exterior property line. A gatehouse shall meet the setback requirements of the base zoning district in which it is located.
 - ii. The minimum yard setback required for mausoleums and columbaria adjacent to a street shall be equal to a principal building front yard setback in the district.

- 2. **Community Services Facility.** In the DC District, no more than one Community Services Facility shall be permitted per block face, unless otherwise approved through a conditional use permit or a specific zoning action.

- 3. **Nursing Home.** In the DC District, nursing homes shall be located on upper floors only, with commercial space required on the first floor. Dining rooms and other non-residential uses may be permitted on the first floor, provided commercial space requirements are still met.

- 4. **School, Elementary, High, Middle.**

- a. Athletic fields shall be buffered from adjacent property in a residential district with a Type 4 or Type 5 buffer as set forth in Subsection 22.07.07.
 - b. Parking areas that directly face a residential district shall be buffered with a Type 1, 2, or 3 buffer, as set forth in Subsection 22.07.07.
 - c. Schools on properties that directly abut a residential district shall be buffered with a Type 4 or Type 5 buffer, as set forth in Subsection 22.07.07.
 - d. Student pick-up/drop-off areas shall adhere to WisDOT standards for vehicular circulation and stacking regardless of roadway jurisdiction.
 - e. Schools shall have access from a street with a minimum classification as collector.
 - f. Schools over 50,000 square feet in size shall have at least two points of ingress/egress that are compliant with the driveway provisions in Subsection 22.06.03. This requirement is not applicable for adaptive reuse of existing buildings.

C. Commercial Uses.

1. Adult-Oriented Establishment.

- a. **Location.** Adult-oriented establishments shall not be located within 1000 feet of any school, Place of Worship and shall not be located within 500 feet of any residential zone, public park or any other adult oriented establishment.
- b. **Standards of Measurement.** The distances provided in this Subsection shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

2. Artisan Manufacturing.

- a. Outdoor storage shall be prohibited.
- b. Outdoor operations or activities may be approved with a temporary use permit.
- c. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- d. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 25 percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.

3. Bed and Breakfast/Short-Term Rental.

- a. Off-street parking shall be provided in accordance with Section 22.06 of this Section.
- b. One Permanent Post Sign is permitted in accordance with the standards outlined in Section 22.09 of this Chapter.
- c. No bedrooms shall be located in an accessory structure unless the structure is an approved accessory dwelling unit.
- d. Bed and Breakfast Establishments shall comply with applicable State Statute.

4. Food Truck Court.

- a. A minimum of three food trucks shall be accommodated per food truck court.
- b. The maximum number of food trucks allowed on site will be dependent on the size of the lot and the site's ability to provide required electrical access and parking.
- c. A minimum of 10 feet of clearance shall be provided between all individual food trucks and from buildings.

- d. The area for a food truck court shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck court from parking shall provide visibility into the site and shall not exceed four feet in height.
- e. To create an inviting and attractive aesthetic environment, seating and shade elements shall be provided.
- f. Any food truck court shall not be located less than 750 feet from any other food truck court.
- g. Electrical service shall be provided to each food truck, no generators shall be allowed.
- h. Food trucks shall be inspected in accordance with the State of Wisconsin and Waukesha County.
- i. A permanent restroom facility connected to City sanitary sewer and water shall be provided.
- j. The Food Truck Court shall be in compliance with the City's Mobile Food Vendor Ordinance 8.18.

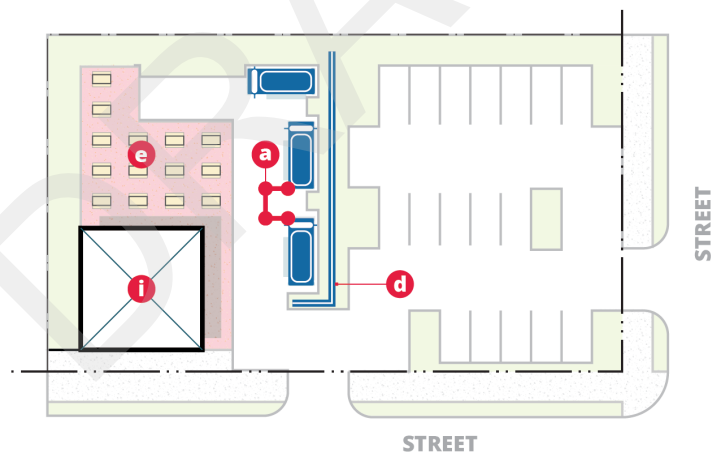


Figure 4 Food Truck Court

5. Micro-Brewery/Winery/Distillery.

- a. A micro-brewery/winery/distillery shall include one or more accessory or principal uses such as a restaurant, retail, tasting room or other uses incidental to the brewery, distillery, or winery and open and accessible to the public.
- b. Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within a building.

D. Industrial.

1. Auto Dealership and Rental.

- a. The minimum lot size for auto dealerships and rental facilities shall be three acres.
- b. Vehicle display areas shall:
 - i. Be exempt from interior parking lot landscape requirements.
 - ii. Be allowed to cluster required perimeter parking lot landscape requirements to preserve views of displayed vehicles.
 - iii. Be located on hard-surfaced areas as approved by the City Engineer.
- c. All displayed vehicles shall be operable and suitable for driving. Vehicles that are not operable or suitable for driving shall be stored indoors or in designated parking areas for no longer than 24 hours.
- d. Operations shall not create obstructions to traffic circulation on public streets.
- e. Operations shall be located on hard-surfaced areas as approved by the City Engineer.
- f. Operations shall not create obstructions to traffic circulation on public streets.
- g. Employee and customer parking spaces must be clearly signed. Service storage or sales inventory vehicles may not be parked in those spaces at any time.
- h. Vehicles may not be parked in pedestrian walkways, drive aisles, or landscape areas.
- i. Vehicle panic buttons should not be used except in cases of actual emergencies. They may not be used by dealership staff to locate parked vehicles.
- j. For dealerships adjacent to residential uses, outdoor P.A. systems may not be used.
- k. Gas pumps and repair bays at auto dealerships and rental facilities shall be set back a minimum of 35 feet from the street right-of-way, and 40 feet from side and rear lot lines.

2. Car Wash.

- a. Hours of operation shall be restricted to between 7:00 am and 9:00 pm only when adjacent to residential districts.
- b. All mechanical equipment, including self-service vacuum compressor units, shall be enclosed within a building.
- c. All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential properties.
- d. All car wash facilities and accessory equipment such as vacuums, dryers, accessory buildings, etc. shall be set back a minimum of 100 feet from any residential districts.
- e. If self-service vacuum facilities are provided:
 - i. They shall be set back a minimum of 20 feet from all property lines but no closer than 100 feet from residential lot lines.
 - ii. A minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
- f. All carwash facilities shall be equipped with, and maintain in operation, a water recycling system that shall recycle a minimum of 50 percent of the water being used by the facility.
- g. Vehicle wash bays shall be set so the bay door is perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A Type 4 or Type 5 buffer is required when the service bays directly face a residential property. A Type 4 or Type 5 buffer is required when the property abuts a residential lot at the rear, as set forth in Subsection 22.07.07.

3. Vehicle Fueling Stations. The entire building shall conform to the design standards established for the district in Subsection 22.05.02 of this Section .

- a. Fuel Pumps and Canopies:
 - a) **Location.** All fuel pumps and canopies shall meet the setback requirements of the district.
 - b) **Materials.**
 - a) Fuel pump canopy support columns shall be fully clad in the same material as the principal building, at least to the height of the top of the fuel pumps.

- b) Rooflines and materials of canopies should tie into the architectural style of the principal structure.
 - c) **Lighting.** Fuel pump canopy lighting shall be fully recessed.
4. **Vehicle Services - Minor Maintenance/Repair.**
- i) Vehicle service bays associated with vehicle services, minor maintenance/repair shall be located a minimum of 100 feet from any residential property line.
 - ii) Vehicle service bay shall be set to the bay door perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A Type 4 or Type 5 buffer is required when the service bays directly face a residential property. A Type 4 or Type 5 buffer is required when the property abuts a residential lot at the rear, as set forth in Subsection 22.07.07.
 - iii) Operations shall be limited to between the hours of 7:00 am and 9:00 pm.
5. **Vehicle Services, Major Repair/Body Work.**
- a. **Location.** Shall be located no closer than 100 feet from properties with the following pre-existing uses:
 - a) All residential uses,
 - b) Schools K-12,
 - c) Place of Worship,

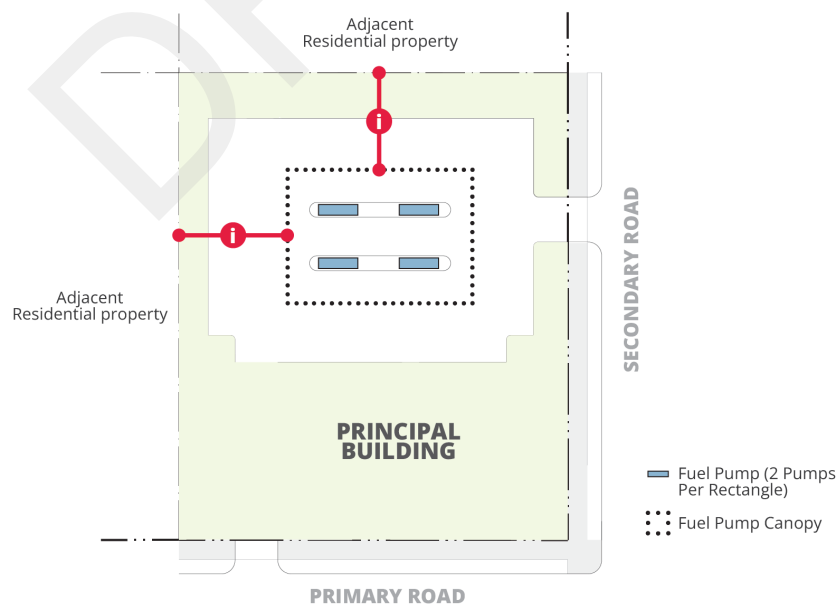


Figure 5 Vehicle Fueling Station

- d) College/University,
- e) Parks and playgrounds, and
- f) Cemetery.
- b. This setback requirement shall not apply to educational institutions where vehicle repair or body work is conducted as part of a vocational or educational program.
- c. Vehicle service bays associated with vehicle services, minor maintenance/repair shall be located a minimum of 100 feet from any residential property line.
- d. Vehicle service bays shall be set perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A Type 4 or Type 5 buffer is required when the service bays directly face a residential property. A Type 4 or Type 5 buffer is required when the property abuts a residential lot at the rear, as set forth in Subsection 22.07.07. All required buffers shall be provided in addition to any minimum setback requirements.
- e. Vehicles which are not operable or suitable for driving shall be stored indoors, in accessory outdoor storage areas meeting all requirements of Subsection 22.03.06(l), or in screened parking areas.

6. Wireless Communications Facility.

- a. **Purpose.** This ordinance sets forth the City's regulatory authority in accordance with sec. 66.0404 Wis. Stats.
- b. **Applicability.** The City's regulatory power extends to three types of projects, all for the installation of types of cell phone transmission facilities.
 - i. Projects requiring construction of a new tower.
 - ii. Projects requiring substantial modification of an existing tower and facilities, but not construction of a new tower. Projects of this type are referred to as "class 1 collocation."
 - iii. Projects requiring neither construction of a new tower, nor substantial modification of an existing tower and facilities. Projects of this type are referred to as "class 2 collocation."
- c. Siting and Construction of Any New Mobile Service Support Structure and Facilities or the Substantial Modification of an Existing Support Structure and Mobile Service Facilities (Class 1 Collocation).

- i. **Conditional Use Permit Required.** A conditional use permit is required for the siting and construction of a new mobile service support structure and facility and/or the substantial modification of an existing support structure and mobile service facilities (class 1 collocation) and is subject only to the conditions set forth in this ordinance.
- ii. **Applications for Permits.**
 - i) Applications for a permit shall be provided by the Office of Community Development. Applications shall be completed and filed with the Office of Community Development and shall include the following information:
 - a) Name and business address and contact information for the applicant.
 - b) Location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
 - d) If the application substantially modifies an existing support structure, a construction plan which describes the proposed modification to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
 - e) If the application is to construct a new mobile service support structure, a construction plan which describes a proposed mobile service support structure and equipment network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
 - f) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from the individual who has responsibility over the placement of the mobile service support structure, attesting that collocation within the applicants search ring would not result in the same mobile service functionality, coverage and capacity; is technically unfeasible or is economically burdensome to the mobile service provider.
 - g) If an applicant submits an application for a permit to engage in an activity described in this ordinance, which contains all the information required under i. through vi. above, the Office of Community Development shall consider the application complete. If the Office of Community Development does not believe the application complete, the Office of Community Development shall notify the applicant in writing within 10 days of receiving the application, that the application is not complete. The written notification

shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

iii. **Referral to Plan Commission.**

- i) If the application is complete as determined by the Office of Community Development, the matter shall be referred to the Plan Commission for its review.
- ii) Within ninety (90) days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the ninety (90) day period:
 - a) Review the application to determine whether it complies with all applicable aspects of the City's building code and zoning ordinances.
 - b) Make a final decision whether to approve or deny the application.
 - c) Notify the applicant, in writing, of its final decision.
 - d) If the decision is to deny application, include with the written notification substantial evidence which supports the decision.
- iii) The Plan Commission may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (4)A.1.f.

iv) **Standards.**

- a) The facility, any support structures, and any guy wires shall meet all applicable setback requirements for the zoning district in which they are located.
- b) The facility shall comply with all height restrictions noted in Appendix C of the Waukesha County Code of Ordinances – the Airport Height Ordinance.
- c) The tower shall be constructed with a fall radius that is within the boundaries of the property on which it is located, or it shall be designed to collapse within an area that is within the boundaries of the property on which it is located.
- d) Towers shall be tapering monopole design, unless an alternative structure is approved by the Plan Commission. Internal cable routing must be provided.
- e) Any security fencing at the base of the structure must meet the applicable standards for fencing in Subsection 22.04.02 of this code. A chain link fence, if used, shall be black vinyl coated.

- f) Accessory structures must comply with setback and dimensional requirements for Principal Uses in the zoning district where they are located and must meet all applicable design, development, and landscaping standards in this chapter unless an exception is approved by the Plan Commission.
 - g) A tower or antenna may locate on an existing alternative support structure such as a clock tower, steeple, building, water tower, or similar structure. However, no new tower may locate on a structure which is part of an individually designated Local Landmark or in a locally designated Historic District.
- iv. The applicant shall provide the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in the zoning ordinance. The requirements in Subsection (d)(iii) above shall not apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.
- v. **Abandonment.** Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the owner of such antenna or tower or owner(s) of the property where the tower or antenna is located shall remove said antenna and/or tower including all supporting equipment, buildings, and foundations to a depth of five feet and shall restore and stabilize the property within 90 days of receipt of notice from the Community Development Director or Designee. Native, low-growing vegetation shall be used for stabilization purposes, and the deadline for complete stabilization may be extended to the next growing season as necessary, provided temporary erosion control measures are used until planting is complete. If removal and restoration does not occur to the satisfaction of the Community Development Director or Designee within the said 90 days, the City may remove and salvage the antenna/tower and all supporting equipment and buildings, and restore the site at the antenna/tower owner's or property owner's expense.
- vi. A performance bond shall be required in the amount of twenty thousand dollars (\$20,000) prior to the issuance of a permit under this Subsection to guarantee that the tower and all supporting equipment, buildings, and foundations will be removed when no longer in operation. If, prior to the removal of the tower, tower removal rates exceed \$20,000.00, the City reserves the right to impose a special charge on the property in the event the City is required to remove the facilities.
- vii. The fee for the permit shall be established under the procedure set forth in Subsection 22.11.03(B)(3) of this Chapter and shall comply with sec. 66.0404(4)(d)2., Wis. Stats.

viii. Collocation on Existing Support Structures (Class 2 Collocation).

- i) A permit is required for a class 2 collocation. A class 2 collocation is a permitted use but still requires the issuance of a permit.
- ii) Applications for a permit shall be provided by the Office of Community Development. Applications shall be made and filed with the Office of Community Development and shall include the following information.
 - a) Name and business address and contact information for the applicant.
 - b) Location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
- iii) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- iv) If an applicant submits an application to the Planning Department for a permit to engage in a class 2 collocation and the application contains all of the information required by 5.B., the Office of Community Development shall consider the application complete. If the required information is not in the application, the Office of Community Development shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- v) Within forty-five (45) days of its receipt of a complete application, the Community Development Director or their Designee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Community Development Director or their Designee may agree in writing to an extension of the forty-five (45) day period:
 - a) Make a final decision whether to approve or deny the application.
 - b) Notify the applicant, in writing, of its final decision.
 - c) If the application is approved, issue the applicant the relevant permit.
 - d) If the decision is to deny application, include with the written notification an explanation of the Building or Zoning Chapter which results in denial.
- vi) The fee for the permit shall be established under the procedure set forth in Subsection 22.11.03(B)(3) of this Chapter and shall comply with sec. 66.0404(4)(d)1., Wis. Stats.

22.03.05. Accessory Uses

A. **Accessory Uses Table.** The following shall be used in the interpretation of Table 22.03.05(A).

1. **Permitted Uses (P).** Uses which are marked as "P" in the table shall be allowed accessory uses subject to all applicable regulations of this Section .
2. **Conditional Uses (C).** Uses which are marked as "C" in the table shall require approval as a Conditional Use as detailed in Subsection 22.11.08 prior to establishment.
3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
4. **Uses Not Listed.** A use not specifically listed is prohibited unless it is determined that the use is a part of a general use type as described in Subsection 22.03.02(A).
5. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Supplemental standards shall apply to the use, regardless of whether it is a permitted or conditional use.
6. **Overlay Districts.** Overlay districts are not included in Table 22.03.05(A) Accessory Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:

Table 22.03.05(A) Accessory in Residential Districts					
Accessory Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Accessory Building/Structure	22.03.06(A)	P	P	P	P
Accessory Commercial Units	22.03.06(B)	C	C	C	C
Accessory Commercial Playground		P	P	P	P
Accessory Dwelling Unit	22.03.06(C)	P	P	P	P
Child Day Care Home	22.03.06 (D)	P	P	P	P
Garage / Rummage Sales	22.03.06(E)	P	P	P	P
Home Occupation	22.03.06(H)	P	P	P	P
Model Home	22.03.06(I)	P	P	P	P
Solar Energy Collection System, Canopy	22.03.06(M)		P	P	P
Solar Energy Collection System, Ground Mounted	22.03.06(N)	P	P	P	P

Table 22.03.05(A) Accessory in Residential Districts					
Accessory Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Solar Energy Collection System, Roof Mounted	22.03.06(O)	P	P	P	P
Swimming Pool, Private	22.03.06 (P)	P	P	P	P
Wind Energy Conversion System, Ground Mounted	22.03.06(Q)	P	P	P	P
Wind Energy Conversion System, Roof Mounted	22.03.06(Q)	P	P	P	P

- a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in Subsection 22.11.11 and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Section.
- b. **All Other Overlay Districts.** Development within all other overlay districts, including ECO, FWO, FSO, FFO, CN, and HPD, shall generally be more restrictive than the underlying base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Permitted uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table 22.03.06(B) Accessory in Non-residential Districts												
Accessory Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Accessory Building / Structure	22.03.06(A)	P	P	P	P	P	P	P	P	P	P	P
Child Day Care Home		P										
Accessory Service Facility						P	P			P	P	P
Accessory Commercial Units												
ATM		P	P	P	P			P	P			
Construction-Related Activity						P	P	P	P			
Contractor's Office						P	P	P				
Contractor's Yard						C	P	C	C			
Drive-Through Facility	22.03.06(F)	C		P	P			C	C			
Fleet Fueling Facility						P	C	C		P	P	
Fleet Vehicle Storage /	22.03.06(G)											

Table 22.03.06(B) Accessory in Non-residential Districts

Accessory Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Maintenance					C	C	P	C	C		P	
Outdoor Display / Sale of Merchandise	22.03.06(J)	C	C	C	P				P			
Outdoor Seating	22.03.06(K)	P	P	P	P			P	P			P
Outdoor Storage	22.03.06(L)				C	P	P	P	C			
Pop-Up Retail / Restaurant		P	P	P	P				P		P	P
Solar Energy Collection System, Canopy	22.03.06(M)	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, Ground-Mounted	22.03.06(N)	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof-Mounted	22.03.06(O)	P	P	P	P	P	P	P	P	P	P	P
Wind Energy Conversion System, Roof-Mounted	22.03.06(Q)	P	P	P	P	P	P	P	P	P	P	P
Wind Energy Conversion System, Ground-Mounted	22.03.06(Q)	P	P	P	P	P	P	P	P	P	P	P

22.03.06. Accessory Use Supplemental Standards

A. Accessory Building/Structure.

1. Types.

- a. **Small Accessory Buildings/Structures.** A small accessory building/structure shall be any accessory building/structure less than or equal to 200 square feet in gross area. Open accessory structures less than 50 square feet in area and less than 10 feet in height may be located in any yard.
- b. **Large Accessory Buildings/Structures.** A large accessory building/structure shall be any accessory building/structure greater than 200 square feet in gross area.

2. Number.

a. Small Accessory Buildings/Structures.

- i. Small accessory buildings are limited to two per lot.
- ii. Open small accessory structures are limited to two per lot.

b. Large Accessory Buildings/Structures.

- ii. Enclosed large accessory buildings are limited to one per lot.
- iii. Lots containing a principal dwelling with an attached garage shall not be permitted an enclosed large accessory building or structure, except where the structure is approved as an accessory dwelling unit (ADU).
- iv. Open large accessory structures are limited to two per lot.

3. Campers, Recreational Vehicles, Etc. Prohibited For Use.

Campers, travel trailers, and recreational vehicles are not permitted for use as an accessory building or structure.

4. Dimensional Standards.

Accessory buildings/structures shall meet the dimensional standards established in Table 22.03.06(A).

Table 22.03.06 Accessory Building/Structure Dimensional Standards

Yard Setbacks

Front, Minimum	In line with the front elevation of principal building, unless otherwise approved by the Community Development Director or their Designee.
Street Side, Minimum	In line with the street side elevation of principal Building, unless otherwise approved by the Community Development Director or their Designee.

Table 22.03.06 Accessory Building/Structure Dimensional Standards	
Interior Side, Minimum	Five feet, garages existing as of XXX can be rebuilt with existing setbacks but shall be contained on the lot and not overhang the lot line, and may be extended along that existing lot line.
Rear, Minimum	Five feet, garages existing as of XXX may be rebuilt with existing setbacks but must be contained on the lot and not overhang the lot line, and may be extended along that existing lot line.
Building/Structure Standards	
Height, Maximum	20 feet, or the maximum height of the principal structure, whichever is less.
Building Area, Maximum	1,500 square feet of the portion of the lot on which accessory structures may be located.

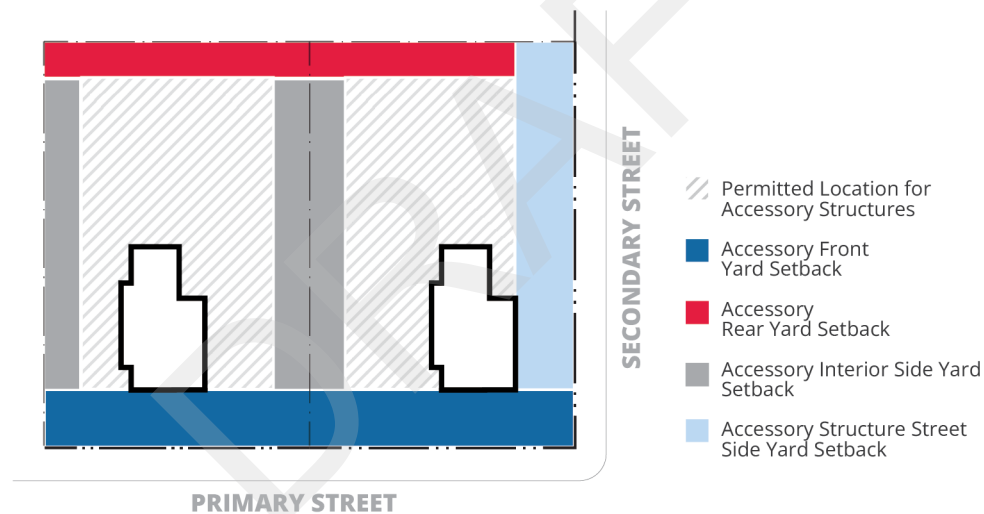


Figure 6 Accessory Building/Structure

B. Accessory Commercial Units.

- 1. Use Accessory To.** Accessory commercial units shall be allowed accessory to one-family dwelling and duplex dwelling uses only.
- 2. Number.** One accessory commercial unit shall be allowed per lot.
- 3. Location.** Accessory commercial units shall be allowed in the following locations only:

- a. Interior to the principal dwelling or in an accessory building meeting all standards of Subsection 22.03.05(A).
4. **Employees.** An Accessory Commercial Unit shall not have any onsite employees who are not also residents of the property.
5. **Outside Entrance.** If located within the principal dwelling, the commercial unit may have a private entrance, but such an entrance shall be located on or facing the interior side or rear of the principal dwelling.
6. **On-Site Customers/Clients.** An accessory commercial unit may receive customers or clients on site by appointment only or at a rate established per Conditional Use Permit approval process (Subsection 12.11.08).
7. **Parking.** One off-street parking space shall be provided in addition to those required for the principal dwelling unless approved by the Plan Commission.
8. **Signs.** One post sign, meeting the following standards, shall be allowed per accessory commercial unit.
 - a. **Sign Area.** The maximum sign area shall be four square feet.
 - b. **Sign Height.** The maximum sign height shall be six feet.
 - c. **Location.** The sign shall be located a maximum of ten feet from the principal structure.
 - d. **Prohibited Accessory Commercial Unit Uses.** The following uses shall be prohibited as accessory commercial unit uses:
 - i. All public and institutional uses,
 - ii. All commercial uses with the exception of artisan manufacturing, general commercial, personal services, professional and financial services, general office, and commercial kitchen,
 - iii. All industrial uses.
 - iv. Exterior storage of equipment or materials related to a business use.
 - v. Accessory Commercial Units shall not display outdoor signs.

C. Accessory Dwelling Units.

1. **Number.** One accessory dwelling shall be allowed per lot.
2. **Fire Wall Separation.** Firewall separation shall be provided as required by the Building Code.

3. Detached Accessory Dwelling Units.

- a. A detached accessory dwelling unit shall have separate water/sewer lines from the principal structure.
- b. A detached accessory dwelling unit shall have the same roof type and pitch as the primary dwelling.
- c. A minimum distance of 10 feet shall be maintained between the accessory dwelling unit and the primary dwelling unit, as an exception to the dimensional standards for typical accessory buildings.
- d. A detached accessory dwelling unit shall not exceed 75 percent of the floor area of the principal structure or 1,200 square feet, whichever is less.

4. Attached or Internal Dwelling Units. Accessory dwelling units that are attached or internal to the principal dwelling, shall:

- a. Not exceed 40 percent of the area of the principal dwelling, or
- b. May occupy the entirety of a basement or attic space, provided that basement dwelling spaces have building code compliant egress. Egress staircases shall be allowed only on the interior side or rear of structure.

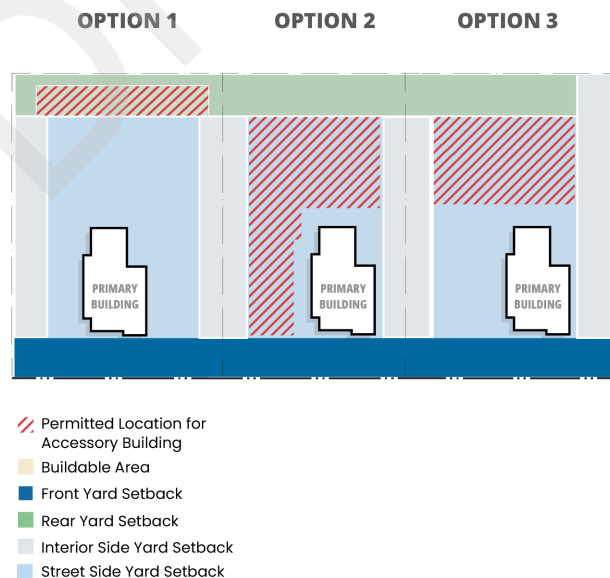


Figure 7 Accessory Dwelling Units

- D. **Child Day Care Home.** Any child day care home permitted as an accessory use shall comply with Wis. Stats. §48.85.
- E. **Garage/ Rummage Sales.** Garage sales are permitted in all residential zoning districts, provided that each sale does not exceed four consecutive days and no more than three sales are held at the same property per calendar year.
- F. **Drive-Through Facility.**
1. **Drive-Through Facility.**
 - a. **Location.** Drive-through facilities, including but not limited to order boxes, display boards, stacking spaces and lanes, shall be located to the interior side or rear of the building to which the drive-through facility is accessory.
 - b. **Stacking.**
 - i. **Stacking Lanes.** Stacking lanes shall have a minimum depth of 20 feet per stacking space and the following minimum lane widths:
 - a. One lane: 12 feet,
 - b. Two or more lanes: ten feet per lane.
 - ii. **Stacking Spaces.** Drive-through facilities shall have the minimum number of stacking spaces established per principal use as detailed in Table 22.03.06(B). Plan Commission may increase or reduce the number of stacking spaces based on the site plan.

Table 22.03.06(B) Drive-Through Stacking Requirements		
Use	Minimum Stack	Measure From
Automated Teller Machine	2 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Coffee Shops	6 per order box	order box [1]
Restaurant	6 per order box	order box [1]
Carwash Stall, Automatic, less than 100 feet long	5 per bay	bay entrance
Carwash Stall, Automatic, 100 feet long or more	15 per bay	bay entrance
Carwash Stall, Manual	2 per stall	bay entrance
Oil Change Facility	2 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window
Other Use	As determined by the Community Development Director or their Designee	

Table 22.03.06(B) Drive-Through Stacking Requirements		
Use	Minimum Stack	Measure From
Notes		
[1] Four of the required stacking spaces shall be located between the order-box and pick-up window, including the stacking space at the order box.		

b. **Drive-Through Display Signs.**

- a. A maximum of two display signs per stacking lane may be permitted for a drive-through facility.
 - b. The combined maximum area of the display boards shall be 80 square feet.
 - c. Each display sign shall not exceed:
 - i. 40 square feet in area, and
 - ii. Eight feet in height.
 - d. Display signs may utilize digital boards for 100 percent of the permitted display sign area.
- c. **Overhead Canopy.** Should a freestanding overhead canopy be utilized, it shall meet the standards of vehicle fueling station canopies, per Subsection 22.03.04(D)(3).

- d. **Screening.** If located adjacent to a property with a residential use or in a residential district, a buffer shall be utilized to minimize the impact of display boards, headlights, and other off-site impacts of drive-through facilities. A Type 1, 2, or 3 buffer is required when the drive-through facility directly faces a residential property. A Type 4 or 5 buffer is required when the property abuts a residential lot at the rear, as set forth in Subsection 22.07.07.

G. Fleet Vehicle Storage/ Maintenance.

1. **Storage.** Fleet vehicle storage shall be allowed in parking areas meeting all landscape and screening requirements only.
2. **Maintenance.** Fleet vehicle maintenance shall occur indoors only.

H. Home Occupation.

1. **Use Accessory To.** Home occupations shall be allowed accessory to any residential use.
2. **Location.** A home occupation may be located interior to the principal dwelling or in an accessory building meeting all standards of Subsection 22.03.06(A).
3. **Employees.** Only residents of the residential unit of the property may be employed on the premises.
4. **Outside Entrance.** If located within the principal structure, there shall be no separate entrance unless required by state statute.

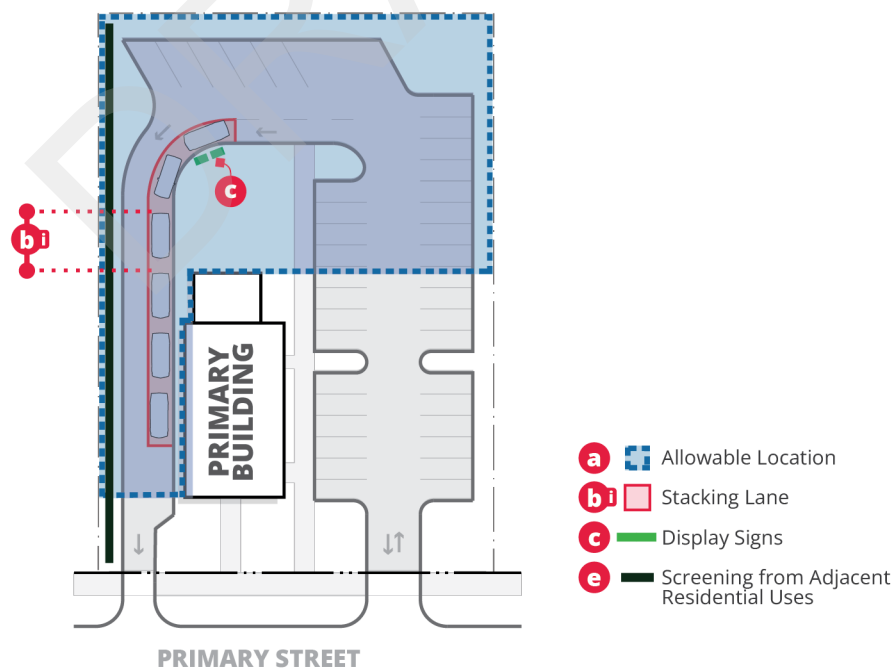


Figure 8 Drive Through Facility

5. **On-Site Customers/Clients.** A home occupation may receive no more than one appointment at a time.
6. **Signs.** A home occupation shall not display outdoor signs.
7. **Prohibited Home Occupations.** The following uses shall be prohibited as home occupations:
 - a. All public and institutional uses,
 - b. All commercial uses with the exception of personal services and professional and financial services, and general office,
 - c. All industrial uses.
 - d. Exterior storage of equipment or materials related to a business use.
- I. **Model Home.** A dwelling used as a model home shall have received a certificate of occupancy for residential use prior to being used as a model home.
- J. **Outdoor Display/Sale of Merchandise.**
 1. Outside sales shall be clearly secondary to the principal use within the associated principal structure.
 2. The display area shall not extend more than 12 feet from the front face of the building, unless otherwise approved by the Plan Commission.
 3. Merchandise for sale may not be displayed on the public right of way unless there is a street closure for a special event.
- K. **Outdoor Seating.**
 1. **Principal Use.** Outdoor seating shall be allowed accessory use to a legal principal use only.
 2. **Location.** Accessory outdoor seating/display areas may be located:
 - a. Within the available right-of-way directly in front of the principal use to which the outdoor seating is accessory, with an approved Sidewalk Café Permit in accordance with Section 8.116.
 - b. In a parking lot so long as:
 - i. No more than 10 percent of the required parking spaces (per Subsection 22.06.04(B)) are utilized,
 - ii. The outdoor seating/display area is directly accessible from inside the principal use to which it is accessory, and

- iii. The outdoor seating/display area is surrounded by a barrier with a minimum height of three feet and maximum height of four feet.
- 3. **Noise.** No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in an outdoor seating/display area within 100 feet of a residentially zoned property.
- 4. **Hours of Operation.** Hours of operation shall be the same as those for the principal use to which the outdoor seating or display area is accessory, except that Sidewalk Café seating hours shall be governed by the applicable Sidewalk Café Permit issued in accordance with Section 8.116.
- 5. **Furnishings.**
 - a. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating/display area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.
 - b. If located on a public sidewalk, no tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other public fixture within the outdoor seating/display area.

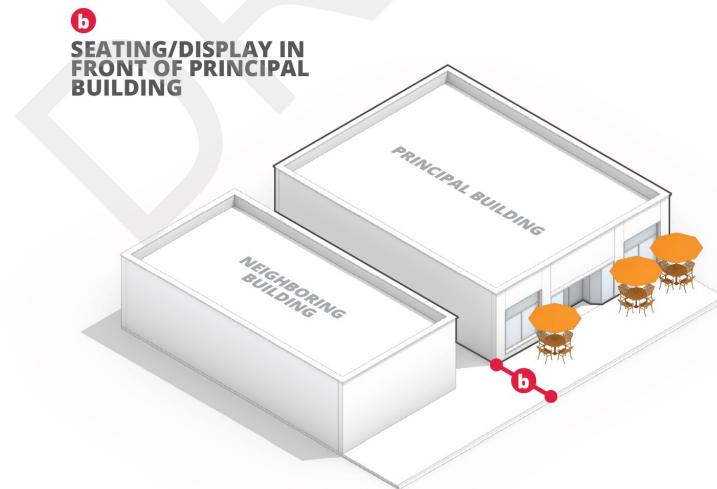


Figure 9 Outdoor Seating

L. Outdoor Storage.

1. Outdoor storage yards shall be fully concealed from the right-of-way and adjacent property by the principal building or an opaque wall, evergreen landscaping or fence meeting the standards of Subsection 22.07.07.
2. A Type 4 or Type 5 buffer, as detailed in Subsection 22.07.07 shall be required along lot lines.
3. Outdoor storage areas shall be paved in a hard surface material in all districts except LM and GM which must have a dustless surface.

M. Solar Energy Collection System, Canopy.

1. Solar canopy systems installed over principal or accessory parking lots are permitted and shall not count toward the maximum allowable area for accessory structures.
2. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves or 30 feet, whichever is greater.
3. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

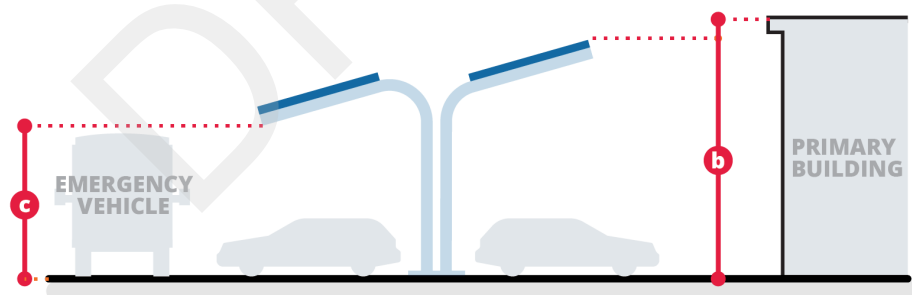


Figure 10 Solar Energy Collection System, Canopy

N. Solar Energy Collection System, Ground-Mounted.

1. Ground-mounted solar energy collection systems shall be permitted behind the front facade of the principal structure, and any applicable accessory structure setbacks.
2. The maximum height of ground-mounted solar energy collection systems shall be five feet, measured from the grade at the base of the pole to the highest edge of the system.
3. The minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be 12 inches.
4. All parts of the freestanding system shall be set back five feet from the side and rear lot lines and shall not be located in an easement.
5. **Sites 1-5 Acres in Area.** In addition to meeting the standards in a-e above, ground-mounted solar energy collection systems occupying 1-5 acres in area shall also meet the following requirements:
 - a. **Decommissioning Required.** Any solar energy use that is not actively in use for a period of twelve consecutive months shall be deemed abandoned. The operator shall have six months to decommission the use and remove all panels, structures, accessories, and appurtenances from the lot.
 - b. **Decommissioning Plan.** Prior to receiving approval, the applicant for any solar energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:
 - i. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
 - ii. Provisions for the restoration of the natural soil and vegetation,
 - iii. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

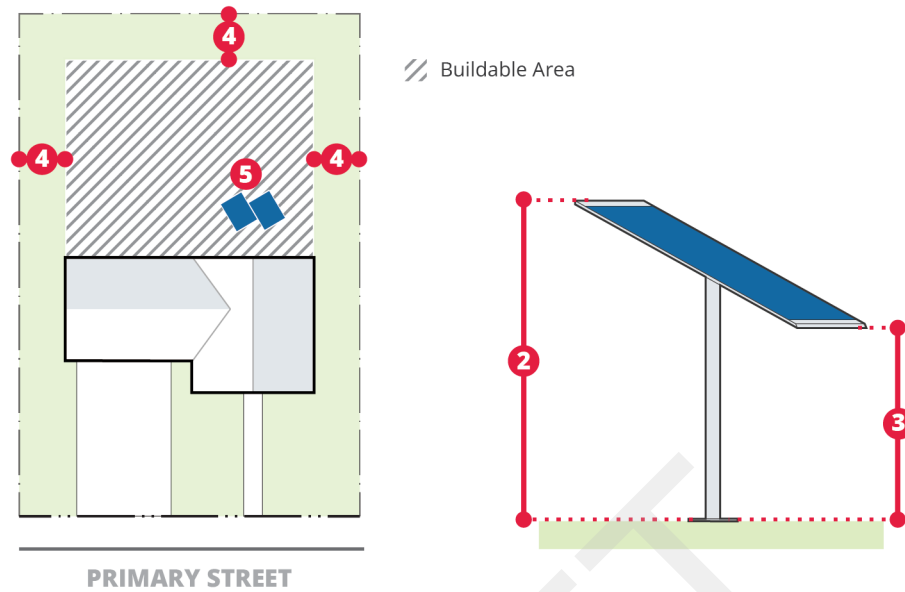


Figure 11 Solar Energy Collection System, Ground Mounted

O. **Solar Energy Collection System, Roof-Mounted.**

1. Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings.
2. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

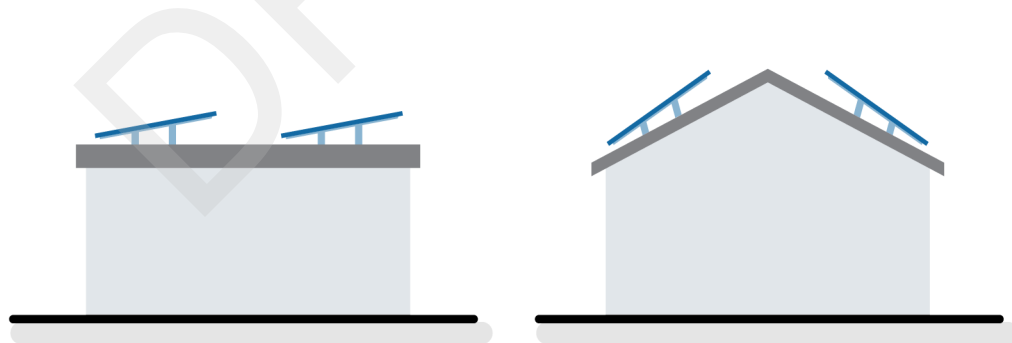


Figure 12 Solar Energy Collection System, Roof Mounted

- P. **Swimming Pool, Private.** Private swimming pools are permitted, upon the issuance of a building permit, provided that:
- a. Private swimming pools shall be walled or fenced by a detached wall or fence at least four feet high and no closer to the perimeter walls of the pool than four feet at any point. Such wall or fence must be constructed so as to prevent uncontrolled access by children from the street or adjacent properties. All fence openings or points of entry into the pool area enclosure shall be equipped with gates that have self-closing and self-latching devices placed at the top of the gate. (See Sec. 11.38 of this Code for other requirements regarding swimming pool locks.)
 - b. Properties containing private swimming pools are not subject to Subsection 22.03.06(P)(a). if the entire property upon which the swimming pool is located is enclosed by a detached wall or fence that fully complies with that subsection.
 - c. Properties containing private swimming pools are not subject to Subsection 22.03.06(P)(a). if the private swimming pool is an above-ground swimming pool with a deck, the bottom of said deck to be at least 48 inches above grade level and extended out perpendicular from the sides of the pool. Such deck shall have, on its outer edges, a fence at least 32 inches in height above such deck level and be of a type which will prevent uncontrolled access by children from the street or adjacent properties. Such fence and deck shall have a ladder at the opening of the fence, with a gate which is equipped with self-closing and self-latching devices placed at the top of the gate.
 - d. Swimming pools shall not be constructed directly under or over electric lines or within five feet of underground lines or 10 feet of overhead lines. All electrical connections to a swimming pool shall comply with all local and state electrical codes.
 - e. No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sanitary sewerage system, or directly into a navigable body of water.
 - f. Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
 - g. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 20 feet to a lot line.
 - h. There shall be an unobstructed areaway around all pools of at least three feet in width.

- i. No private swimming pool, including areaways surrounding the pool, shall be located closer than 10 feet to a lot line.
- j. Private swimming pools shall not occupy more than 50 percent of the rear yard area.

Q. Wind Energy Conversion System.

- a. The height of the wind energy conversion system, including the rotor, shall not exceed the height limits for the district in which it is located, nor shall the height exceed the distance of the base of such system to any lot line for the property.
- b. The location of the system shall comply with all setbacks for the district in which it is located and shall not adversely impact adjacent land uses.
- c. Appropriate maintenance and abandonment agreements shall be provided.
- d. Prior to construction, applicants shall provide documentation demonstrating that noise and electromagnetic interference generated by the system will not adversely impact surrounding uses.
- e. Prior to construction, applicants shall provide documentation demonstrating the safety of the system, including, but not limited to, its structural integrity, sufficient overspeed control limiting the speed of blade rotation to below the design limits of the system, limitation on unauthorized access to the structure, height of rotor sweep from ground level, and appropriate protection from electrical hazard. One or more signs may be required to be installed at the base of the system warning of high voltage and including an emergency phone number and emergency shutdown procedure. The structure shall be maintained in accordance with approved plans.
- f. **Decommissioning Plan.** Prior to receiving approval, the applicant for any wind energy conversion system shall submit a decommissioning plan to ensure that the system is properly decommissioned, which shall include:
 - i. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
 - ii. Provisions for the restoration of the natural soil and vegetation,

- iii. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

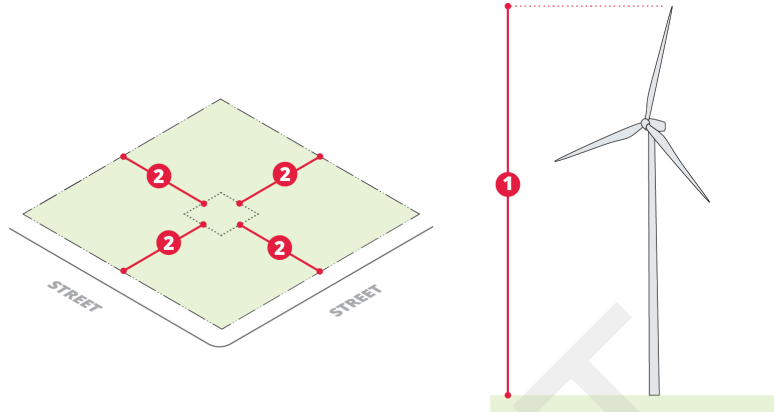


Figure 13 Wind Energy Conversion System

22.03.07. Temporary Uses

- A. **Temporary Uses Table.** The following shall be used in the interpretation of Table 22.03.07(A).
 1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed temporary uses subject to all applicable regulations of this Section .
 2. **Temporary Uses (T).** Uses which are marked as “T” in the table shall be allowed subject to the issuance of a Temporary Use Permit as detailed in Subsection 22.11.05 and subject to all other applicable regulations of this Section .
 3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
 4. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use specific standards shall apply to the use, regardless of whether it is a permitted or conditional use.
 5. **Overlay Districts.** Overlay districts are not included in Table 22.03.07(A)Temporary Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:
 - a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in Subsection 22.11.11 and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Section .

- b. **All Other Overlay Districts.** Development within all other overlay districts, including ECO, FWO, FSO, FFO, CN, and HPD, shall generally be more restrictive than the underlying base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Temporary uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table 22.03.07(A) Temporary Uses in Residential Districts

Temporary Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Food Truck		T	T	T	T
Portable Storage Structure	22.03.08(D)	T	T	T	T
Seasonal Sale	22.03.08(E)				T

Table 22.03.07(A) Temporary Uses in Non-residential Districts

Temporary Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Farmers Market	22.03.08(A)	T	T	T	T					T	T	T
Flea Market	22.03.08(B)	T	T	T	T						T	T
Food Truck		T	T	T	T	T	T	T	T	P	T	T
Portable Storage Structure	22.03.08(C)	T	T	T	T	T	T	T	T	T	T	T
Seasonal Sale	22.03.08(D)	T	T	T	T				T			
Special Events	22.03.08(E)	T	T	T	T	T	T	T	T	P	P	P
Trailer	22.03.08(F)		T	T	T							

22.03.08. Temporary Use Supplemental Standards

A. Farmers Market.

1. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
2. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

B. Flea Market.

1. Flea markets may be permitted for a duration of up to 10 days.
2. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
3. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

C. Portable Storage Structure.

1. There shall be no more than one temporary storage structure or tent per property.
2. A portable storage structure or tent shall not exceed 200 square feet in area or 12 feet in height.
3. Portable storage structures shall be permitted for a maximum duration of two weeks per calendar year.
4. When used in conjunction with construction or remodeling, a temporary storage structure or tent shall be removed within 14 days of project completion or within 180 days from the issuance of the building permit, whichever occurs first.
5. Extensions may be granted by the Inspection Department when the project is actively progressing toward completion.
6. Portable storage structures and tents shall comply with the International Fire Code.
7. In residential districts, portable storage structures shall comply with the provisions of Outdoor Storage Ordinance 17.09.

D. Seasonal Sale.

1. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
2. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

3. Seasonal sale may be permitted for a duration not to exceed 45 days per property per calendar year.

E. Special Events.

3. Carnivals, circus and animal shows and other similar events may be permitted for a duration of up to 10 days. All structures, tents, equipment, supplies, and debris shall be removed from the site within 10 days after the conclusion of the event.
4. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
5. The display of dangerous animals may be limited and restricted.

F. Trailer.

1. Temporary trailers or modular structures such as a temporary classroom or office buildings during the planning and construction of a permanent structure and removed within 45 of receiving a certificate of occupancy.
2. A temporary trailer permit not associated with a construction project may be issued for a period of up to 90 days unless approved by Plan Commission.
3. In authorizing the temporary use permit it may be required that the trailer be oriented in a manner that is compatible with adjacent land uses; may require berms and/or landscaping to buffer the temporary use from adjacent uses; and may limit signage or lighting on the site.
4. Construction trailers used during the erection of a permanent building do not require the issuance of a conditional use permit.
5. In residential districts, trailers shall comply with the provisions outlined in the Storage Ordinance 17.09.

Section 22.04. General Development Standards

22.04.01. General Provisions

22.04.02. Fences and Walls

22.04.03. Screening

22.04.04. Vision Triangle

22.04.05. Outdoor Lighting

22.04.06. Development Performance Standards

22.04.01. General Provisions

- A. **Purpose.** The purpose of this Section is to establish clear and consistent standards for development across zoning districts to achieve the following goals:
1. Promote efficient and streamlined development throughout the City,
 2. Ensure consistency in land use and design within districts of similar corridors,
 3. Support orderly, sustainable growth in line with the City's planning vision, and
 4. Encourage the creation of cohesive, well-integrated neighborhoods.
- B. **Applicability.** The standards of this Section shall apply as summarized in Table 22.04.01(B).

Table 22.04.01(B) General Development Standards Applicability Overview

Key:		New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment	Change of use
• = Standards apply to entire development site ○ = Standards apply to portion of site or building(s) impacted by development activity Blank = Standards do not apply						
Standard	Reference					
Fence and Wall	22.04.02	•	•	○	○	
Screening; Waste, Recycling, and Grease Disposal Receptacles [1]	22.04.03(C)	•	•	○	○	
Screening; Ground- and Wall-Mounted Mechanical Units [2]	22.04.03(D)	•	•	○	○	
Screening; Roof-Mounted Mechanical Units [1]	22.04.03(E)	•	•	○	○	
Vision Triangle [3]	22.04.04	•	•	○	○	
Outdoor Lighting; Prohibitions	22.04.05(C)	•	•	•	•	•
Outdoor Lighting; Exemptions	22.04.05(D)	•	•	•	•	•
Outdoor Lighting; LED Fixtures	22.04.05(E)	•	•			
Outdoor Lighting; Lighting Standards in Footcandles (Fc) [4]	22.04.05(F)	•				
Outdoor Lighting; Fixture Classification [4]	22.04.05(G)	•	•			
Outdoor Lighting; Pole and Fixture Design [4]	22.04.05(H)	•	•			
Outdoor Lighting; Mounting Height [4]	22.04.05(I)	•	•			
Notes						
[1] Standards shall apply to multi-unit, mixed-use, and nonresidential development only.						
[2] Location standards shall apply to all development. All other standards shall apply to multi-unit, mixed-use, and nonresidential development only.						
[3] Standards shall perpetually apply to landscape and the placement of temporary structures.						
[4] Standard shall apply whenever new lighting is installed.						

- C. **Exceptions.** The Plan Commission may authorize a modification, waiver, or reduction of the requirements of this Section (with the exception of performance standards) if it finds that the nature of a proposed use, development, or redevelopment, or the size or shape of a property makes strict compliance impractical, unjust, or unreasonable. Such exceptions shall be limited to the least extent necessary to address the underlying condition. Approval of exceptions shall be consistent with all applicable Review Criteria in Subsection 22.11.04 (Plan Commission SPAR).

22.04.02. Fences and Walls

- A. **Purpose.** The purpose of the fence and wall standards is to regulate the location, design, and maintenance of fences and walls to allow their use for safety, security, privacy, and screening while preserving Waukesha's natural topography, maintaining visual harmony, and enhancing community appearance.
- B. **Applicability.** The fence and wall standards established in this Subsection shall apply as detailed in Table 22.04.01(B).
- C. **Location.** Unless otherwise required, all fences and walls allowed in this Subsection shall be located in accordance with the following:
1. **All Districts.**
 - a. On or up to the property lines, except where specific setbacks are required,
 - b. At least one foot from any public right-of-way,
 - c. In a manner that complies with vision triangle standards (Subsection 22.04.04),
 - d. At least 18 inches from underground utility access structures, drainage structures, or pedestals for telephone, electric, cable, or gas, and in no way that interferes with utility maintenance,
 - e. In a manner that does not block access to above-ground utility structures or fire hydrants,
 - f. In a manner that does not inhibit the function of storm drainage structures.
 2. **Residential Districts.** Walls in residential districts shall be limited to:
 - a. Decorative walls up to a maximum height of three feet, set back a minimum of two feet from front and street side property lines, and meeting all materials requirements of Table 22.04.02(E), and
 - b. Structural retaining walls are necessary to address grade changes.

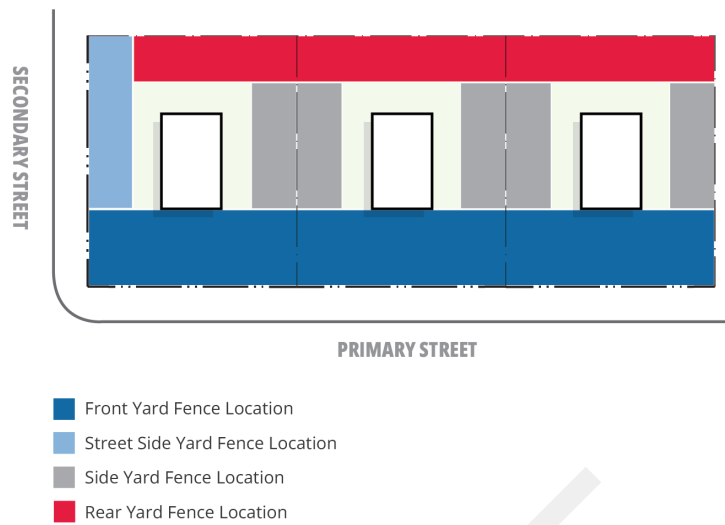


Figure 1 Lot Fence and Wall Configuration - Location

D. Height.

- Maximum Height.** The maximum height of fences or walls shall be as detailed per district and yard / lot line in Table 22.04.02(D). If a fence or wall is required by this Chapter for screening or buffering purposes, it shall be exempt from height restrictions.

Table 22.04.02(D) Maximum Fence and Wall Height		
<i>Yard / Lot Line</i>	<i>RN-1, RN-2 RN-3, RN-4 MU, DC</i>	<i>All Other Districts</i>
Front	4 feet	6 feet
Street Side	4 feet [1]	8 feet
Interior Side	6 feet	8 feet
Rear	6 feet	8 feet
Notes		
[1] Maximum height of six feet allowed if fence/wall is set back a minimum of two feet from the street side lot line.		
[2] Fence and wall height standards shall not apply within the A, P, and T districts.		

- Exceptions.** Fences surrounding outdoor athletic courts, meeting the opacity standards of Subsection 22.04.02(F), may have a maximum height of 15 feet.

E. **Materials.** Allowed fence or wall materials shall be as detailed per district in Table 22.04.02(E).

Table 22.04.02(E) Fence and Wall Materials

Key:

"A" = Allowed fence and wall materials

"P" = Prohibited fence and wall materials

<i>Material</i>	<i>T</i>	<i>RN-1, RN-2</i>	<i>RN-3, RN-4</i>	<i>MU, DC</i>	<i>GC, CC, I</i>	<i>LM, GM, MM, OM</i>	<i>P</i>
Masonry	P	A	A	A	A	A	A
Stone	P	A	A	A	A	A	A
Decorative Metal	P	A	A	A	A	A	A
Architectural Block	P	A	A	A	A	A	A
Stained, Painted, or Treated Wood	P	A	A	A	A	A	A
Smooth Face Block	P	P	P	P	P	P	P
Wood Composite	P	A	A	A	A	A	A
Vinyl / PVC	P	A	A	A	A	A	A
Uncoated chain link without slats/inserts	P	A [1]	A [1]	P	P	A	A
Coated Chain Link with Slats / Inserts	P	P	P	P	P	A [2]	P
Barbed / Concertina Wire	A	P [3]	P [3]	P [3]	P [3]	A [4]	P
Electric Fence	A	P	P	P	P	P	P
Curved / Spear Tip	P	A	A	A	A [5]	A [5]	A
Above Ground Electrified	P	P	P	P	P	P	P
Deer and Other Temporary Fence Material	P	A [6]	A [6]	P	P	P	A [6]
Waste Materials	P	P	P	P	P	P	P

Notes

[1] Material is allowed in interior side and rear yards and along interior side and rear lot lines or surrounding outdoor athletic courts only.

[2] Material is allowed in interior side and rear yards and along interior side and rear lot lines abutting another property in the same district only.

[3] Material is allowed in RN, MU, DC, GC, CC, and I districts only for the protection of any utility facilities and is otherwise prohibited.

[4] Permitted only if installed at a height of at least eight feet above grade.

[5] Material is allowed if located a minimum of six feet above ground.

[6] Material is allowed in interior side and rear yards only if set back a minimum of five feet from lot lines.

F. Opacity.

1. **Maximum Opacity.** The maximum opacity of fences or walls shall be as detailed per district and yard / lot line in Table 22.04.02(F). If a fence or wall is required by this Chapter for screening or buffering purposes, it shall be exempt from opacity restrictions.

Table 22.04.02(F) Maximum Fence and Wall Opacity				
<i>Yard / Lot Line</i>	<i>RN-1, RN-2 RN-3, RN-4</i>	<i>MU, DC</i>	<i>GC, CC, I LM, GM, MM, OM</i>	<i>P</i>
Front	50%	n/a	n/a	50%
Street Side	20% [1]		n/a [2]	50%
Interior Side	100%		100%	100%
Rear	100%		100%	100%
Notes				
[1] Maximum opacity of 100 percent allowed if fence/wall is set back a minimum of two feet from the street side lot line.				
[2] Fences in street side yards may be 100 percent opaque in LM, GM, MM, and OM districts only.				
[3] Opacity standards do not apply to districts not identified in this table.				

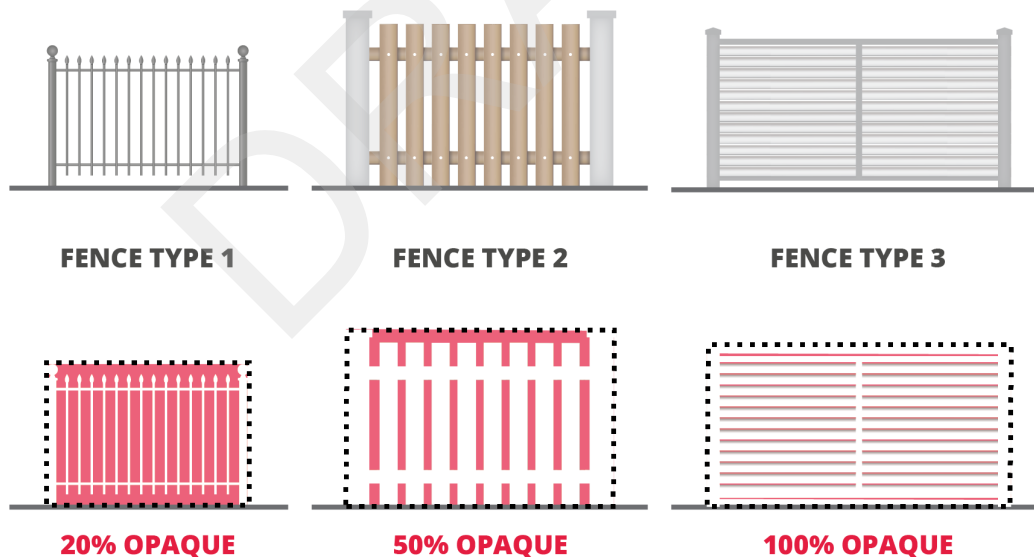


Figure 2 Fence Types - Opacity

2. **Exceptions.**

- a. Fences surrounding outdoor athletic courts, meeting the maximum height allowance of Subsection 22.04.02(D), shall have a maximum opacity of 20 percent.
- b. On double-frontage lots, fences or walls may be fully opaque (100 percent) along the rear lot line where it abuts a public right-of-way.

3. **Installation and Maintenance.**

- a. The standards of this Subsection shall apply at all times, regardless of whether new development, redevelopment, or other site improvements are proposed.
- b. The finished side of a fence shall face the exterior of the property.
- c. Fences and walls shall be maintained in good repair, clean of visible mold and mildew, and in a safe condition.
- d. Maintenance of fences and walls includes the replacement of missing, decayed, or broken elements and the repair of deteriorated or damaged materials, including sagging sections and posts that lean more than ten degrees from vertical.

22.04.03. Screening

- A. **Purpose.** The purpose of the screening regulations is to minimize views of waste receptacles, mechanical equipment, loading docks, and truck parking areas in order to improve the compatibility between uses and to enhance the appearance of the community. These standards apply to all commercial and industrial districts.
- B. **Applicability.** The screening standards established in this Subsection shall apply as detailed in Table 22.04.01(B).
- C. **Waste Receptacles.**
 - 1. **General Requirement.**
 - a. Waste, recycling, and/or grease disposal receptacles, including trash and recycling dumpsters, shall be screened on all four sides with solid, opaque materials.
 - b. This requirement shall not apply to publicly accessible trash and recycling bins found in streetscapes, parks, trails, or other areas intended for customer or visitor use.
 - 2. **Location.**
 - a. Waste, recycling, and/or grease disposal receptacle enclosures shall not occupy areas designated for parking spaces or loading areas.
 - b. Waste, recycling, and/or grease disposal receptacle enclosures shall not be located between the primary building and the street right-of-way.

3. Dimensions.

- a. Waste, recycling, and/or grease disposal receptacle enclosure walls shall be of sufficient height to completely screen receptacles from view from the public right-of-way, abutting property, on-site walkways, or other areas intended for customer or visitor use.
- b. Waste, recycling, and/or grease disposal receptacle enclosures shall be of an adequate size to accommodate all on-site waste receptacles.

4. Design.

- a. The exterior of each enclosure shall use materials that match at least one of the primary building's exterior materials and colors, in accordance with Section 22.05.
- b. For minor redevelopments in the MU, GC, and DC districts, wood may be used as an alternative.
- c. The waste, recycling, and/or grease disposal receptacle enclosure gate shall be constructed of metal, stained or painted wood, or composite wood and shall incorporate colors that are visually consistent with those of the screening walls.
- d. Waste, recycling, and/or grease disposal receptacle enclosure gates shall be provided with wheels, drop pins or rods, or other support mechanisms such as industrial strength hinges, for securing when open and closed.
- e. Waste, recycling, and/or grease disposal receptacle enclosures shall be designed to protect the walls from damage by containers. Such protection may be provided on the interior of the enclosure by the use of barrier curbing, reinforced masonry walls, bollards, bumpers, or other similar means.

5. Operations and Maintenance.

- a. Waste, recycling, and/or grease disposal receptacle enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
- b. The property owner, lessee, or occupant shall be responsible for ensuring that:
 - i. Waste, recycling, and/or grease disposal receptacles are placed in the enclosure at all times other than when they are being accessed, and
 - ii. Service truck access to the enclosure is maintained year-round.
- c. Waste shall be stored in closed containers and regularly emptied.
- d. Waste, recycling, and/or grease disposal receptacle enclosures shall be maintained in a clean condition to avoid vermin and foul odors from impacting surrounding areas.

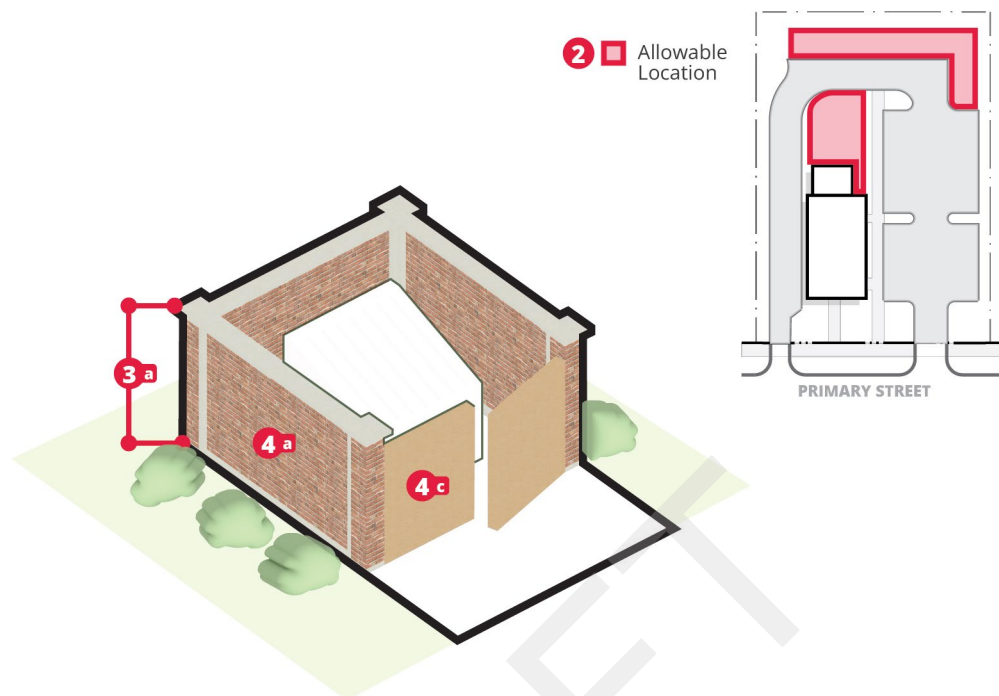


Figure 3 Waste Receptacles

D. Ground- and/or Wall-Mounted Mechanical Equipment.

1. General Requirement.

- a. Ground-mounted building/mechanical equipment is prohibited within the front yard regardless of whether screening is provided.
- b. Placement of wall-mounted building/mechanical equipment is prohibited on the front yard facing façade of a building.
- c. Screening shall be provided for all ground- or wall-mounted building/mechanical equipment, including but not limited to gas meters, electrical meters, generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that is visible from any public right-of-way, internal access drive (Subsection 22.06.02), or adjacent property.
- d. Equipment that is located in an interior side or rear yard and is otherwise screened by landscaping, a fence or wall, a building, or distance so that it is not visible from the street right-of-way or adjacent property shall not require additional screening.
- e. Ground-mounted solar panels are exempt from the requirements of this Subsection.

2. **Design.**

- a. **Interior Side and/or Rear Yard.** If ground- and/or wall-mounted mechanical equipment is visible from any on-site pedestrian walkway, public right-of-way, or adjacent property it shall be screened with either:
- i. A fence or wall meeting the material standards of Subsection 22.04.02(E) with a minimum opacity of 80 percent, or
 - ii. A Type 4 Buffer per Subsection 22.07.07.

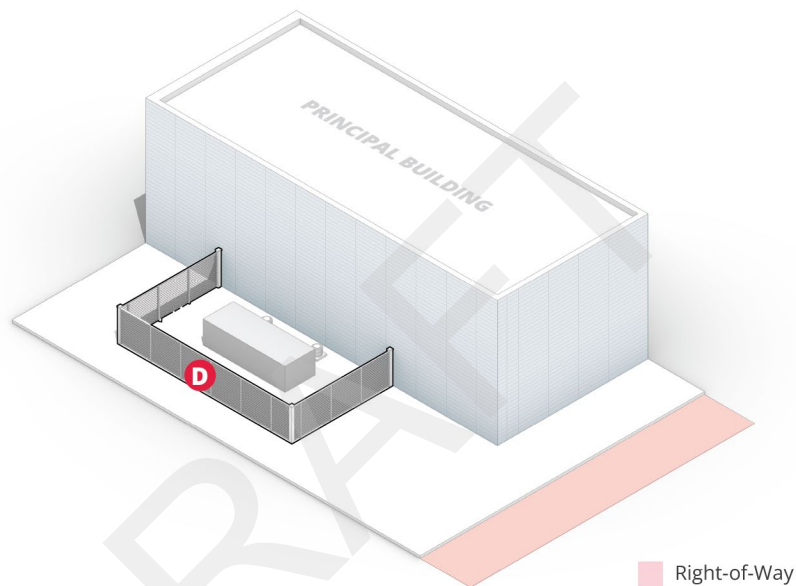


Figure 4 Ground- and/or Wall-Mounted Building Mechanical Equipment

E. Roof-Mounted Mechanical Units.

1. **New Development and Major Redevelopment.** A continuous, permanent material that is architecturally integrated with the building on a minimum of three building façades shall be utilized to screen roof-mounted building equipment from adjacent properties and public street rights-of-way.
2. **Installation of New Equipment on an Existing Building.**
 - a. A central corral shall be utilized to screen roof-mounted building equipment.
 - b. The central corral shall be of a material or color that minimizes visibility and contrasts with other roof materials.

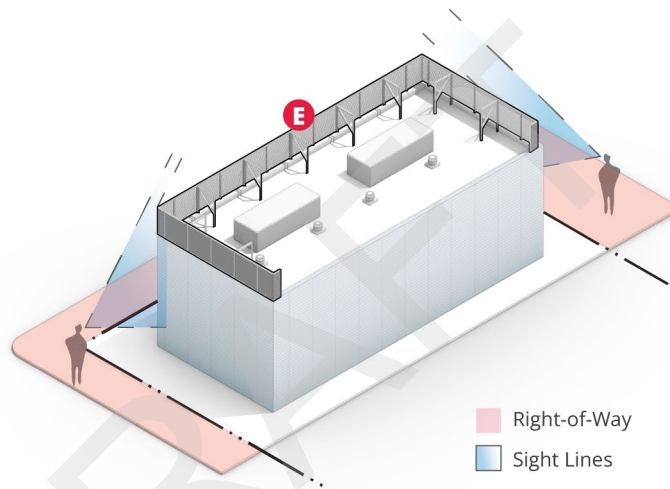


Figure 5 Roof-Mounted Building Equipment

22.04.04. Vision Triangle

- A. **Purpose.** The purpose of the vision triangle regulations is to protect public safety by limiting development activity at intersections to minimize vision obstructions.
- B. **Applicability.** The vision triangle regulations shall apply to all property in the City of Waukesha as detailed in Table 22.04.01(B).
- C. **Requirement.** No building, structure, landscaping, or other obstruction that interferes with traffic visibility shall be located within a vision triangle.
- D. **Determination.** If there is a question as to whether a building, structure, landscaping, or other obstruction interferes with traffic visibility, the City Engineer or their designee shall make the final determination.
- E. **Exceptions.** Within the MU and DC districts, structures may be located closer to or within a vision triangle where adequate safety precautions are provided. Such measures shall be subject to approval by the City Engineer or their designee.
- F. **Location.** A vision triangle shall be located at the intersection of any driveway and right-of-way/internal access drive, and at the intersection of two or more rights-of-way/internal access drives.
- G. **Minimum Size.** A vision triangle shall be measured perpendicular to and starting at the back of curb of each intersecting right-of-way/internal access drive or driveway for the minimum depth established in Table 22.04.04(G).

Table 22.04.04 (G) Minimum Vision Triangle Depth	
Intersecting Element	Minimum Required Depth
Driveway	10 feet
Alley	20 feet
Local Streets and Collector Rights-of-Way	20 feet
Arterial Street Right-of-Way	40 feet
State and Federal Highway Rights-of-Way	Per State or Federal standard
Interior Access Drive	10 feet

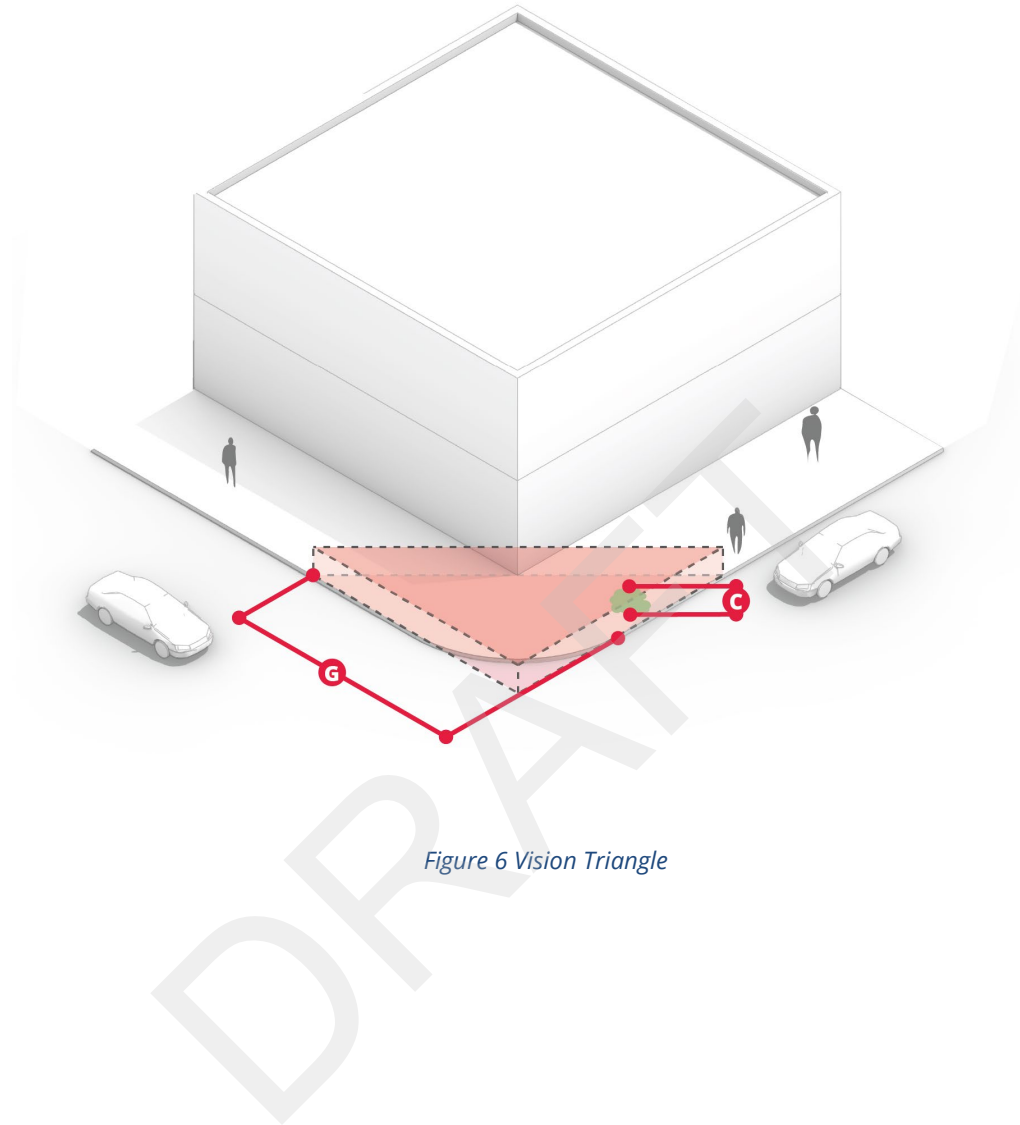


Figure 6 Vision Triangle

22.04.05. Outdoor Lighting

- A. **Purpose.** The standards of this Subsection are designed to regulate the physical effects of lighting and minimize the negative impact that lighting may have on surrounding properties. It is the intent of this Subsection to:
1. Minimize light pollution, such as glare and light trespass,
 2. Conserve energy and resources,
 3. Maintain night-time safety and utility, and
 4. Improve the night-time visual environment.
- B. **Applicability.** The outdoor lighting standards established in this Subsection shall apply as detailed in Table 22.04.01(B).
- C. **Prohibitions.** The following lighting types shall be prohibited within the City:
1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment,
 2. The operation of searchlights for advertising purposes,
 3. Site lighting that may be confused with warning, emergency, or traffic signals
 4. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation, and
 5. Colored light-emitting diode (LED) rope lighting that outlines windows or doors.
- D. **Exemptions.** The following exemptions shall be granted from the requirements of this Chapter:
1. Streetlights and other fixtures installed or temporarily used for public roadway illumination meeting all City standards,
 2. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires,
 3. All hazard warning luminaires required by Federal regulatory agencies, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output or color temperature for the specific task,
 4. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting,
 5. Lighting associated with holiday, festival, or other temporary uses permitted in Section 22.03,
 6. Lighting of fountains or public art that has been permitted or otherwise approved by the City,

7. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare, and
 8. Flag illumination is permitted if the flagpole complies with the maximum building height of the district.
- E. **LED Fixtures.** All outdoor lighting utilizing an LED fixture shall meet the following standards:
1. **Color Rendering.** Outdoor LED fixtures shall be rated at a minimum Color Rendering Index (CRI) value of 70 or higher.
 2. **Color Temperature.**
 - a. Outdoor LED fixtures shall have a correlated color temperature of 4,000 degrees Kelvin.
 - b. Decorative and pedestrian scale lighting may be less than 4,000 degrees Kelvin.
 - c. Architectural accent or building façade lighting may exceed 2,700 degrees Kelvin, provided the lighting is fully shielded and directed only onto the building surface or design feature being illuminated.
 - d. Outdoor recreational lighting is exempt from color temperature requirements.
- F. **Maximum Footcandles.**
1. Lighting levels shall perpetually adhere to the standards in Table 22.04.05(F).
 2. Lighting adjacent to public rights-of-way and lighting within shopping center parking lots are exempt from these standards.

Table 22.04.05 (F) Lighting Standards in Footcandles (Fc)	
Location	Maximum Footcandles
Property Line	0.5 [1]
Parking Lot	6
Under Gas Canopy	15
Notes	
[1] When the property line is adjacent to any residentially developed parcel or residentially zoned parcel, the maximum shall be 0 Fc.	

- G. **Fixture Classification.**
1. All outdoor lighting fixtures shall be LED luminaires.
 2. All outdoor lighting fixtures shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this Chapter.
 3. Fully shielded fixtures shall be directional fixtures (such as flood lights) and may be used provided they are aimed away from any residentially developed parcel or residentially zoned

parcel.

H. **Pole and Fixture Design.** The concrete base used to mount a pole light shall not exceed four feet in height, and the total pole height, including the base, shall not exceed 24 feet.

I. **Mounting Height.**

1. All outdoor lighting fixtures shall have a full cutoff classification with a fixture angle of 90 degrees.
2. The maximum mounting height for all outdoor lighting fixtures shall not exceed 20 feet.

22.04.06. Development Performance Standards

- A. **Purpose.** The purpose of this Subsection is to ensure that all uses of land, buildings, and structures are conducted in a manner that protects the public health, safety, comfort, and general welfare. It is intended to prevent the creation of dangerous, injurious, noxious, or otherwise objectionable conditions that may adversely affect surrounding areas or adjoining premises.
- B. **Applicability.** The standards of this Subsection apply to all land uses and developments within all zoning districts. All uses and structures shall comply with the Performance Standards; perpetual compliance is required. No land or building in any district shall be used or occupied in any manner so as to create any of the following conditions:
1. Fire, explosive, or other hazard,
 2. Noise or vibration,
 3. Smoke, dust, odor, or other form of air pollution,
 4. Heat, cold, dampness, electrical, or other disturbance,
 5. Glare,
 6. Liquid or solid refuse or wastes, or
 7. Any other substance, condition, or element that adversely affects the surrounding area or adjoining premises.
- C. **Compliance Requirement.** Any use permitted or not expressly prohibited by these regulations may be undertaken and maintained, provided that the use conforms to the regulations of this chapter.
- D. **Site Impact Standards.**
1. **Air Pollution.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

2. Fire and Explosive Hazards.

- a. All activities involving the manufacturing and storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry.
- b. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings having incombustible exterior walls and an automatic fire extinguishing system.

3. Glare and Heat.

- a. No activity shall emit glare or heat that is visible or measurable outside its premises, except activities which may emit direct or sky-reflected glare which shall not be visible outside their district.
- b. All operations producing intense glare or heat shall be conducted within a completely enclosed building.
- c. Exposed sources of light shall be shielded in accordance with the requirements of Subsection 22.04.05(F) (the outdoor lighting Subsection) above.

E. Operational Impact Standards.

1. No activity in any district shall produce an unreasonably loud noise level in any adjacent residential district.
 - a. **Manufacturing Districts.** No activity in any manufacturing district shall produce a sound level outside the district boundary or at any point within an adjacent residential district that exceeds the following sound levels measured by a sound level meter and associated octave level filter:

Octave Band Frequency (Cycles per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

- b. **Other Districts.** No noise in any district other than a manufacturing district shall produce a sound level measured at the lot line of the premises producing the activity that exceeds the following:

Octave Band Frequency (Cycles per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

- c. **Mitigation.** All noise shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
2. **Radioactivity and Electrical Disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
3. **Vibration.** No vibration shall be permitted, which is discernible without instruments outside its premises which is generating the vibrations.

Section 22.05 Building Design Standards

22.05.01. General Provisions

22.05.02. Multi-Unit Residential, Mixed-Use, and Non-Residential Design Standards

22.05.03. Rowhome Design Standards

22.05.04. Triplex, Quadplex, and Cottage Home / Tiny Home Design Standards

22.05.05. Multibuilding Development Standards

22.05.01. General Provisions

A. **Purpose.** The purpose of the building design standards is to:

1. Ensure that the physical characteristics of proposed development are compatible with the context of surrounding areas,
2. Preserve the unique visual character and streetscapes of Waukesha,
3. Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and
4. Encourage creativity and innovation while avoiding obtrusive, incongruous structures.

B. **Applicability.** The standards of this Section shall apply as detailed in Table 22.05.01(B).

Table 22.05.01(B) Building Design Standards Applicability Overview						
Key:						
● = Standards apply to entire development site ○ = Standards apply to portion of site or building(s) impacted by development activity - Blank = Standards do not apply		<i>New Development</i>	<i>Major redevelopment</i>	<i>Intermediate redevelopment</i>	<i>Minor redevelopment</i>	<i>Change of use</i>
<i>Standard</i>	<i>Reference</i>					
Multi-Unit Residential, Mixed-Use, and Non-Residential Design Standards [1]	22.05.02	●	●	○		
Rowhome Design Standards	22.05.03	●	●	○		
Triplex, Quadplex, and Cottage Home/ Tiny Home Court Design Standards	22.05.04	●	●	○		
Multibuilding Development Standards	22.05.05	●	●	○		
<i>Notes</i>						

Table 22.05.01(B) Building Design Standards Applicability Overview						
Key:						
● = Standards apply to entire development site ○ = Standards apply to portion of site or building(s) impacted by development activity - Blank = Standards do not apply		New Development	Major redevelopment	Intermediate redevelopment	Minor redevelopment	Change of use
Standard	Reference					
[1] These standards shall not apply to single-family, detached residential uses in districts where multi-family development is permitted.						

- C. **Exceptions.** The Plan Commission may authorize a modification, waiver, or reduction of the requirements of this Section should it find that the nature of a proposed use, development, or redevelopment, or the shape or size of a property makes strict compliance impractical, unjust, unfair, or unreasonable. Such exceptions shall be to the least extent necessary to address their cause. Approval of exceptions shall be consistent with all applicable Review Criteria in Subsection 22.11.04 (Plan Commission SPAR).

22.05.02. Multi-Unit Residential, Mixed-Use, and Non-Residential Design Standards

- A. **Applicability.** The standards of this Subsection shall apply to all multi-unit residential dwellings, mixed-uses, and non-residential uses, including buildings containing a combination of these uses, as set forth in Table 22.05.01(B).
- B. **Exterior Building Cladding Materials.**
- Establishment of Exterior Building Cladding Material Tiers.**
 - Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - Solid brick,
 - Natural and manufactured stone,
 - Engineered wood, natural wood, and wood composite siding,
 - Brick/stone veneer with a minimum thickness of one and three quarters inches, and
 - Fiber cement siding.
 - Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I materials. These materials provide variety

and design expressions on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:

- i. Non-corrugated metal,
- ii. Precast concrete,
- iii. Metal composite panels, and
- iv. Architectural concrete masonry units.

- c. **Tier III Materials.** Tier III materials are medium quality materials and/or monolithic in visual appearance. These materials may require more frequent maintenance than Tier I or Tier II materials but provide up-front cost savings. These materials contribute to variety and design expression. Tier III materials shall include:

- i. Natural stucco,
- ii. Corrugated metal, and
- iii. Synthetic stucco
 - a) Allowed as an accent material only, and
 - b) Shall terminate no lower than three feet above finished grade.

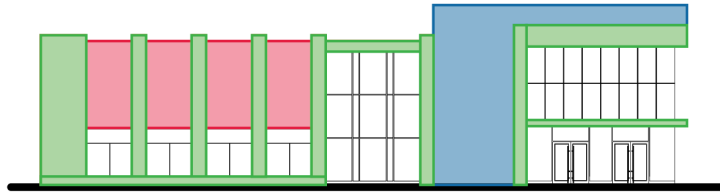
- d. **Prohibited Materials.** The following materials are prohibited on all facades.

- i. Vinyl siding, and
- ii. Unfinished concrete block.

2. **Exterior Building Cladding Material Tier Requirements.** Table 22.05.02(B)(2) below details the requirements for exterior building cladding materials on front and street side yard facing building façades, by district. Glazing and building entrances shall not be included in the material calculations.

Table 22.05.02 (B)(2) Exterior Building Cladding Material Tier Requirements			
Zoning District	Tier I	Tier II	Tier III
<i>RN-3, RN-4</i>	Minimum 50%	Maximum 50%	Maximum 25%
<i>MU, DC</i>	Minimum 75%	Maximum 25%	Prohibited
<i>GC, CC, I</i>	Minimum 25%	Maximum 75%	Maximum 50%
<i>LM, GM, MM, OM</i>	Minimum 0%	Maximum 75%	Maximum 25%

- Tier I Materials
- Tier II Materials
- Tier III Materials



Glazing shall not be included in the façade material calculations

Figure 1 Exterior Building Cladding Materials

C. Glazing.

- Ground Floor Requirements.** The ground floor of front and street side yard facing facades shall include a minimum percentage of glazing as detailed in Table 22.05.02(C).

Table 22.05.02(C) Minimum Required Ground Floor Glazing		
Zoning District	Front Yard Facing Facade	Street Side Yard Facing Facade
MU, DC	60%	40%
RN-3, RN-4, GC, CC, I	40%	20%
LM, GM, MM, OM	20%	n/a

- Materials.** Required glazing shall not be mirrored or tinted in a manner that renders the glass opaque.
- Maintenance.** Required glazing shall not be obstructed by interior walls, window displays, or other permanent installations within three feet of the window, unless otherwise permitted by this Chapter.

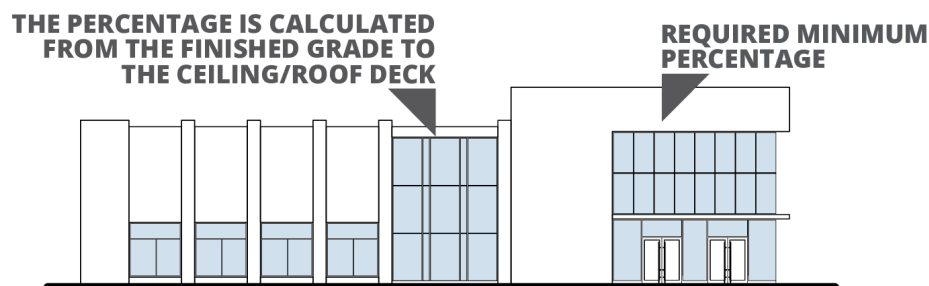
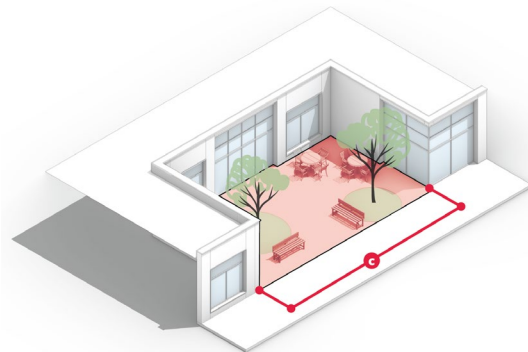
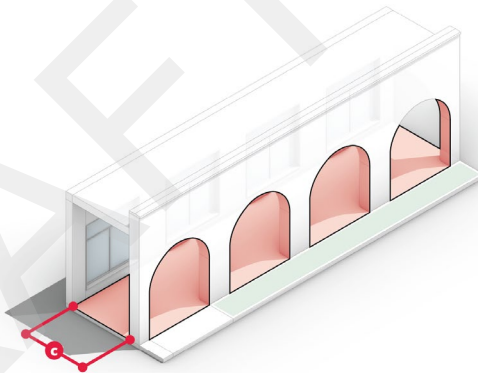
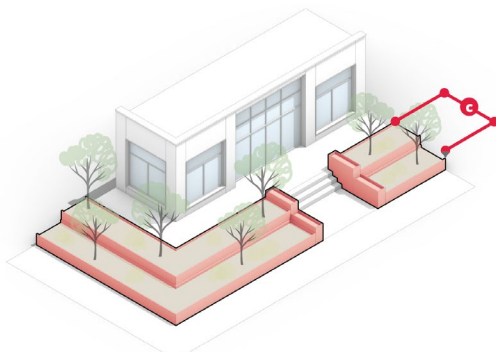


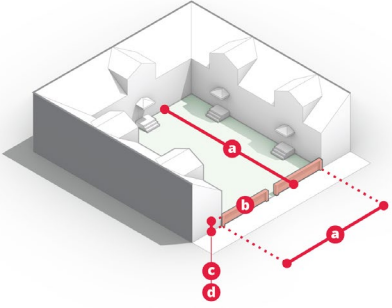
Figure 2 Glazing

D. Building Entryway Design.

1. Building entryway design standards shall apply to each building entrance on a front or street side yard facing façade, including entrances at a chamfered corner, and shall include one or more of the features included in Table 22.05.02(D).

Table 22.05.02(D) Building Entryway Design Standards	
Standards	Diagram
1. Canopy / Roof Overhang	
a. Shall be located above all ground floor windows and doors.	
b. Shall project a minimum of three and a maximum of six feet from the façade of the building.	
Figure 3 Canopy / Roof Overhang	
2. Portico	
a. Shall project a minimum of eight feet from the façade of the building.	
b. Shall extend a minimum of five feet from either side of the building entry.	
c. Portico columns shall be wrapped with one of the required exterior building cladding materials utilized on the building.	
Figure 4 Portico	
3. Plaza	
a. Shall be located within a recessed portion of the building that is enclosed on two or three sides.	

b. Shall have a minimum area and dimensions proportional to the height of the building to ensure adequate light, air, and usable space. • Minimum depth - at least 1/3 of the building height. • Minimum width - at least 1/2 of the building height.	 <i>Figure 5 Plaza</i>
4. Pedestrian Arcade	
a. Shall run the full length of the building façade.	 <i>Figure 6 Pedestrian Arcade</i>
b. Shall project over the full width of the on-site pedestrian walkway.	
c. Shall have a minimum depth of six feet.	
d. Pedestrian arcade columns shall be wrapped with one of the required exterior building cladding materials utilized on the building.	
5. Landscape Forecourt	
a. Shall meet standards from 22.07.05 of this Chapter.	 <i>Figure 7 Landscape Forecourt</i>
6. Courtyard	

a. The portion of the building façade with the entry, with a minimum width of 10 feet, shall be recessed from the primary façade a minimum of eight feet.	
b. A fence or wall, comprised of the allowed materials detailed in Subsection 22.04.02(E), or a landscape hedge shall extend from the primary façade of the building to create a sense of enclosure in the courtyard.	
c. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of four feet if more than 20 percent opaque.	
7. Recessed Entrance	
a. Shall apply to buildings with zero-foot front yard setback only.	
b. The recessed area shall be proportionally wider than it is deep and shall have a minimum depth of four feet.	
c. The recessed area shall be decorative through the incorporation of design elements including but not limited to a mosaic tile floor, angled storefront windows, or use of accent building materials.	 <i>Figure 8 Courtyard</i>
8. Masonry Surround	
a. Shall apply to buildings with zero-foot front yard setback only.	
b. Masonry shall be permanently applied to the sides and top of building entry.	

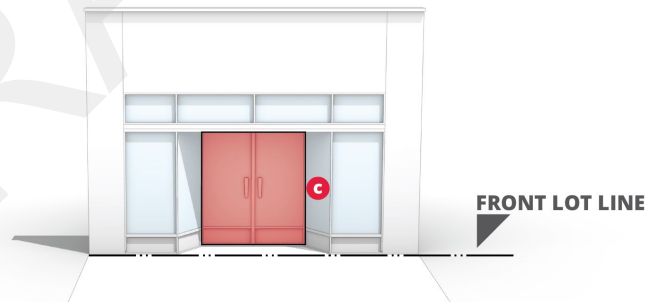


Figure 9 Recessed Entrance

c. Masonry shall have a minimum width of one foot.



Figure 10 Masonry Surround

E. Façade Articulation.

1. **Applicability.** Façade articulation standards shall apply to all buildings located within the following zoning districts: RN-2, RN-3, RN-4, MU, DC, GC, CC, and I.
2. **Single-Tenant and Common Entrance Buildings.**
 - a. **Bay / Section Façade Articulation Requirements.** The front and street side yard facing façade of a single-tenant or common entrance building shall be divided into architecturally distinct sections or bays with each section taller than it is wide. In no instance shall the width of a bay / section exceed the height of the façade.
 - b. **Dividing Elements.**
 - i. Sections or bays shall be visually established by dividing elements such as columns, ribs, pilasters or piers, changes in plane, or an equivalent element.
 - ii. Required dividing elements shall extend at least the full height of the ground floor of the building.
 - iii. The width of required dividing elements shall be a minimum of 12 inches.
 - iv. The required projection of dividing elements shall be based on the width of the dividing element in accordance with Table 22.05.02(E)(b).

Table 22.05.02(E)(b) Minimum Projection of Façade Dividing Elements	
Width of Façade Dividing Element	Minimum Projection of Façade Dividing Element
12 - 23.99 inches	4 inches
24 - 35.99 inches	8 inches
36 or more inches	12 inches

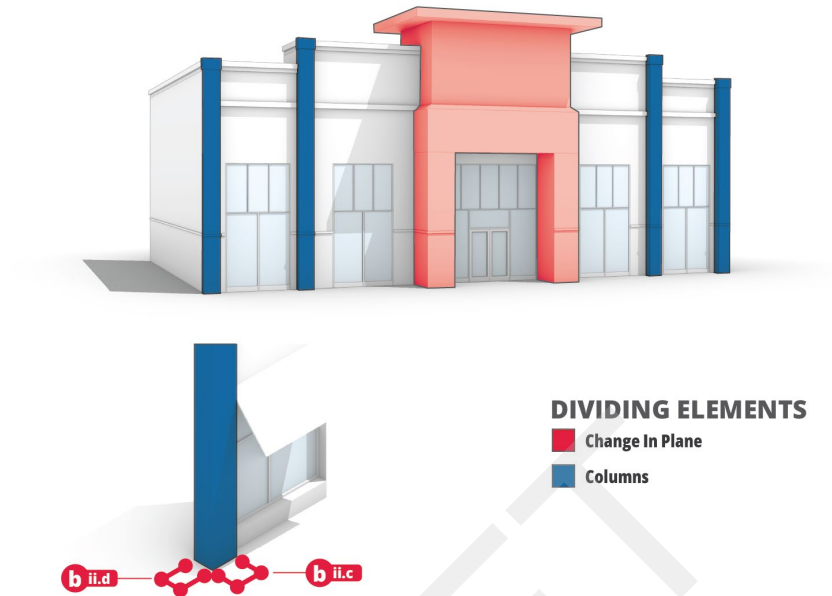


Figure 11 Front and Street Side Facade Articulation

3. Multi-Tenant Buildings.

- a. On all façades of a multi-tenant building, ground floor tenant spaces shall be visually distinguished from one another through the use of two of the following:
 - i. Dividing elements that meet the standards of 22.05.02(E)(2)(b) above,
 - ii. Different building entryway designs per Subsection 22.05.02(D), or
 - iii. Variated exterior building cladding materials including:
 - a) Solid brick,
 - b) Brick / stone veneer with a minimum thickness of one and three quarters inches,
 - c) Architectural concrete masonry units,
 - d) Fiber cement, engineered wood, natural wood, and wood composite siding, or
 - e) Non-corrugated metal or metal composite panels.
 - iv. The design element applied to a tenant space shall not be repeated on immediately adjacent tenant spaces on the same façade.
 - v. On the front and street side yard facing facades of a multi-tenant building upper floor shall meet the facade articulation requirements of 22.05.02(E)(b) above.

4. **All Building Facades.**

- a. At least one horizontal or vertical change in wall plane is required with a minimum depth of two feet for every 60 linear feet of wall length. No single wall plane may extend more than 80 percent of the length of the façade. This standard shall apply to all elevations.
- b. Any building wall greater than 250 linear feet shall provide a recess in the wall plane with a minimum depth of five feet.

5. **Façade Requirements.** If visible from a parking area, adjacent lot, or public right-of-way, expanses of blank facades shall not exceed 20 feet in length unless at least one of the following is provided:

- a. Glazing,
- b. Public art,
- c. Vertical trellises or planters with landscaping integrated with the building wall,
- d. Canopies with a minimum depth of three feet,
- e. At least one horizontal or vertical change in wall plane with a minimum depth of two feet for every 60 linear feet or wall length, or
- f. Decorative masonry such as soldier course, rowlock quoins, flat or segmental arches, or protruding brickwork. Decorative masonry may be done with solid brick or brick / stone veneer with a minimum thickness of one and three quarters inches.

6. **Roofline Articulation.** The following standards shall apply to applicable buildings in RN-2, RN-3, RN-4, MU, DC, GC, CC, and I Districts.

- a. Roofline articulation shall be provided every 60 feet of roof length.
- b. Requirements for roofline articulation may be met by:
 - i. Distinctions in roof pitch, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground,
 - ii. Variation in roof materials (i.e., varying the materials of roof accent elements), or

- iii. Variation of at least two feet in building section height.

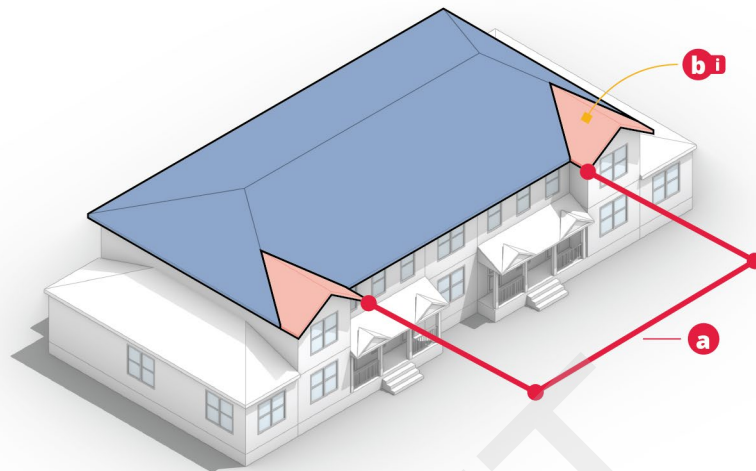


Figure 12 Commercial Roofline Articulation

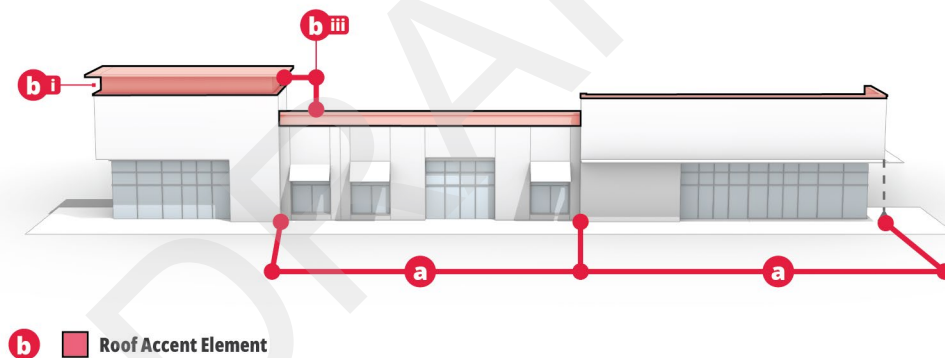


Figure 13 Residential Roofline Articulation

F. Parapet Walls.

1. All flat roofs shall include parapet walls.
2. Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall or to any portion of the roof from any adjacent property or right-of-way.

22.05.03. Rowhome Design Standards

- A. **Applicability.** The standards of this Subsection shall apply to dwelling-rowhome units and clusters.
- B. **Exterior Building Cladding Materials.**
1. **Establishment of Exterior Building Cladding Material Tiers.**
 - a. **Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - i. Solid brick,
 - ii. Natural and manufactured stone,
 - iii. Brick / stone veneer with a minimum thickness of one and three quarters inches.
 - iv. Engineered wood, natural wood, wood composite siding, and
 - v. Fiber cement siding.
 - b. **Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I materials. These materials provide variety and design expressions on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:
 - i. Natural Stucco,
 - ii. Vinyl siding, and
 - iii. Synthetic stucco
 - i. Allowed as an accent material only, and
 - ii. Shall terminate no lower than three feet above finished grade.
 - b. **Tier III Materials.** Tier III materials are medium quality materials and/or monolithic in visual appearance. These materials may require more frequent maintenance than Tier I or Tier II materials but provide up-front cost savings. These materials contribute to variety and design expression. Tier III materials shall include:
 - i. Architectural concrete masonry units,
 - ii. Non-corrugated metal or metal composite panels, and
 - iii. Precast concrete.
 - iv. Unfinished concrete block and

v. Corrugated metal.

2. **Exterior Building Cladding Material Tier Requirements.** Table 22.05.03(B)(2) below details the requirements for exterior building cladding materials on front and street side yard facing building façades, by district. Glazing and building entrances shall not be included in the material calculations.

Table 22.05.03(B)(2) Exterior Building Cladding Material Tier Requirements			
Zoning District	Tier I	Tier II	Tier III
R-2	Minimum 50%	Maximum 50%	Maximum 10%
R-3, R-4	Minimum 50%	Maximum 50%	Maximum 25%
MU	Minimum 75%	Maximum 25%	Maximum 10%

C. **Orientation.** Rowhome units shall be oriented with their primary entrances either:

- i. Toward the designated front lot line (the primary entrance of end unit rowhome on corner lots may be oriented toward the designated front or street side lot line), or
- ii. Toward an internal courtyard space (the primary entrance of end unit rowhomes closest to the designated front lot line shall be oriented toward the designated front lot line).

D. **Rowhome Clusters.**

1. A maximum of eight rowhome units shall be allowed in a rowhome cluster.
2. Individual rowhome units in a cluster shall be articulated via:
 - a. Dividing elements that meet the standards of Subsection 22.05.02(E)(b).
 - b. Different unit entryway designs including a minimum of one of the following options:
 - i. Porches,
 - ii. Canopies,
 - iii. Covered stoops, or
 - iv. Recessed vestibules,
 - c. Variation in Tier I or Tier II exterior building cladding materials,
 - d. Variation in exterior building cladding material colors,
 - e. Distinctions in roof pitch, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground,
 - f. Variation in roof materials, such as on roof accent elements, or

- g. Variation of at least two feet in unit height.
- 3. The siting of rowhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
- E. **Attached Front Yard Facing Façade Garages.** Attached front yard facing garages shall not be permitted unless approved by the Plan Commission (Subsection 22.11.04).

22.05.04. Triplex, Quadplex, and Cottage Home / Tiny Home Design Standards

- A. **Applicability.** The standards in this Subsection shall apply to triplex and quadplex dwelling units, as well as cottage homes and tiny home courts.
- B. **Establishment of Exterior Building Cladding Material Tiers.**
 - 1. **Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - a. Brick,
 - b. Natural and manufactured stone, and
 - c. Fiber cement, LP Smart Side, Everlast composite, natural wood, and wood composite siding.
 - 2. **Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I. These materials provide variety and design expressions on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:
 - a. Natural and synthetic stucco,
 - b. Vinyl siding,
 - c. Architectural concrete masonry units, and
 - d. Architectural metal panels.
 - 3. **Prohibited Materials.** The following materials are prohibited on all façades of the building:
 - a. Corrugated metal siding,
 - b. Unfinished concrete block, and
 - c. Precast concrete.

- C. **Exterior Building Cladding Materials.** Table 22.05.04(C) below details the requirements for exterior building cladding materials. Glazing and doors shall not be included in the material calculations.

Table 22.05.04(C) Required Exterior Building Cladding Materials		
Building Façade Elevation	Tier I	Tier II
<i>Front and Street Side [1]</i>	Minimum 50%	Maximum 50%
<i>Interior Side and Rear</i>	N/A	N/A
Notes		
[1] Street-side exterior building cladding material requirements shall also apply to facades facing private streets.		

- D. **Orientation.** A minimum of one and maximum of two dwelling entrances shall be oriented toward the front lot line.
- E. **Roof Type.** A pitched roof shall be required.
- F. **Garages.**
1. **Attached Front Yard-Facing Garages.** Attached garages on the front elevation of triplexes, quadplexes, and tiny home/cottage court developments shall be prohibited.
 2. **Street-Facing Garages.** Garages facing a public street shall include at least one of the following architectural features visible from the street:
 - a. Raised or recessed panels on the garage door,
 - b. Trim or molding around the garage door, or
 - c. Material or color accents that match or complement the primary building façade.

22.05.05. Multibuilding Development Standards

- A. **Applicability.** Multibuilding development standards shall apply to developments with multiple principal buildings and internal access drives (Subsection 22.06.02).
- B. **Building Separation.** Buildings within a multibuilding development shall maintain a minimum separation of 15 feet, measured between the nearest points of building walls.
- C. **Relation to Other Requirements.** Design standards established for all buildings in this Section include varying standards based on which yard the façade faces. In multibuilding developments, rather than applying the requirements based on which yard the façade faces, the application of the requirements shall be as detailed below.
1. **Front / Street Side.** Requirements for front and street-side yard-facing façades shall apply to any façade that faces:
 - a. Perimeter public right-of-way,
 - b. Primary internal street, or
 - c. Park or other community and open space/social gathering space.
 2. **Interior Side.** Requirements applicable to side yard facing facades shall be applied to a façade without a building entrance if it faces an off-street parking area.
 3. **Rear.** Requirements applicable to rear yard facing facades shall be applicable to a façade without a building entrance if it faces:
 - a. The rear or side of adjacent buildings, or
 - b. Loading/service areas.

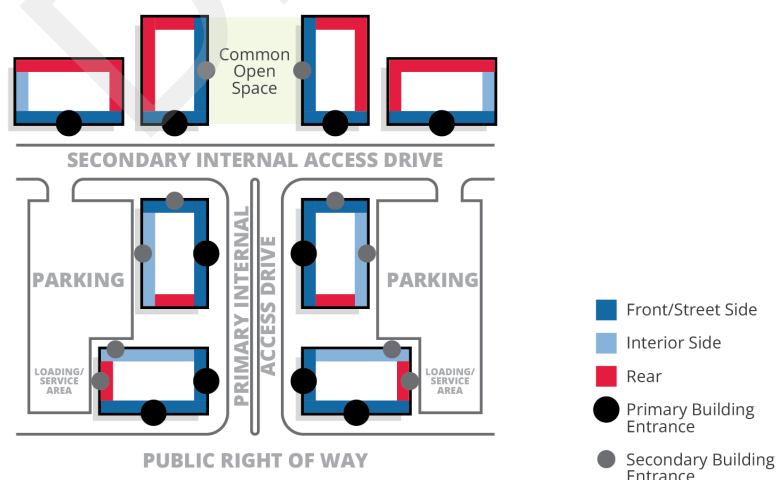


Figure 14 Multibuilding Development

Section 22.06 Parking and Access Standards

22.06.01. General Provisions

22.06.02. Internal Access Drive Standards

22.06.03. Driveways

22.06.04. Vehicle Parking

22.06.05. Bicycle Parking

22.06.06. Pedestrian Walkways and Trails

22.06.01. General Provisions

- A. **Purpose.** The purpose of this Section is to regulate vehicular, pedestrian, and bicyclist access and mobility in a manner that:
1. Ensures the safety of all transportation system users through design that prioritizes pedestrian and bicyclist movements over automobile movements where appropriate, maintains a safe separation of movements in other cases, and avoids unnecessary or unsafe conflicts,
 2. Supports the efficient movement of people and goods through a multi-modal, interconnected transportation network to improve public health and quality of life, support the local economy, and facilitate rapid emergency response,
 3. Minimizes negative impacts on the environment through a reduction in carbon emissions associated with automobile use,
 4. Prioritizes a human-scaled built environment that accommodates pedestrians to improve physical, mental, and emotional health,
 5. Relieves traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation, and
 6. Provides adequate, but not excessive, off-street parking.
- B. **Applicability.** The standards of this Section shall apply as detailed in Table 22.06.01(B).

Table 22.06.01(B) Access and Mobility Standards Applicability Overview						
Key: ● = Standards apply to entire development site ○ = Standards apply to portion of site or building(s) impacted by development activity - Blank = Standards do not apply		<i>New development</i>	<i>Major redevelopment</i>	<i>Intermediate redevelopment</i>	<i>Minor redevelopment</i>	<i>Change of use</i>
<i>Standard</i>	<i>Reference</i>					
Internal Access Drives	22.06.02	●	●			
Driveways	22.06.03	●	●	○	○	
Vehicle Parking – Allowed Parking Locations	22.06.04(A)	●	●	○ [1]	○ [1]	
Vehicle Parking – Minimum and Maximum Parking Space Standards	22.06.04(B)	●	●	●	●	●
Vehicle Parking – Parking Space and Drive Aisle Dimensional Requirements	22.06.04(F)	●	●	○ [1]	○ [1]	
Vehicle Parking – Parking Lot Design	22.06.04(G)	●	●	○ [1]	○ [1]	
Bicycle Parking	22.06.05	●	●	○ [1]	○ [1]	
Pedestrian Walkways and Trails	22.06.06	●	●			
Notes						
[1] Standards shall apply when new parking lots and/or areas are constructed or existing parking lots are expanded only.						

- C. **Exceptions.** The Plan Commission may authorize a modification, waiver, or reduction of the requirements of this Section should it find that the nature of a proposed use, development, or redevelopment, or the shape or size of a property makes strict compliance impractical, unjust, unfair, or unreasonable. Such exceptions shall be to the least extent necessary to address their cause. Approval of exceptions shall be consistent with all applicable Review Criteria in Subsection 22.11.04 (Plan Commission SPAR).

22.06.02. Internal Access Drive Standards

- A. **Applicability.** Internal access drives shall be required in all developments with uses in the multi-unit residential, public and institutional, and/or commercial use categories and with either five acres or more of gross development site area or 100 or more parking spaces.
- B. **Primary Internal Access Drive Standards.** Primary internal access drives shall connect a site to the public right-of-way, provide access to secondary internal access drives, and meet the standards established in Table 22.06.02(B). If the developer chooses to include elements not required in Table 22.06.02(B) the elements shall meet the standards of Subsection 22.06.02(C).

Table 22.6.02(B) Primary Internal Access Drive Standards	
<i>Required Element</i>	<i>Standards</i>
<i>Travel Lane</i>	Shall be a minimum of 12 feet for one-way access and 24 feet for two-way access.
<i>Planted Median</i>	Shall be improved with a mountable curb with a minimum height of nine inches and a gutter with a minimum width of nine inches
	Shall taper to a minimum of two feet in width at intersections
	May have breaks to accommodate turning movements
	Shall be planted with a minimum of one canopy tree, two ornamental trees, and 10 evergreen or large deciduous shrubs, small flowering shrubs, or native grasses/forbs for every fifty (50) linear feet.
<i>Curb and Gutter</i>	Per City's Development Guideline found in the Handbook
<i>Parkway</i>	Shall meet the parkway standards for minor collector roadways per Development Guideline found in the Handbook
<i>Pedestrian Walkway – both sides of drive</i>	Shall meet the sidewalk standards of Subsection 22.06.06

- C. **Secondary Internal Access Drive Standards.** Secondary internal access drives shall connect primary internal access drives to buildings and parking lots on a site and meet the standards established in Table 22.06.02(C). If the developer chooses to include elements not required in Table 22.06.02(C) the elements shall meet the standards of primary internal access drives in Subsection 22.06.02(B).

Table 22.06.02(C) Secondary Internal Access Drive Standards	
<i>Required Element</i>	<i>Standards</i>
<i>Travel Lane</i>	Shall meet the travel lane width and number requirements of local roadways (Table #####)
<i>Curb and Gutter</i>	Per City's Development Guideline found in the Handbook
<i>Parkway</i>	Shall meet the parkway standards for local roadways per Section #####
<i>Pedestrian Walkway – one side of drive</i>	Shall meet the sidewalk standards of Subsection 22.06.06

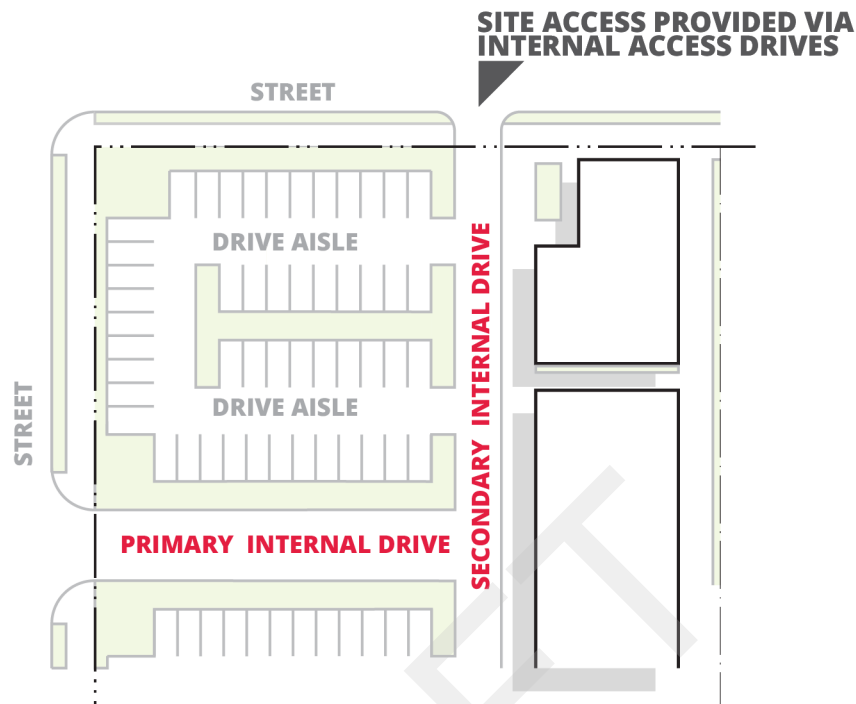


Figure 1 Internal Access Drive Standards

22.06.03. Driveways

A. Number of Allowed Driveways.

1. **Residential Neighborhood Districts (RN-1, RN-2, RN-3, and RN-4).** For residential uses, one driveway shall be permitted per lot. Lots with a width greater than 60 feet may be permitted one additional driveway, subject to approval by the Director of Public Works in accordance with departmental guidelines and requirements.
2. **All Other Use Categories.** Uses in all other use categories may be limited based on applicable engineering standards.

B. Location of Driveway Access Points.

1. Access shall be taken from an alley if an alley exists.
2. Access shall be taken from the lower-classified fronting roadway where a through lot or corner lot fronts roadways of different functional classifications, unless one or more of the following conditions apply:
 - a. The frontage along the lower-classified roadway is less than 50 feet in width,
 - b. The shape of the parcel and/or placement of existing buildings would require the driveway

to be 50 or more feet longer than if the access was taken from the higher- classified street,

- c. The lower-classified roadway primarily serves uses in the neighborhood residential use category and the use of the subject lot is in any other use category, or
- d. If necessary to protect public safety.

C. Driveway Setbacks.

1. For lots less than 60 feet in width, a minimum setback of two feet shall be required.
2. Shared driveways may be permitted with an access easement recorded with the Waukesha County Register of Deeds.
3. For lots between 51 and 60 feet in width, a minimum setback of two feet from any property line shall be required.
4. For lots greater than 60 feet in width, a minimum setback of five feet from any property line shall be required.
 - a. The Director of Public Works or their designee shall have the authority to restrict driveway access to locations deemed appropriate for the operational needs of the site and existing infrastructure, such as protecting the function, safety, and efficiency of travel on the roadway and any associated bicycle and pedestrian facilities. There is no guarantee of access to the applicant's preferred driveway location or access point.
 - b. The minimum distance between driveways/curb cuts, as measured from back of curb to back of curb (or back of pavement to back of pavement if no curb is present), on the same side of the street shall be in accordance with Table 22.06.03(D) The required

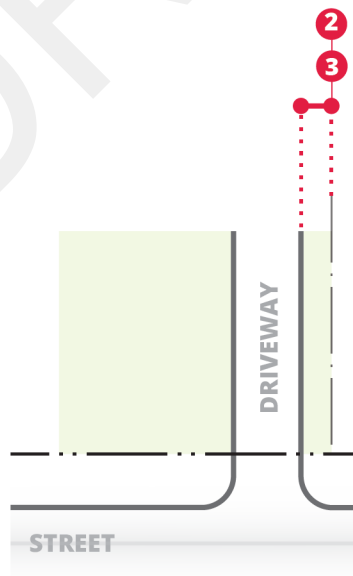


Figure 2 Driveway Setback

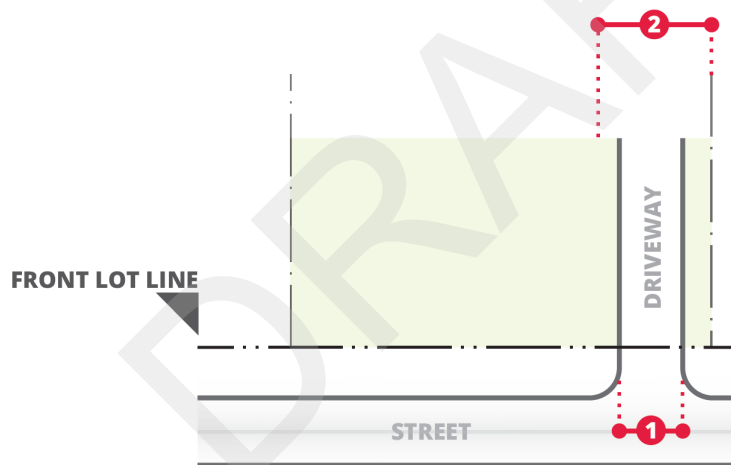
separation shall be based on the roadway classification of the higher-classified roadway within the intersection.

D. Driveway Dimensions.

1. **Driveway Width.** The minimum and maximum width of a driveway, as measured at the property line and at the public right-of-way line, shall comply with the standards set forth in Table 22.06.03(D).

Table 22.06.03(D) Minimum and Maximum Driveway Width [1]		
Uses	Minimum Width	Maximum Width
One- and Two-Unit Residential	8 ft	20 ft [2]
Multi-Unit / Mixed-Use / Commercial / Institutional	12	36
Industrial / Agricultural / Office	16	50
Notes		
[1] Driveways serving one- and two-unit residential uses shall include a minimum parking space measuring 8 feet by 18 feet. Driveways serving all other use categories shall not be subject to a minimum length requirement.		
[2] Or 40 percent of lot width, whichever is lesser, if the driveway is located in the front yard of a property in the residential neighborhood districts.		

Figure 3 Driveway Width



22.06.05. Vehicle Parking

- A. **Allowed Parking Locations.** The allowed location of accessory parking lots shall be in accordance with Table 22.06.04(A).

Table 22.06.04(A) Allowed Parking Locations			
District	Front and/or Street Side Yard [1]	Interior Side Yard	Rear Yard
RN-1, RN-2, RN-3, RN-4		•	•
MU, DC			•
GC, CC, I	• [2]	•	•
LM, GM, OM, MM	•	•	•
Notes			
[1] Parking of residential vehicles on conforming residential driveways shall be exempt from front/street side yard parking prohibitions. All residential vehicles parked on a conforming driveway shall not block any pedestrian or utility infrastructure.			
[2] If a parking lot is located in a front and/or street side yard, the parking lot shall be separated from the principal building(s) by a secondary internal access drive meeting the standards of Subsection 22.06.02(C).			

- B. **Minimum and Maximum Parking Space Standards.**

- Multi-Use Development Sites.** The total number of required parking spaces for development sites containing more than one use shall be determined by adding together the required number of spaces for each proposed use as if each use were calculated separately.
- Use Undetermined.** If the ultimate use(s) of a proposed building(s) is not determined at the time of development approval, the Community Development Director or their designee shall determine which use to utilize in the calculation of minimum required and maximum allowed parking based on the district in which the development is located and the purpose of this Subsection.
- Minimum Parking Requirement.** The number of required off-street parking spaces shall be calculated according to the formulas established in Table 22.06.04(B)(3). Nonresidential uses in MU and DC districts are exempt from minimum parking requirements.
 - Per Square Footage.** "sq ft" shall mean the sum of the gross leasable horizontal area of all floors of a nonresidential building or nonresidential portion of a mixed-use building, not including storage or mechanical space.
 - Per Other.** Other variables are measured according to their common meanings.
 - Rounding.** When the calculation of required parking spaces results in a fraction, the total number of required parking spaces shall be rounded up to the nearest whole number.

Table 22.06.04(B)(3) Minimum Parking Required per Use	
Use	Minimum Parking Spaces Required
<i>Residential Principal Uses</i>	
Community Living Arrangement, 8 or fewer residents	0.5 per unit per resident capacity
Community Living Arrangement, 9 or more residents	0.5 per unit
Dwelling, Cottage Home/Tiny Home Court	1 per bedroom or 2 per unit, whichever is less
Dwelling, Duplex; Side-by-side	2 per unit
Dwelling, Duplex; Stacked	
Dwelling, Live-Work Unit	2 per unit
Dwelling, Mobile Home Park	1.5 per unit
Dwelling, Multi-Unit Building Complex	1.5 per Unit
Dwelling, Multi-Unit, above ground floor only	
Dwelling, Multi-Unit, more than 8 units	
Dwelling, Multi-Unit, Rear Ground-Floor	
Dwelling, Multi-Unit, 5-8 units	1.5 per Unit
Dwelling, Quadplex, Triplex, Rowhome	
Dwelling, Single-Family, Detached	2 per unit
Foster Family Home	2 per unit
<i>Public and Institutional Principal Uses</i>	
Alternative Education Facilities	1 per 300 sq ft
Cemetery	n/a
Clinic	1 per 300 sq ft
College/University	1 per 500 sq ft
Community Services Facility	
Crematory	1 per 300 sq ft
Funeral Home	n/a
Hospital	1 per 500 sq ft
Nursing Home	1 per 4 Beds
Parks and Playgrounds	1 per 1,000 active recreation sq ft
Place of Worship	1 per 500 sq ft
Post Office	1 per 300 sq ft
Private Place of Assembly	1 per 500 sq ft
School, K-12	
Theater	1 per 250 sq ft
Vocational / Technical School	1 per 500 sq ft
<i>Commercial Principal Uses</i>	
Adult-Oriented Establishment	1 per 250 sq ft

Table 22.06.04(B)(3) Minimum Parking Required per Use	
Use	Minimum Parking Spaces Required
Animal Boarding Facility	1 per 500 sq ft
Animal Hospital	
Veterinarian Clinic	1 per 300 sq ft
Artisan Manufacturing	1 per 1,000 sq ft
Bar/Lounge/Tavern	1 per 200 sq ft
Bed and Breakfast/Short Term Rentals	1 per 4 guests
Brewery/Winery/Distillery	1 per 1,000 sq ft
Coffee Shop	1 per 200 sq ft
Commercial Adult and Child-care Centers	1 per 300 sq ft
Commercial Kitchen	
Commercial Recreation, Indoor	
Commercial Recreation, Outdoor	1 per 500 sq ft
Co-Working Space	
Financial & Professional Services	1 per 300 sq ft
Food Truck Court	2 per food truck
General Office	1 per 500 sq ft
General Retail (Greater than or equal to 15,000 SF)	1 per 500 sq ft
General Retail (less than 15,000 SF)	
General Services	
Grocery Stores (greater than 25,000 SF)	1 per 300 sq ft
Grocery Stores (less than 25,000 SF)	
Hotels and Motels	1 per guest room
Meeting/Event Facility	1 per 300 sq ft
Micro- Brewery/Winery/Distillery	1 per 200 sq ft
Personal Services	1 per 300 sq ft
Restaurant	1 per 200 sq ft
Industrial Principal Uses	
Auto Dealership and Rental	1 per 1,000 sq ft
Car Wash	2 per car wash lane
Fleet Fueling Facility	1 per 1,000 sq ft
Garden Center (With Outdoor Storage)	
General Manufacturing	1 per 1,000 sq ft of office space
Heavy Industrial, Indoor	
Heavy Industrial, Outdoor	
Light Industrial, Indoor	1 per 500 sq ft
Light Industrial, Outdoor	

Table 22.06.04(B)(3) Minimum Parking Required per Use	
Use	Minimum Parking Spaces Required
Self-storage Facility	1 per 20 storage units
Utility Infrastructure	n/a
Vehicle Fueling Station	1 per 300 sq ft of retail area + 1 per 200 sq ft of restaurant area
Vehicle Services - Major Repair/Body Work	0.5 per service stall
Vehicle Services – Minor Maintenance/Repair	1 per service stall
Wireless communications facility	n/a
<i>Accessory Uses</i>	
Accessory Building/Structure	n/a
Accessory Commercial Units	1 per unit
Accessory Commercial Playground	1 per 200 sq ft of Recreational Space
Accessory Dwelling Unit	1 per unit
Accessory Service Facilities	n/a
Automated Teller Machine (ATM)	
Child Day Care Home	
Construction-Related Activities	
Contractor's Office	1 per 500 sq ft
Contractor's Yard	n/a
Drive-Through Facility	
Fleet Vehicle Storage/ Maintenance	
Garage/ Rummage Sales	
Home occupations	
Model Home	
Pop up Retail/Restaurant	1 per 200 sq ft
Outdoor Display/ Sale of Merchandise	n/a
Outdoor Seating	
Outdoor Storage	
Solar Energy Collection System, Canopy	
Solar Energy Collection System, Ground Mounted	
Solar Energy Collection System, Roof Mounted	
Swimming Pool, Private	
Wind Energy Conversion System, Roof Mounted	
Wind Energy Conversion System, Ground	

Table 22.06.04(B)(3) Minimum Parking Required per Use

Use	Minimum Parking Spaces Required
Mounted	

4. **Maximum Parking Allowance.** An accessory parking lot shall not provide more than 50 percent above the minimum number of spaces required for the use it serves.

C. Allowable Deviations.

1. **Deviations to Minimum Parking Requirements.** A maximum of one deviation from the minimum parking requirements detailed in Table 22.06.04(B)(3) may be approved per property in accordance with Table 22.06.04(C).

Table 22.06.04(C) Allowable Deviations to Minimum Parking Requirements [1]

Type	Criteria	Adjustment
Tree Preservation	Reduction is necessary to preserve a high-value tree from being damaged or removed and/or to protect tree save areas.	Parking space equivalent to the square footage of tree or tree canopy at maturity.
Transit	Use is located within 1,000 feet of a public transit stop or station and is connected to the stop or station via a continuous sidewalk and/or pedestrian walkway system.	20 percent maximum reduction in required parking.
Shared Use Parking	The parking lot is under a Shared Parking Agreement.	A maximum of 60 percent of the required parking spaces may be shared.
On-Street Parking	Single-Family Detached dwelling or Duplex dwelling is located along one or more public street frontages where public parking is permitted, and which have bump outs.	A maximum of one required parking space may be credited for one legal on-street parking space immediately abutting the subject property. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50 percent or more of the space is located.

Table 22.06.04(C) Allowable Deviations to Minimum Parking Requirements [1]

Type	Criteria	Adjustment
	Multi-unit use is incorporated into and visually integrated with the street design of one or more public street frontages where public parking is permitted and which have bump outs and chokers, in accordance with the Standards and Specifications, or a parking permit system is in place.	One required parking space may be substituted if one legal on- street parking space immediately abuts the subject property. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50 percent or more of the space is located. A maximum of 10 percent of required parking may be adjusted.
Efficiency Units	The dwellings of a triplex/quadplex or multi-unit building meet the definition of an efficiency unit.	1 parking space shall be required per efficiency unit.
Affordable Units	A multi-unit residential dwelling is deed restricted to be affordable to households making 60 percent or less of the Waukesha County median income.	Maximum reduction of 1 parking spaces per deed restricted affordable unit.
Parking Study	If a professionally prepared parking study is submitted showing less parking than the minimum is required.	Parking may be adjusted as identified in the parking study.
Notes		
[1] Deviation to minimum parking requirements shall not apply to single-family detached or duplex dwellings.		

D. Shared and Joint Use Parking.

1. Shared Parking.

- One parking lot may contain required parking spaces for several different uses so long as the required parking spaces are located within 500 feet of the associated development site.
- Enforcement of the use of parking spaces in a shared parking lot shall be the responsibility of the property owner.

2. Joint Use Parking. In a shared parking lot, a maximum of 60 percent of the required

parking spaces assigned to one use may be counted or assigned to another use(s) if the uses operate at different peak times.

3. **General Provisions.** An applicant proposing the use of shared and/or joint use parking shall:
 - a. Demonstrate that the express legal right to use the parking spaces in question has been obtained,
 - b. Provide a shared and/or joint use parking agreement detailing how the parking spaces will be allocated to or jointly used by the uses. The agreement shall be recorded with the Waukesha County Register of Deeds upon approval,
 - c. Sign an acknowledgement that the continuing validity of the applicant's development permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared and/or joint use parking is no longer available or the property owner fails to comply with the requirements of this Subsection, the parking requirement reverts to those requirements found in Table 22.06.04(B)(3) and the property owner or applicant must demonstrate compliance with said requirements, or the development permit shall be revoked, and
 - d. Submit an updated shared and/or joint use parking agreement should there be a change in owner, change in use, or expansion or reduction in building or parking lot area.
- E. **Parking Study.** A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Community Development Director or their designee and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

- F. **Parking Space and Drive Aisle Dimensional Requirements.** All parking spaces and drive aisles shall meet the minimum dimensional requirements detailed in Table 22.06.04(F).

Table 22.06.04(F) Minimum Parking Space and Drive Aisle Dimensional Standards [1]				
Parking Space Layout	Parking Space Width (A)	Parking Space Length (B)	One-Way Drive Aisle Width (C)	Two-Way Drive Aisle Width (D)
90 Degree	9 ft	18 ft	12 ft	24 ft
60 Degree	9 ft	20 ft	14 ft	n/a
45 Degree	9 ft	19 ft	12 ft	n/a
30 Degree	9 ft	17 ft	12 ft	n/a
Notes				
[1] One parking space within a residential driveway may be counted, provided it measures 8 feet by 18 feet and does not obstruct sidewalks, accessways, or required sight distance.				

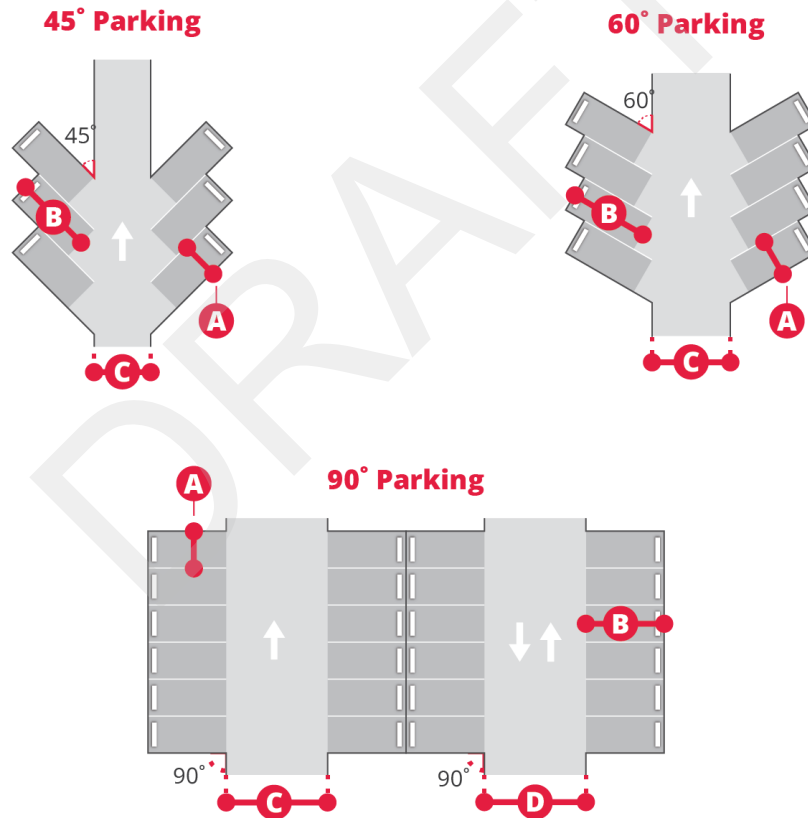


Figure 4 Drive Aisle Dimensions

G. Parking Lot Design Standards.

1. **Surfacing Materials.** All parking lots shall be hard surfaced with concrete or asphalt meeting the requirements of the City's Development Guideline unless otherwise approved by the Director of Public Works or their designee as a permeable surface.
2. **Reserved Parking Spaces.**
 - a. **Accessible Parking.** All development shall provide accessible parking in accordance with the Americans with Disabilities Act, as amended, regardless of whether vehicle parking is required by the City.
 - b. **Short-Term Parking.** Parking spaces reserved for curb-side pickup patrons, rideshare pick-up and drop-off, or other short-term parking needs, shall be located away from main building entrances, near employee exits, or in another location approved by the Community Development Director or their designee, so as not to inhibit pedestrian travel between the principal building entrance and parking lot.
3. **Vehicular Connectivity.** Adjoining parking lots serving (or potentially serving) any use in a use category other than the neighborhood residential use category or industrial and automotive use category shall be interconnected as follows:
 - a. At least one vehicular connection shall be provided at all lot lines that are coincident for at least 60 feet with another applicable property.
 - b. The vehicular connection shall:
 - i. Be at least 20 feet wide,
 - ii. Align with a vehicular connection that has been previously constructed on an adjacent property or shall be stubbed for future vehicular connection if the adjacent site is undeveloped or does not include a vehicular connection stub,
 - iii. Not be placed where a building on an adjacent property is within 50 feet of the lot line which would hamper traffic movements within the parking lot, and
 - iv. Be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 20 inches or more.
 - c. Where a vehicular connection is required, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Waukesha County Register of Deeds in the form of an easement plat.

22.06.06. Bicycle Parking

A. Minimum Bicycle Parking Requirements.

1. **Minimum Short-Term Bicycle Parking Requirements.** All nonresidential development and nonresidential portions of mixed-use developments shall provide short-term bicycle parking in accordance with Table 22.06.05(A).

Table 22.06.05(A) Minimum Short-Term Bicycle Parking Requirements	
District	Minimum Required Number of Bicycle Parking Spaces
RN-1, RN-2, RN-3, RN-4	1 per 40 vehicle parking spaces or 6, whichever is greater
MU, DC	1 per 60 vehicle parking spaces or 4, whichever is greater
GC, CC, I	1 per 60 vehicle parking spaces or 4, whichever is greater
LM, GM, MM, OM	1 per 80 vehicle parking spaces or 2, whichever is greater

2. **Minimum Long-Term Bicycle Parking Requirements.** All multi-unit residential uses with five or more units, with the exception of foster family homes, nursing homes, and community living arrangements, shall provide long-term bicycle parking at a minimum ratio of one bicycle parking space per 20 required vehicle parking spaces or eight bicycle parking spaces, whichever is greater, in all zoning districts.

B. Bicycle Facility Standards.

1. **General Bicycle Facility Standards.**
 - a. **Surfacing.** Bicycle parking, except for long-term indoor bicycle parking facilities, shall be provided on a hard-surface, all-weather pavement of asphalt or concrete.
 - b. **Placement.**
 - i. Proposed bike parking facilities shall comply with the following spacing standards:
 - a) **Side-by-Side Rack.** Four-foot separation.
 - b) **End-to-End Rack.** Five-foot separation.
 - c) **Other Rack Type.** As approved by the Director of Community Development.
 - ii. Bicycle parking facilities shall be located three feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the rack closet to the wall, fence, or landscape area.
 - iii. Bicycle parking facilities adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained at all times.
 - iv. If provided outdoors, bicycle parking facilities shall be sited within 50 feet of a primary entrance of a building.

- v. If provided indoors, bicycle parking facilities shall be located within an easily accessible common area designated for secure bicycle storage.

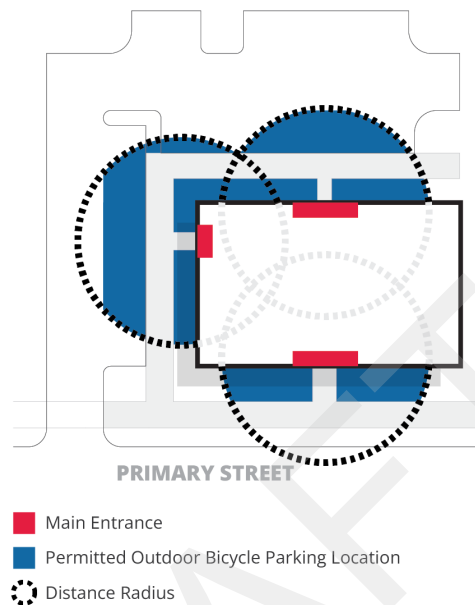


Figure 5 Bicycle Facility Standards

c. Rack Types.

- i. Bicycle racks shall meet all requirements of the Americans with Disabilities Act. Inverted U or Post and Ring bicycle racks are preferred.
- ii. Grid, wave, and spiral bicycle racks are prohibited.
- iii. Bicycle lockers or similar types of facilities are permitted and count towards required bicycle parking standards.

2. Long-Term Bicycle Facility Standards.

- a. Long-term bicycle parking facilities shall be covered and weather resistant.
- b. Storage within a dwelling shall not be considered a long-term bicycle parking space.

3. Parking Structures.

- A. Parking structures shall provide bicycle parking within the structure.
- B. Bicycle parking shall be located on the level closest to the street and/or a pedestrian entrance.

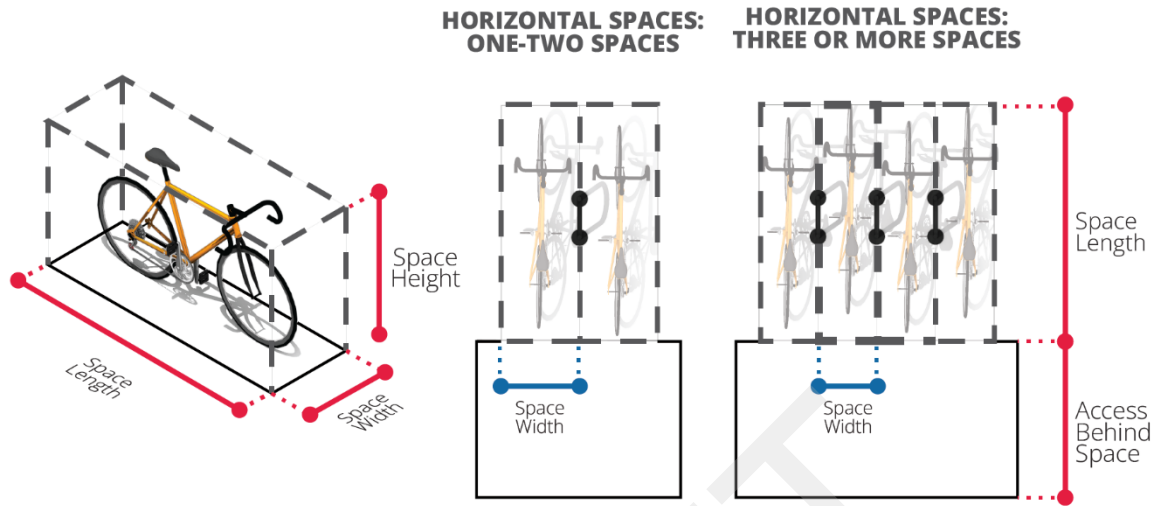


Figure 6 Bicycle Parking Dimensions

22.06.07. Pedestrian Walkways and Trails

A. On-Site Pedestrian Walkways.

1. **Required Connections.** On-site pedestrian walkways shall connect:
 - a. All buildings on a development site to one another,
 - b. Parking lots to building entrances and internal access drives,
 - c. Each building on a development site to social gathering space located within the development site,
 - d. Building entrances to transit stops on or within the right-of-way fronting a development site, and
 - e. Building entrances to a public sidewalk. In cases where a building is not adjacent to a public sidewalk it must connect to an internal sidewalk, which connects to a public sidewalk.
2. **Pedestrian Walkway Design.**
 - a. On-site pedestrian walkways shall comply with the Americans with Disabilities Act and be clearly marked and delineated.
 - b. Where driveways, parking, and loading entrance and exits cross pedestrian walkways, the pedestrian walkway shall be designed with minimal disruptions to safe, continuous

pedestrian connectivity.

- B. **Trails.** Where existing or planned trails, as identified in the Comprehensive Plan or other City-approved plans are adjacent to or traverse a development site, the developer shall:
1. Provide at least a 20-foot public trail easement or outlot and construct the trail in accordance with the standards established in the City's Development Guideline found in the Handbook. The Director of Public Works or their designee may approve alternative widths when factors such as topography, environmental, safety or available space warrants adjustment.
 2. If the trail is not constructed, the developer shall provide a payment in lieu of construction to the City as part of the Development Agreement.

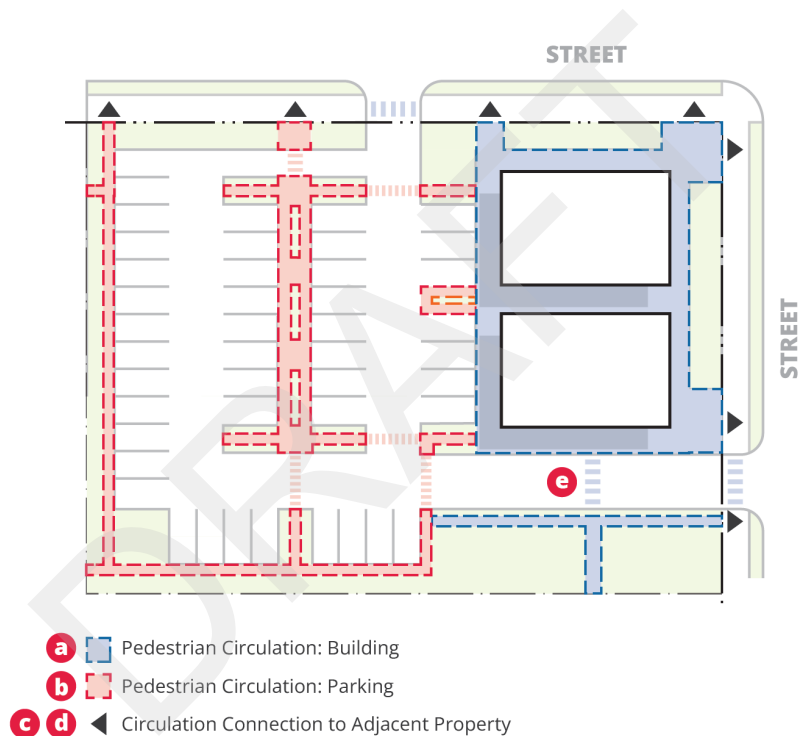


Figure 7 On-Site Pedestrian Walkways

Section 22.07. Landscape and Natural Resource Standards

- 22.07.01. General Provisions
- 22.07.02. Grading and Retaining Walls
- 22.07.03. General Landscaping Standards
- 22.07.04. Tree Preservation; Planting of Street Trees
- 22.07.05. Required Plantings
- 22.07.06. Required Planting Zones
- 22.07.07. Buffering and Screening Zones
- 22.07.08. Surface Water and Wetland Buffers
- 22.07.09. Application Requirements; Installation and Maintenance

22.07.01. General Provisions

- A. **Purpose.** The purpose of this Section is to establish standards for the installation and maintenance of landscaping and buffering, and the protection of natural resources in the City of Waukesha, in a manner that accomplishes the following goals:
1. Enhancement of the City's visual and aesthetic quality.
 2. Protection and restoration of the ecological function of the City's natural resources through effective erosion control, tree protection, and buffering of woodland, wetland, and surface water resources.
 3. Preservation, maintenance, and installation of high-quality landscaping, trees, and plantings suitable to the City's natural and urban environments.
 4. Integration of green infrastructure practices, where suitable to the site, into landscape plantings and buffers.
 5. Use of a combination of fencing, walls, and vegetation to provide visual screening functions, while accommodating vegetated biofilters and supporting healthy tree growth.
 6. Provision of sufficient quantities of soil to support the health and growth of trees in parking lot landscapes, to provide shade, cooling, and storm water uptake.

B. Applicability.

1. **Floodway and Shoreland Wetland Areas.** Development activity within the Floodway, and within any Shoreland Wetlands, shall be exempt from the requirements of this Section 22.07. [See MC Chapter 24, Floodplain Zoning]
2. **Single-family detached and duplex dwellings:** All new and existing single-family detached and duplex dwellings shall meet the minimum landscaping and planting standards in 22.07.05(A)(2).
3. **New development:** All new development subject to site plan and architectural review under Section 22.11 shall meet the minimum landscaping standards in 22.07.05.
4. **Redevelopment:** With the exception of construction of single-family detached and duplex dwellings, all redevelopment involving exterior construction or land disturbance activity, or upgrade or alteration of fifty percent (50%) or more of the total building façade area, including the expansion of existing buildings, structures, and surface parking lots, shall be brought into compliance with the provisions of this Section unless:
 - a. The cumulative area of land disturbance in any 10-year period is less than 10 percent of the entire area of the development site; and
 - b. The cumulative increase in building floor area in any 10-year period is less than 10 percent of the total existing floor area; and
 - c. No demolition of any principal structure occurs.
5. **Off-Street Parking Lot Landscaping.** Parking lot landscaping meeting the standards in 22.07.05 and Section 22.07.06(C) shall be required in the following instances:
 - a. All new or expanded off-street parking lots containing ten (10) or more parking spaces shall provide landscaping in accordance with this Section, except those serving single-family detached and duplex dwellings.
 - b. Any new surface parking lot area of any size located along a public right of way or sidewalk shall incorporate at minimum a three feet (3') wide, Type 3 Screen Option or functional equivalent screening [See Section 22.07.06].
 - c. When 25% or twenty thousand (20,000) square feet or more of an existing parking lot, whichever is less, is reconstructed within a five (5) year period, the entire parking lot shall be brought into compliance with the requirements of this Section 22.07. For the purposes of this Section 22.07, repaving shall mean activities such as removing the top layer of asphalt through milling and replacing with new asphalt, applying a surface course of new asphalt on top of existing asphalt, or pulverizing and stabilizing existing asphalt. Reconstruction shall mean replacement of the underlying base structure of a parking lot.

- d. Existing, approved off-street parking lots that are either repaved or reconstructed, but do not meet the area thresholds for full compliance set forth in 22.07.01(B)(5)(c) above, are nonetheless required to take one of the following actions with respect to interior parking lot landscaping:
 - i. Replace existing, approved interior or perimeter lot landscaping with landscape perimeter planting, planting islands or landscape medians meeting the standards for dimensions, tree planting, planting mix, and soil volume and depth set forth in this section, OR
 - ii. Implement new interior or perimeter landscape islands or landscape medians that cumulatively equal five percent (5%) of the interior area of the parking lot.
 - e. Ordinary maintenance and repairs, including infrared patching, crack filling, seal coating and line striping, shall not necessitate application of the landscaping or screening requirements of this Section.
 - f. All new or replaced parking lot landscaping shall meet the standards for dimensions, tree planting, planting mix, and soil volume and depth set forth in this Section 22.07. Required tree planting may be waived by the Plan Commission upon finding by the City Forester that site conditions or planting area sizes are not likely to lead to successful establishment and growth of a canopy tree.
- C. **Groundcover Required.** All areas of any lot not covered by buildings or paving shall be planted with landscaping or groundcover, as follows:
- 1. Open areas of any lot not covered by formal landscape plantings shall be planted with deep-rooted plantings (which may include native short-stature grasses or native forbs), grasses, low growing ground cover, or other landscape materials, except where existing natural vegetation of the site or other condition makes such plantings impossible.
 - 2. Quality planting soil shall be provided for any such plantings, with a minimum depth of three (3) inches of soil.
 - 3. **Use of turfgrass and sodded lawns limited.**
 - a. Turfgrass and sodded lawns generally shall be used in areas where passive or active recreation reasonably may be expected, high-traffic pedestrian areas, and perimeters or edges where frequent mowing is required to maintain landscape appearance and function.
 - b. For all other site areas, to enhance ecological function, drought resistance, and stormwater infiltration, a mix of trees, shrubs, native plants, forbs, and grasses, or at minimum grass or sod planted with a supplemental layer of planting soil to improve growth and infiltration may be utilized.
 - c. The use of low-growing ground cover on slopes to provide stabilization and where appropriate, pollinator habitat, is encouraged.

4. Any other areas of the site where vegetation is not planted shall be fully and permanently stabilized with mulch, rock, erosion control, or other durable groundcover sufficient to prevent erosion and airborne dust.
- D. **Definitions and Measurement.** For purposes of this Section 22.07, the following definitions and measurements shall apply:
1. Tree requirements shall refer to the caliper at planting or diameter at breast height (DBH), as applicable.
 2. **Planting Types; measurement.** The following definitions shall apply: (See Figure 01, Tree Types)
 - a. Canopy or shade tree means a deciduous tree providing over-hanging canopy at maturity.
 - b. Evergreen tree means coniferous trees, tamarack trees, and upright-growing arborvitae; bush-type arborvitae may be used as an evergreen shrub.
 - c. Ornamental tree means a flowering and/or fruit bearing tree, normally growing to full growth at a height shorter than a canopy or shade tree.
 - d. Large deciduous shrub means a woody plant that sheds its leaves annually, with a typical height at maturity of more than three feet (3').
 - e. Large evergreen shrub means a woody plant that retains its foliage year-round and provides consistent green color in a landscape.
 - f. Flowering shrub means any woody plant that produces flowers, with a typical height at maturity of up to three feet (3').
 - g. Forbs means any broad-leaved, non-woody, flowering plant.
 - h. Grasses means any herbaceous plant with narrow, parallel-veined leaves and solid stems.
 - i. Groundcover means any low-growing, spreading plant with a typical mounded height of up to eighteen inches (18").
 - j. Bioretention planting means plants planted in a specified arrangement and soil mixture as part of a vegetated stormwater management measure.
- E. The Plan Commission may authorize a modification, waiver, or reduction of the requirements of this section upon a determination that the nature of a proposed use, development, or redevelopment, or the shape or size of a property makes strict compliance impractical, unjust, unfair, or unreasonable. Any such exceptions shall represent the least extent of modification necessary to address the specific site and need. Approvals pursuant to this Subsection shall be consistent with all applicable Review Criteria in Section 22.11.04 (Plan Commission – Site Plan and Architectural Review).

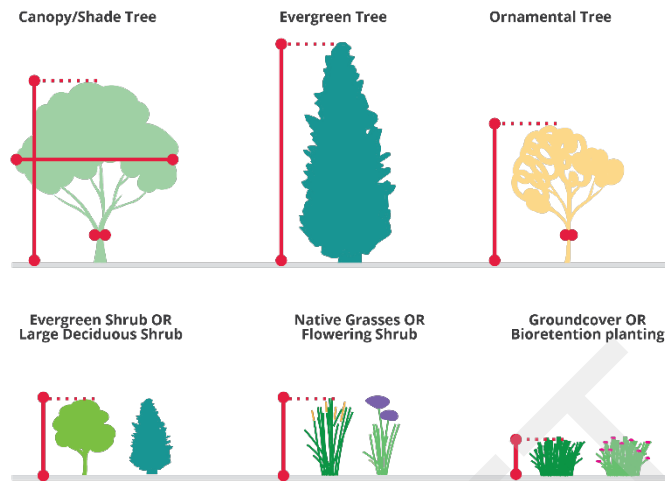


Figure 1 Tree Types

22.07.02. Grading and Retaining Walls

- A. **Purpose.** This Section 22.07.02 establishes conditions for grading and retaining walls, in order to preserve natural topography, protect against dangers and damage from man-made topographical changes, protect water quality through the application of sound erosion control principles, and prevent unsightly and hazardous exposed earth.
- B. **Permit required; standards.**
1. A Site Plan and Architectural Review approval shall be required for all retaining walls and for excavation and grading along lot lines or within a single lot where grade differences exceed four feet (4') or three thousand square feet (3,000 SF) of disturbed area.
 2. A Site Plan and Architectural Review approval shall not be required for excavation and grading where grade differences are four feet (4') feet or less than three thousand square feet (3,000 SF) of disturbed area is created; however, in all cases the following standards shall be met:
 - a. **Slope requirements.** A grade difference may be sloped toward or away from a lot line, or other point within a single lot, at a maximum gradient of no more than one foot (1') vertical to three feet (3') horizontal (i.e., 1:3 ratio).
 - b. **Erosion control.** Any graded area shall be stabilized with erosion control matting or other materials approved by the Plan Commission or Community Development Director

or Designee, as applicable. As soon as practicable, any graded area shall be covered with planting soil meeting the standards in 22.07.01(C) and planted with permanent vegetation no later than the next growing season.

- c. **Use of retaining walls permitted.** As an alternative to grading, retaining walls of stone or other suitable and stable masonry or other materials of comparable strength may be constructed.
- d. The use of rip-rap is permitted only for stabilization of slopes along waterways and within stormwater installations.
- e. Grading may not be altered in such a way as to increase the flow of stormwater runoff across property lines, unless a stormwater easement has been recorded against both properties to cover such runoff.

22.07.03. General Landscaping Standards

- A. **General Principles.** In general, the following principles shall be applied to the design of required landscaping:
 - 1. The retention of existing trees of species valuable to the City's urban forest, and measures to ensure their continued health and growth, should be prioritized in site and landscape design.
 - 2. A diverse mix of canopy trees from the City's Street Tree List should be incorporated into landscape plans.
 - 3. Larger perimeter landscaping areas and larger internal landscaped islands providing greater soil volume, larger vegetated area, and greater capacity for managing storm water runoff are to be prioritized over multiple, distributed and smaller islands or strips.
 - 4. The total anticipated canopy area of a tree or trees at maturity shall be prioritized over the total number of trees planted.
 - 5. Designs of screening, buffer, and transitional area landscaping that incorporate ecological benefits, a variety of plantings, or stormwater management shall be balanced with the goal of providing visual opacity and screening. Design approaches that combine fencing, plantings and other features to provide greater opacity shall be prioritized over continuous hedges or masonry walls in landscaped areas where ecological benefit or storm water management are achieved.
 - 6. **Physical Containment of Landscaped Areas.**
 - a. All landscaped areas located within or adjacent to a parking lot, or adjacent to a public street, or sidewalk shall be designed to contain landscape materials and to prevent vehicular encroachment through use of concrete curbing, headers, wheel stops, or other appropriate barrier, which may be interrupted to allow stormwater inflow.

- b. The use of a strip of grass or other sturdy, salt-tolerant vegetation at the edge of planting areas and vegetated stormwater management areas may be used to ensure a neat appearance, contain mulch, and protect the planting areas from impacts of snow plowing, de-icing treatment, and vehicles.
7. The use of sturdy, all-weather planting containers shall be considered as a means to meet the purpose and intent of these standards for existing parking lots, and on development sites where site and soil conditions preclude in-ground landscaping. The use of salt-tolerant species is strongly recommended in all parking lot landscaped islands and perimeter areas.
8. Water-efficient irrigation sufficient to maintain plant health through dry periods should be used where needed to support landscape health and maintain vegetated stormwater management areas
9. Species of plantings engineered for high traffic areas shall be placed in the highest vehicular and pedestrian traffic areas. Native species of canopy/shade trees generally shall be placed away from the highest vehicular and pedestrian traffic areas.
10. Fruit, nut, or seed-bearing trees generally shall be located away from parking/drive areas and pedestrian walkways.
11. New vegetation should be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.

B. Plant Material Standards.

1. All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1), published by the American National Standards Institute.
2. All vegetation shall be functionally appropriate to the area in which it is planted. The use of species from the City's Recommended Plant Species list is strongly encouraged.
3. In no case shall any invasive species, noxious weeds, or other species of vegetation precluded by ordinance or guidance of the City of Waukesha be planted, retained, or counted towards any landscaping required by the Municipal Code.
4. Any forestation, reforestation, or landscaping shall utilize a variety of tree and plant species suitable for local climate conditions. In general, no single species shall comprise more than thirty percent (30%) of the plantings of its type (i.e., tree, shrub, forb/grass, or groundcover)
5. No species currently under disease epidemic, as determined by the Wisconsin Department of Natural Resources, shall be used.
6. Plantings shall be of a quality consistent with the species standards established in the Approved American National Standard of the American National Standards Institute (ANSI).

7. Artificial Landscape Materials not Permitted. Artificial trees, shrubs, turf, or plants shall not be permitted as required landscaping.
8. Landscape Fabric Recommended. The use of landscape fabrics under all areas landscaped with non-living materials, except where contra-indicated within stormwater management areas, is recommended to prevent weed growth.

C. Irrigation.

1. Appropriate on-site, outdoor water supply (e.g. underground or drip irrigation, hose bibbs, etc.) that provides complete coverage to all new living landscaped areas for a period sufficient to provide for plant establishment is required.
2. In no case shall normal irrigation result in runoff onto paved surfaces, sidewalks, or streets.
3. Watering systems shall be designed to water landscaped areas efficiently. Hose bibbs, if used, must be located within one hundred feet (100') of any landscaped area.
4. Temporary or permanent irrigation of vegetated stormwater management measures and native planting areas shall be implemented per an approved stormwater management plan, or as specified by a landscape architect on the approved landscape plan. Where permanent irrigation is not specified, temporary irrigation of installed stormwater plantings shall be provided for a period of eighteen (18) months following installation, or as specified in approved landscaping and stormwater management plans.

D. Minimum Planting Area Dimensions and Soil Volume Required.

1. All areas of any lot to be vegetated shall be provided with quality planting soil with a minimum depth of three inches (3"). Additional planting depth, specific soil volumes, or specific soil types may be required where specified in an approved landscaping plan or stormwater management plan.
2. **Minimum surface area per tree required.**
 - a. Each tree planted in accordance with the requirements of this Section shall be planted within a minimum permeable surface area of one hundred fifty square feet (150 SF).
 - b. Multiple trees may be planted in a single, contiguous landscaped area provided a minimum of one hundred fifty square feet (150 SF) of surface area per canopy/shade tree, one hundred square feet (100 SF) of surface area per evergreen and ornamental tree, and the total soil volume required under Table 22.07.01 for all trees, are provided.
 - c. All trees shall be planted in a location or structure providing the minimum soil volume and planting area dimensions per tree in Table 22.07.01. A minimum planting depth of three feet (3') shall be required per tree unless this requirement is specifically waived as part of an approved landscaping plan or stormwater management plan.

Table 22.07.01 Minimum Tree Planting Soil Volume				
Expected Tree Height at Maturity	Minimum Planting Soil Volume Required		Sample Planting Area Dimensions @ 3' depth	
	Cubic Feet (CF)	Cubic Yards (CY)	Length	Width
Less than 25'	400 CF	14.8 CY	11.5'	11.5'
25' to 40'	800 CF	29.6 CY	16.3'	16.3'
Greater than 40'	1,200 CF	44.4 CY	20'	20'

22.07.04. Tree Preservation; Planting of Street Trees

A. Purpose and Intent.

1. It is the policy of the City of Waukesha to preserve the natural forest and woodland areas in the City. With respect to specific site development, the retention of tree stands should be emphasized as set forth in Section 22.07.03(C).
2. It is the further intent of this Section to support implementation of street trees in keeping with the City's urban forestry plan.

B. Clearing and cutting restricted.

1. No clear cutting of woodland areas shall be permitted in residential districts.
 - a. For purposes of this Section, a protected woodland shall be defined as an area or stand of trees with a minimum of eight (8) or more individual trees having a DBH of at least five inches (5"), whose combined canopies cover at least fifty percent (50%) of the area with the outside perimeter of the area or stand of trees.
 - b. Clear Cutting. For purposes of this Section, clear cutting shall mean the complete removal of vegetation in a contiguous patch, strip, row, or block from any site, parcel, or lot except when land is cleared and cultivated for bona fide agricultural or garden use in a district permitting such use. Mowing, trimming, pruning, or removal of vegetation to maintain it in a healthy, viable condition is not considered clear cutting.
 - c. Notwithstanding any other provision of this Section, clear cutting and other removal of invasive species, noxious weeds, dead or diseased trees, plantation pines, and areas subject to an approved Forest Management Plan is permitted.
2. Clear cutting in other districts, or removal of topsoil, shall be permitted by conditional use permit only as set forth in Section 22.11 and Chapter 32 (Erosion Control) of this Code.

C. Preservation of individual large trees required.

1. On all properties other than those occupied by single-family detached and duplex dwellings, canopy trees five inches (5") or greater in caliper and evergreen trees ten feet (10') or greater

in height shall be preserved unless it is demonstrated to the satisfaction of the Plan Commission that preservation of the tree will result in any of the following:

- a. Hazardous or unsafe conditions
 - b. Shading or other interference with the installation and operation of renewable energy
2. The Plan Commission may approve removal of trees subject to (1) above where the Commission determines that the proposed plan will result in removal of the minimum number and size of trees necessary for development of the site.
 3. Replacement required. All deciduous trees five inches (5") or larger in caliper or evergreen trees ten feet (10') or greater in height destroyed during the development process shall be replaced with species of comparable or greater resource value as determined by the City Arborist. Any such replacement shall be required in addition to the landscaping points required in Table 22.07.03.

D. Protection of Woodlands.

1. It is the policy of the City of Waukesha to protect woodland areas with stands of mature trees.
2. For purpose of this Section, a protected woodland shall be defined as an area or stand of trees with a minimum of eight (8) or more individual trees having a DBH of at least five inches (5"), whose combined canopies cover at least fifty percent (50%) of the area with the outside perimeter of the area or stand of trees.
3. A protected woodland shall be defined using the perimeter of the canopies during full leaf-on.
4. For any protected woodlands, a buffer line shall be identified at thirty feet (30') from the perimeter of the defined woodland, as shown in Figure 02.

5. Preservation of a protected woodland shall count towards required landscaping points on a site using the formulas and standards in Section 22.07.05 based on the number of trees preserved, and any supplemental credit applied under the provisions of 22.07.05(A)4)(e).

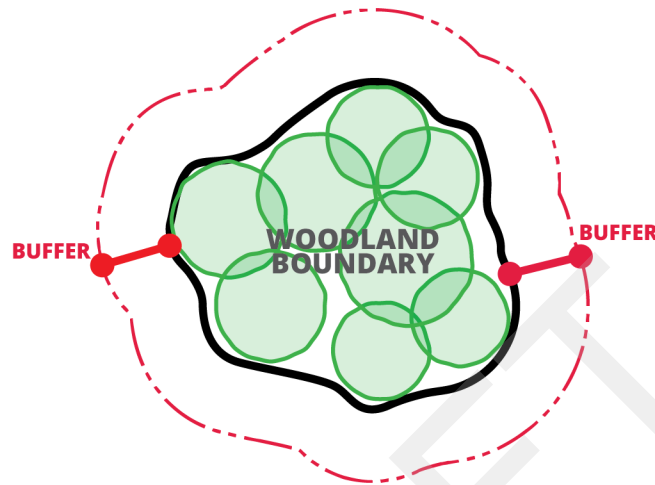


Figure 2 Woodland Buffer

E. Street Trees

1. Except as provided under Section 22.07.05(A)(3)(c) for lots of five (5) acres or more, one (1) street tree generally shall be planted per fifty feet (50') of lot frontage on a public street. All new street tree planting shall meet the minimum soil volume requirements in Table 22.07.01.
2. Planting of new street trees, and retention of existing street trees in a manner consistent with the ongoing health and survival of the tree, shall count towards required landscaping points on a site using the formulas and standards in Section 22.07.05.
3. Street tree locations, species, and sizes at planting shall be selected in consultation with the City Forester, in compliance with City Ordinances and Forestry Department policies.

22.07.05. Required Plantings

A. Total Plantings Required.

1. Required landscaping shall be calculated based upon the total developed area of the property subject to an application. Total developed area, for purposes of this Section, shall be that area of the property in square feet which is planned to be occupied by any building or other impervious surface area.
2. **Minimum landscaping for single-family and duplex dwellings.**
 - a. Single-family and duplex residential structures shall require the following minimum landscaping:
 - i. Permanent vegetative groundcover, as set forth in Section 22.07.01(C), shall cover all areas not occupied by buildings, driveways, walkways, patios, or other impervious areas, except where alternative stabilization is approved by the Plan Commission under 22.07.01(C)(1) and (4).
 - ii. One (1) street tree, planted generally per fifty linear feet (50') of lot frontage, within the public right-of-way, with tree species and planting dimensions as specified by the Department of Parks, Recreation and Forestry in accordance with Section 22.07.04(E).
 - iii. In addition, one (1) deciduous or evergreen tree shall be planted per four thousand (4,000) square feet of lot area; or one (1) ornamental tree per three thousand (3,000) square feet of lot area. Where a partial number of trees would be required for a lot, the required number of trees shall be rounded down to the nearest whole number.
 - b. All planted areas and all tree planting shall meet the standards of Section 22.07.04(D) and Section 22.07.03(D) for surface planting area and soil volume, as applicable.
 - c. **Natural Lawns and Rain Gardens Permitted.** Upon issuance of a Natural Lawn Permit pursuant to Section 17.14(6)(b) of the Municipal Code, front yards may be planted as natural lawn areas or rain gardens, with a combination of native plants, forbs, and grasses exceeding eight inches (8") in height, provided the following standards are met:
 - i. All natural lawn areas or rain gardens shall consist of plants suitable for the site and purpose, and may be selected from reference sources for Southeast Wisconsin such as the Milwaukee Metropolitan Sewerage District Rain Garden Plant Guide, and shall not include any invasive species or noxious weeds.
 - ii. All natural lawn areas or rain gardens shall be clearly demarcated with well-maintained edging, groundcover, mowing, or sturdy fencing.
 - iii. All natural lawn areas or rain gardens shall be set back a minimum of two feet (2') from front yard lot lines, and a minimum of two feet (2') from side yard lot lines within a required front setback.

- iv. In no case may a natural lawn area or rain garden create a visual obstruction within any required sight triangle.
 - v. All natural lawns and rain gardens shall be registered with the City of Waukesha.
 - vi. Notwithstanding any provisions of this section, in the event a natural lawn area or rain garden creates a nuisance condition, the enforcement provisions of Section 12.06, Abatement of Nuisances, in the City of Waukesha Municipal Code shall apply.
3. **Minimum Landscape Points Required for All Other Land.** For any other application subject to Administrative Site Plan and Architectural Review or a greater level of review under Section 22.11, the following minimum landscape points, as set forth in Table 22.07.03, shall be required:
- a. For the first five acres (5 AC) of lot area, five (5) landscape points shall be required for every two hundred fifty square feet (250 SF) of total developed area. Fractional point requirements shall be rounded up to the nearest whole number.
 - b. For all additional lot area, one (1) landscape point per one hundred square feet (100 SF) of total developed area. Fractional point requirements shall be rounded up to the nearest whole number.
 - c. For lots of five (5) acres or more, street tree spacing may be varied upon approval of the Plan Commission; however, along all public streets, a minimum of one (1) street tree per one hundred linear feet (100') of frontage shall be provided.

Table 22.07.02 Example Calculation of Required Landscape Points			
Example Application	First Five Acres of Lot Area (5 points per 250 SF)	Additional Lot Area (1 point per 100 SF)	Total Landscape Points Required
10,000 SF total developed area, 1 acre site	$(10,000 \text{ SF}) / (250 \text{ SF}) \times 5$ points = 40 x 5 = 200 points	None	200
80,000 SF total developed area, 6 acre site	$(80,000 \text{ SF}) / (250 \text{ SF}) \times 5$ points = 320 x 5 = 1,600 points	$(80,000 \text{ SF}) / (100 \text{ SF}) \times 1$ = (800 x 1) = 800 points	1,600 + 800 = 2,400 points

Table 22.07.03 Landscaping Points			
Landscaping Type	Points	Minimum Size at Installation	Notes
Canopy tree (deciduous)	40	1 ½" DBH	Trees from recommended species list
Tall evergreen tree (e.g. spruce, pine, etc.)	30	6'	
Ornamental tree	15	1" caliper	
Upright evergreen shrub (e.g. Arborvitae, etc.)	10	4'	
Evergreen or large deciduous shrub	4	24" height	

Table 22.07.03 Landscaping Points

Landscaping Type	Points	Minimum Size at Installation	Notes
Small flowering shrub	3	18" height	
Native grasses/forbs	3	1 gallon pot or as specified in SW management plan	9 SF of planted bioretention area = 3 points
Bioretention plantings	3	3" – 4" pots or as specified in SW management plan	
Ornamental/decorative fencing or wall along a public right-of-way	3 per 10 linear feet	Per buffer/ screening standards in 22.07.07	
Landscape furniture or public art feature, Downtown District	5 points per 'seat' or SF of surface area of art feature	Furniture or art must be within developed area, be publicly accessible, and comprise no more than 5% of total required points. Public art features require Plan Commission approval.	
Conservation of canopy tree, <5" DBH, tall evergreen tree, <10" DBH, or ornamental tree	6 per caliper-inch of DBH	Maximum 150 points per tree; conserved tree must be protected throughout construction in accordance with Section 22.07.07(B)(4)).	
Conservation of canopy tree, 5" or greater DBH	10 per caliper-inch of DBH		
Conservation of tall evergreen tree, 10" or greater DBH			
Conservation of large deciduous or evergreen shrub, 5' height or greater	4	Maximum of 20% of points from conserved shrubs	

4. Credit for Preservation of Existing Trees and Plantings.

- Preservation of existing trees and shrubs, where explicitly approved by the Plan Commission, may be credited towards required landscaping points in accordance with Table 22.07.03.
- Existing trees to be credited shall be protected throughout the construction process with sturdy fencing and demarcation at the drip line. Existing shrubs and other vegetation to be credited shall be protected with sturdy fencing and demarcation providing a buffer of a minimum of 24" from all disturbance and construction activity.
- Plantings to be preserved shall be shown on the submitted landscape plan, including exact location, size and type, and shall be noted in a table.
- The City Arborist may be consulted to determine the likelihood of survival of canopy/shade, evergreen, and ornamental trees through construction.

- e. Where preservation of areas of existing vegetation or trees is proposed that provides substantial aesthetic, buffering, or environmental value, the Plan Commission may approve an alternative credit towards the requirements of Table 22.07.03.

5. Alternative Minimum Standard.

- a. Where strict application of the landscape points requirements of Table 22.07.03 is infeasible due to unique site or building conditions, the Plan Commission may approve a landscaping plan provided the total number, type, and extent of plantings will result in a landscape that meets or exceeds the intended aesthetic and environmental outcomes of this Section 22.07. Where site conditions limit the potential for landscape plantings, public art may be incorporated into a landscaping plan for this purpose. In making such a determination, the Plan Commission may consider whether the monetary value of the plantings provided meets or exceeds the following:
 - i. In the Downtown district, a budget for landscaping and public art equal to or greater than one percent (1%) of all construction costs
 - ii. In all other zoning districts, a budget for landscaping and public art equal to or greater than three percent (3%) of the first \$250,000 of all construction costs plus one percent (1%) of the next \$250,000 of construction costs over \$250,000.
 - b. A budget for landscaping and public art prepared to demonstrate compliance with this section shall include unit costs of proposed plant materials only. Ancillary costs including but not limited to the cost of mulch, soil, site preparation, lighting, or irrigation shall not be counted towards this requirement.
 - c. A budget for landscaping and public art prepared to demonstrate compliance with this section shall be prepared and signed by a landscape architect or landscape professional and shall be subject to review and approval by the City.
- B. Canopy Tree Species Diversity Requirement for New Trees.** The following requirements for canopy tree species diversity shall be met when new trees are planted or proposed in a landscape plan:
- 1. For landscape plans with fewer than five (5) new canopy trees, no species diversity is required.
 - 2. For landscape plans with five (5) to fifty (50) new canopy trees, no single species may comprise more than thirty-three percent (33%) of new trees.
 - 3. For landscape plans including subdivision plans with more than fifty (50) new canopy trees, no single species may comprise more than twenty percent (20%) of new trees.
- C. Groundcover required.** All areas not covered by buildings, paving, or formal landscape plantings shall be covered with landscaping materials conforming to the standards of Section 22.07.01(C). The specific type(s) of groundcover to be used shall be shown on the landscape plan.

22.07.06. Required Planting Zones

A. Planting Zones Established.

1. Landscaping required under Section 22.07.05 shall be distributed among the following areas:
 - a. Building foundation and parking lot planting zones set forth in this Section 22.07.06,
 - b. Buffering and screening as set forth in Section 22.07.07,
 - c. Screening of utilities, as set forth in Section 22.04.03,
 - d. Vegetated stormwater management measures installed in accordance with an approved stormwater management plan,
 - e. Plantings supplemental to woodland, surface water, or wetland buffers as set forth under Section 22.07.08, and
 - f. Street trees planted within the street terrace or, for private property in the Industrial district, within twenty feet (20') of the edge of curb.
2. Notwithstanding the plant points requirements of Table 22.07.03, in no case shall any site with ten (10) or more off-street parking spaces or five thousand square feet (5,000) of total developed area provide less than the minimum requirements for perimeter and interior parking lot landscaping in Section 22.07.06(C) and required buffer yard or screen plantings in Section 22.07.07.
3. A Landscaping Plan shall be submitted in accordance with Section 22.07.09. Each Landscaping Plan shall include a table indicating, as applicable, the size at planting, number, and types of plantings proposed by zone, and the total points value as set forth in Table 22.07.03.
4. Figure 03 illustrates the general location of planting zones required to be planted in accordance with the standards in this Section 22.07.06. The requirements of each planting zone are cumulative; no planting shall be counted towards meeting the requirements for planting in another required zone, unless explicitly approved by the Plan Commission.

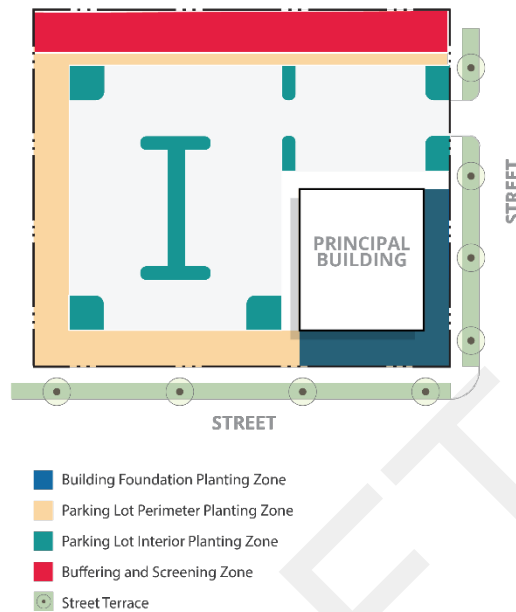


Figure 3 Required Planting Zones

B. Building Foundation Planting Zone.

1. The objective of building foundation landscaping is to soften the base of the building, add visual interest, and integrate the building with the site
2. Building foundation landscaping shall be provided along eighty percent (80%) of the total building facade, unless an alternative design is approved by the Plan Commission.
3. Foundation landscaping shall consist of a combination of shrubs, forbs, grasses, groundcover, and trees. Plantings shall be designed to enhance architectural features and visually soften long expanses of walls.
4. Where the planting soil and surface area requirements of Section 22.07.03(D) can be met, trees generally shall be planted at a minimum spacing of one (1) tree per fifty linear feet (50 LF) of building facade. Where specifications and designs are approved by the City Engineer or City Arborist, trees may be planted in structural soils or manufactured structures such as tree boxes.

5. Minimum dimensions.

- a. Where a building foundation abuts a sidewalk or other hardscape for use by pedestrians, foundation planting zones should be a minimum of eighteen inches (18") in width
 - b. Where a building foundation abuts a landscaped area, a minimum depth of five feet (5') shall be provided, unless an alternative design is approved by the Plan Commission. However, in no case shall the depth of the planting area be less than three feet (3').
6. Integration with Stormwater Management. The integration of stormwater management infrastructure, including measures such as planter boxes or bioretention areas, may be used to meet this standard in conjunction with an approved Stormwater Management Plan.

C. Parking Lot Planting Zones; General Standards.

1. The objective of parking lot planting zones is to provide screening between off-street parking areas and rights-of-way, and to facilitate the integration of stormwater management with required landscaping.
2. **Integration of stormwater management measures.**
 - a. The integration of stormwater infrastructure, including vegetated measures such as bioretention areas and stormwater trees, may be used to meet the planting requirements for any parking lot planting zones in conjunction with an approved Stormwater Management Plan.
 - b. Sufficient protection of vegetated stormwater management areas, including but not limited to wheel stops, curbing, mowed edges, fencing, or sturdy perimeter plantings, shall be incorporated to ensure protection of the stormwater management functions of the planted area.
3. **Protection from vehicle overhang.** All planted areas adjacent to parking stalls shall include wheel stops, curbing, or other effective barriers to prevent vehicle trespass into landscaped areas. Planting designs incorporating turfgrass, durable groundcover, or other durable edging are encouraged to reduce damage from vehicle overhang.
4. **Snow storage areas.**
 - a. In all areas where snow removal is not provided, on-site snow storage areas shall be clearly indicated on all site plans and landscaping plans.
 - b. The use of vegetated areas for snow storage shall be limited strictly to areas designated, planned, and planted for this purpose.
 - c. Snow storage in stormwater management measures is strictly prohibited except where specifically approved by the City Engineer as part of an approved stormwater management plan.

5. Standards for Parking Lot Planting Zones.

- a. All parking lot planting zones shall be planted with a mix of living ground cover, shrubs, and mulch or other ground cover meeting the standards of this Section 22.07.06(C), sufficient to fully cover the ground surface and prevent the growth of weeds.
- b. No more than ten percent (10%) of the surface area of any parking lot landscape zone may be non-living material, and no more than twenty-five percent (25%) of the surface area of any parking lot landscape zone may be turf grass.
- c. A minimum soil depth of three feet (3') shall be provided in each planting zone where a tree is planted. The soil volume and surface area standards of Section 22.07.03(D) shall be met for all planting areas.

6. Additional materials, fencing, and masonry walls permitted.

- a. The use of landscape boulders, split-rail fencing, or other natural or simulated natural materials is permitted to add visual interest and enhance screening.
- b. Where fencing or masonry walls are incorporated into a parking lot planting zone, the maximum height of any fencing or walls shall not exceed three feet (3'), unless approved in conjunction with required screening under Section 22.07.07.
- c. Plantings shall be used to soften the visual effect of any continuous fencing installed.
- d. Fences or walls shall not be located in any portion of the planting area where vehicle overhang is reasonably foreseeable.

D. Minimum Area and Dimensions of Parking Lot Planting Zones.

1. Parking lot perimeter planting zones shall meet the minimum dimensional standards of Subsection (E) below.
2. Interior parking lot landscaping in the form of medians islands, or 'end caps,' shall be required for all off-street parking areas with twenty (20) or more contiguous parking spaces. Where interior parking lot landscaping is required, the total surface area of medians, islands, and planted end caps shall be a minimum of ten percent (10%) of the area of the impervious area of the off-street parking lot, including all parking stalls, driveways, and drive aisles.
3. In general, larger perimeter planting zones and medians are favored over smaller, dispersed islands and end caps. For off-street parking areas with twenty (20) or more contiguous parking spaces, up to twenty-five percent (25%) of the required interior parking lot landscaping may be added to perimeter zone landscaping areas.

E. Standards for Parking Lot Perimeter Planting Zones.

1. Parking area perimeter zones shall be provided wherever off-street parking lots abut a public right-of-way, excluding alleys.

2. Required width.

- a. In the GC, CC, LM, MM, and OM Districts: Parking area perimeter zones shall be a minimum of ten feet (10') wide, measured from the back of curb or edge of the off-street parking area to the curb or edge adjacent to the adjacent property line, sidewalk, or street.
- b. In the DC and MU Districts, parking area perimeter zones shall consist of a Type 1, Type 2, or Type 3 Screen as set forth in Section 22.07.07(D)(1) through (3).

3. Minimum plantings required.

- a. Unless designed in conjunction with an approved stormwater management plan, parking area perimeter zones shall include a minimum of one shrub or native forb/grass per three (3) linear feet of landscaped area length, and one ornamental or canopy tree per twenty-five (25) linear feet of landscaped area length.
 - b. Shrubs, forbs, and grasses shall be spaced horizontally per the approved landscaping plan but shall be arranged to provide, at maturity, a continuous planted area with effective visual buffering of the surface parking area.
- 4. Minimum height.** Plantings generally shall be designed to achieve an average minimum height of thirty inches (30") and no more than four feet (4').

F. Standards for Interior Parking Lot Planting Zones.

1. Interior parking lot planting zones shall consist of a mix of medians, islands, and 'end caps,' as illustrated in Figure 03.
2. **Placement.**
 - a. Landscape medians shall be located between every other bay of parking in any lot with more than two (2) parallel bays and more than forty (40) parking spaces. A parking bay shall be defined as one (1) or two (2) rows of parking spaces accessed from a single drive aisle.
 - b. Landscape islands or 'end caps' shall be provided at the end of each parking row and within rows or parking spaces so that there are no more than twenty (20) consecutive parking spaces without a landscape island.
 - c. 'End caps' without plantings, which shall not count towards landscaping required by this Section, may be utilized where appropriate for safe and efficient circulation.
3. **Required Dimensions.**
 - a. Landscape medians shall be a minimum of ten feet (10') wide. Where a sidewalk or pedestrian passage along or through the landscape median is included, the width shall be increased to ensure an aggregate planting area of a minimum of ten feet (10') in width.

- b. Landscape islands and planted 'end caps' shall be a minimum of ten feet (10') wide and eighteen feet (18') long.
- c. 'End caps' without planting may be any dimension appropriate to efficient and safe circulation.

4. Minimum plantings.

a. Trees.

- i. Except where the requirements for soil volume and depth in Table 22.07.01 cannot be met due to dimensional or site conditions, or where an individual landscape island, planted end cap, or median is designed as part of an approved stormwater management plan, one (1) ornamental or canopy tree shall be planted per one hundred eighty square feet (180 SF) square feet of contiguous surface area in each landscape island and landscape median.
- ii. A tree planted in a landscaped zone, other than a tree planted in a 'tree box' or proprietary tree planting system, shall have a minimum dimension of thirty (30) square feet.

b. Trees; waiver for adverse site conditions.

- i. Where in the opinion of the City Arborist site conditions beyond the applicant's control are likely to prevent successful tree establishment and growth, or where tree planting is precluded by an approved stormwater management plan, one or more required tree(s) may be planted in the perimeter parking lot landscape zone, provided all surface area and soil volume requirements of Section 22.07.03(E) are met.
- ii. Should the available perimeter parking lot landscape zone be insufficiently sized to meet the surface area and soil volume requirements of this Section 22.07, the Plan Commission may approve planting of the trees in another planting zone on site outside the parking lot perimeter where the surface area and soil volume requirements of Section 22.07.03(E) are met.
- iii. Should the applicant demonstrate that there are insufficient planting areas on the site to accommodate the number of required trees, upon approval of the Plan Commission, a fee-in-lieu may be paid to the City. Any such determination shall require demonstration by the applicant that:
 - a) On-site conditions are unlikely to promote healthy growth of the required trees
 - b) The landscaping plan provides for the required point value in Table 22.07.03 through the planting of other materials appropriate to the site
 - c) The landscaping plan is consistent with the overall principles set forth in Section 22.07.03(A).

- d) The fee-in-lieu is sufficient, in the opinion of the City Forester, to plant and maintain a comparable number of trees and planting material on public lands and in the public right-of-way as would otherwise be required under this Section.
- c. **Shrubs and forbs/grasses.** Except where planted in accordance with an approved stormwater management plan, each landscape island, planted end cap, and median shall include a minimum of one shrub or native forb/grass per three linear feet (3 LF) of planting zone length.

22.07.07. Buffering and Screening Zones

- A. **Purpose.** It is the purpose of this section to provide a variety of options for establishing effective and attractive buffering and screening zones between land uses, and between land uses and the public right-of-way, in order to maintain compatibility among and between adjacent land uses, provide privacy and sound attenuation, and promote a high-quality visual environment throughout the City of Waukesha.
- B. **Applicability.**
 - 1. Screening required pursuant to Section 22.04 may be incorporated into a required landscaping zone pursuant to Section 22.07.05 of this Section.
 - 2. **Credit towards required landscaping points; supplemental planting may be required.**
 - a. Plantings within a buffering and screening zone generally shall be credited towards the required landscaping points in Table 22.07.03.
 - b. Where, in the judgment of the Plan Commission, site conditions or the intensity of a proposed use require more planting or screening than would otherwise be required under this Section in order to prevent adverse impacts on the public right-of-way, environmental resources, or neighboring properties, the Plan Commission may require screening and buffer plantings be provided in addition to landscaping meeting the requirements of Table 22.07.03.
- C. **General Standards for Buffering and Screening Zones**
 - 1. Screens, walls, and berms located along front and corner side yards are limited to four feet (4') in height. Where other provisions of the Municipal Code require a lower height, the more restrictive standard shall apply.
 - 2. Buffering and screening zones may be crossed by driveways, roads, sidewalks, trails, and utility lines, including necessary risers and boxes, serving the development. The width of these crossings shall be minimized to the extent practicable.
 - 3. Buffers may include approved retaining walls, landscape planters, impervious surfaces incidental to runoff and erosion control measures, and sculptures or other art works.

4. The surface area and soil volume requirements of Section 22.07.01(D) shall apply to all planted and landscaped areas implemented in accordance with this Section.
5. Utility equipment and accessory buildings of up to one thousand (1,000) square feet shall be allowed within the screening buffer, provided:
 - a. All other applicable dimensional standards of this Section are met;
 - b. No exterior lighting on any such structure is visible from the adjacent property; and
 - c. Sufficient landscaping is placed near and around the structure to ensure the screening objectives of this Section are met
6. Where a vehicle turn-around, loading area or parking area will be located adjacent to the screening buffer, the screening buffer shall be expanded horizontally and supplemented with additional fencing and vegetation as needed to be opaque year-round.
7. Woodland areas required to be conserved under Section 22.07.04(D) may be counted towards a required screening buffer if the implementation of additional fencing or evergreen plantings is consistent with maintenance of the area as a protected buffer and screening zone.
8. Land within required woodland or surface water and wetland buffers shall not constitute a screening buffer for purposes of this section; however, provided required fencing and plantings are provided on land outside a surface water or wetland buffer, the portion of the surface water or wetland buffer adjacent to the planted area may be utilized to meet the horizontal setback requirements of this Subsection.

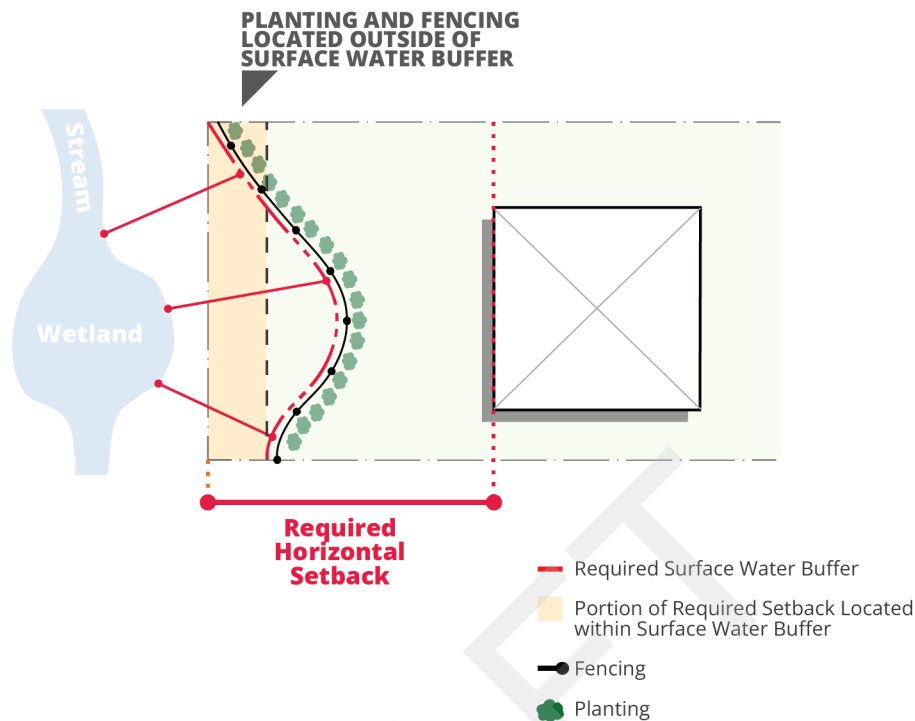


Figure 4 Screening with Woodland, Surface Water, or Wetland Buffers

9. Stormwater management measures may be located within a required screening buffer upon approval of a Stormwater Management Plan under Chapter 32 of this Code, so long as sufficient visual and sound protection is provided by the combination of fencing and plantings provided.
 10. Any outdoor lighting located within a screening buffer shall be fully shielded and downcast to prevent any light trespass onto streets or adjacent properties.
- D. **Buffering and Screening types.** The following types of screening may be implemented in conjunction with required site or parking lot landscaping, required screening, or required buffering. The Plan Commission may require use of one or more of the following screening types, and may modify the specific standards set forth below, in order to mitigate visual and light trespass, achieve an appropriate transition between land uses, and enhance the visual quality of the site and surroundings.

1. **Type 1 Screen (planting).** A Type 1 screen consists of a continuous, ten foot (10') wide landscaped area between the parking lot and the street with a combination of closely-spaced shrubs, forbs, and perennial plants, and a minimum of one (1) shade/canopy tree per twenty linear feet (20 LF) or two (2) evergreen or ornamental trees per twenty linear feet (20 LF).

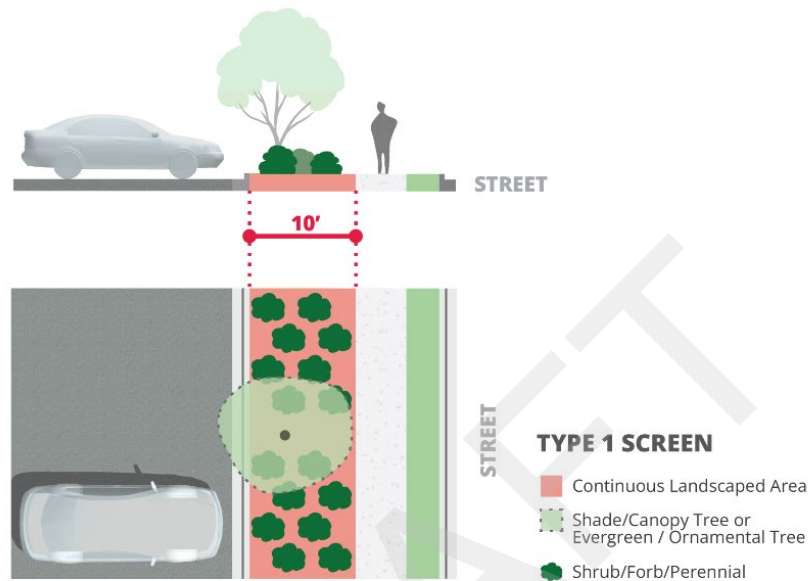


Figure 5 Type 1 Screen

2. **Type 2 Screen (planting and fence).** A Type 2 screen consists of a continuous, five foot (5') wide area between the parking lot and the street with a combination of closely-spaced shrubs, forbs, and perennial plants, an ornamental fence at least three feet (3') in height, and a minimum of one shade/canopy tree per twenty linear feet (20 LF) or two (2) evergreen or ornamental trees per twenty linear feet (20 LF).

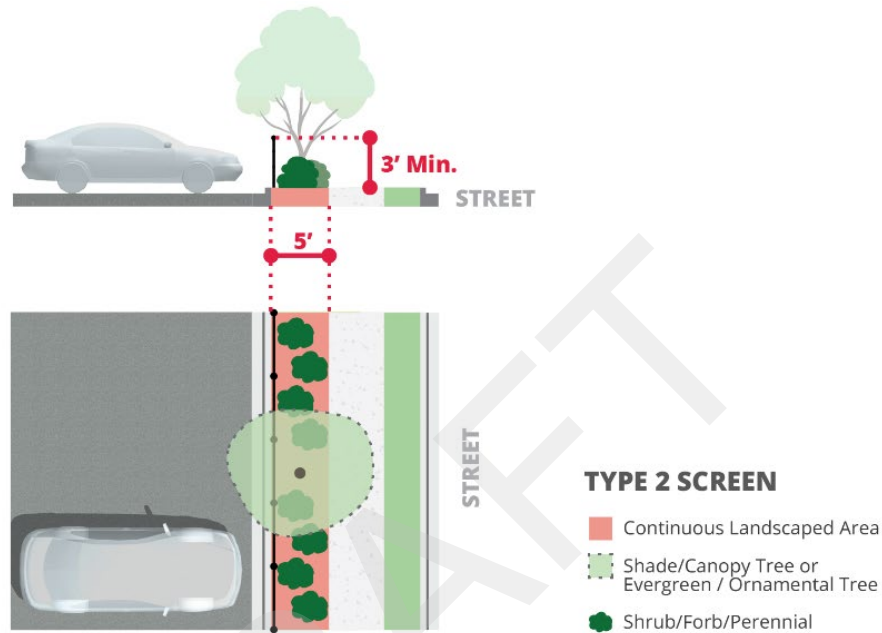


Figure 6 Type 2 Screen

3. **Type 3 Screen (wall).** A Type 3 screen consists of a three foot (3') high decorative masonry wall between the parking lot and the street, contiguous to one (1) planting area per forty linear feet (40 LF) with at least one hundred eight square feet (180 SF) in surface area planted with a minimum of one (1) shade/canopy tree. The planting area shall be counted towards the perimeter parking lot requirement but shall not be counted towards interior parking lot planting requirements.

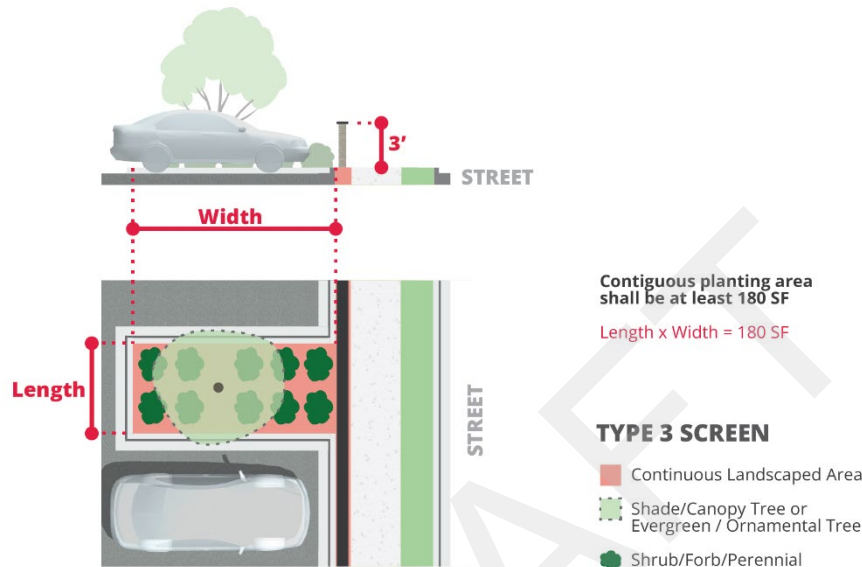


Figure 7 Type 3 Screen

4. **Type 4 Screen (tall hedge).** A Type 4 screen consists of a continuous, ten foot (10') wide landscaped area between adjacent land uses (excluding off-street parking areas) or between a right-of-way and an adjacent land use, with dense vegetation that will form a vegetated hedge of at least five feet (5') in width and seven feet (7') in height at maturity. A Type 4 screen may include fencing.

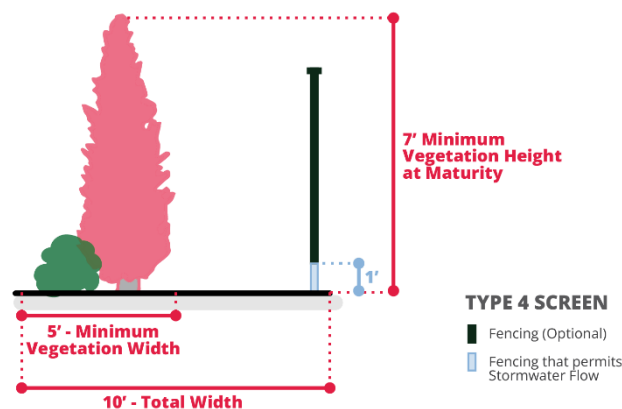


Figure 8 Type 4 Screen

5. **Type 5 Screen (naturalized/informal planting).** A Type 5 screen consists of a minimum of ten feet (10') in width and shall consist of split-rail or other naturalized fencing with shade/canopy or evergreen trees, a partial understory of ornamental or smaller canopy trees, and plantings with a mixture of groundcover, shrubs, grasses, and forbs. Conventional turfgrass shall not be utilized. The minimum planting per one hundred linear feet (100 LF) shall include one (1) canopy/shade tree, two (2) ornamental or evergreen trees, and a combination of shrubs, forbs, and grasses that occupies at least fifty percent (50%) of the area at the time of planting. Vegetated green infrastructure measures covering up to thirty percent (30%) of the total surface area may be incorporated in lieu of shrubs, forbs, or grasses, where planted in accordance with an approved stormwater management plan.

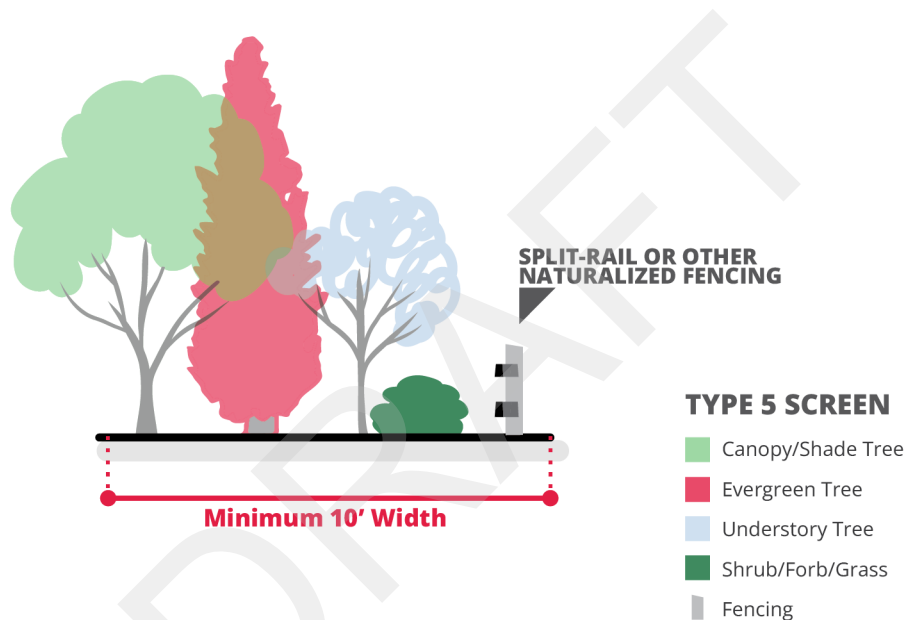


Figure 9 Type 5 Screen

E. Berms.

1. An earthen berm may be required to increase the effectiveness of a Type 4 or 5 screen.
2. The landscaping plan shall show the contours of the proposed berm and shall include one or more cross-sections detailing its construction.
3. Berms shall not exceed six (6) feet in height at any point, and shall be designed to be undulating rather than monolithic. Changes in slope generally shall be required every four linear feet (4 LF) at minimum
4. The required buffer width may be reduced by up to twenty-five percent (25%) for each one foot (1') of average height of the berm, measured along its horizontal distance at the ground surface.
5. No berm shall have a slope at any point greater than three to one (3:1).

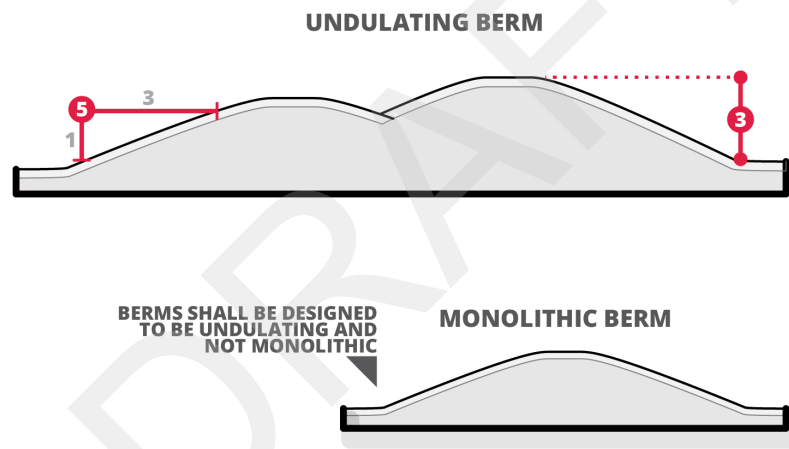


Figure 10 Berm Design

22.07.08. Surface Water and Wetland Buffers

A. Buffers Required.

- Surface water and wetland buffers, as defined in this Section, shall be established or maintained as demarcated, vegetated, and minimally disturbed land areas on all surface waters and all Wisconsin jurisdictional and Shoreland Wetlands as defined herein.

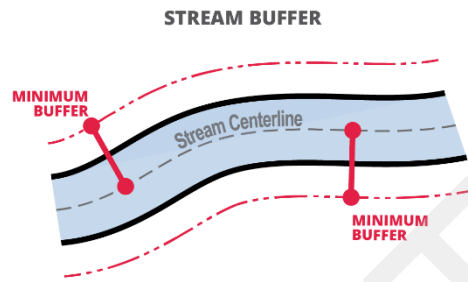


Figure 11 Stream Buffer

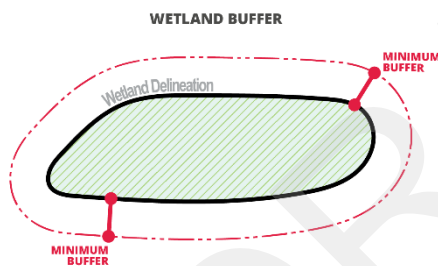


Figure 12 Wetland Buffer

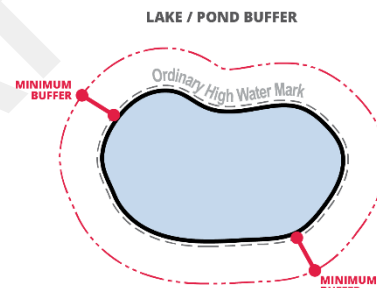


Figure 13 Lake/ Pond Buffer

- Surface water and wetland buffers shall be established or maintained within the area extending horizontally from the ordinary high water mark of lakes and ponds, from the centerline of streams, or from the boundary of wetlands at the following minimum widths:

Table 22.07.04 Required Surface Water and Wetland Buffer Widths	
Zoning District	Minimum Buffer Width
Residential Districts	Fifty feet (50')
Non-Residential Districts	Thirty feet (30')

3. For sites on which development has been authorized prior to the Effective Date of this Chapter, where the Plan Commission determines that full compliance with the standards in Table 22.07.04 is not feasible or recommended, the following minimum widths of surface water and wetland buffers shall be maintained:

Table 22.07.05 Required Surface Water and Wetland Buffer Width, Sites with Pre-Existing Development	
Area of Parcel at Time of Application	Minimum Buffer Width
Less than one (1) acre	Six feet (6')
One (1) to less than two (2) acres	Fifteen feet (15')
Two (2) to less than three (3) acres	Twenty feet (20')
Three (3) acres or more	Thirty feet (30')

4. Land Combination. In an application for land combination or certified survey map, the proposed total area of all parcels to be combined shall determine the required applicability of the standards in Table 22.07.05.
- B. **Exemptions.** Surface water and wetland buffer requirements shall not be applied to the area of land adjacent to any stream segment that is fully and permanently enclosed within a drainage structure, such as a pipe or culvert, as of the Effective Date of this Ordinance.
- C. **Surface Water, and Wetland Buffer Standards.** Within a woodland, wetland or stream buffer:
1. Unless authorized through a Variance, no new or expanded impervious surface or building area shall be established or expanded within a required Wetland or Stream Buffer of a Wisconsin jurisdictional wetland, Shoreland Wetland, or surface water.
 2. The expansion of pre-existing structures within Wetland and Stream Buffers shall be permitted only in accordance with the approval standards for non-conforming structures.
 3. No part of any newly created residential lot shall be established within a Surface Water and Wetland Buffer after the effective date of this Section.
 4. Demarcation required.
 - a. Any approvals issued for land disturbance or land development on a site containing a Surface Water or Wetland Buffer, other than for modification of a single-family or two-family dwelling on a non-divisible lot existing as of the effective date of this Ordinance, shall include provisions to demarcate, with sturdy plantings, fencing (which shall not include chain-link or barbed wire fencing), landscape boulders, or a combination thereof, a boundary line along the edge of the Surface Water and Wetland Buffer on the site.
 - b. Demarcation materials shall be installed along the perimeter of the outside of the buffer to clearly identify the buffer area deter mowing and vehicular access. The design and installation of the materials shall accommodate stormwater flows and passage of wildlife (excluding deer).

- c. The Plan Commission may waive the requirement for demarcation if the applicant demonstrates there is sufficient existing woodland, landscaping, fencing, or other barrier along the surface water or wetland sufficient to deter mowing and vehicular access.

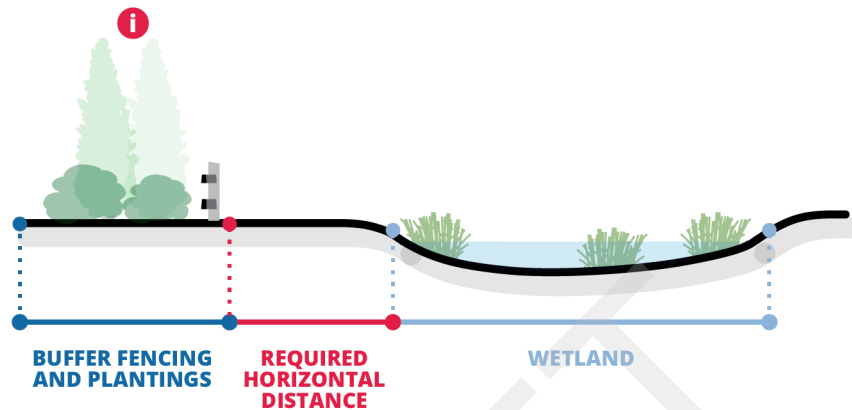


Figure 14 Required Landscaping and Fencing for Buffers

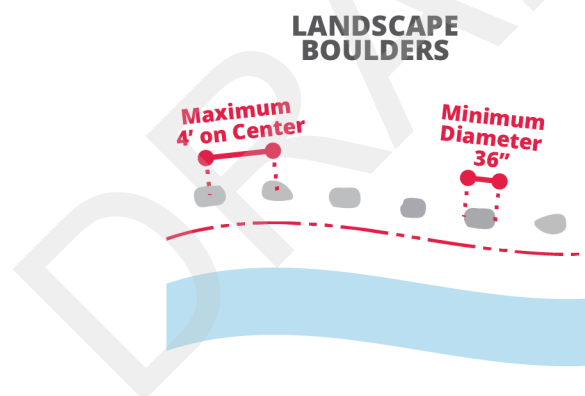


Figure 15 Landscape Boundaries Example

5. All lands within a Surface Water or Wetland Buffer shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping shall be permitted but may not include turf, sod, or other lawn grass; nor any invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.
6. The clearing of trees that are not dead, diseased, or invasive, and the clearing of any other vegetation other than invasive species on the Wisconsin Chapter 40 NR Invasive Species List, is permitted only upon issuance of a Site Plan and Architectural Review by the City.
7. Except where explicitly permitted to enable a utility, path or trail, or roadway crossing or other structure necessary to an essential service, in no case shall the buffer of a Wisconsin

jurisdictional wetland or Shoreland Wetland to be retained on any site be reduced below twenty feet (20') in average width or five feet (5') in width at any single point.

22.07.09. Application Requirements; Installation and Maintenance

A. Application.

1. **Preparation.** Landscape Plans, when prepared, shall be prepared by a landscape professional.
2. **Contents.** Each Landscape Plan shall contain the following:
 - a. **Preparer's name, license or registration number, and date of preparation.**
 - b. Identification of all waivers or variances requested from the provisions of this Section.
 - c. A base site plan that matches the site plan submitted for approval, showing planned planting locations and existing plantings to be preserved. Where existing parking lot planting areas are to be renovated or expanded in accordance with Section 22.01(B)(5), the location, dimensions, and planned planting plan for any such areas shall be indicated.
 - d. Location, species, and size in DBH of all high value and specimen trees, noting clearly any to be removed and the critical root zone of any trees planned to remain.
 - e. Locations, species, and sizes of all proposed plantings, including vegetated areas to remain undisturbed, and the location, species, size in DBH, and critical root zone of all trees to be credited towards the required plantings in Table 22.07.03 (landscape points).
 - f. Locations and dimensions of all parking lot perimeter, median, and island planting areas, and cross sections of each area, demonstrating compliance with the soil volume and soil depth requirements of Table 22.07.01 (soil volume and planting area dimensions).
 - g. Locations, types, and dimensions of all screens and screening buffers, including locations, dimensions, and types of plantings, fencing, and berms.
 - h. The location of surface water or wetland buffers, forest or woodland areas, wetlands, streams.
 - i. A planting schedule of common names, botanical names, and planting sizes and quantities of all planting materials and ground cover.
 - j. A table demonstrating compliance with the requirements of Table 22.07.03 (landscape points).
 - k. The estimated total value of landscaping materials, including planting soil.
 - l. The direction and flow of site drainage and the location, type, and dimension of any stormwater management measures with landscaped areas.

3. **Implementation Schedule.** A schedule shall be provided for the implementation of all required landscaping, screening, and vegetated stormwater management measures. Any seasonally dependent phasing shall be noted in order to inform conditions of any permits issued.
4. **Approval.** Landscape Plans must be approved by the Plan Commission or Community Development Director or designee, as applicable; and, where integrated with a Stormwater Management Plan, by the City Engineer.

B. Financial Guarantee.

1. **Letter of Credit or Financial Surety Required.** Before issuance of a Zoning Permit, the applicant shall furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to guarantee all landscaping and plantings as required under this Section, for a period of two (2) years.
2. **Surety to Include Cost of Groundcover.** The cost of vegetative ground cover shall be reflected in the financial surety held in accordance with this Section.
3. **Return of Financial Surety.** When it is determined by the Community Development Director or designee that all plant materials are sufficiently established for healthy growth to continue, the City shall return the surety to the applicant.
4. A Certification of Site Installation on a form provided by the City shall be submitted to the City and recorded prior to the release of the financial guarantee.

C. Installation and Maintenance.

1. Landscaping and irrigation shall be installed in accordance with the approved landscape plan prior to issuance of a Certificate of Occupancy or commencement of operations. The City will have the right to refuse approval of any project not meeting the provisions of this Section.
2. All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition.
3. Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season.
4. Replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for replacement.
5. All plantings required under this Section, including landscaping installed pursuant to an approved landscape plan, shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings succumb due to disease or environmental

conditions, plantings shall be replaced with more suitable or appropriate species of the same type (e.g. tree, shrub, groundcover).

D. Planting Delay for Seasonality.

1. The Community Development Director or designee may approve, on a case-by-case basis, an exception to the requirement for installation of landscaping prior to approval of a Certificate of Occupancy where weather and seasonal conditions would prevent successful planting. Exceptions shall be approved only in accordance with the procedures and requirements below.
2. The applicant or their designee shall provide a written request to the City for an exception prior to or concurrent with the submission of a certificate of occupancy application. The written request shall include an estimate for the anticipated installation (commencement and completion), and contact information.
3. Any such written request shall include:
 - a. A quote from the landscape architect or landscaping professional for all landscape elements included in the approved landscape plan, including installation costs. Where landscaping has been partially completed, the quote shall include only the remaining elements and installation costs.
 - b. A copy of the approved landscape plan upon which the quote is based. Where landscaping has been partially completed, the remaining elements must be clearly identified on the plans.

Section 22.09. Sign Standards

- 22.09.01. General Provisions
- 22.09.02. Allowed Sign Types By District
- 22.09.03. Prohibited Signs and Content
- 22.09.04. General Sign Standards
- 22.09.05. Permanent Building Sign Standards
- 22.09.06. Permanent Ground Sign Standards
- 22.09.07. Temporary Attached Sign Standards
- 22.09.08. Safety, Removal, and Maintenance

22.09.01. General Provisions

- A. **Purpose.** The purpose of this Section is to preserve and protect the public health, safety, and welfare by regulating signs of all types. It is intended to:
1. Enhance the physical appearance of the City,
 2. Create an attractive economic and business climate,
 3. Reduce sign distractions which may increase traffic accidents,
 4. Eliminate hazards caused by unsafe signs,
 5. Relieve pedestrian and traffic congestion,
 6. Maintain and enhance the historic character of the DC district and provide continuous pedestrian connections between businesses, and
 7. Avoid the "canceling out" effect of adjacent signs.

- B. **Applicability.** The standards established in this Section shall apply as detailed below:
1. **New Development and Major Redevelopment.** All standards in this Section shall apply to all signs on a site in the case of new development or major redevelopment.
 2. **New or Altered Sign.** All standards in this Section shall apply to signs that are newly installed or altered, regardless of redevelopment type.
 3. **Change of Use.** For a change of use, only the following Subsections shall apply:
 - a. **Prohibited Signs and Content** (Subsection 22.09.03),
 - b. **Illumination** (Subsection 22.09.04(C)),
 - c. **Temporary Signs** (Subsections 22.09.07 and 22.09.08), and
 - d. **Safety, Removal, and Maintenance.** (Subsection 22.09.09).
 4. **Exempt Signs.**
 - a. Public Signs,
 - b. Address Signs,
 - c. Traffic Signs, and
 - d. Signs within the confines of athletic facilities, civic halls, or parks with sporting events.
- C. **Exceptions.** The Plan Commission may authorize a modification, waiver, or reduction of the requirements of this Section should it find that the nature of a proposed use, development, or redevelopment, or the shape or size of a property makes strict compliance impractical, unjust, unfair, or unreasonable. Such exceptions shall be to the least extent necessary to address their cause. Approval of exceptions shall be consistent with all applicable Review Criteria in Subsection 22.11.04 (Plan Commission SPAR).

22.09.02. Allowed Sign Types By District

- A. **Interpretation.** The following key is to be used in the interpretation of Table 22.09.02.
1. **Sign Types Requiring a Permit.** Sign types marked as “●” in the table shall be allowed subject to all applicable regulations of this Chapter and only after the issuance of a Sign as detailed in Subsection 22.11.04(B).
 2. **Sign Types Not Requiring a Permit.** Sign types marked as “○” in the tables shall be allowed subject to all applicable regulations of this Chapter and do not require a Sign Permit.
 3. **Prohibited Sign Types.** A blank space in the table indicates that a sign type is prohibited in the respective district.

Table 22.09.02 Allowed Sign Types by District

Sign Type	RN-1, RN-2	RN-3, RN-4	MU, DC	GC	CC	LM, GM	MM, OM	I	P	A
Permanent Building Signs										
Awning Sign [1]	•	•	•	•	•	•	•	•	•	•
Blade Sign		•	•	•	•	•	•	•	•	•
Bracket Mounted Sign		•	•	•	•	•	•	•	•	•
Canopy Sign		•	•	•	•	•	•	•	•	•
Wall Sign [1]	•	•	•	•	•	•	•	•	•	•
Window Sign, Permanent [1]	•	•	•	•	•	•	•	•		•
Marquee Sign			•							
Roof Sign				•	•	•	•			
Permanent Ground Signs										
Drive-Through Sign [2]			•	•	•					
Billboard Sign					•	•	•			
Monument Sign [1]		•	•	•	•	•	•	•	•	•
Electronic Display Sign				•	•	•	•	•	•	
Neighborhood Entry Sign [3]	•	•		•	•					
On-Site Circulation Safety Sign [1]	○	○	○	○	○	○	○	○	○	○
Post Sign, Permanent [1]	•	•	•	•	•					
Pylon Sign					•	•	•			
Temporary Attached Signs										
Athletic Field Fence Sign [4]	○	○	○	•	○	○	○	○	○	○
Light Pole Banner Sign								○		
Wall-Mounted Banner Sign [1]	•	•	•	•	•	•	•	•	•	
Window Sign, Temporary [1]	○	○	○	○	○	○	○	○	○	
Temporary Freestanding Signs										
A-Frame/Sandwich Board Sign			○	○	○	○	○	○	○	○
Feather Sign				○	○	○	○			
Ground-Mounted Banner Sign [1]	○	○	•	•	•	•	•	•	•	
Post and Panel Sign [1]	○	○	○	○	○	○	○	○	○	○

Table 22.09.02 Allowed Sign Types by District

Sign Type	RN-1, RN-2	RN-3, RN-4	MU, DC	GC	CC	LM, GM	MM, OM	I	P	A
Post Sign, Temporary	○	○	○	○	○	○	○	○	○	
Yard Sign [5]	○	○	○							

Notes

[1] Sign shall be allowed for community living arrangement, foster family home, dwelling, multi-unit with four or more units, and nonresidential uses only.

[2] Drive-through signs are permitted in MU and DC districts only for uses where a drive-through is allowed.

[3] Sign shall be allowed at the entrance of neighborhoods or subdivisions only.

[4] Sign shall be allowed for public and institutional uses only.

[5] Sign shall be allowed for dwelling, single-family detached; dwelling, rowhome; dwelling, triplex/quadplex; and dwelling, duplex uses only.

22.09.03. Prohibited Signs and Content

A. **Prohibited Signs.** All signs not specifically allowed by this Section are prohibited.

The following types of signs are expressly prohibited:

1. Balloon signs,
2. Off-premises signs, except for billboards,
3. Signs which have flashing, moving, or oscillating lights,
4. Signs containing moving or animated parts, or have the appearance of having any moving or animated parts,
5. Signs erected so as to impair access to a roof,
6. Signs located, erected, or maintained upon, over, or project into any public right-of-way or easement unless otherwise allowed by this Section,
7. Signs in conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which reasonably impede or impair public health, safety and welfare, and
8. Signs on vehicles, boats, or trailers parked for a period of more than 72 consecutive hours so as to be visible from a public right-of-way.

B. Prohibited Content.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
 - a. Text or graphics displaying or describing actual or stimulated Specified Sexual Activities or Specified Anatomical Areas as defined in Section 8.195 of this Municipal Code,
 - b. Text or graphics that advertise or incite unlawful activity, or
 - c. Signs or graphics similar to traffic signs, in such a location where they could be confused with official traffic signs.
2. The narrow classifications of content that are prohibited by this Subsection are either not protected by the United States or Wisconsin Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Common Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Wisconsin Constitutions.

22.09.04. General Sign Standards

A. Sign Measurement.

1. **Sign Height.**
 - a. Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when:
 - i. The sign supports rest upon a berm or other area elevated above the surrounding ground; or
 - ii. The sign supports rest upon a ditch or other area lower than the surrounding ground.
 - b. In the cases detailed in Subsections (A)(1)(a)(i) and (A)(1)(a)(ii), sign height shall be measured from the average elevation of the centerline of the street to which the property is addressed.

2. Sign Area.

- a. Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border, but excluding structural elements.
- b. Maximum sign area for all signs, including detached or ground signs, is measured to include sign copy only.
- c. The area of a sign composed of channel letters is determined by the total area of the smallest geometric shape enclosing the copy.
- d. A maximum of two geometric shapes may be utilized in sign area calculation. Where a sign has two faces that are back-to-back or separated by an angle of 45 degrees or less, only one face shall be included in the sign area calculation.

B. Location and Encroachment. All signs regulated by this Section shall be located:

1. Outside of any easements, except for sign easements.
2. Outside the public right-of-way, except where encroachments are specifically permitted by the provisions of this Section. In the DC and MU districts, A-frame signs may be permitted within the public right-of-way without an encroachment agreement, subject to the standards of Section 22.06. For all other sign types, an encroachment agreement with the City or the Wisconsin Department of Transportation (WisDOT) shall be required.
3. Outside required vision triangles.
4. So as to not obstruct building or site ingress, egress, or public safety features, such as fire hydrants and standpipes.
5. In a sign easement if the sign serves a common development site and is located on a property not owned by the homeowners/property owners association. The easement shall allow use and access for maintenance of the sign.

C. Illumination.**1. Location and Design of Light Source.**

- a. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way, residentially developed parcel, or residentially zoned parcel.
- b. No receptacle or device housing a permitted light source for a sign shall protrude more than 24 inches from the face of the sign or building to which it is attached except if such

light source is ground-mounted, locked in place, and cannot be redirected.

2. Installation and Level of Illumination.

- a. Illumination of signs shall meet all applicable outdoor lighting standards (Subsection 22.04.05).
- b. All artificial illumination shall be designed, located, shielded, and directed as to prevent the casting of glare or direct light upon public right-of-way or residential property.
- c. All artificial illumination shall be certified by the manufacturer as compliant with the standards of a. and b. above.

3. Prohibited Lighting.

- a. Flashing, blinking, or strobing illumination shall not be permitted on any sign or structure.

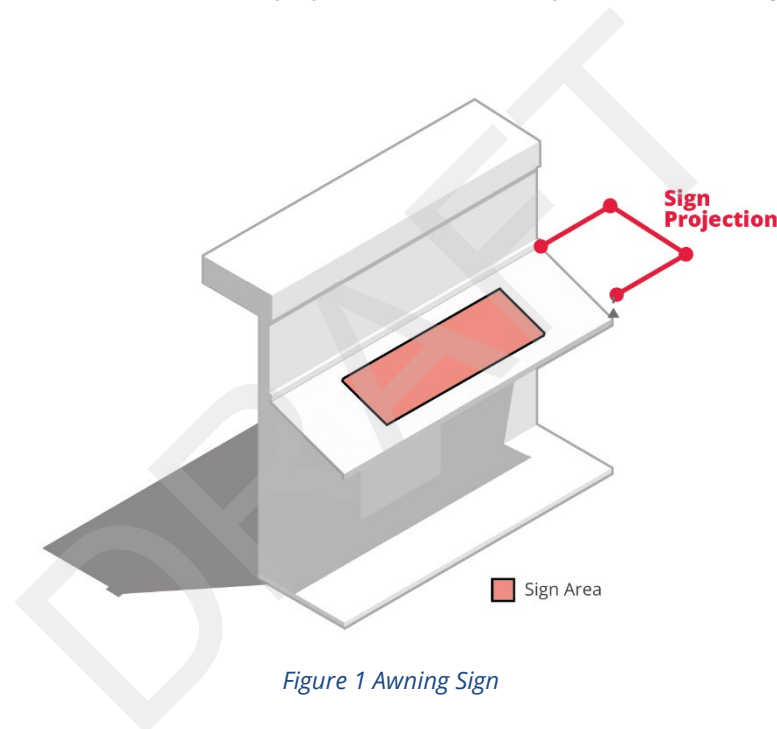
D. Installation and Structural.

1. All attached and building signs and their support frames shall be mounted and attached:
 - a. In a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.
 - b. So as to not cover any architectural features, including but not be limited to, a pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel of the building to which it is affixed.
2. The installation of backer panels with returns is permitted on permanent sign types only.
3. All permanent signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the Building Code.
4. The Director or their designee reserves the right to require sign load calculations and attachment design from a licensed structural engineer, and to require the same engineer to certify the sign installation in writing.

22.09.05. Permanent Building Sign Standards

A. Awning Sign.

1. **Maximum Area.** 50 percent of the awning to which the sign is affixed.
2. **Maximum Number of Signs.** One sign per awning structure.
3. **Illumination.** Prohibited.
4. **Location.** Awnings shall be located on the ground floor only.
5. **Other Provisions.** Shall not be displayed on the same façade as a blade sign or wall sign.



B. Blade Sign.

1. **Maximum Area.**
 - a. **Building Mounted Blade Sign.** 25 square feet.
 - b. **Canopy Mounted Blade Sign.** Four square feet.
2. **Maximum Projection.** Four feet from the building or canopy to which it is attached.
3. **Minimum Vertical Clearance.** 10 feet above the established grade immediately below.
4. **Maximum Number of Signs.** One per single-tenant building or common entrance building

and one per tenant in a multi-tenant building.

5. **Illumination.** Internal illumination is allowed in accordance with Subsection 22.09.04(C).
6. **Location.**
 - a. **Building Mounted Blade Sign.** Shall not extend above the roofline of the building to which it is affixed.
 - b. **Canopy Mounted Blade Sign.** Canopies shall be located on the ground floor only.
7. **Encroachment.**
 - a. Encroachment over a public right-of-way is allowed with the approval of the City Engineer.
 - b. Encroachments shall be located so as not to impede the flow of traffic or create a safety hazard.
8. **Other Provisions.** Shall not be displayed on the same façade as an awning sign or wall sign.

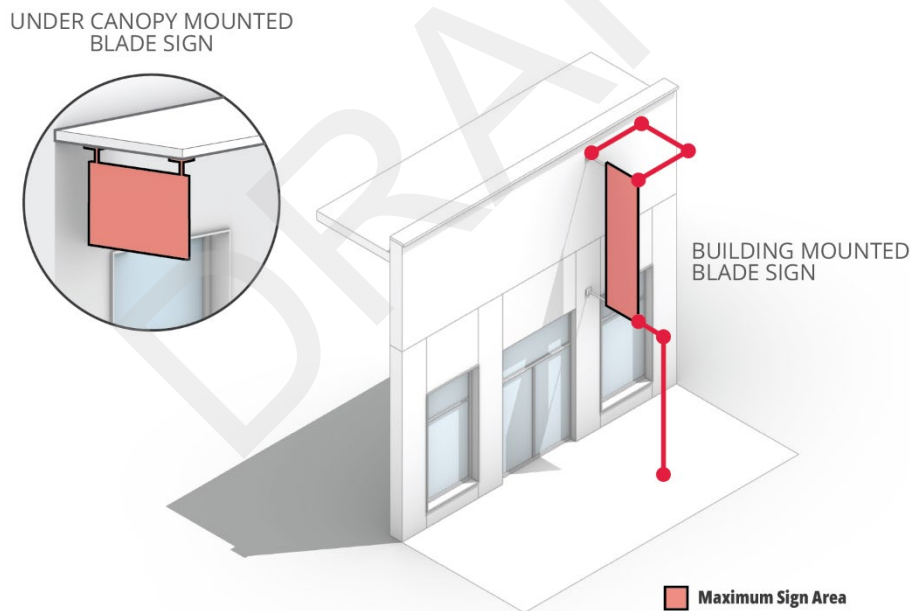


Figure 2 Blade Sign

C. **Bracket-Mounted Sign.**

1. **Maximum Area.** Six square feet.
2. **Maximum Projection.** Four feet from the building or canopy to which it is attached.
3. **Minimum Vertical Clearance.** 10 feet above the established grade immediately below.
4. **Maximum Number of Signs.** One per single-tenant building or per building with a common entrance, and one per commercial tenant in a multi-tenant building.
5. **Illumination.** Internal illumination is allowed in accordance with Subsection 22.09.04(C).
6. **Location.**
 - a. **Building Mounted Bracket Sign.** Shall not extend above the ground floor of the building to which it is affixed.
 - b. **Canopy Mounted Bracket Sign.** Canopies shall be located on the ground floor only.
7. **Setback from Building Edge.** Bracket-mounted signs shall be mounted perpendicular to the wall to which they are attached.

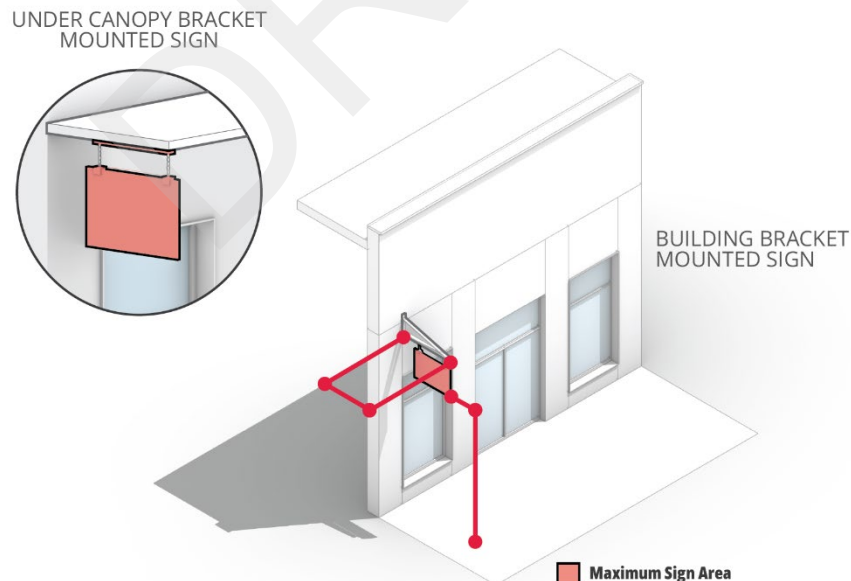


Figure 3 Bracket-Mounted Sign

D. Canopy Sign.

1. **Maximum Area.** One square foot per linear foot of the length of the portion of the canopy to which the sign shall be affixed.
2. **Maximum Height of Sign Copy.** Two feet.
3. **Maximum Number of Signs.** One per canopy structure.
4. **Sign Copy.** Channel letters individually affixed to the canopy structure only.
5. **Illumination.** Internal or external illumination is allowed in accordance with Subsection 22.09.04(C).
6. **Location.**
 - a. **Building Canopies.** Mounted on top of or to the front of a canopy structure located on the ground floor only.
 - b. **Detached Canopies.** Mounted on the front vertical face of the canopy structure and shall not extend above or below the canopy.

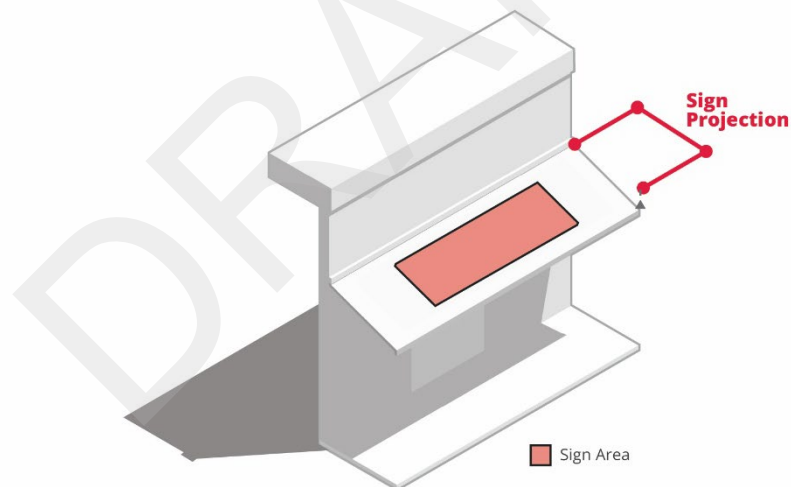


Figure 4 Canopy Sign, Permanent

E. Wall Sign.

1. **Maximum Area.** 10 percent of the area of the face of the building to which the sign is affixed.
2. **Maximum Projection.**
 - a. 12 inches from the building to which it is affixed.
 - b. Not extending beyond the perimeters of the wall to which it is affixed.
3. **Maximum Number of Signs.**
 - a. One per single-tenant building or common entrance building façade facing a public right-of-way or parking lot.
 - b. One per multi-tenant building tenant entrance.
4. **Sign Copy.**
 - a. Sign copy may be channel letters on a raceway or individually affixed to the building, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate.
5. **Illumination.** Internal or external illumination is allowed in accordance with Subsection 22.09.04(C).
6. **Location.**
 - a. For buildings without a parapet wall, no part of a wall sign including its mounting equipment or backing plate shall extend above the roof deck.
 - b. For a building with a parapet wall, the sign may extend two feet above the roof deck, provided no portion of the sign or backing plate extends above the parapet.
 - c. For a building with a pitched roof, the sign shall not extend above the lower eave line of the building.
 - d. Shall not be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the building.

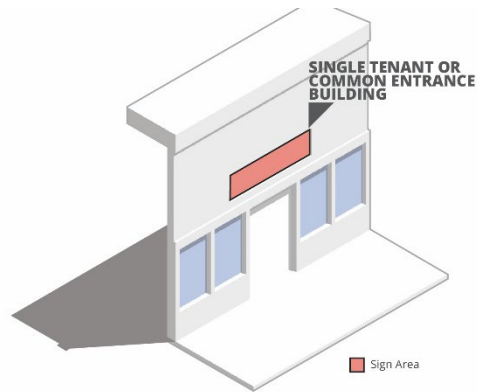


Figure 5 Single-Tenant Wall Sign

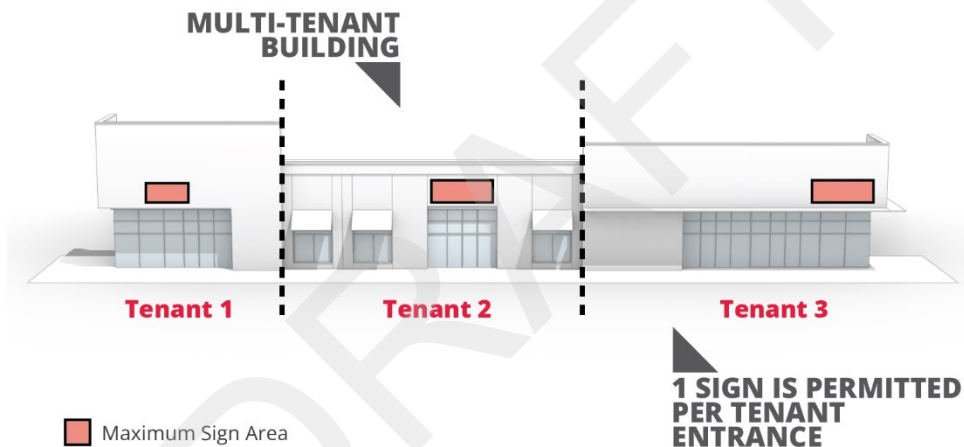


Figure 6 Multi-Tenant Wall Sign

F. **Window Sign, Permanent.**

1. **Maximum Area.** 25 percent of the area of the individual windowpane to which the sign is affixed.
2. **Sign Copy.** Applied vinyl, painted, or etched finish.
3. **Illumination.** Prohibited, except that one neon sign may be permitted per window.
4. **Location.**
 - a. Glazing located on the ground floor only.

- b. Signs inside the window but not attached to the glass are prohibited unless set back at minimum four feet from the glazing.

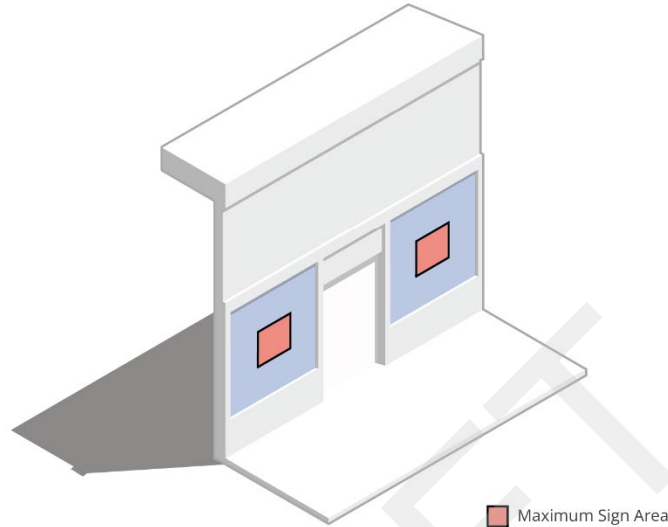


Figure 7 Window Sign, Permanent

G. Marquee Sign.

1. **Maximum Area per Sign.** 200 square feet.
2. **Maximum Projection.** Nine feet from the building façade.
3. **Minimum Ground Clearance.** Eight feet.
4. **Maximum Number of Signs.** One per property.
5. **Illumination.** Permitted on theater marquees in accordance with Subsection 22.09.04(C).

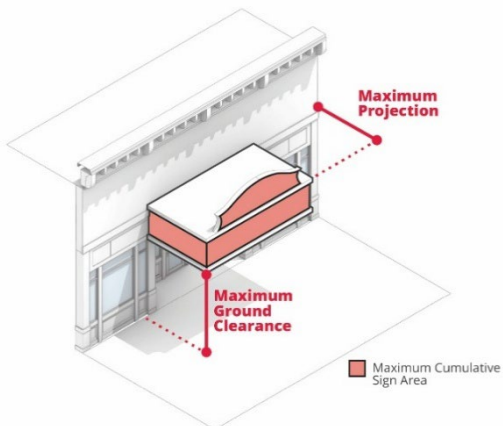


Figure 8 Marquee Sign

H. Roof Sign.

1. **Location.** Permitted only on the roof of a one-story building.
2. **Design Standards.** Shall consist of individually mounted letters not exceeding 30 inches in height and mounted at the eaves without extending below the eaves.



Figure 9 Roof Sign

22.09.06. Permanent Ground Sign Standards

A. Drive-Through Sign.

1. **Maximum Area per Sign.** 40 square feet.
2. **Maximum Height.** Six feet.
3. **Maximum Number.** Two per drive-through lane.
4. **Illumination.** Internal illumination is allowed in accordance with Subsection 22.09.04(C), during business hours only.
5. **Location.** Within five feet of the drive-through lane(s) and meeting all other location standards established in Subsection 22.09.04(B).

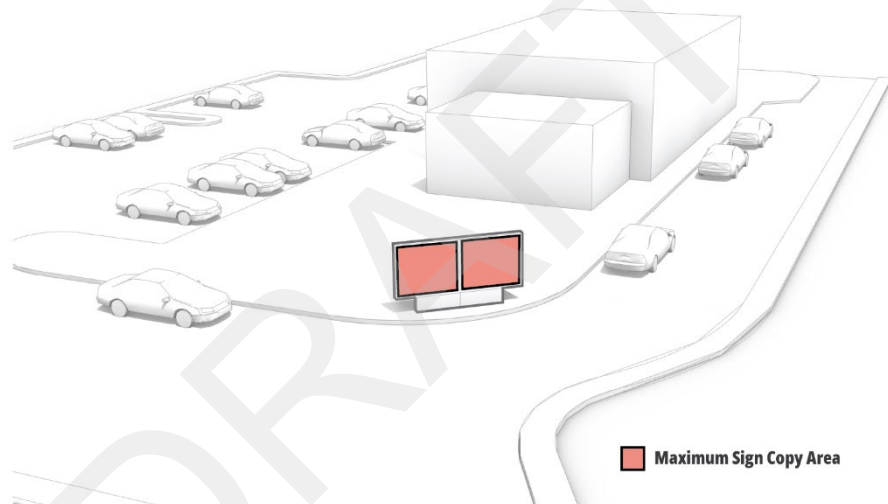


Figure 10 Drive-Through Sign

B. Billboard Sign.

1. **Interstate Highway 94 Exception.** Billboard signs located on properties adjacent to Interstate Highway 94 are regulated by the Wisconsin Department of Transportation (WisDOT) and are not subject to any provisions of this Section. All other billboards located within the City are subject to the standards of this Subsection.
2. **Maximum Area per Sign.** Billboard signs shall be exempt from the maximum sign area limitations applicable to the premises on which the sign is located.
3. **Maximum Height.** 24 feet.
4. **Maximum Number.** At no time shall the total number of billboard signs located within the City exceed 10.
5. **Street and Intersection Restrictions.**
 - a. Billboard signs shall not be located on a street with a posted speed limit of less than 45 miles per hour.
 - b. Electronically illuminated billboard signs shall not be located within 500 feet of an intersection.
 - c. All other billboard signs shall not be located within 400 feet of an intersection.
6. **Minimum Spacing.** No billboard sign shall be located within 800 feet of another billboard sign on the same side of the same street.
7. **Minimum Setback.** Billboard signs shall not be located within 25 feet of a property line.
8. **Electrical Permits.** Where billboard signs are illuminated, a separate electrical permit shall be required in accordance with the Electrical Code.
9. **Electronic Display Standards.**
 - a. Electronically illuminated billboard signs shall not use flashing, moving images or letters, or alternating images.
 - b. Messages or images shall not change more frequently than once every eight seconds, and any change shall occur in one-half second or less.
 - c. The electronic display portion of a billboard sign shall not exceed:
 - i. 500 nits in design luminance at night; or
 - ii. 3000 nits in design luminance during daylight hours;
 - iii. In no case shall illumination from a billboard sign exceed the standards of Subsection 22.09.04(C)

- d. Residential Proximity Restrictions.
 - i. Electronically illuminated billboard signs shall not be located within 500 feet of the boundary of any residential lot.
 - ii. Billboard signs shall not be located within 400 feet of the boundary of any residential lot.

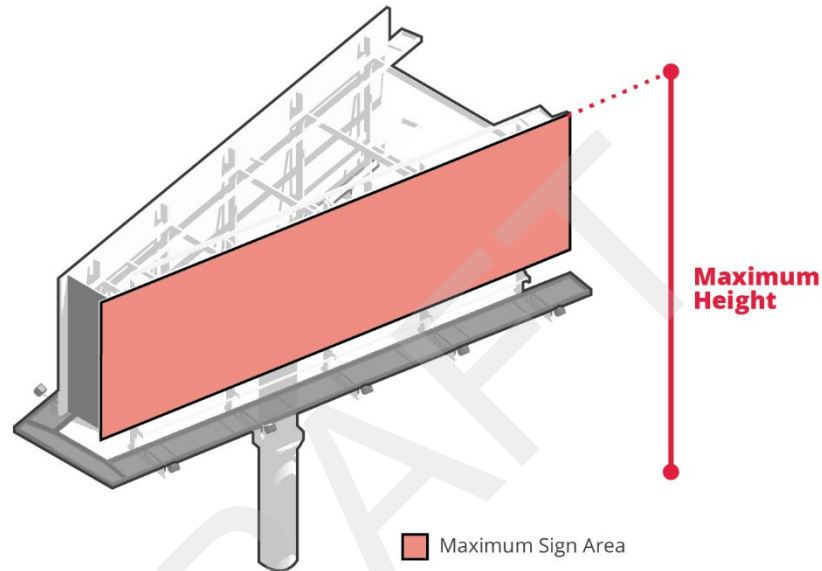


Figure 11 Billboard Sign

C. Monument Sign.

1. Maximum Area.

- i. **Districts RN-3, and RN-4.** 50 square feet.
- ii. **Districts GC, MM, LM, GM.** 100 square feet.
- iii. **Districts CC and OM.** 150 square feet.

2. Maximum Height.

- a. **Districts RN-3, and RN-4.**
 - i. **All Buildings.** Eight feet, including the minimum two-foot sign base.

- b. **Districts GC, LM, GM, I, P, and A.**
 - i. **Single-Tenant and Common Entrance Buildings.** Eight feet, including the minimum two-foot sign base.
 - ii. **Multi-Tenant Buildings.** 14 feet, including the minimum four-foot sign base.
 - c. **Districts CC, MM, and OM.**
 - i. **Single-Tenant and Common Entrance Buildings.** Eight feet, including the minimum two-foot sign base.
 - ii. **Multi-Tenant Buildings.** 20 feet, including the minimum four-foot sign base.
 - d. **District DC and MU.** Six feet, including the minimum two-foot sign base.
3. **Location.** Monument signs shall be set back a minimum of 10 feet from any property line and shall meet all standards established in Subsection 22.09.04(B).
4. **Maximum Number of Signs.**
- a. **District RN-3, and RN-4.** One per development site frontage abutting a public right-of-way.
 - b. **Districts I, P, and A.** One per street frontage.
 - c. **Districts DC, MU, GC, CC, LM, GM, MM, and OM.** One per development site frontage abutting a public right-of-way.
5. **Sign Base.**
- a. The base of a single-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10 percent and a maximum of 25 percent of the width of the sign face.
 - b. The base of a multi-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 15 percent and a maximum of 35 percent of the width of the sign face.
 - c. The base of any monument sign shall be constructed from a Tier I material allowed per the development type (Section 22.05) and consistent with the Tier I materials used in the development.
6. **Landscape.** Monument signs in RN-3, and RN-4 Districts shall meet the following landscape standards:
- a. A landscape area at the sign base shall be required to be planted and maintained by the property owner, or by the homeowners association (HOA) if the sign is located within an easement, in perpetuity.

- b. The minimum size of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
- c. Landscape areas shall be planted with shrubs, native grasses, annuals, and/or perennials at a rate of one planting per three square feet of required landscape area.

7. **Illumination.**

- a. Signs located in residential districts, or on properties adjacent to and facing residential districts, shall not be illuminated unless otherwise expressly permitted elsewhere in this Section.
- b. Internal or external illumination is allowed in all other districts, except where restricted by Subsection (a), provided all standards in Subsection 22.09.04(C) are met.

8. **Other Provisions.** Only one monument sign shall be permitted per development site.

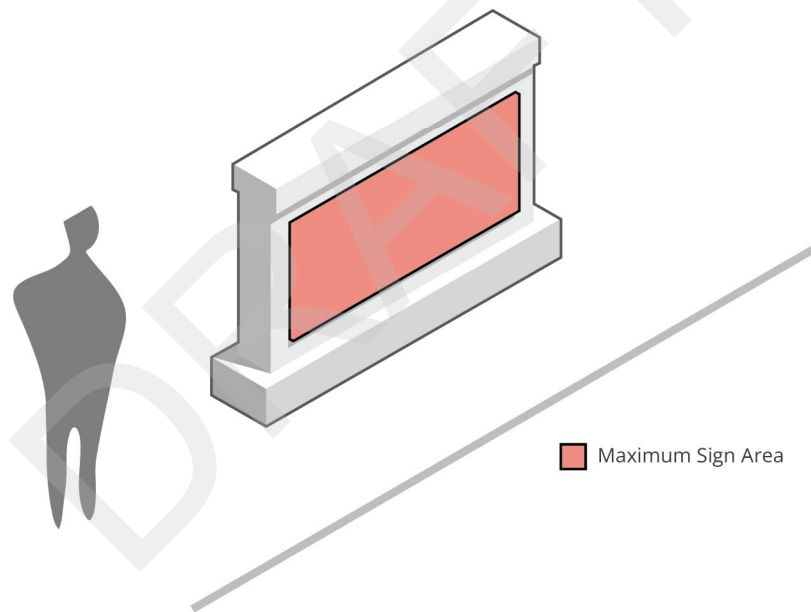


Figure 12 Single Monument Sign

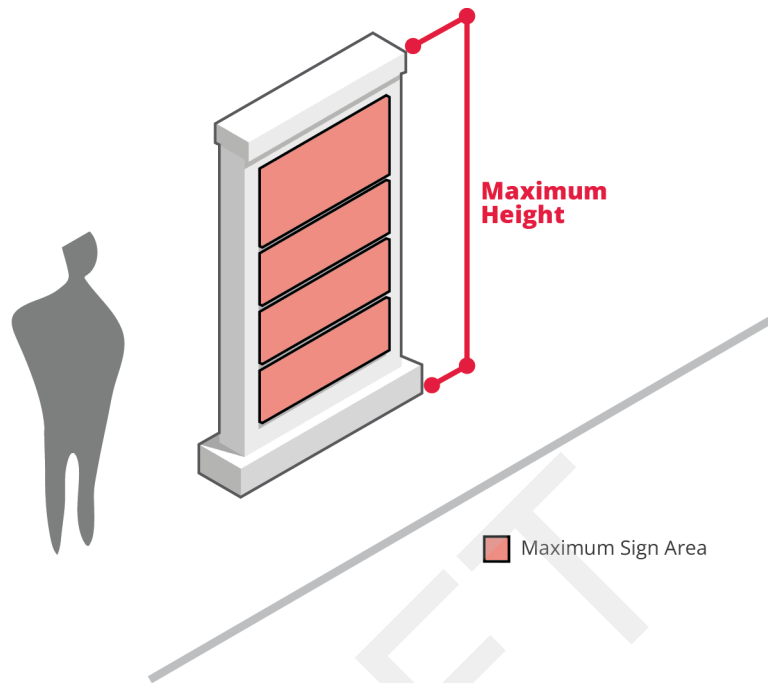


Figure 13 Multi- Monument Sign

D. Electronic Display Signs.

1. **Allowed Accessory To.** Electronic displays are allowed accessory to monument signs, vehicle fueling station, and drive-through signs only.
2. **Allowed Sign Area.** The area devoted to an electronic display shall be counted toward the maximum sign area permitted.
3. **Display Standards.**
 - a. An electronic message board shall display a static message or image only and not have movement, or the appearance of movement, during the static display period.
 - b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
 - c. The message shall not change more frequently than once every 10 seconds.
 - d. Electronic displays must be equipped with a mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
4. **Illumination.**
 - a. Electronic displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according

to light conditions.

- b. Illumination of electronic displays shall meet all applicable outdoor lighting standards (Subsection 22.09.04(C)).
5. **Location.** Electronic displays shall be located and directed so as not to be directly visible from any residentially developed parcel or residentially zoned parcel.

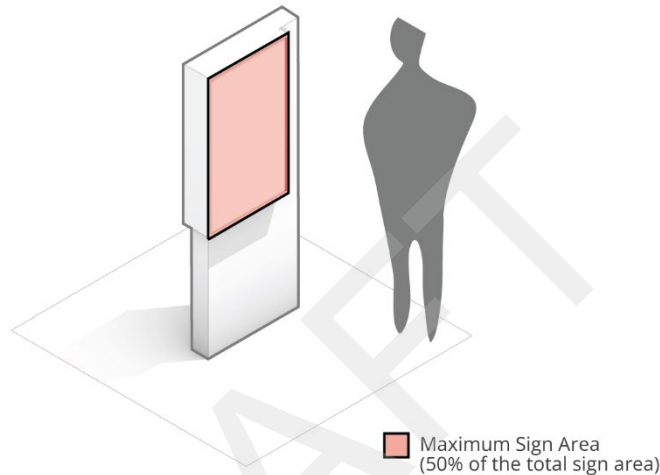


Figure 14 Electronic Display Sign

E. **Neighborhood Entry Sign.**

1. **Maximum Area.** 25 square feet.
2. **Maximum Height.** Six feet, including the minimum two-foot sign base.
3. **Maximum Number of Signs.** One per development site frontage with vehicular, pedestrian, and/or bicyclist access to a public right-of-way.
4. **Sign Copy.** Individually affixed to the sign backing, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate.
5. **Sign Base.**
 - a. Sign base, including all structural components, shall extend from the sign face on at least one side, a minimum of 10 percent and a maximum of 40 percent of the width of the sign face.
 - b. Sign face may extend a maximum of 40 percent off the sign base.

c. Sign base shall consist of a Tier 1 material allowed in Subsection 22.05.02(B)(1)(a).

6. **Landscape.**

- a. A landscape area at the sign base shall be required to be planted and maintained by the property owner, or by the homeowners association (HOA) if the sign is located within an easement.
- b. The minimum size of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
- c. Landscape areas shall be planted with shrubs, native grasses, annuals, and/or perennials at a rate of one planting per three square feet of required landscape area.

7. **Location.** At the entrance of neighborhoods or subdivisions only and shall be situated within a recorded easement or an outlot, while also meeting all location standards established in Subsection 22.09.04(B).

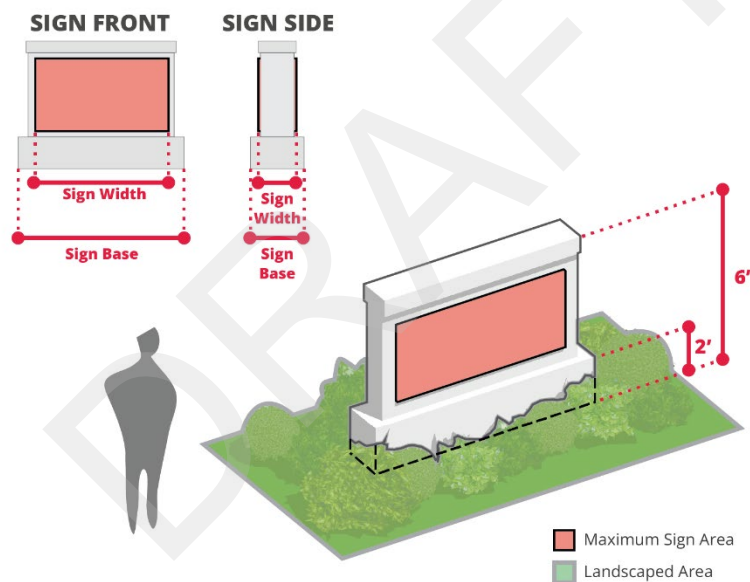


Figure 15 Neighborhood Entry Sign

F. On-Site Circulation Safety Sign.

1. **Maximum Area.** Five square feet.
2. **Maximum Height.** Three feet.
3. **Maximum Number of Signs.** Two per site entrance/exit and two per drive aisle, internal access drive, or drive-through lane intersection.
4. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
5. **Exceptions.** Does not apply to signs required by Federal, State, or local regulations.

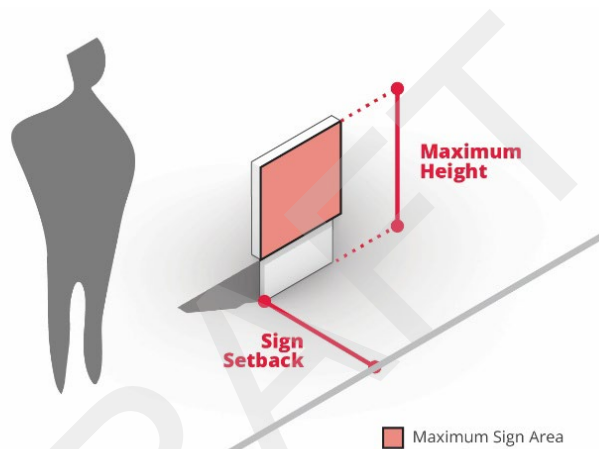


Figure 16 On-Site Circulation Safety Sign

G. Post Sign, Permanent.

- a. **Maximum Area.** Six square feet.
- b. **Maximum Height.** Six feet.
- c. **Maximum Number of Signs.** One per development site frontage abutting a public right-of-way.
- d. **Sign Copy.** Shall be channel letters individually affixed to the sign backing or be printed, etched, or otherwise directly incorporated on the sign backing.
- e. **Sign Base.** Shall be aluminum, aluminum composite, acrylic, PVC board, exterior-grade plywood, or other weather resistant, purpose-built material.
- f. **Illumination.** Prohibited.
- g. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
- h. **Other Provisions.** Shall not be displayed on the same development site frontage as a monument sign or pylon sign.

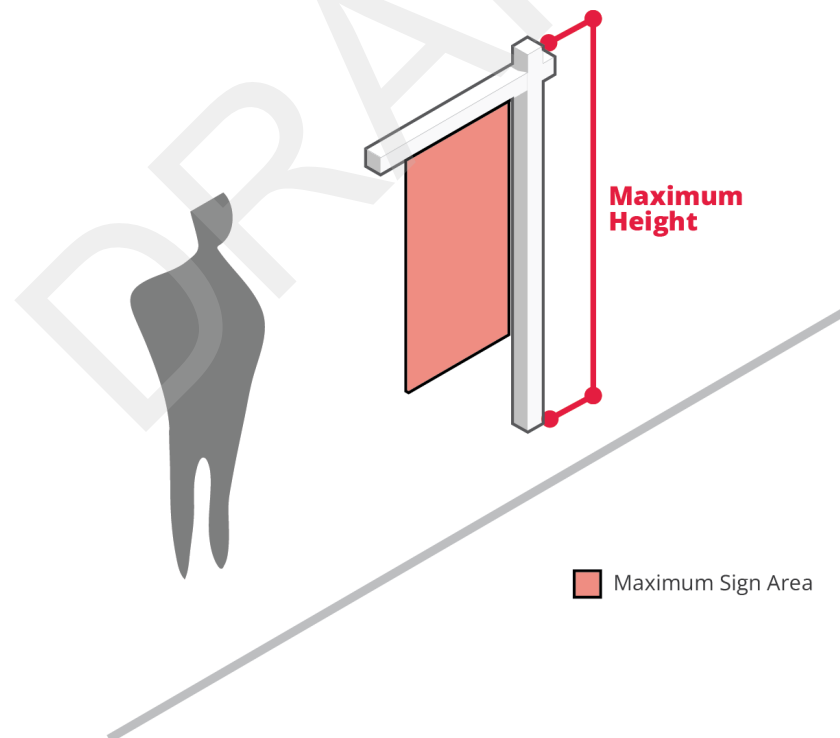


Figure 17 Post Sign

H. Pylon Sign.

1. **Maximum Area.** 50 square feet.
2. **Maximum Height.** 20 feet.
3. **Maximum Number of Signs.** One per development site.
4. **Illumination.** Internal illumination is allowed in accordance with Subsection 22.09.04(C).
5. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
6. **Other Provisions.**
 - a. Shall not be displayed on the same development site frontage as a monument sign or permanent post sign.
 - b. Support pole(s) shall be concealed with decorative cover of masonry, metal, or composite materials.

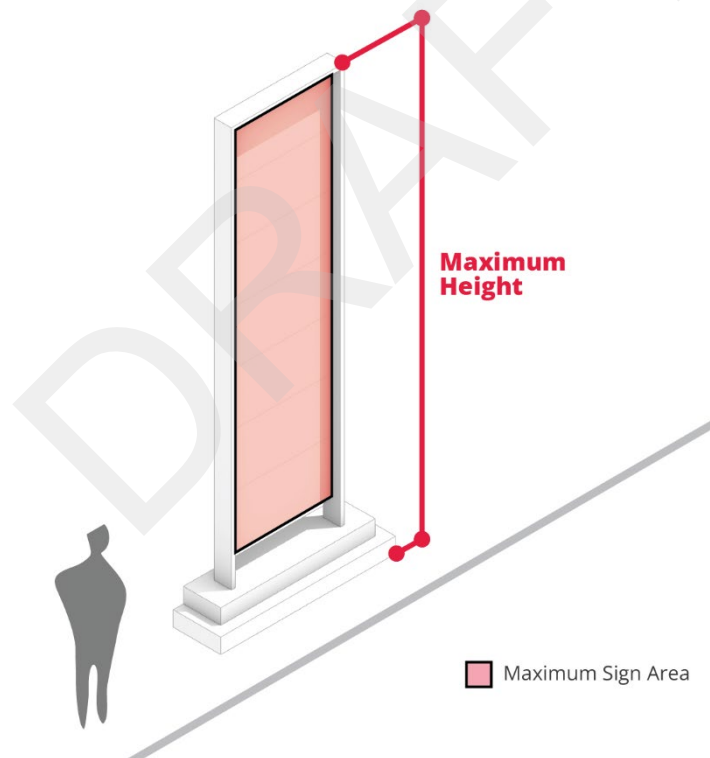


Figure 18 Pylon Sign

22.09.07. Temporary Attached Sign Standards

A. Athletic Field Fence Sign.

1. **Maximum Area.** No maximum area.
2. **Maximum Number of Signs.** No maximum number.
3. **Maximum Projection.** Shall be affixed flat against the fence to which they are mounted.
4. **Sign Material.**
 - a. 18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.
 - b. If larger than 32 square feet, shall incorporate wind resistant features.
5. **Illumination.** Prohibited.
6. **Location.**
 - a. Signs shall be mounted directly on a fence enclosing an athletic field; no portion may extend above or beyond the fence.
 - b. Signs shall be oriented so that the sign copy is not visible from the right-of-way or from adjacent properties.
7. **Duration of Display:** There is no limitation on display duration.
8. **Maintenance.** All signs shall be maintained in accordance with the standards in Subsection 22.09.09(A).

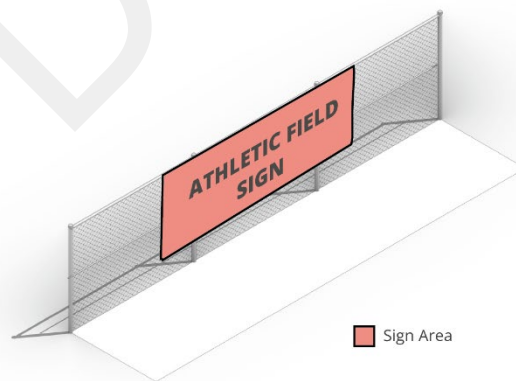


Figure 19 Athletic Field Fence Sign

B. Light Pole Banner Sign.

1. **Maximum Area.** 24 square feet per banner.
2. **Maximum Number of Signs.** Maximum of two double-sided banners per pole.

C. Wall-Mounted Banner Sign.

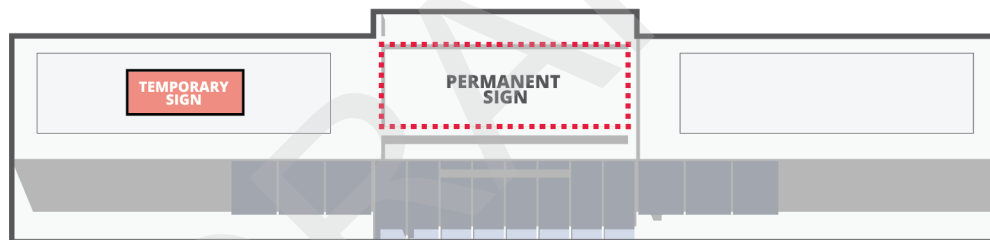
1. **Maximum Area.** 32 square feet.
2. **Maximum Projection.** Affixed flat against the building to which the sign is mounted.
3. **Maximum Number of Signs.** One per front and street side yard facing building façade.
4. **Sign Material.** 18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.
5. **Illumination.** Applies only to new illumination attached to or directly associated with the sign; existing illumination of the wall is not regulated.

6. Location.

- For a building without a parapet wall, shall not extend above the roof deck.
- For a building with a parapet wall, may extend two feet above the roof deck, provided no portion of the sign extends above the parapet.
- For a building with a pitched roof, shall not extend above the lower eave line of the building.
- Shall not be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the building.

7. Duration of Display.

- Display Period.** Maximum of 30 consecutive days.
- Number of Display Periods.** Three per calendar year (maximum of 90 total days) with a minimum of 30 days between display periods.



Maximum Sign Area

Figure 20 Wall-Mounted Banner Sign

D. Window Sign, Temporary.

- Maximum Area.** 15 percent of the area of the individual windowpane to which the sign is affixed.
- Illumination.** One illuminated temporary window sign allowed per single tenant or common entrance building or tenant of a multi-tenant building.
- Location.** Glazing located on the ground floor only.
- Duration of Display:** There is no limitation on display duration.
- Maintenance.** All signs shall be maintained in accordance with the standards in Subsection 22.09.09(A).

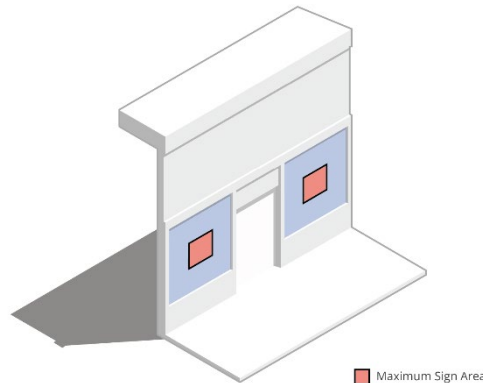


Figure 21 Window Sign, Temporary

E. A-Frame/Sandwich Board Sign.

1. **Maximum Sign Width.** Three feet.
2. **Sign Height.** The maximum folded height of an a-frame/sandwich board sign shall be four feet.
3. **Number of Signs.** One a-frame/sandwich board sign shall be permitted per single-tenant building or tenant space of a multi-tenant building.
4. **Sign Separation.** Each a-frame/sandwich board sign shall be separated from another a-frame/sandwich board sign by at least 25 feet.
5. **Location.**
 - a. **DC District.** A-frame/sandwich board signs may be located within the public right-of-way, provided a continuous sidewalk width of not less than five feet is maintained.
 - b. **All Other Districts.**
 - i. A-frame/sandwich board signs shall be located on private property, in front of the building or tenant space to which the sign is associated and shall be set back a minimum of five feet from any property line or public right-of-way.
 - ii. No part of any A-frame/sandwich board sign shall obstruct points of ingress or egress.
6. **Illumination.** Prohibited.
7. **Other Provisions.** The display of a-frame/sandwich board signs shall only be allowed during the operating hours of the use to which the sign is associated.

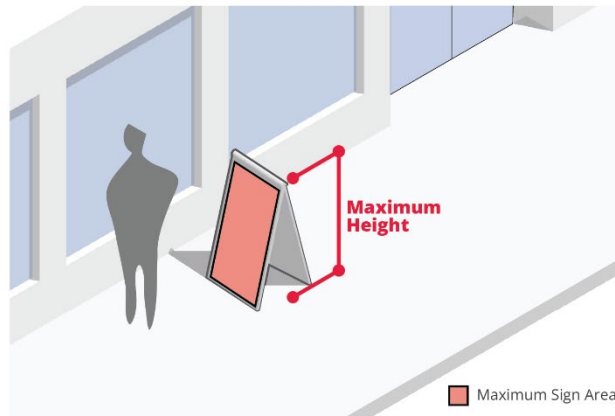


Figure 22 A-Frame / Sandwich Board Sign

F. **Feather Sign.**

1. One feather sign shall be permitted per property.
2. The sign shall be maintained in good condition and shall be removed or brought indoors when the business is closed.

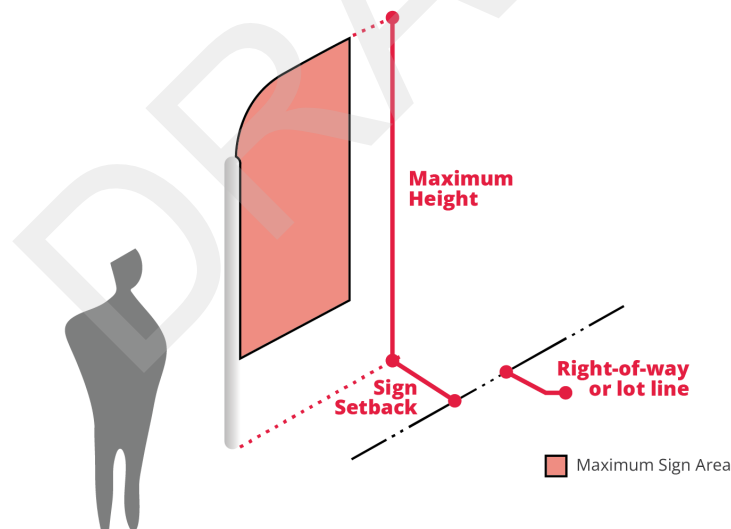


Figure 23 Feather Sign

G. Ground-Mounted Banner Sign.

1. **Maximum Area.**
 - a. **Districts RN-1, RN-2, RN-3, RN-4, MU, and DC.** 32 square feet.
 - b. **Districts GC, CC, LM, GM, MM, OM, I, and P.** 32 square feet.
2. **Maximum Height.** Five feet.
3. **Maximum Number of Signs.** One per development site frontage abutting a public right-of-way.
4. **Sign Material.** 18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.
5. **Sign Support Structure.** Metal, PVC, wood, or a similarly durable material purpose made for outdoor display.
6. **Illumination.** Prohibited.
7. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
8. **Duration of Display.**
 - a. **Display Period.** Maximum of 90 total per calendar days.
9. **Number of Display Periods.** Three per calendar year, with a minimum of 30 days between each display.
10. **Other Provisions.** Shall not be displayed on the same development site frontage as a post and panel sign or temporary post sign.

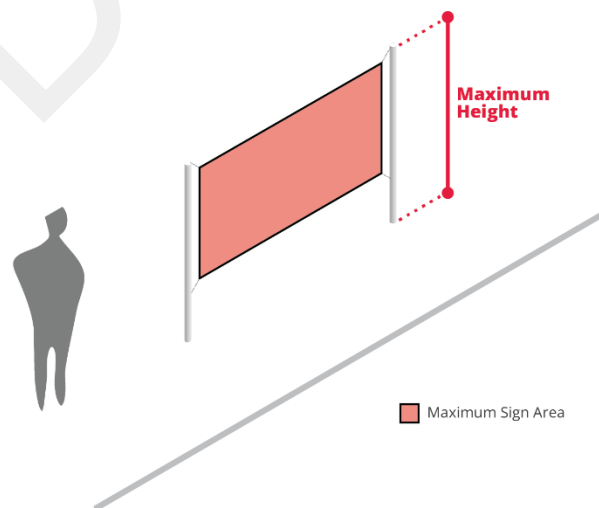
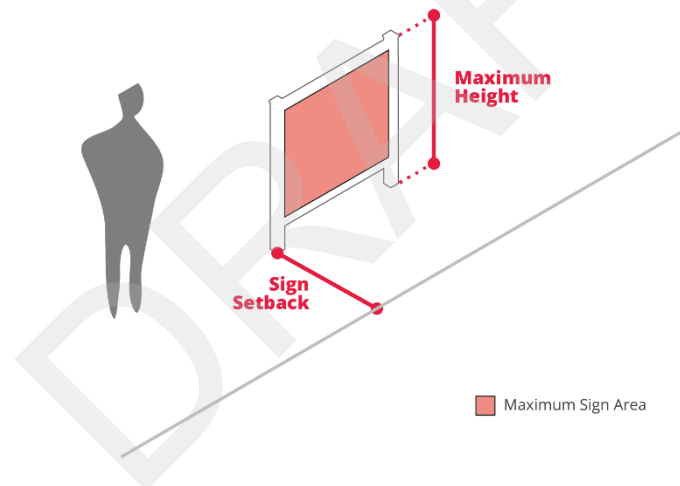


Figure 24 Ground-Mounted Banner Sign

H. Post and Panel Sign.

1. **Maximum Area.** 32 square feet.
2. **Maximum Height.** Eight feet.
3. **Maximum Number of Signs.** One per development site frontage abutting a public right-of-way.
4. **Sign Material.** 10 mm gauge engineered corrugated plastic, aluminum composite, finished wood, wood composite, or comparable material.
5. **Sign Base.** Minimum of two metal or finished wood posts.
6. **Illumination.** Prohibited.
7. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
8. **Number of Display Periods.** One per year.



9. **Other Provisions.** Shall not be displayed on the same development site frontage as a ground-mounted banner sign or temporary post sign.

I. **Post Sign, Temporary.**

1. **Maximum Area.** Six square feet.
2. **Maximum Height.** Six feet.
3. **Maximum Number of Signs.** One per development site frontage abutting a public right-of-way.
4. **Sign Copy.** Shall be channel letters individually affixed to the sign backing or be printed, etched, or otherwise directly incorporated on the sign backing.

Figure 25 Post and Panel Sign

5. **Sign Base.** Shall be aluminum, aluminum composite, acrylic, PVC board, exterior-grade plywood, or other weather resistant, purpose-built material.
6. **Illumination.** Prohibited.
7. **Location.** Meeting all location standards established in Subsection 22.09.04(B).

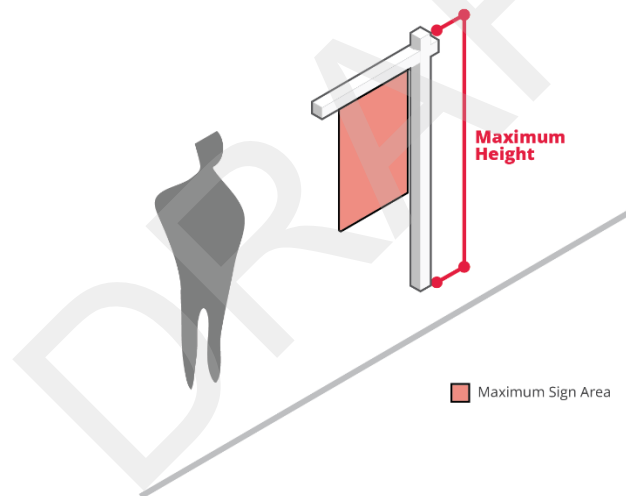


Figure 26 Post Sign, Temporary

J. **Yard Sign.**

1. **Maximum Area.** 25 square feet total for all yard signs on a lot.
2. **Maximum Height.** Two feet.
3. **Maximum Number of Signs.** There shall be no limit.
4. **Location.** Meeting all location standards established in Subsection 22.09.04(B).
5. **Duration of Display:** There is no limitation on display duration.
6. **Maintenance.** All signs shall be maintained in accordance with the standards in Subsection 22.09.09(A).

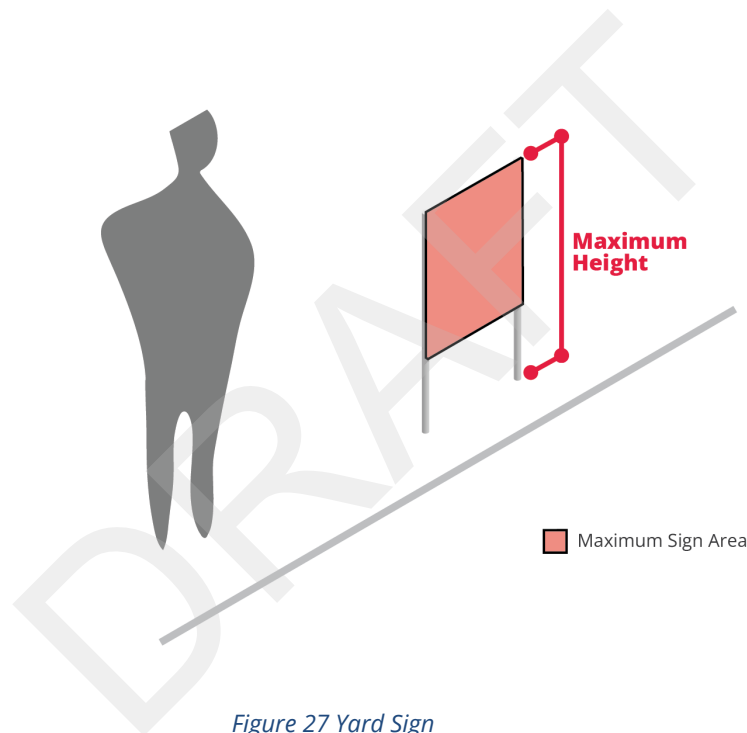


Figure 27 Yard Sign

22.09.08. Safety, Removal, and Maintenance

A. Safety and Maintenance.

1. All signs, including their supports, braces, guys, and anchors, shall be kept in good repair at all times. Any sign which is not maintained properly shall be subject to Subsection C below.
2. If any sign is unmaintained, unsafe, insecurely fastened, or is a menace to the public, the Community Development Director or their designee shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located.
3. If the condition is not corrected after the conclusion of the 30-day period, the Director or their designee is authorized to cause the sign to be removed per Subsection C below.

B. Abandonment.

1. When a use is terminated on a property, sign copy advertising the use or directing users to the property for purposes related to the use must be removed or covered.
2. If a sign which is associated with a use no longer established on the premises on which the sign is located has not been removed within 60 days, it shall be deemed abandoned and written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located.
3. Removal of the sign shall be completed within 30 days after receipt of the notice from the Director or their designee. If such sign is not removed after the conclusion of such 30-day period, the Director or their designee is hereby authorized to cause the sign to be removed per Subsection C below.

C. Removal.

1. The Director or their designee may remove or cause to be removed any and all defective, unsafe, abandoned, unmaintained, or illegal non-conforming signs when the owner or agent has failed to comply with all orders issued by the City. Such removal shall be completed by the City or the City's agent, and such cost shall be billed to the owner of the premises.
2. The Director or their designee is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever they determine that such sign is an immediate peril to persons or property.

Section 22.10. Nonconformities

22.10.01. General Provisions

22.10.02. Nonconforming Lots

22.10.03. Nonconforming Buildings and Structures

22.10.04. Nonconforming Site Elements

22.10.05. Nonconforming Signs

22.10.06. Nonconforming Uses

22.10.01. General Provisions

A. **Purpose.** The purpose of this Section is to:

1. Continue the use of feasible or reasonably practical nonconforming lots, buildings, structures, site elements, signs, and uses to further City goals and promote safety and consistency with new development standards,
2. Recognize the existing investments made and interests of property owners in continuing to use nonconforming lots, buildings, structures, site elements, uses, and signs, and
3. Limit the expansion, restoration, reconstruction, or replacement of nonconforming lots, buildings, structures, site elements, uses, or signs, except as specifically authorized by this Chapter, to ensure consistency with the overall purpose of this Chapter and public interest.

B. **Applicability.**

1. The standards of this Section apply to nonconforming lots, buildings, structures, site features, uses, and/or signs created by initial adoption of, or amendments to, this Chapter or due to existing conditions of areas brought into the City's jurisdiction, unless otherwise expressly provided in this Chapter.
2. The standards of this Section do not apply to nonconforming lots, buildings, structures, development improvements, uses, and/or signs that were not legally established pursuant to the laws and regulations that were in effect at that time; those situations are deemed illegal and not protected under the allowances of this Section.
3. The standards of this Section do not prohibit the exercise of statutory or common law vested rights while the approval is valid.

4. Maintenance and Minor Repair.

- a. Nothing in this Section shall be construed to prevent or prohibit the routine maintenance and minor repair of nonconforming lots, nonconforming buildings or structures, buildings or structures containing nonconforming uses, nonconforming site elements, or nonconforming signs in conformance with all other applicable Sections of the City of Waukesha Municipal Code, Wisconsin Statutes, and federal regulations. This includes strengthening or restoring to a safe condition any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public safety, health and welfare pursuant to orders of such official or modifications necessary for ADA compliance.
- b. Nonconforming lots, buildings, site elements, signs, and uses in floodplain areas shall comply with all applicable requirements of Chapter 24 (Floodplain Zoning) of the Waukesha Municipal Code.

5. **Change in Ownership or Tenancy.** A change of ownership or tenancy shall not, in and of itself, affect the nonconforming status of a lot, building, structure, site element, use, or sign.

6. **Nonconformity Due to Right-of-Way Expansion Through Eminent Domain.** Any nonconformity of a lot, building, structure, site element, sign, or use created due to right-of-way expansion through eminent domain shall be considered a legal nonconformity.

22.10.02. Nonconforming Lots

A. Applicability.

1. The standards of this Subsection apply to nonconforming lots. A nonconforming lot is a lot of record that does not meet the lot standards of the zoning district in which it is located, including the lot area and lot width requirements applicable to that district.
2. Any lot for which a Preliminary Subdivision Plat, Final Subdivision Plat, or Minor Subdivision has been approved by the Council prior to (date of Chapter adoption #####), but has not yet been recorded, shall not be considered nonconforming upon recordation.

B. Regulations.

1. A nonconforming lot may be used for allowable uses or structures provided that all applicable dimensional and use requirements for the district in which the lot is located are met.
 2. A building or structure on a nonconforming lot may undergo a change of use, so long as any redevelopment activity or required improvements associated with the new use do not create any new or expanded nonconformities, and the change of use otherwise complies with the regulations of this Chapter.
- C. **Discontinuance.** If a nonconforming lot is consolidated with an adjoining lot to create a single conforming lot or to reduce the extent of the nonconformity, it may not later be subdivided in a nonconforming manner.

22.10.03. Nonconforming Buildings and Structures

- A. **Applicability.** The standards of this Subsection shall apply to nonconforming buildings and structures. A nonconforming building or structure is an existing, legally established building or structure that does not comply with the dimensional, design, locational, or other standards of this Chapter.
- B. **Regulations.**
1. **Principal Buildings and Structures.**
 - a. If a nonconforming principal building or structure is moved or relocated, it shall meet all applicable regulations of this Chapter.
 - b. A nonconforming building or structure shall not be enlarged or expanded in any way that increases or adds to the nonconformity.
 - c. A nonconforming building or structure may be modified only if the modification does not increase any existing dimensional nonconformity.
 - d. The use of a nonconforming building or structure may be changed to another use, provided the proposed use complies with all applicable regulations of this Chapter.
 2. **Accessory Buildings and Structures.**
 - a. No nonconforming accessory building or structure shall become or replace any terminated principal nonconforming building or structure.
- C. **Damage or Destruction.**
1. A nonconforming building or structure, or nonconforming portion of a building or structure, that is damaged or destroyed on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may not be restored or replaced unless restored or replaced at the size, location, and use that it had immediately before the damage or destruction occurred, in accordance with the provisions of Wis. Stats. §62.23(7)(h), (hb), and (hc), which govern the restoration of nonconforming buildings and structures, except that the size may be larger if necessary for the building or structure to comply with applicable state or federal requirements.
 2. The above requirement does not apply to primary and accessory buildings or structures listed on the National or State Registers of Historic Places. Structures meeting these classifications may be reconstructed if such reconstruction does not increase the nonconformity of the original structure, except that the size may be larger if necessary for the building or structure to comply with applicable state or federal requirements.

22.10.04. Nonconforming Site Elements

- A. **Applicability.** The standards of this Subsection shall apply to nonconforming site elements. A nonconforming site element is any fence, wall, retaining wall, berm, screening, vision triangle obstruction, buffering, landscaping, parking, loading, driveway, bicycle parking, pedestrian infrastructure, or outdoor lighting that does not comply with the standards of this Chapter.
- B. **Regulations.** When a nonconforming site element is modified, expanded, or redeveloped, only the portion affected by the modification shall be brought into compliance, unless the modification affects more than 50 percent of the area of the site element, in which case the entire site element shall be brought into compliance with this Chapter.
- C. **Compliance.** Where full compliance with the requirements of this Subsection is not feasible due to the size or configuration of the lot; the layout of existing development; or the presence of wetlands, floodplains, watercourses, or other significant environmental constraints, the site element shall comply with the requirements of this Subsection to the maximum extent practicable, as determined by the Plan Commission.
- D. **Routine Maintenance and Minor Repair.** Routine maintenance and minor repair of nonconforming site elements that do not increase the degree of nonconformity are permitted.

22.10.05. Nonconforming Signs

- A. **Applicability.** The standards of this Subsection apply to nonconforming signs.
- B. **Continuation and Alteration.**
 - 1. Replacement of sign copy, which involves changing text or graphics without altering the structure, dimensions, or lighting, shall not be considered an alteration, and the sign shall retain its nonconforming status.
 - 2. Nonconforming signs shall not be enlarged, expanded, or modified in a manner that increases the degree of nonconformity.
- C. **Redevelopment.** As part of a major redevelopment, nonconforming signs shall be brought into compliance with Section 22.09.
- D. **Discontinuance.** If the use of a nonconforming sign is discontinued for 12 consecutive months, its nonconforming status terminates, and the sign shall be removed or brought into compliance with Section 22.09.
- E. **Damage or Destruction.**
 - 1. If an existing sign is damaged to less than 50 percent of the replacement value of the sign structure, reconstruction is permitted, subject to the following:
 - a. Damage assessment, and
 - b. No increase in nonconformity.

2. If an existing sign is damaged by 50 percent or more, the sign shall be removed or reconstructed in compliance with this Chapter.

22.10.06. Nonconforming Uses

- A. **Applicability.** The standards of this Subsection shall apply to nonconforming uses. A nonconforming use is any use that does not comply with the standards of this Chapter.
- B. **Regulations.**
 1. **Continuation.**
 - a. No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area or volume of a development site, building, or structure than was occupied by such use at the time it became nonconforming.
 - b. No building or structure devoted to a nonconforming use shall be enlarged, extended, or moved unless such building or structure is thereafter devoted to a conforming use.
 - c. Accessory uses to nonconforming uses shall be considered extensions, expansions, or enlargements of nonconforming uses.
 - d. If a nonconforming use is discontinued for a period of 12 consecutive months, subsequent use of the development site, building, or structure previously devoted to such use shall not be used for any nonconforming uses and shall thereafter be devoted to conforming uses only, including accessory uses.
 2. **Change of Use.**
 - a. **Principal Uses.**
 - i. As part of a change of use, the principal use of a tenant space or building shall comply with the allowances established in Table 22.03.03 (Principal Uses).
 - ii. Should the change of use occur on a multi-use site, nonconforming uses of currently occupied tenant spaces and buildings may continue in accordance with the provisions in Subsection 22.10.06(B)(1) above.
 - b. **Accessory Uses.** As a part of change of use, nonconforming accessory uses shall be discontinued.
- C. **Floodplain Nonconforming Uses.** Nonconforming uses within floodplain areas shall be subject to the provisions outlined in Chapter 24 (Floodplain Zoning) of the Waukesha Municipal Code.

Section 22.11. Review and Decision-Making Procedures

- 22.11.01. General Provisions
- 22.11.02. Review and Decision-Making Bodies
- 22.11.03. General Procedures
- 22.11.04. Site Plan and Architectural Review (SPAR)
- 22.11.05. Non- Site Plan and Architectural Review (SPAR) Review
- 22.11.06. Minor Subdivisions
- 22.11.07. Appeals of Administrative Decisions
- 22.11.08. Conditional Use Permit
- 22.11.09. Variances
- 22.11.10. Major Subdivisions
- 22.11.11. Planned Unit Developments
- 22.11.12. Amendments – Comprehensive Plan
- 22.11.13. Amendments – Zoning Code Text
- 22.11.14. Amendments – Zoning Map
- 22.11.15. Enforcement

22.11.01. General Provisions

- A. **Purpose.** The purpose of this Section is to establish the review and decision-making processes required to develop land within the City of Waukesha as well as the roles of review and decision-making bodies in those processes.
- B. **Applicability.**
 - 1. The provisions of this Section shall be applicable to all development within the City's jurisdiction, including amendments to previously approved development.
 - a. **No Use and/or Construction to Commence Without Permit.** No land shall be used or occupied, and no buildings or structures shall be erected, moved, extended, or enlarged, nor shall any timbering, clearing and grubbing, or filling of any lot for the construction of any building, infrastructure, or site improvement be initiated until the appropriate permit or approval has been issued.
 - b. **Relation to Other Code of Ordinance Titles.** Review and approval procedures established in other Chapters of the City of Waukesha Municipal Code may apply in

addition to the review and approval procedures of this Chapter. Compliance with this Chapter does not eliminate or replace any additional reviews, permits, or approvals required by other City ordinances or State or Federal regulations.

2. Any violation of the Code of the City which was initiated prior to the effective date of this Chapter shall continue to be a violation under this Chapter and shall be subject to the penalties set forth at the time of the violation unless the use, development, construction, or other activity is clearly consistent with the express terms of this Chapter.

22.11.02. Review and Decision-Making Bodies

A. Community Development Director.

1. **Administration.** The Community Development Director or their designee shall administer this Chapter.
2. **Duties and Powers.** The Community Development Director or their designee shall perform the following duties and exercise the following powers:
 - a. To facilitate and conduct pre-application meetings in accordance with Subsection 22.11.03(B)(2).
 - b. To review all applications for completeness; to accept applications for which the Community Development Director is the designated administrative review or decision-making authority and to forward complete legislative applications to the appropriate review and decision-making bodies in accordance with Subsection 22.11.03(B).
 - c. To make determinations and decisions on Administrative Procedures for which the Community Development Director is assigned authority, as identified in Table 22.11.03(A), Review and Decision-Making Procedures Overview.
 - d. To maintain permanent and current records required by this Chapter, including but not limited to zoning approvals, inspection documents, variances, amendments, conditional uses, and similar use determinations.
 - e. Verify that all necessary state and federal permits required for floodland uses have been obtained prior to issuing approvals.
 - f. Inspect all structures, lands, and waters as often as necessary to ensure compliance with this Chapter.
 - g. Investigate complaints regarding violations of this Section, issue notices of violation to the responsible party, and report unresolved violations to the City Attorney.
 - h. Assist the City Attorney in the prosecution of ordinance violations.

- i. Enter premises and structures during reasonable hours to perform necessary inspections; if entry is refused, obtain a special inspection warrant as authorized by Wis. Stats. § 66.0119.
- j. Prohibit the use or erection of any structure, land, or water until inspected and approved for compliance with this Section.
- k. To maintain permanent and current records required by this Chapter, including but not limited to zoning approvals, inspection documents, variances, amendments, conditional uses, and similar use determinations.
- l. To maintain a record of all Administrative Procedure decisions, including notation of any special conditions.

B. Board of Zoning Appeals.

- 1. **Establishment.** There is hereby established a Board of Zoning Appeals for the City of Waukesha pursuant to Wis. Stats. § 62.23(7)(e). The Board shall hear and decide appeals, applications, and requests for variances in accordance with this Section.
- 2. **Administration.** The composition, appointment, and terms of members of the Board of Zoning Appeals shall be as provided in Section 3.05 of the Waukesha Municipal Code.
- 3. **Powers and Duties.** The Board of Zoning Appeals shall have the following powers and duties:
 - a. **Appeals of Administrative Decisions.** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Community Development Director or their designee or any other administrative official in the enforcement of this Section.
 - b. **Variances.** To hear and decide applications for variances from the provisions of this Section in accordance with the variance review standards set forth in Section 22.11.09.
 - c. **Nonconforming Uses.** To hear and decide matters related to the treatment, continuation, or interpretation of nonconforming uses as provided in Section 22.10.06.
 - d. **Map Interpretations.** To interpret the Zoning Map and resolve boundary disputes, including discrepancies between mapped boundaries and actual field conditions within floodland or conservancy districts, in coordination with the Wisconsin Department of Natural Resources as required.
 - e. **Rules and Procedures.** To adopt rules and bylaws for the conduct of regular and special meetings, for the transaction of business, and for the exercise of its powers in accordance with this Section and applicable state law.
 - f. **Appeals to Circuit Court.** Any person aggrieved by a decision of the Board may appeal to the Waukesha County Circuit Court as provided in Wis. Stats. § 62.23(7)(e)10.

C. Plan Commission.

1. **Authority and Functions.** The Plan Commission shall exercise all authority and functions as provided in Wis. Stats. § 62.11, and as provided in Chapter 3.04 of the Waukesha Municipal Code.
2. **Specific Duties and Powers.** The Plan Commission shall perform the following duties and exercise the following powers:
 - a. To conduct studies and prepare recommendations for amendments to the comprehensive plan,
 - b. To conduct studies and prepare recommendations and/or hear applications for updates to the Zoning Code text and to make recommendations on such matters to the Common Council,
 - c. To hear applications for amendments to the zoning map and to make recommendations on such matters to the Common Council,
 - d. To hear applications for new development, major redevelopment, and changes of use as indicated in Table 22.11.03(A), and to decide on or make recommendations on such matters to the Common Council,
 - e. To hear and decide on temporary use permit requests, when referred,
 - f. To hear and decide on conditional use permit requests,
 - g. To hear and make recommendations to the Common Council on major and minor subdivision requests,
 - h. To hear and make recommendations to the Common Council on matters pertaining to official mapping, in accordance with Wisconsin Statutes,
 - i. To hear and make recommendations to the Common Council on applications for planned unit developments, as identified in Table 22.11.03(A), and
 - j. To hear and to act on such other matters as may be referred to the Commission by the Common Council or the City staff.

D. Common Council.

1. **Authority and Functions.** The Plan Commission shall exercise all authority and functions as provided in Wis. Stats. § 62.11, and as provided in Chapter 3.04 of the Waukesha Municipal Code.
2. **Specific Duties and Powers.** The Common Council shall perform the following duties and exercise the following powers:
 - a. To review and decide upon amendments to the comprehensive plan,

- b. To review and decide upon amendments to the Zoning Code text,
- c. To review and decide upon amendments to the zoning map,
- d. To review and decide upon applications for new development, major redevelopment, and changes of use, when referred,
- e. To review and decide upon major and minor subdivisions,
- f. To review and decide matters pertaining to official mapping in accordance with Wisconsin Statutes,
- g. To review and decide applications for planned developments as identified in Table 22.11.03(A), and
- h. To refer items to the Plan Commission for review and recommendation to the Common Council.

22.11.03. General Procedures

- A. **Review and Decision-Making Procedures Overview.** Table 22.11.03(A) provides an overview of how the various review and decision-making bodies are involved in the review procedures of this Chapter.

Table 22.11.03(A) Review and Decision-Making Procedures Overview					
The following key shall be used in the interpretation of Table 22.11.03(A):					
1. R = Recommending Body					
2. D = Decision-Making Body					
3. A =Appeal Body					
4. * = Public Hearing Required					
Procedure	Reference	Applicable Body			
		Community Development Director or their designee	Elected/Appointed Officials		
			Plan Commission	Common Council	Board of Zoning Appeals
Site Plan and Architectural Review (SPAR)	22.11.04	D	D/A		
a. Administrative SPAR					
b. Plan Commission SPAR					
Non-Site Plan and Architectural Review (SPAR) Review	22.11.05	D	A		
Conditional Use Permit	22.11.07		D*		

Table 22.11.03(A) Review and Decision-Making Procedures Overview

The following key shall be used in the interpretation of Table 22.11.03(A):

1. R = Recommending Body
2. D = Decision-Making Body
3. A =Appeal Body
4. * = Public Hearing Required

Procedure	Reference	Applicable Body			
		Community Development Director or their designee	Elected/Appointed Officials		
			Plan Commission	Common Council	Board of Zoning Appeals
Variance	22.11.08				D*
Minor Subdivision	22.11.09		R	D*	
Major Subdivision – Preliminary Plat	22.11.10		R	D*	
Major Subdivision – Final Plat	22.11.10		R	D	
Planned Unit Development	22.11.11		R	D*	
Amendments – Comprehensive Plan	22.11.12		R	D*	
Amendments – Zoning Code Text	22.11.13		R	D*	
Amendments – Zoning Map	22.11.14		R	D*	
Notes					
[1] SPAR decisions shall be made by the Community Development Director or their designee unless referred to the Plan Commission per Section 22.11.04.					
[2] Decisions shall be made by the Plan Commission or Board of Zoning Appeals depending on the type of administrative decision, as specified in Section 22.11.02.					

A. Application Requirements.

1. Authority to File.

- a. Applications for administrative procedures may be made by the landowner; a lessee; a person holding an option or contract to purchase or lease land; or an authorized agent of the landowner.
- b. An easement holder may apply for administrative procedures for development that is authorized by the terms of the easement.
- c. The Community Development Director or their designee may require an applicant to present evidence of authority to submit the application, including, when applicable, written authorization from the current landowner.

2. **Pre-Application Meeting.** Pre-application meeting is an informal process. Applicants are encouraged to provide as much detail as possible, to ensure that staff can maximize guidance.
 - a. A pre-application meeting may be required for Site Plan and Architectural Review (SPAR) application and is encouraged for other applications.
 - b. If a pre-application meeting is required or requested, the applicant shall provide the materials as requested by the Community Development Director or their designee.
 - c. The pre-application meeting is intended to facilitate the review process. Discussion and review are not binding.
3. **Optional Consultation.** Optional Consultation is an informal meeting with the Plan Commission prior to application submittal. Applicants are encouraged to provide sufficient detail to allow the Plan Commission to provide preliminary feedback.
 - a. The applicant shall present the proposed amendment in sufficient detail to broadly acquaint the Plan Commission with the request.
 - b. The Plan Commission may provide preliminary views or concerns while positions remain flexible and adjustments are possible.
 - c. Any comments provided shall be advisory only and no final or binding action shall be taken.
 - d. Nothing stated during the consultation shall obligate the Plan Commission or prejudice any future decision.
4. **Submittal Provisions.**
 - a. **Application Information.** Applications for all procedures established by this Chapter shall include the submittal materials required by applicable state statutes, this Chapter, and the Development Handbook, as amended from time to time.
 - b. **Fees.** The Community Development Director is authorized to establish fees for processing and administering applications. Review fees, as published on the adopted fee schedule, shall be paid at the time of application submittal.
 - c. **Deposits.** The Community Development Director is authorized to establish deposits to cover the cost of review. Such deposits shall be published on the adopted fee schedule. Any unspent deposit amount shall be returned to applicant once expenses have been verified and paid.
 - d. **Completeness Review.**
 - i. **Sufficiency to be Determined by Community Development Director.** The Community Development Director or their designee shall determine whether an

application is complete before initiating review. An application is complete when all required materials have been submitted as per Application for Development Review. Applicable legislative timelines begin upon the determination of completeness.

- ii. **Application Incomplete.** If the application is determined to be incomplete, the Community Development Director or their designee shall provide the applicant with written notice identifying the missing or deficient items.
 - iii. **Application Complete.** If the application is determined to be complete, the Community Development Director or their designee shall accept the application for review. Acceptance may be provided either through a separate completeness notice or through issuance of the associated administrative decision.
- B. **Void Approval.** Any approval issued in violation of the provisions of this Chapter, whether intentionally, negligently, or innocently, shall be void.
- C. **Resubmittal of Denied Applications.** If an application is denied, the applicant shall wait one year before resubmitting, unless substantial changes are made to the proposal.
- D. **Public Notice Requirements.**
1. **Public Notice Content.** Public notices, regardless of type, shall, at a minimum, include the information required by the State of Wisconsin.
 2. **Public Notice Types.**
 - a. Notice by Publication and
 - b. Notice by Mail.
 3. **Public Notice Requirements by Procedure.** Public notice shall be required by procedure type in accordance with Table 22.11.03(E)(3).

Table 22.11.03(E)(3) Public Notice Requirements by Procedure			
Procedure	Reference	Type of Notice	
		Publication	Mail [1]
Conditional Use Permit	22.11.08	Class 2	300
Variance	22.11.09	Class 1	100
Planned Developments	22.11.11	Class 2	300
Amendments – Comprehensive Plan	22.11.12	Class 1 [2]	300
Amendments – Zoning Code Text	22.11.13	Class 2	
Amendments – Zoning Map	22.11.14	Class 2	300 [3]
Notes			
[1] The distance listed represents the radius, in feet, measured from the boundaries of the subject property within which mailed notice is required.			

Table 22.11.03(E)(3) Public Notice Requirements by Procedure

Procedure	Reference	Type of Notice	
		Publication	Mail [1]
[2] Notice of a public hearing for a Comprehensive Plan amendment shall be published at least 30 days prior to the hearing, in accordance with Wis Stats. § 66.1001(4)(e).			
[3] Amendments mailed in cases involving specific lots, plats, and planned developments.			

E. Appeals.

1. **Appeals of Administrative Decisions.** Appeals of any administrative decision shall be made in accordance with the Appeals of Administrative Decisions process (Section 22.11.07).
2. **Appeals of Plan Commission Decisions.** Appeals of decisions of the Plan Commission shall be filed with the Waukesha County Circuit Court.
3. **Appeals of Board of Zoning Appeals Decisions.** Appeals of decisions of the Board of Zoning Appeals shall be filed with the Waukesha County Circuit Court in accordance with Wis. Stats. § 62.23(7)(e)10.
4. **Appeals of Common Council Decisions.** Appeals to any decision of the Common Council shall be Consistent with procedures in Wis. Stat. § 62.23(7)(e)(10).

22.11.04. Site Plan and Architectural Review (SPAR)

- A. **Purpose.** Site Plan and Architectural Review (SPAR) is required to ensure that all new commercial and multi-unit residential developments in the City complies with the provisions of this ordinance, and with other applicable City ordinances, and is aligned with the goals, recommendations, and policies of the Waukesha Comprehensive Plan.
- B. **Applicability.** Site and Architectural Plans, including all proposed signs as identified in Subsection 22.09.02, shall be approved before commencement of construction or issuance of Building Permits for:
 1. Any New Development, Major Redevelopment, Intermediate Redevelopment, or Minor Redevelopment in any zoning district (except One- or Two-Unit Dwellings and their accessory structures in RN-1 through RN-4 districts)
 2. Accessory Dwelling Units in any district,
 3. Landscape and parking lot changes as noted in Section 22.07.
 4. Any new Permanent Signs requiring a Sign Permit
 5. Plan Commission review of Final SPAR is required for the following:
 - a. **Design Standards Exceptions.** Should the Community Development Director or designee determine through the Preliminary SPAR procedures in Subsection

(C) below that Site and Architectural Plans require one or more exceptions to Sections 22.04, 22.05, 22.06, 22.07, or 22.09 of this Chapter, the applicant shall submit a Final SPAR application for review by the Plan Commission.

- b. **Adjacent Property Impacts.** When a proposed new development, major redevelopment, or intermediate redevelopment is located on a property that is adjacent to a property in the RN-1, RN-2, RN-3, or RN-4 districts with less permissive standards, and the proposed development includes use that is not permitted in the adjacent RN-1, RN-2, RN-3, or RN-4 district, the plans shall require Final SPAR application to the Plan Commission.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meetings).
2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).
3. **Preliminary and Final SPAR Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
4. **Sign Permit, Minor, Preliminary, and Final SPAR Review and Decision.** Once an application is accepted, the Community Development Director or their designee shall review the application for compliance with all applicable standards enumerated in this Chapter, and with any other applicable City ordinances. For Preliminary SPAR, the Community Development Director or Designee will schedule a meeting with the applicant to discuss the review. Following the meeting and/or upon completion of the review, the Community Development Director or designee shall either:

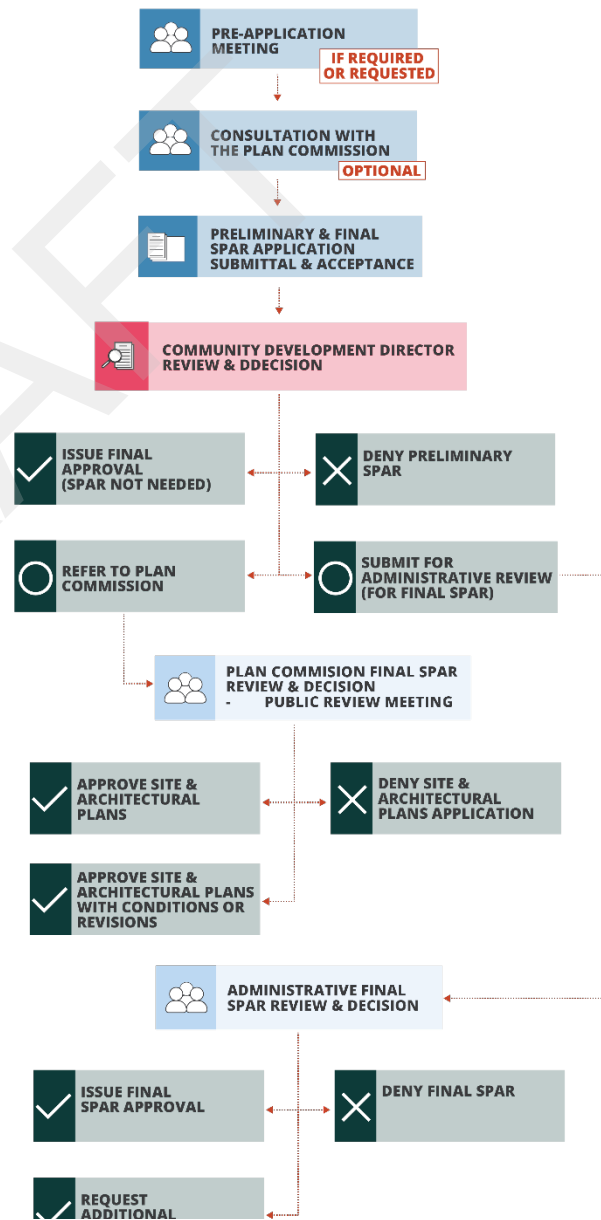


Figure 1 Site Plan and Architectural Review (SPAR)

- a. Determine that SPAR is not needed and issue a final approval of the SPAR, or
 - b. Determine that the final SPAR can be submitted for Administrative review if no exemptions are required but additional information is required, and issue a letter to the applicant detailing the required information needed prior to submission of Application for final SPAR, or
 - c. Determine that the Plan Commission must review one or more requested Design Standards Exemptions as described in Subsection 22.11.04(B)(d) above and issue a letter to the applicant detailing the determination and requirement that the final SPAR application will be reviewed by the Plan Commission, or
 - d. Determine that the Plan Commission must review the application based on Adjacent Property Impacts as described in Subsection 22.11.04(B)(e) above, and issue a letter to the applicant detailing the determination and requirement that the Final SPAR application will be reviewed by the Plan Commission, or
 - e. Issue a denial of the Preliminary SPAR, detailing the application's failure to comply with the review criteria and next steps, to the applicant.
5. **Final SPAR Review and Decision by Plan Commission.** The Plan Commission shall conduct a public meeting on the application; review and discuss the application, Community Development Director or their designee's report, and public comment received; and either:
 - a. Approve the Site and Architectural Plans as submitted,
 - b. Approve the Site and Architectural Plans, subject to conditions or revisions, or
 - c. Deny the Site and Architectural Plans application and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.
6. **Administrative Final SPAR.** Once an Administrative Final SPAR application is accepted, the Community Development Director or designee shall review the application for compliance with all applicable standards enumerated in this Chapter, and with all other applicable City ordinances, and either:
 - a. Issue approval of the Final SPAR if the required additional information has been received, or
 - b. Determine that required additional information has not been provided and issue a letter to the applicant detailing the required information needed, or
 - c. Issue a denial of the Final SPAR, detailing the application's failure to comply with the review criteria.

D. Plan Commission Review Criteria.

1. All applicable standards of the Waukesha Municipal Code are met.
2. The development proposal aligns with the goals, recommendations, and policies of the Waukesha Comprehensive Plan.
3. In the case of authorized exceptions, the exception is consistent with the purposes of the zoning ordinance.

E. Effect of Decision:

1. **Approval Validity.** Upon approval of an Administrative SPAR or Plan Commission SPAR, the applicant may begin the proposed construction or, if required, apply for Building Permits. All construction must be consistent with the SPAR approval and associated conditions. Any work conducted in a manner which does not conform to the SPAR approval and conditions shall be subject to enforcement as established in Subsection 22.11.15 of this Code and other applicable City ordinances. SPAR approval shall be valid for two years.
2. **Approval Extension.** A SPAR approval shall be automatically extended beyond the two-year date of validity and shall remain in effect for the duration of a valid Building Permit for the associated work.

22.11.05. Non-Site Plan and Architectural Review (SPAR)

- A. **Purpose.** A Non-SPAR review is required to ensure that temporary uses, one-and two-unit residential uses, and changes of use comply with the standards of this Chapter and are aligned with the goals, recommendations, and policies of the Waukesha Comprehensive Plan. Applicants shall also follow the applicable procedures for Building and Occupancy Permits as outlined in the section ##### of this Chapter.
- B. **Applicability.** A Non-SPAR review shall be required prior to the establishment of any temporary use, one-and two-unit residential use, or change of use, as allowed in Section 22.03.
- C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meetings).
2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).
3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
4. **Community Development Director Review and Decision.** Once the application is accepted, the Community Development Director or their designee shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:

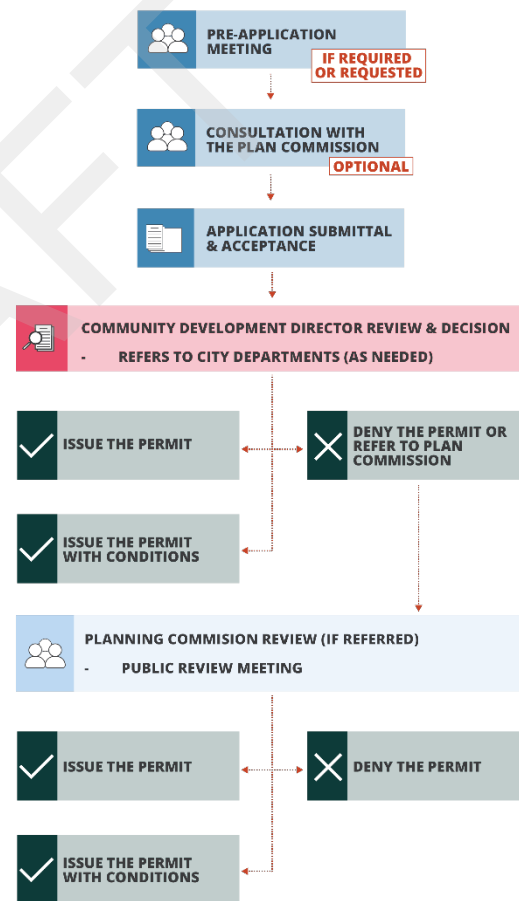


Figure 2 Non-Site Plan and Architectural Review (SPAR)

- a. Issue the Temporary Use Permit or Building Permit,
- b. Issue the Temporary Use Permit, subject to conditions that bring the use into alignment with the goals, recommendations, and policies of the Waukesha Comprehensive Plan, or
- c. Deny the Temporary Use Permit or Building Permit, detailing the application's failure to comply with the review criteria, to the applicant.

4. **Plan Commission Review (If Referred).** When an application is referred to the Plan Commission, or when a request involves an extension of time beyond what is permitted by this Chapter, an exception from applicable standards, or any change not expressly authorized by this Section, the Plan Commission shall conduct a public review meeting on the application; review and discuss the application, the Community Development Director or their designee's report, and any public comments received; and either:
 - a. Issue the Temporary Use Permit,
 - b. Issue the Temporary Use Permit, subject to conditions that bring the use into alignment with the goals, recommendations, and policies of the Waukesha Comprehensive Plan, or
 - c. Deny the Temporary Use Permit and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.

D. Review Criteria.

1. All applicable standards of the Waukesha Municipal Code are met.
2. The use, its location, and the building or structure in which it is located aligns with the goals, recommendations, and policies of the Waukesha Comprehensive Plan.

E. Effect of Decision.

1. **Permit Validity.** Upon approval, the Temporary Use Permit shall be valid for the dates identified on the approved permit.
2. **Extended Approval.** A Temporary Use Permit may be renewed annually for the period established in the initial permit, subject to approval by the Community Development Director or their designee, provided the use remains in compliance with all conditions of approval and has not been changed or expanded. Any modification or expansion of the temporary use shall require submission of a new Temporary Use Permit application.
3. **Permit Revocation.** A Temporary Use Permit approved by the Community Development Director or their designee may be revoked by the Community Development Director or their designee if the permit holder fails to comply with any applicable requirements, limitations, or conditions of approval. The Plan Commission may revoke any Temporary Use Permit, including those approved by the Community Development Director or their designee.

22.11.06. Appeals of Administrative Decisions

A. Procedures.

1. **Optional Preliminary Consultation.** The applicant may elect to conduct a Preliminary Application Consultation meeting with the Plan Commission prior to application submittal. If the applicant elects, the following steps shall be taken.
2. **Application Submittal and Acceptance.** An appeal of an Administrative Decision can be filed within 30 days from the receipt of the adverse order, requirement, decision, or determination by the original applicant. Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
3. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:
 - a. Upon acceptance of an appeal, the Community Development Director or their designee shall pause further administrative action related to the appealed decision unless doing so would create an immediate threat to public health or safety. In such cases, the Director may allow necessary actions to proceed until the Board of Zoning Appeals renders a decision.
 - b. Upon acceptance of an appeal, the Community Development Director or their designee shall review it before the Board of Zoning Appeals in accordance with the notice and hearing procedures 22.11.03(E) of this Section.
4. **Hearing Procedure and Decision.** The Board of Zoning Appeals or Planning Commission, as detailed in Subsection 22.11.02, shall review the application and public comment received, and either:
 - a. Reverse the decision in whole, or
 - b. Affirm the decision in whole or in part, and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant, or

B. Review Criteria. An appealed administrative decision shall be reversed or reversed in part if a minimum of one of the following findings is made:

1. The decision constituted an erroneous application or interpretation of this Chapter,
2. The decision constituted an abuse of the Community Development Director or their designee's discretion to interpret or apply this Chapter, or
3. The decision was rendered based upon an erroneous material fact.

C. Effect of Decision.

1. If the appealed decision is affirmed in whole or in part, the applicant may revise and resubmit an application for the applicable permit or approval, subject to the applicable expiration provisions of this Chapter.

22.11.07. Conditional Use Permit

- Purpose.** The Conditional Use Permit procedure is established to ensure uses identified as conditional uses in Table 22.03.03 are in keeping with the stated purpose and intent of the zoning district in which they are proposed to be established.
- Applicability.** A Conditional Use Permit shall be required prior to the establishment of any uses identified as conditional uses in Table 22.03.03.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2).
2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).
3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
4. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:

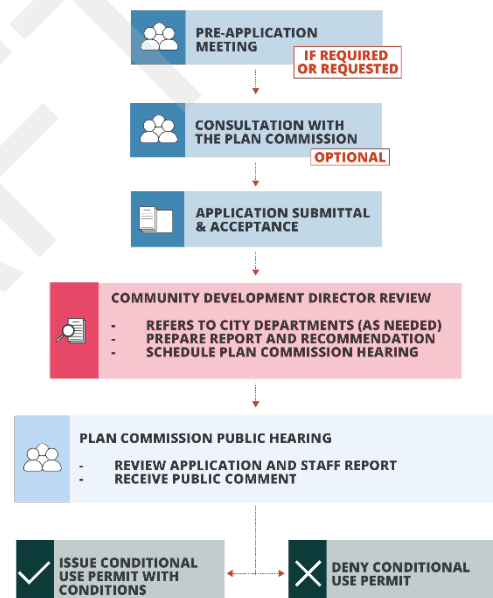


Figure 3 Conditional Use Permit

- a. Refer the application to appropriate City Departments for review and comment,
 - b. Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments, and
 - c. Schedule the Plan Commission Public Hearing.
5. **Plan Commission Hearing and Decision.** The Plan Commission shall conduct a public hearing on the application; review and discuss the application, Community Development Director or their designee's report, and public comment received; and either:

- a. Issue the Conditional Use Permit subject to conditions that are:
 - i. Related to the stated purpose and intent of the district in which the use is proposed to be located,
 - ii. Reasonable, and to the extent practicable, measurable,
 - iii. Based on facts and information, other than personal preferences or speculation,
 - iv. Related to the permit's duration, transfer, or renewal.
 - v. In compliance with all applicable standards of the Waukesha Municipal Code,
 - vi. Related to the purpose of this Ordinance and supported by substantial evidence, and
 - vii. Demonstrated by the applicant, through substantial evidence, that the application and all requirements and conditions established by the City are or will be satisfied, or
- b. Deny the Conditional Use Permit and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.

D. Effect of Decision.

1. **Permit Validity.** Upon approval, a Conditional Use Permit shall run with the land unless otherwise made a condition of approval. Any subsequent request to amend, modify, or revoke the Conditional Use Permit shall be referred to the Plan Commission for review and action.
2. **Amendments.** Any amendment which involves a modification to the requirements of the previous Conditional Use Permit shall be treated as a new application.

22.11.08. Variances

- A. **Purpose.** The variance procedure is intended to provide a means by which relief may be granted from unforeseen, particular applications of this Chapter that create practical difficulties or particular hardships.
- B. **Applicability.** A variance may be requested only from dimensional or numerical standards of this Chapter. Variances shall not be granted to permit a use not otherwise allowed in the applicable zoning district, nor to change a zoning district classification or district boundary.

C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2).

2. **Application Submittal and Acceptance.**
Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).

3. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:

- Refer the application to appropriate City Departments for review and comment, and if located in the floodplain, notify the Wisconsin Department of Natural Resources (DNR).
- Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments and DNR, and

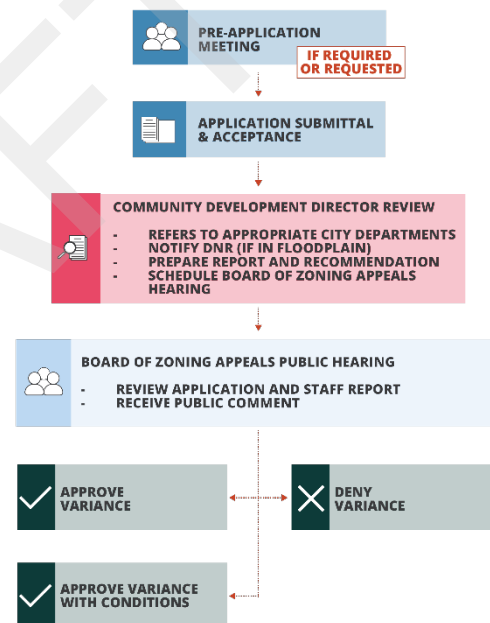


Figure 4 Variance

- Schedule the Board of Zoning Appeals Hearing for dimensional variance applications.
4. **Board of Appeals Hearing Procedure and Decision.** The Board of Zoning Appeals shall conduct a public hearing on the application; review and discuss the application, Community Development Director or their designee's report, and public comment received; and either:
- Approve the variance,
 - Approve the variance with conditions, or
 - Deny the variance and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.

- D. **Findings of Fact.** Before any variance is approved, the Board of Zoning Appeals shall make a favorable finding of fact, based upon evidence presented by the applicant, that each of the following criteria has been satisfied:
1. The proposed variance is consistent with the general purpose and intent of this Chapter and will not be contrary to the public interest.
 2. There are exceptional or extraordinary conditions applying to the property or the intended use that do not generally apply to other properties or uses in the same zoning district.
 3. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and vicinity.
 4. The variance is not being requested solely on the basis of economic gain or loss, and self-imposed hardships are not grounds for granting a variance.
 5. The granting of the variance will not alter the essential character of the area, be detrimental to adjacent properties, or impair the purpose of this Section.
 6. The variance will observe the spirit of this Section and secure public safety and welfare.
 7. For properties located within floodplain areas, Variance requests shall comply with the floodplain variance criteria set forth in Section 24.13 of the Waukesha Municipal Code.
- E. **Effect of Decision.**
1. **Approval Validity.**
 - a. Upon approval, a variance shall be permanent and shall run with the land, unless expressly limited by a condition of approval. A variance shall not expire due to the passage of time, change in ownership, or the issuance or expiration of a building permit.
 - b. If a variance is approved for a subdivision, it shall be valid for a period that is concurrent with the period that the preliminary plat is valid and shall run with the land only after the recordation of a duly approved final subdivision plat.

22.11.09. Minor Subdivisions

PLACEHOLDER

22.11.10. Major Subdivisions

PLACEHOLDER

22.11.11. Planned Unit Developments

- A. **Purpose.** The Planned Unit Development (PUD) process is established to provide flexibility in the strict application of the standards of this Chapter to accommodate innovative design and development practices that would not otherwise be achievable, in exchange for higher quality development and additional community benefits than would otherwise be required.
- B. **Applicability.** Any development site may apply to be considered as a PUD.
- C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meeting).

2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).

3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).

4. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:
 - a. Refer the application to appropriate City Departments for review and comment,
 - b. Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments, and
 - c. Schedule the Plan Commission meeting.

5. **Plan Commission Meeting and Recommendation.** The Plan Commission shall conduct a public meeting on the application; review and discuss the application, the Community Development Director or their designee's report, and any public comment received; and recommend to the Common Council that it either:

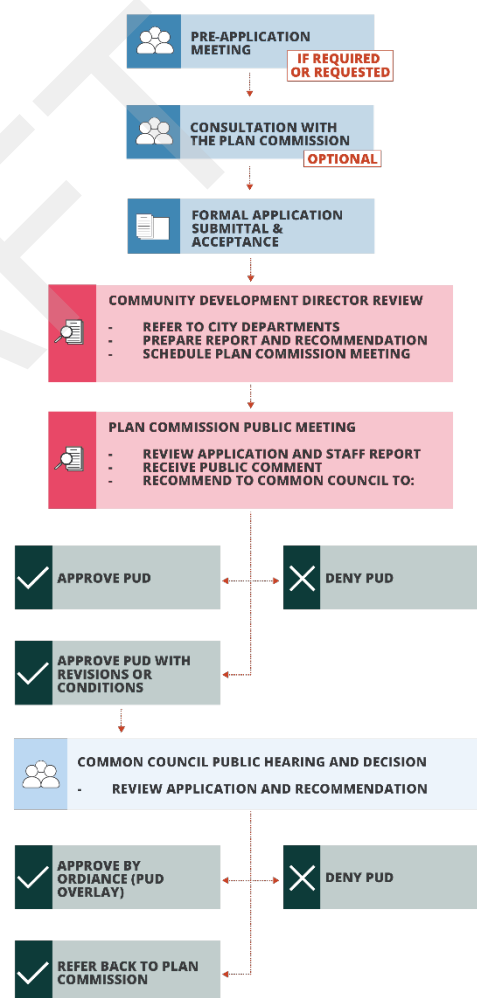


Figure 5 Planned Unit Development

- a. Approve the PUD as presented,
- b. Approve the PUD with revisions or conditions, or
- c. Deny the PUD.

6. **Common Council Hearing and Decision.** The Common Council shall conduct the required public hearing on the application; review the application, the Community Development Director or their designee's report, the recommendation of the Plan Commission, and public comment received; and shall either:

- a. Pass an Ordinance approving the PUD as presented, and direct the Community Development Director or their designee to update the Zoning Map to designate the development site as located in the PUD Overlay (PUD-O) District,
- b. Refer the PUD back to the Plan Commission for additional review and recommendation, or
- c. Deny the PUD and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.

D. Review Criteria.

- 1. All PUD-Overlay (PUD-O) District objectives of Subsection 22.02.09(C) are met.
- 2. At least one of the PUD-Overlay (PUD-O) objectives of Subsection 22.02.09(C) are met.

E. Effect of Decision.

- 1. **Effect of Approval.** Following PUD approval, the approved deviations from the standards of this Chapter shall control in the event of an express conflict between the provisions of the PUD and this Chapter. Any Code standard both in effect at the time of PUD adoption or established/amended in the future, which does not receive deviation approval, shall be complied with.
- 2. Prior to the commencement of construction, a Planned Unit Development Agreement shall be prepared, executed, and recorded.
- 3. **Amendments.** All amendments to an approved PUD shall be treated as a new application for PUD approval.

22.11.12. Amendments – Comprehensive Plan

- A. **Purpose.** The Comprehensive Plan Amendment process is established to provide a means for making changes to the Plan that have general applicability or significance. It is not intended to relieve individual hardships or confer special privileges or rights. Rather, it serves as a tool to update the goals, policies, and recommendations of the Plan in response to changing, newly discovered, or newly relevant conditions, circumstances, or information, in accordance with Wis. Stat. § 66.1001.
- B. **Applicability.** A Comprehensive Plan Amendment may be initiated by the Common Council, the Plan Commission, the Community Development Director, or designee or by any owner of property affected by the provisions of the Plan goal, policy, or recommendation sought to be amended.

C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meeting).
2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).
3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
4. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:
 - a. Refer the application to appropriate City Departments for review and comment,
 - b. Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments, and
 - a. Schedule the Plan Commission meeting for review and recommendation.

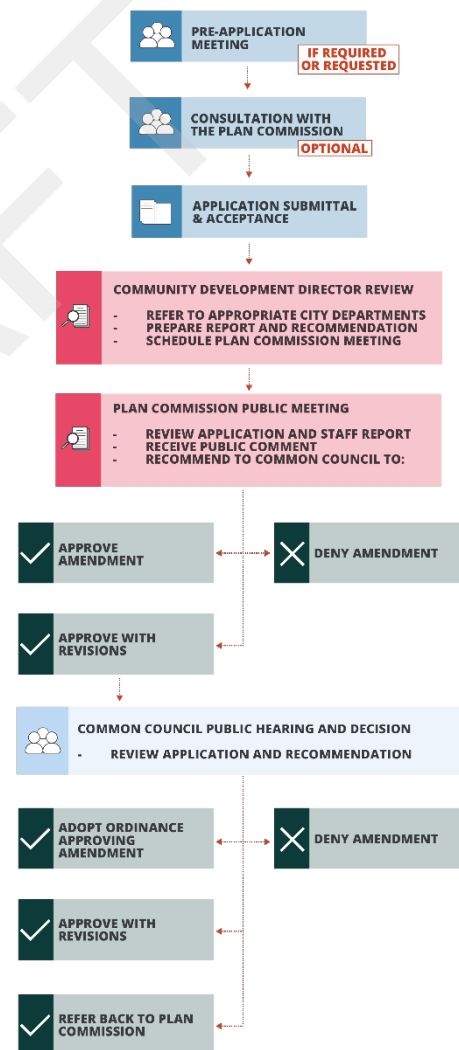


Figure 6 Amendments – Comprehensive Plan

5. **Plan Commission Meeting and Recommendation.** The Plan Commission shall conduct a public meeting on the application; review and discuss the application, Community Development Director or their designee's report, and public comment received; and recommend the Common Council either:
 - a. Adopt an ordinance recommending approval,
 - b. Approve the Comprehensive Plan Amendment with revisions, or
 - c. Deny the Amendment.
6. **Common Council Hearing and Decision.** The Common Council shall conduct a public hearing on the application; review the application, the Community Development Director or their designee's report, the recommendation of the Plan Commission and public comment received and either:
 - a. Adopt an ordinance approving the Comprehensive Plan Amendment as presented,
 - b. Approve the Comprehensive Plan Amendment with revisions,
 - c. Refer the Amendment back to the Plan Commission for additional review and recommendation, or
 - d. Deny the Amendment and direct the Community Development Director or their designee's to issue a letter detailing the decision to the applicant.
- D. **Review Criteria.** In the review of a Comprehensive Plan Amendment application, the Plan Commission and Common Council should ensure the amendment is generally consistent with the overall policies, goals, objectives, recommendations and standards of the Comprehensive Plan.
- E. **Effect of Decision.** After the adoption of an amendment to the Official Comprehensive Plan, or a part thereof, no Zoning Code Text Amendment or Zoning Map amendment may be approved except in accordance with the amended policies, goals, objectives, principles and standards of the Plan.

22.11.13. Amendments – Zoning Code Text

- A. **Purpose.** The Zoning Code Text Amendment process is established to provide a means for making changes to the standards of this Chapter to align with the Waukesha Comprehensive Plan.
- B. **Applicability.** A Zoning Code Text Amendment may be initiated by the Common Council, the Plan Commission, the City Attorney, the Community Development Director or their designee, or by any owner of property affected by the provisions of the standard sought to be amended.

C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meetings).

2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).

3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).

4. **Community Development Director Review.**

Once the application is accepted, the Community Development Director or their designee shall:

- a. Refer the application to appropriate City Departments for review and comment,
- b. Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments, and

- c. Schedule the Plan Commission meeting for review and recommendation.

5. **Plan Commission Meeting and Recommendation.** The Plan Commission shall conduct a public meeting on the application; review and discuss the application, Community Development Director or their designee's report, and public comment received; and recommend the Common Council either:

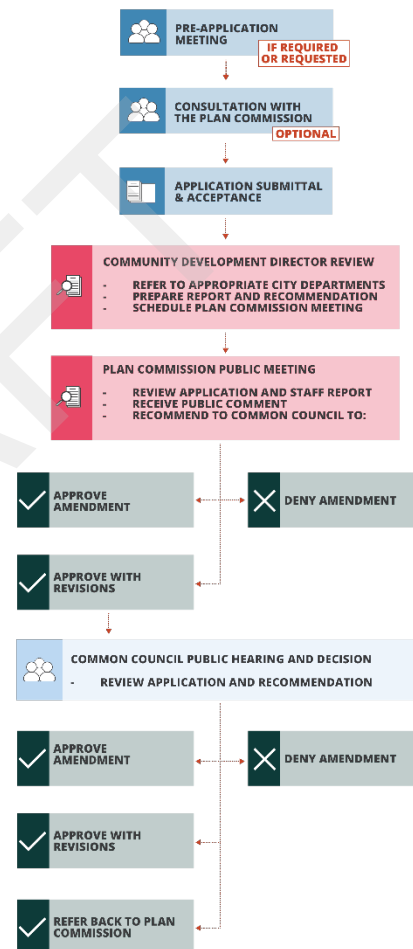


Figure 7 Amendments – Zoning Code Text

- a. Approve the Zoning Code Text Amendment as presented,
 - b. Approve the Zoning Code Text Amendment with revisions, or
 - c. Deny the Amendment.
6. **Common Council Hearing and Decision.** The Common Council shall conduct a public hearing on the application; review the application, the Community Development Director or their designee's report, the recommendation of the Plan Commission and public comment received and either:
- a. Approve the Zoning Code Text Amendment as presented,
 - b. Approve the Zoning Code Text Amendment with revisions,
 - c. Refer the Zoning Code Text Amendment back to the Plan Commission for additional review and recommendation, or
 - d. Deny the Amendment and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.
7. The proposed amendment aligns with the Waukesha Comprehensive Plan and any other officially adopted applicable plan or policy document.
8. The proposed amendment will result in compatible relationships between existing and future development patterns.
9. The proposed amendment will not cause substantial impairment of the health, safety, or general welfare in the applicable area or City as a whole.
- D. **Effect of Decision.** After the adoption of an amendment to the Zoning Code text, or a part thereof, no approval shall be issued except in accordance with the amended text.

22.11.14. Amendments – Zoning Map

- A. **Purpose.** The Zoning Map Amendment process established is established to provide a means for making changes to the standards of this Chapter to align with the Waukesha Comprehensive Plan.
- B. **Applicability.** A Zoning Map Amendment may be initiated by the Common Council, the Plan Commission, the Community Development Director or their designee, or by any owner of property affected by the zoning map designation sought to be amended.

C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Subsection 22.11.03(B)(2) (Pre-Application Meetings).
2. **Optional Consultation.** If an Optional Consultation is requested, it shall follow the process outlined in Subsection 22.11.03(A)(3) (Optional Consultation).
3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Subsection 22.11.03(B)(3).
4. **Community Development Director Review.** Once the application is accepted, the Community Development Director or their designee shall:
 - a. Refer the application to appropriate City Departments for review and comment,
 - b. Prepare a report and recommendation on the application, based on the comments received from the referred to City Departments, and
 - c. Schedule the Plan Commission meeting for review and recommendation.



Figure 8 Amendments – Zoning Map

5. **Plan Commission Meeting and Recommendation.** The Plan Commission shall conduct a public meeting on the application; review and discuss the application, Community

Development Director or their designee's report, and public comment received; and recommend the Common Council either:

- a. Approve the Zoning Map Amendment as presented,
- b. Approve the Zoning Map Amendment with revisions, or
- c. Deny the Amendment.

6. **Common Council Meeting and Decision.** The Common Council shall conduct a public hearing on the application; review the application, the Community Development Director or their designee's report, the recommendation of the Plan Commission and public comment received and either:

- a. Approve the Zoning Map Amendment as presented,
- b. Refer the Zoning Map Amendment back to the Plan Commission for additional review and recommendation, or
- c. Deny the Amendment and direct the Community Development Director or their designee to issue a letter detailing the decision to the applicant.

D. Review Criteria.

- 1. The proposed amendment aligns with the Waukesha Comprehensive Plan and any other officially adopted applicable plan or policy document.
- 2. The subject site is suitable for the uses and development allowed within the requested district.
- 3. The proposed amendment will result in compatible development patterns in terms of use and scale with adjacent existing and planned future development.
- 4. The proposed amendment will not generate traffic, environmental, or aesthetic concerns that would generate undue impact on adjacent properties.
- 5. The proposed amendment will not cause substantial impairment of the health, safety, or general welfare in the applicable area or City as a whole.

E. **Effect of Decision.** After the adoption of an amendment to the Zoning Map, or a part thereof, no approval shall be issued except in accordance with the amended map.

22.11.15. Enforcement

A. Notice of Violation.

1. Whenever a violation of this Chapter exists, the Community Development Department shall issue a notice of violation.
2. Such notice shall be directed to each owner or party in interest in whose name the property appears on the local tax assessment records.
3. All notices shall be in writing and shall be served by regular mail, addressed to the owner or other party in interest at the address shown in the local tax records.

B. Inspection and Investigation. The Community Development Director or their designee is authorized to conduct any lawful inspection and investigation necessary to ensure compliance with this Section.

C. Violation Correction. All procedures and remedies in this Section are cumulative and not exclusive, and do not prevent the City from pursuing any other remedy available at law or in equity.

1. **Issuance of Stop Work Order.** The Community Development Director or their designee may issue a stop work order whenever any development subject to this Section, including a building or structure that is being constructed, demolished, renovated, altered, or repaired, is in violation of any applicable provision of this Chapter. The stop work order shall be in writing, directed to the property owner, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work. Where practicable, the stop work order shall also be posted on the site.

2. **Revocation of Permit or Approval.**

- a. The Community Development Director or their designee may revoke any permit or approval granted under this Chapter by written notice to the permit or approval holder, when:
 - i. False statements or misrepresentations were made in securing the permit or approval,
 - ii. Work is being or has been done in substantial departure from the approved application or plan,
 - iii. There has been a failure to comply with the requirements of this Chapter, or
 - iv. A permit or approval was issued contrary to the requirements of this Chapter.

3. **Denial or Withholding of Related Permits.** The Community Development Director or their designee may deny or withhold a Certificate of Occupancy in accordance with the Building Code or deny or withhold any permit, approval, or other authorization under this Chapter to

use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

4. **Removal of Illegal Signs.**

- a. The City may remove any sign placed within the right-of-way of a City, County, or state-maintained street in violation of the standards in this Chapter.
- b. The Community Development Director or their designee shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the building inspector has determined to be dangerous or prejudicial to the public health or safety. The expense of such action shall be paid by the sign owner or if the sign owner cannot be ascertained by the property owner.

5. **Land Disturbance Restoration.** The Community Development Director or their designee may require any person who undertakes a land-disturbing activity and who fails to retain sediment generated by the activity, as required by Section ####, to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

6. **Injunction.** The Community Development Director, the City Attorney, or their respective designees may apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

7. **Citation.** The Community Development Director or their Designee may issue citations to any person or business violating any provisions of this Section or any land use provisions in this Chapter, in accordance with Section 25.08 of the Waukesha Municipal Code.

- D. All departments, officials, and employees of the City who are invested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, structure, or purpose if the same would not conform to the provisions of this Chapter.
- E. Any building erected, constructed, or reconstructed in violation of the provisions hereof shall be deemed an unlawful structure, and the Community Development Director or their designee or City Attorney or other official designated by the Council may bring action to enjoin such erection, construction, or reconstruction, or cause such structure to be vacated or removed. It is unlawful to erect, construct, or reconstruct any building or structure in violation of the provisions hereof.
- F. Any person who violates any provision of this Zoning Code for which no other penalty is expressly provided shall, upon conviction, be subject to a forfeiture as established by Section 25.05 of the Waukesha Municipal Code

Section 22.12. Rules of Construction, Interpretation, and Measurement and Definitions

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22.12.29. "Z" Definitions

22.12.01. General Provisions

- A. **Purpose.** For the purpose of interpreting this Section, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Section shall have their common, ordinary, and accepted meanings, except that technical or specially-defined words are given their technical or special definitional meaning.
- B. **Applicability.** The rules of construction, interpretation, and measurement and the definitions established in this Section shall apply to all Sections of this Chapter, unless otherwise specified.

22.12.02. Rules of Construction and Interpretation

In interpreting the language of this Chapter, the following general rules of construction shall apply, unless explicitly stated otherwise in a particular use of a term or phrase. The requirements of this Chapter shall be interpreted and applied as the minimum requirements necessary to carry out the purpose of the Chapter and to promote public health, safety, and general welfare.

- A. **Mandatory.** The words "shall," "must," and "will" are mandatory in nature.
- B. **Permissive.** The word "may" is permissive in nature.
- C. **And / Or.** The term "and/or" means either or both of the subject and/or means some of all of the subject components.
- D. **Tense.** Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable.
- E. **Plurals.** Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- F. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
- G. **Including.** The word "including" is considered non-exclusive unless stated otherwise.
- H. **Façade.** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.
- I. **Fractions.** When any requirement of this Chapter results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half is disregarded. When

the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component is disregarded and rounded down to the nearest whole number.

J. **Text and Illustrations.**

1. In the event of a conflict or inconsistency between the text of this Chapter and any heading, caption, figure, illustration, or map, the text shall control.
2. Diagrams and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

K. **Person.** The word "person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

L. **Used or Occupied.** The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

M. **Lot.** The word "lot" includes the words "plot" and/or "parcel."

N. **On the Premises.** The phrase "on the premises," means "on the same lot."

O. **References to Other Regulations/Publications.** Whenever reference is made to a part of the City's municipal Code, this zoning Code/ Chapter, statute, regulation, or document, it shall be interpreted as a reference to the most recent edition or version of such regulation, manual, City's municipal Code, this zoning Code/ Chapter, statute, or document, unless otherwise specifically stated.

22.12.03. Rules of Measurements

Unless a particular use of a term or phrase in this Chapter explicitly states otherwise, the following general rules of measurement shall govern the application of the numerical standards in this Chapter.

- A. **Separation.** If a standard of this Chapter requires a use or development to be separated from another use or development by a minimum distance, that distance is measured as the linear distance (also referred to as 'as the crow flies') between the nearest property line of the subject use or development and the property line of the use or development from which the subject use must be separated.
- B. **Building Height.** The vertical distance measured from the average elevation of the proposed finished grade at the façade adjacent to the front lot line to the highest point of the building. See Section 22.02.11 for determining the highest point of the building for different roof types.
- C. **Story.** Where a minimum number of stories is required, each story shall have a minimum height of 10 feet. Unoccupied attics less than seven feet in height and raised basements less than six

feet in height, as measured from the average grade of the fronting sidewalk, shall not be considered stories. A mezzanine shall be considered a story where it is designed to be occupiable, is contiguous with at least 60 percent of the building's front façade, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story where it exceeds one-third of the area of the roof. Under-roof areas with dormers shall not be considered stories.

- D. **Opacity.** The degree to which light or view is blocked, is measured perpendicular to the fence or screening structure for each fence/screening structure section between supports.
- E. **Maximum Setback.** At least 50 percent of the building frontage must meet the maximum setback.

22.12.04. "A" Definitions

- A. **Accessory Building / Structure** means a structure that is clearly incidental to and customarily found in connection with a principal building, is located on the same parcel and serves a principal building, and is subordinate in area, extent and purpose to the principal building served. Accessory Buildings / Structures include, but are not limited to:
 - a. **Enclosed Accessory Building / Structure** means an accessory structure that is fully enclosed by walls and a roof, such as garages, sheds, or similar structures.
 - b. **Open Accessory Structure** means an accessory structure that is not fully enclosed by walls and is typically supported by posts or columns, such as pergolas, gazebos, arbors, trellises, or similar structures.
- B. **Accessory Commercial Playground** means an outdoor play area or play equipment that is provided in connection with a principal commercial use and is intended for use by individuals visiting or using the principal use. The playground is located on the same lot and is incidental and accessory in scale and function.
- C. **Accessory Commercial Unit** means an occupation or profession conducted within a dwelling unit or building accessory to the dwelling unit by a resident of the dwelling unit that is incidental to the primary use of the dwelling as a residence. Accessory Commercial Units may be visible from the frontage, receive clients/customers without appointment, and have non-resident employment.
- D. **Accessory Dwelling Unit** means a dwelling unit located on a lot, that is incidental and subordinate to the principal dwelling. An Accessory Dwelling Unit may be detached, such as a cottage, or attached to the principal dwelling, such as an attic or basement apartment.
- E. **Accessory Service Facility** means maintenance buildings, storage structures, restrooms, concession stands, administrative offices, or similar support facilities that are incidental and subordinate to the principal structure(s) or use(s) on the same property.

- F. **Accessory Use** means a use subordinate to the principal use in terms of area, extent, and purpose that contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served and is located on the same lot as the principal use served.
- G. **Adult-Oriented Establishment** means any premises required to be licensed under Section 8.195 of the Waukesha Municipal Code.
- H. **Agriculture** means farming in all its branches, including cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; raising of livestock, bees, furbearing animals, or poultry; and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with farming operations, including preparation and delivery of produce to storage, to market, or to carriers for transportation to market.
- I. **Alley** means a legally established public right-of-way more than 10 feet and less than 30 feet in width that provides secondary access to abutting property.
- J. **Alternative Education Facilities** means a use that provides instructional or academic services through non-traditional or supplemental educational programs, including tutoring, test preparation, enrichment programs, learning centers, and similar services, and that is not classified as a school.
- K. **Animal Boarding Facility** means a facility for the boarding, training, or grooming of dogs and cats, excluding breeding sales of animals as regulated in Section 33.06 of the Waukesha Municipal Code.
- L. **Animal Hospital** means an establishment that includes services by license practitioners of veterinary medicine, dentistry, or surgery for animals; daycare and after-hours care; and training. Excludes non-patient care boarding.
- M. **Antenna** means any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and earth station dishes, television broadcast satellite dishes, and terrestrial antennas.
- N. **Artisan Manufacturing** means a fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products. This land use does not include uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.
- O. **Automated Teller Machine (ATM)** means a computerized, self-service machine used by banking customers of financial institutions, including deposits, withdrawals, and fund transfers, without face-to-face contact with financial institution personnel.

- P. **Auto Dealership and Rental** means an establishment required to be licensed in accordance with Wis. Stats. § Chapter 218, which may have showrooms or open lots for selling, renting, or leasing automobiles, light trucks, motorcycles, and ATVs.

22.12.05. "B" Definitions

- A. **Basement** means a portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building.
- B. **Bed and Breakfast / Short-Term Rental** means any residential property which offers a maximum of 10 rooms for short-term overnight sleeping accommodation, for less than 30 days, in exchange for compensation.
- C. **Berm** means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- D. **Bicycle Parking.**
- a. **Short-Term Bicycle Parking** means a designated area for temporary bicycle storage (less than two hours), typically near building entrances, with simple racks or other bike storage solutions.
 - b. **Long-term Bicycle Parking** means a secure, weather-protected area for bicycle storage intended for longer-term use (several hours or more).
- E. **Bioretention area** means an excavated area that is backfilled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer and planted with a diversity of woody or herbaceous vegetation, to which stormwater is directed to promote filtration, infiltration and/or evapotranspiration. Such an area may also be known as a "rain garden".
- F. **Boulevard.** See Median.
- G. **Brewery** means an establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer that are permitted to do so in accordance with the State of Wisconsin Department of Revenue. Breweries have a capacity of 15,000 barrels or more per year (see also definition for Micro-Brewery for under 15,000 barrels). The definition includes a public tasting room, and retail sales of ale, beer, or related products brewed or manufactured on site.
- H. **Buffer** means a combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.
- I. **Building** means a structure having a roof supported by columns or walls.
- J. **Building, Principal** means a building in which is conducted the principal use of the lot on which it is situated (includes attached garages).

22.12.06. "C" Definitions

- A. **Caliper.** See Diameter at Breast Height (DBH).
- B. **Car Wash** means a building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.
- C. **Cemetery** means an area used for the interment of human or pet remains, including structures such as gravestones, markers, foot stones, columbaria, mausoleums, crypts, fences, and walls.
- D. **Change of Use** means any alteration in the use of a lot or building / structure which, in the determination of the Community Development Director or their designee, changes the primary use of such lot or building / structure from one use category as defined in Section 22.10 to another use category.
- E. **Child Day Care Home** means a dwelling in which an occupant provides care for children who are not related to the occupant or legal wards for a portion of a 24-hour day.
- F. **Clear-cutting** means the practice of cutting down most or all of the trees in a woodland, woodlot, or forest or a section thereof, at the same time, usually in a uniform way.
- G. **Clinic** means a medical service facility that provides outpatient ambulatory or outpatient health care.
- H. **Clinic, Veterinary.** See Veterinary Clinic.
- I. **Coffee Shop** means a business primarily engaged in the sale of coffee, tea, and similar beverages, with incidental food service, for on- or off-premise consumption. A coffee shop does not include a restaurant providing full meal service.
- J. **College / University** means an institution for post-secondary education, public or private, offering courses in general or religious education and not operated for profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, performing arts facilities, athletic facilities, health centers, dormitories, fraternities, sororities, and other on-campus housing, as well as associated maintenance facilities. It does not include vocational schools or online/remote programs.
- K. **Commercial Adult and Child-Care Center** means a commercial facility which provides care and supervision for children for a portion of a 24-hour day, and which is licensed by the State of Wisconsin pursuant to Wis. Stats, § 48.65.
- L. **Commercial Kitchen** means a facility containing a kitchen or kitchens in which food is prepared for off-site consumption.

- M. **Commercial Recreation, Indoor** means an establishment offering recreation or providing entertainment or games of skill to the general public for a fee or change and wholly enclosed in a building.
- N. **Commercial Recreation, Outdoor** means premises with outdoor athletic or entertainment facilities for commercial purposes.
- O. **Community Living Arrangement** means facilities licensed and operated or permitted under the authority of the Wisconsin Statutes for the care and maintenance of residents, not members of the same family, including, but not limited to halfway houses, community living arrangements under Wis. Stats. § 48.743, foster homes under Wis. Stats. § 48.02(6), or an adult family home under Wis. Stats. § 50.01(1). Does not include commercial childcare centers, nursing homes, general hospitals, special hospitals, prisons, or jails.
- P. **Community Services Facility** means a permanent, stand-alone facility designed to provide support services to individuals in need. Primary services include temporary shelter and food provision. Incidental services may include educational programs, medical care, and other forms of assistance. This definition does not encompass emergency shelters, hazard shelters, or clothing/food donation centers, which are considered accessory uses.
- Q. **Conditional Use** means a use which requires approval of a Conditional Use Permit by the Plan Commission and subject to any conditions thereof, as granted under Section 22.11.08, but does not include a variance.
- R. **Construction-Related Activity** means a temporary construction activity, such as offices, equipment storage, or material staging, allowed for the duration of a specific construction project.
- S. **Contractor's Office** means a modular or portable office or storage structure for use by a contractor during construction activity.
- T. **Contractor's Yard** means a place where stone, gravel, sand, cement, brick, brick tile, cement tile, tile sewer pipe, wood, lumber or other building materials are stored or kept for sale.
- U. **Co-Working Space** means a neutral, non-exclusive, limited shared space defined in a membership-based service arrangement or agreement or subscription wherein a firm has no tenancy interest, leasehold estate, or other real property interest with respect to the accommodation on an as-needed basis. The agreement gives the firm a right to share the use of the space and may include an exclusive mailing address and office services. An executive suite/exclusive desk/dedicated desk/secured suite/private office under a co-working space agreement falls under this definition.
- V. **Crematory** means a facility containing properly installed, certified apparatus intended for use in the act of cremation.

22.12.07. "D" Definitions

- A. **Developable Land** means land which is not restricted by regulations or natural limitations (such as floodplains, steep slopes, high ground water, or other factors) from being developed.
- B. **Development** means one of the following:
- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure, or
 - b. The excavation, grading, filling, clearing, or alteration of land.
2. **New Development** means development proposed on undeveloped sites or on previously developed sites after the demolition of existing buildings and site elements.
- C. **Diameter at Breast Height (DBH)** means the diameter of a tree, measured in inches at a point 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
- D. **Distillery** means an establishment primarily engaged in the manufacturing of fortified spirits that is permitted to do so in accordance with the State of Wisconsin Department of Revenue. Distilleries have a capacity of more than 25,000 gallons per year (see also definition for Micro-Distillery for under 25,000 gallons). The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.
- E. **Driveway** means a private vehicular access area that connects a public or private street, alley, or internal access drive to a lot or development site and provides access to garages, carports, parking areas, or buildings. Driveways are distinct from internal access drives and drive lanes.
1. **Residential Driveway** means a driveway serving a one- or two-unit residential use. A residential driveway includes an area used for vehicular parking that may be counted toward required off-street parking in accordance with this Subsection 22.06.04 of this Chapter. A residential driveway does not include pedestrian walkways, sidewalks, patios, terraces, steps, or other areas designed exclusively for pedestrian use.
 2. **Nonresidential Driveway** means a driveway serving multi-unit residential, mixed-use, commercial, institutional, industrial, or other nonresidential uses. A nonresidential driveway is used for vehicular access and circulation and is not counted as an off-street parking space.
- I. **Dwelling Unit** means a room or a group of rooms including cooking accommodations, occupied by one household unit.
- J. **Dwelling, Cottage Home / Tiny Home Court** means a group of small-scale, detached dwelling units on permanent foundation located on a single lot or individual lots and arranged around a shared court visible from the street.

- K. **Dwelling, Duplex, Side-by-Side** means a residential building containing two dwelling units located beside one another, each with a separate exterior entrance, and separated by a common vertical wall.
- L. **Dwelling, Duplex, Stacked** means a residential building containing two dwelling units arranged one above the other, with either separate exterior entrances or a shared entrance serving both units.
- M. **Dwelling, Live-Work Unit** means an attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.
- N. **Dwelling, Mobile Home Park** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- O. **Dwelling, Multi-Unit, 5-8 Units** means a residential building, or group of buildings on a single lot, containing five to eight dwelling units arranged side-by-side or stacked vertically, including units located above garages. This use does not include dwelling units located above a ground-floor nonresidential use, except where no more than one or two dwelling units are provided. This use does not include any other dwelling type defined by this Chapter.
- P. **Dwelling, Multi-Unit, More than 8 Units** means a dwelling containing eight or more separate residential units, intended for occupancy by multiple families or households.
- Q. **Dwelling, Multi-Unit, Above Ground Floor Only** means one unit or more located above a ground floor non-residential use. The separate uses do not have to be inhabited by the same party.
- R. **Dwelling, Multi-Unit, Building Complex** means a site containing multiple multi-unit residential buildings developed as part of a single project or on a single lot.
- S. **Dwelling, Multi-Unit, Rear Ground-Floor** means a residential unit located on the rear portion of the ground floor in a multi-unit building, typically situated behind commercial or retail uses at the front. The unit provides independent living spaces, including sleeping, cooking, and sanitary facilities, with direct access to the exterior or common areas of the building, ensuring accessibility for residents while maintaining the functionality of the building's front storefronts.
- T. **Dwelling, Quadplex** means a single detached dwelling on a lot that contains four dwelling units.
- U. **Dwelling, Rowhome.**
 - 1. **Rowhouse Unit** means a single dwelling within a rowhouse cluster, located on an individual lot, and sharing at least one common wall with an adjacent dwelling unit.
 - 2. **Rowhouse Cluster** means a residential building containing three or more rowhouse units, but not more than eight, stacked horizontally and developed as a unified structure. Each unit has its own exterior entrance and is located on an individual lot.

- V. **Dwelling, Single-Family Detached** means a detached dwelling containing one dwelling unit intended for use by one family.
- W. **Dwelling, Triplex** means a single detached dwelling on a lot that contains three dwelling units.

22.12.08. "E" Definitions

- A. **Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.
- B. **Erosion and Sediment Control Plan** means a plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

22.12.09. "F" Definitions

- A. **Fence** means any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
- B. **Financial & Professional Services** means an establishment that engages in financial transactions that create, liquidate, or change ownership of financial assets.
- C. **Flea Market** means an occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.
- D. **Fleet Fueling Facility** means the dispensing of gasoline or other automotive fuels for vehicles owned, leased, or operated by a business or government entity on the same premises, and not available to the general public. Such facilities are incidental and subordinate to the principal use and may include fuel pumps and storage tanks.
- E. **Fleet Vehicle Storage / Maintenance** means an indoor or outdoor area for the storage of motor vehicles owned or leased by a business, government agency, or other organization rather than by an individual(s) and an accompanying indoor area for vehicle service work. Maintenance may include fueling of fleet vehicles but does not include sale of vehicle fuels.
- F. **Food Truck** means a motorized or towed wheeled vehicle that is designed, equipped and used to prepare, or serve, and sell food at a transitory or static location, and is not situated in a permanent structure as an accessory to a business located in the structure for purposes of primarily serving patrons of the business.
- G. **Food Truck Court** means a permanent site for the location of multiple food trucks simultaneously.
- H. **Footcandle** means a unit of measure indicating the amount of light that reaches a surface, equal to one lumen per square foot.

- I. **Foster Family Home** means the primary domicile of a foster parent which is for four or fewer foster children and which is licensed pursuant of Wis. Stats. § 48.61.
- J. **Funeral Home** means an establishment for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, indoor stonecutting, and selling caskets and related merchandise). Funeral Homes may include accessory Crematoriums.

22.12.10. "G" Definitions

- A. **Garage, Accessory** means a fully enclosed building used for the parking or storage of vehicles associated with the principal use on the same lot.
- B. **Garage / Rummage Sale** means the temporary sale of personal property from a residential dwelling.
- C. **Garden Center (with Outdoor Storage)** means a facility for the cultivation of plants within an enclosed environment on a commercial basis. Includes plant and tree nurseries.
- D. **General Manufacturing** means a non-residential use involving the manufacturing, processing, fabrication, compounding, or assembly of products or materials that may generate noise, vibration, odor, truck traffic, or other impacts that are greater than a Light Industrial use but do not rise to the intensity of Heavy Industrial operations. Activities are conducted primarily within enclosed buildings, with limited outdoor storage or operations.
- E. **General Retail** means a retail establishment engaged in the sale of products or merchandise to customers for their personal use or consumption and not for resale. This use may include ancillary services customarily associated with retail sales or small-scale retail operations.
- F. **General Service** means non-residential use providing routine or frequent services to customers, clients, or the general public, including repair, maintenance, cleaning, rental, personal assistance, or similar service activities conducted within an enclosed building.
- G. **Grade** means the average elevation of the finished ground.
- H. **Green Infrastructure** means any combination of landscaping, facilities, or equipment that captures rain at or near the site where it falls through infiltration, evapotranspiration, or storage for beneficial use or delayed discharge. Green infrastructure includes, but is not limited to, amended soil areas, bioretention areas, biofiltration areas, stormwater trees, vegetated or biofiltration swales, landscaping with deeply rooted plants in amended soil, rain barrels, permeable pavements, planter boxes, and vegetated buffer strips, as well as the removal of structures or pavements to allow revegetation.
- I. **Grocery Store** means a retail establishment that sells food, beverages, and household goods for off-site consumption, and may include ancillary services such as a pharmacy, bakery, deli, or prepared-food area.

22.12.11. "H" Definitions

- A. **Home Occupation** means any occupation customarily conducted for gain or support entirely within a dwelling or accessory building by a member or members of a household unit while residing in said dwelling, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.
- B. **Hospital** means an institution providing in-patient care and treatment for individuals with physical or mental disabilities, illnesses, addictions, or injuries.
- C. **Hotel / Motel** means a building or portion thereof in which guestrooms are provided for occupancy for daily rate compensation by transient guests.

22.12.12. "I" Definitions

- A. **Impervious Surface** means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel, or paved parking lots and streets are examples of areas that typically are impervious.
- B. **Industrial** means non-residential uses involving manufacturing, processing, fabrication, assembly, treatment, research, testing, storage, or distribution of materials, products, or equipment. Industrial uses may generate varying levels of noise, vibration, odor, dust, emissions, truck traffic, or other operational impacts depending on the scale and intensity of the activity.
 - 1. **Heavy Industrial, Indoor** means a non-residential use involving manufacturing, processing, fabrication, assembly, treatment, or handling of materials where operations may generate substantial noise, vibration, odor, emissions, truck traffic, or other impacts. All principal operations are conducted within enclosed buildings; however, the intensity of activities exceeds Light Industrial uses. Outdoor activity is limited to loading, unloading, and incidental storage that is clearly secondary to the indoor operations.
 - 2. **Heavy Industrial, Outdoor** means a non-residential use involving manufacturing, processing, material handling, storage, equipment operation, or similar high-impact industrial activities conducted primarily outdoors. These uses typically generate substantial noise, vibration, odor, dust, truck traffic, or other external impacts and may include large-scale equipment, bulk material storage, or outdoor processing operations. Enclosed buildings may be present but are incidental to the primary outdoor industrial activity.
 - 3. **Light Industrial, Indoor** means a non-residential use involving manufacturing, assembly, fabrication, processing, research, development, or testing conducted entirely within an enclosed building and producing minimal off-site impacts. Noise, odor, dust, vibration, and emissions shall not be detectable beyond the building exterior. Operations typically involve smaller-scale equipment and limited truck traffic.

4. **Light Industrial, Outdoor** means a non-residential use involving primarily indoor light industrial activities with limited outdoor components that are incidental and subordinate to the principal use. Outdoor activities may include equipment staging, screened storage, or loading areas, provided impacts such as noise, odor, dust, and vibration remain minimal and are appropriately screened or buffered.

- C. **Infiltration** means the entry of precipitation or runoff into or through the soil.
- D. **Invasive Species** means nonindigenous species of plants whose introduction causes or is likely to cause economic or environmental harm or harm to human health (Wis. Stats. § 23.22(1)(c)).

E. "J" Definitions

[RESERVED]

F. "K" Definitions

[RESERVED]

G. "L" Definitions

- A. **Land Disturbing Activity** means a use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- B. **Land Use Plan** means the element of a comprehensive plan, adopted under Wis. Stats. Section 66.1001, that identifies the general location and type of future land uses within the city and its extraterritorial area. It guides zoning, subdivision, and public improvement decisions to promote orderly growth and ensure consistency with adopted goals and policies.
- C. **Landscaping** means the installation and maintenance of any combination of trees, shrubs, grasses, and other live plant material, which shall not include soil, uncultivated vegetation, and gravel.
- D. **Lawn** means an area of a yard vegetated chiefly with cultivated turfgrass or turfgrasses.
- E. **Loading Area** means an area provided outside the public right-of-way and on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle loading or unloading merchandise and materials.
- F. **Lot** means the entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group of buildings, including the yards and open spaces required therefore by this title and other applicable law.
- G. **Lot, Corner** means a lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

- H. **Lot Frontage** means the lot width measured along the street right-of-way line that abuts the street toward which the principal building is oriented and from which the building is addressed, regardless of the location of vehicular access.
- I. **Lot, Interior** means a lot with only one frontage on a street.
- J. **Lot Width** means the width of a lot, measured at a distance back from the front line equal to the required minimum front yard setback.

H. "M" Definitions

- A. **Mature Tree** means a tree or group of trees that are generally dominated by individuals older than 50 years that have a notably even-aged structure.
- B. **Median** means a raised structure between travel lanes used to separate opposing directions of traffic. This may also be called a boulevard.
- C. **Meeting / Event Facility** means a building or a facility used for hosting of parties, meetings, banquets, and conferences, other events; viewing, partaking in, and/or experiencing an amusement, including but not limited to movie theaters, arenas, athletic facilities, and performing arts venues; and programming, production, presentation, exhibition of any of the arts and cultural disciplines, including auditoriums, galleries, museums, and libraries. This use excludes explicit establishments.
- D. **Micro-Brewery** means an establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer that is permitted to do so in accordance with the State of Wisconsin Department of Revenue. Micro-Breweries have a capacity of up to 15,000 barrels per year (see also definition for Brewery above 15,000 barrels). The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.
- E. **Micro-Distillery** means an establishment primarily engaged in the manufacturing of fortified spirits that is permitted to do so in accordance with the State of Wisconsin Department of Revenue. Micro-distilleries have a capacity of up to 25,000 gallons per year (see also definition for Distillery above 25,000 gallons). The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.
- F. **Micro-Winery** means an establishment primarily engaged in the manufacture of unfortified or fortified wine of not more than 25,000 gallons per year (see also definition for Winery above 25,000 gallons) that is permitted to do in accordance with the State of Wisconsin Department of Revenue. The definition includes a public tasting room and retail sales of wine and related products.
- G. **Model Home** means a dwelling temporarily used as an on-site sales office for a residential development under construction.

I. "N" Definitions

- A. **Native Plants** means plants that evolved in the upper Great Lakes region and as a result are uniquely adapted to local growing conditions.
- B. **Nonconforming Use** means any use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. The use must be active and actual, rather than merely causal and occasional, accessory, or incidental to principal uses.
- C. **Noxious Weed** means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the Wisconsin Department of Natural Resources by rule, and any other weed the City Council declares, by ordinance or resolution, to be noxious within its City's boundaries. (Wis. Stats § 66.0407(1)(b)).
- D. **Nursing Home** means a facility, as defined in Wis. Stat. § 50.01(3), in which five or more persons not related to the operator, reside and receive care or treatment for physical or mental health conditions, and who require access to 24-hour nursing services.

J. "O" Definitions

- A. **Office, General** means a room or suite of rooms used for the practice of a profession or for the conduct of a business which does not involve the sale of goods from the premises. The term does not include a personal service shop. If goods or merchandise are sold for delivery on or from the premises in a manner other than incidental to the principal office use, then the premises shall be considered to be a store rather than an office.
- B. **Off-Site** means located outside the development site, as defined herein, or property boundary described in the permit application.
- C. **On-Site** means located within the development site or property boundary described in the permit application.
- D. **Ordinary High-water Mark** means the point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics. The ordinary high-water mark defines the channel of a stream.
- E. **Outdoor Display / Sale of Merchandise** means the accessory sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, garden supplies, and produce.
- F. **Outdoor Seating** means the provision of on-site or on sidewalk outdoor seating areas by a restaurant, bar, or other use where food or beverages are served for consumption.

- G. **Outdoor Storage** means the storage of various materials outside of a structure, as an accessory use.

K. "P" Definitions

- A. **Parking Lot** means a stand-alone or accessory, off-street surface parking area for temporary storage of vehicles.
- B. **Parks and Playgrounds** means an area of open space that is maintained in its natural condition or improved for outdoor recreation purposes.
- C. **Permeable Surfacing** means a material or materials and accompanying subsurface treatments designed and installed specifically to allow stormwater to penetrate into the material, thereby reducing the volume of stormwater runoff from the surfaced area. Permeable surfacing may include, without limitation, permeable interlocking pavers, concrete lattice pavers, porous blocks or pavers or similar structural support materials, and permeable concrete or asphalt.
- D. **Permitted Use** means a land use allowed by right in a zoning district or overlay district, subject to compliance with all applicable standards specified in Section 22.03 of this Chapter.
- E. **Personal Services** means an establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as hair and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, weight loss centers, makeup services, massage services, gyms, dance studios, music and/or art studios, and laundry services.
- F. **Place of Worship** means a facility such as a church, temple, monastery, synagogue, or mosque used for worship by a not-for-profit organization and their customary related uses, such as administrative offices, classrooms, meetings rooms, cooking and eating facilities, and dwelling units housing no more than two faith leaders.
- G. **Planned Unit Development** means a land development project developed in accordance with the purpose, intent, and objectives of the PUD District (Subsection 22.02.04(G) of this Chapter).
- H. **Planter Box** means a container or planting area that is open or closed bottom that is planted with a soil medium and vegetation intended to collect, absorb, and filter runoff from impervious surfaces. Planter boxes may include stormwater planters, infiltration planters, and flow-through planters.
- I. **Plant Material** means the trees, shrubs, grasses, plants, and other ground cover, including turfgrass, that constitutes the vegetated component of landscaping.
- J. **Pop-Up Retail / Restaurant** means a temporary retail or restaurant use located within an existing commercial building that is incidental and subordinate to a principal use on the same premises. The use is limited in duration and shall not operate as a stand-alone business.

- K. **Portable Storage Structure** means a vessel, container, or unit owned, rented, or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation.
- L. **Post Office** means an establishment conducting operations of the United States Postal Service including permanent, contract, and lease stations, not including mailboxes and cluster box units.
- M. **Principal Building.** See Building, Principal.
- N. **Principal Use** means the primary purpose or function of a building, structure, or parcel of land.
- O. **Private Place of Assembly** means a building used for the programming, production, presentation, exhibition of any of the arts and cultural disciplines. This use often includes auditorium, gallery, office, and meeting facilities as well as museums and libraries.

L. "Q" Definitions

[RESERVED]

M. "R" Definitions

- A. **Recreation, Commercial Indoor.** See Commercial Recreation, Indoor.
- B. **Recreation, Commercial Outdoor.** See Commercial Recreation, Outdoor
- C. **Redevelopment** means a proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.
 - 1. **Minor Redevelopment** means exterior changes to buildings or modifications to required site elements that do not meet the thresholds for Intermediate or Major Redevelopment.
 - 2. **Intermediate Redevelopment** means redevelopment that includes a 25 percent or greater but less than 75 percent increase in gross floor area, dwelling units, disturbed area, impervious surface area, or building height.
 - 3. **Major Redevelopment** means redevelopment that includes a 75 percent or greater increase in gross floor area, dwelling units, disturbed area, impervious surface area, or building height.
- D. **Restaurant** means any building, room, or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public.
- E. **Retail, General.** See General Retail.
- F. **Retention** means a stormwater management facility that does not have a controlled release point other than pumping, infiltration, or evaporation.
- G. **Runoff** means stormwater or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

N. "S" Definitions

- A. **School, K-12** means any public or private institution for education of students in kindergarten through twelfth grade, including associated athletic or recreational facilities.
- B. **School, Vocational/Technical** means a public or private institution for education or learning including athletic or recreational facilities. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.
- C. **Screening** means a fence, wall, berm, landscaping planting, or combination thereof designed to visually obscure or buffer one land use, structure, or activity from another, or from a public street or sidewalk, while remaining in compliance with applicable height, opacity, and setback requirements.
- D. **Seasonal Sales** means temporary outdoor sales, typically recurring on an annual basis, located on a lot with a principal use for which the seasonal sales are not associated.
- E. **Seating, Outdoor.** See Outdoor Seating.
- F. **Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- G. **Self-Storage Facility** means a building or group of buildings, containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.
- H. **Setback** means the shortest horizontal distance from a lot line of a lot to the minimum or maximum depth as prescribed in Section 22.02 or elsewhere in this Chapter.
 - a. **Setback, Minimum** means a line parallel to the lot line in front of which no building shall be erected. Minimum setbacks shall be figured from the right-of-way line, lot line, or in the case of alley-accessed lots the alley easement.
 - b. **Setback, Front** means the horizontal distance from the front lot line of a lot measured perpendicular from the front lot line for the minimum depth prescribed in Section 22.02. Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement then the front setback shall be measured from an assumed right-of-way line.
 - c. **Setback, Interior Side** means the horizontal distance from the interior side lot line of a lot measured perpendicular from the interior side lot line for the minimum depth prescribed in Section 22.02.
 - d. **Setback, Rear** means the horizontal distance from the rear lot line of a lot, or in the case of alley-accessed lots to the alley easement boundary, measured perpendicular from the rear lot line from the minimum depth prescribed in Section 22.02.

- e. **Setback, Street Side** means the horizontal distance from the street side lot line of a lot measured perpendicular from the street side lot line for the minimum depth prescribed in Section 22.02.
- l. **Sign** means any object, device, display, or structure, or part thereof, including its supporting base, frame, electrical and all other accessory components, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Address signs, free standing microphone or speakers, and gas station fuel pumps shall not be considered a sign.
 - 1. **A-Frame/Sandwich Board Sign** means a freestanding temporary sign with only two sides that are situated adjacent to a business with the intent to attract traffic to business(es). Sandwich board signs are not meant to be read by vehicular traffic. (Also known as sidewalk signs).
 - 2. **Athletic Field Fence Sign** means a sign located within and affixed to the fence of an athletic field or court used for sports programs.
 - 3. **Awning Sign** means any sign attached to or supported by a structure projecting from a building which is used or intended to be used as an overhead shelter.
 - 4. **Blade Sign** means a sign that projects perpendicular from a building's supporting wall and does not swing or otherwise move via natural, manual, or automated methods.
 - 5. **Billboard Sign.** An off-premise sign which advertises a business, commodity, good, service, entertainment or attraction which is not sold, produced, manufactured, or furnished on the premises where the billboard is located. (Also includes poster-panel signs).
 - 6. **Bracket Mounted Sign** means a sign affixed, attached, or secured to a wall or another structure through the use of a bracket or another type of supportive hardware and may swing or otherwise move via natural methods.
 - 7. **Canopy Sign** means a sign that is mounted to a flat, rigid canopy that is otherwise permitted by the City.
 - 8. **Drive-Through Sign** means a sign appurtenant to a drive-through facility as defined herein.
 - 9. **Electronic Display Sign** means a sign which is designed so that characters, symbols, letters, images, video, or illustrations are displayed and changed through the use of electronics or computers.
 - 10. **Feather Sign** means a generally narrow vertical temporary sign with or without copy where the sign is mounted onto a pole or individual mounting device with the intent of utilizing natural or man-made air movement.

11. **Ground-Mounted Banner Sign** means a sign consisting of cloth, paper, plastic or other materials attached and secured to the ground.
12. **Marquee Sign** means a sign attached to permanent roof-like shelter extending from part or all of a building face, constructed from durable material(s) such as metal or wood, located at the entrance to a theater or entertainment venue.
13. **Monument Sign** means a freestanding sign mounted directly to the ground with a solid base and not supported by exposed posts or poles, where the sign has no more than two sides.
14. **Neighborhood Entry Sign** means a freestanding sign that is located at a vehicular entrance to a residential subdivision that is supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
15. **On-Site Circulation Safety Sign** means a sign which conveys information to drivers, cyclists, and pedestrians that is pertinent to protect public safety, including but not limited to signs that identify one-way drive-aisles and access points, areas of low clearance, and the location of drive-through lanes.
16. **Post and Panel Sign** means a sign, the face of which is affixed to a minimum of two posts installed on the ground without footings.
17. **Post Sign, Permanent** means a freestanding sign affixed to the ground with one or no more than two stakes or poles.
18. **Post Sign, Temporary** means a freestanding sign affixed to the ground with one or no more than two weather-resistant wood, aluminum, aluminum composite, or wrought iron stakes or poles with an arm from which the sign hangs.
19. **Pylon Sign** means an alternative to pole sign, a pylon sign is a detached sign mounted directly to the ground with a solid base and typically not supported by exposed posts or poles, they are taller than monument signs.
20. **Roof Sign** means a sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.
21. **Wall-Mounted Banner Sign** means a sign consisting of cloth, paper, plastic or other materials attached and mounted to a building.
22. **Wall Sign** means a sign attached to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and whose face is parallel to the façade of the building upon which it is attached.

23. **Window Sign** means a sign that is applied or attached to the exterior or interior of a window or located within the interior of a structure so that its copy can be read from the exterior of the structure. Window signs shall include window film, decals and clings which are more than 50 percent opaque and / or contain sign copy.
24. **Yard Sign** means a freestanding, moveable sign on a wire or plastic frame, wood stake or similar support.
- J. **Site** means the entire area enclosed in the legal description of a parcel.
- K. **Solar Energy Collection System, Canopy** means a solar energy collection system consisting of elevated solar panels installed above parking lots, carports, and other paved areas.
- L. **Solar Energy Collection System, Ground-Mounted** means a solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with a primary use.
- M. **Solar Energy Collection System, Roof-Mounted** means a solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground-mounted.
- N. **Special Events** means a temporary event such as a block party, festival, musical event, competition, or other community-oriented event.
- O. **Storage, Outdoor.** See Outdoor Storage.
- P. **Storage Structure, Portable.** See Portable Storage Structure.
- Q. **Stormwater.** Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- R. **Stormwater Tree** means a tree selected and installed, either with or without an engineered box or structure, as an integral and intentional component of a stormwater management or landscape plan, at points or sites where the tree will have the effect of capturing stormwater runoff and increasing tree canopy coverage.
- S. **Story** means that portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above, the portion of the building between the surface of a floor and the ceiling or roof above.
- T. **Street** means a public thoroughfare which affords the principal means of access to abutting property.
- a. **Street, Arterial** means Principal and Minor routes that provide mobility so people can move from one place to another quickly and safely.

- b. **Street, Collector** means Major or Minor routes that provide links between arterial and local streets and balance of mobility and access safely.
- c. **Street, Local** means provides access to homes, businesses, and other properties. This includes frontage streets that usually run parallel to arterial streets.
- U. **Street Tree.** Any tree planted wholly or partially in the City's right-of-way along a public street.
- V. **Subdivision** means a division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
 - 3. **Subdivision, Major** means a subdivision that does not meet the criteria for a Minor Subdivision, typically involving more than five lots or requiring the opening, widening, or extension of public streets or roads.
 - 4. **Subdivision Minor** means a subdivision involving no more than five lots, occurring along an existing public street or road, and not requiring the opening, widening, or extension of any street or road.
- W. **Swimming Pool, Private** means a receptacle for water, or an artificial pool of water, whether above or below the ground, used or intended for private recreational use by the property owner, residents, and invited guests, including all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto.

O. "T" Definitions

- A. **Temporary Use** means a use or structure on improved or unimproved real estate which is of impermanent nature and is used for a limited number of days per calendar year.
- B. **Tent** means a temporary structure composed of canvas, fabric, or other pliable material supported by poles, ropes, or a frame, and used for temporary shelter, events, or activities.
- C. **Terrace** means the public right-of-way area between the back of the curb or roadway edge and the sidewalk, or in the absence of a sidewalk, the area between the back of the curb or roadway edge and the property line.
- D. **Theater** means a building, room, or outside structure with rows of seats, each row usually higher than the one in front, from which people can watch a performance or other activity.
- E. **Trailer** means a temporary, transportable building such as a modular classroom or office, used during the planning and construction of a permanent structure.
- F. **Tree Box** means a designated planting area designed and sized to support the long-term growth of a tree, typically located within paved areas such as sidewalks or streetscapes.

P. "U" Definitions

- G. **Use** means the purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.
- H. **Use, Accessory.** See Accessory Use.
- I. **Use, Conditional.** See Conditional Use.
- J. **Use, Nonconforming.** See Nonconforming Use.
- K. **Use Permitted.** See Permitted Use.
- L. **Use, Principal.** See Principal Use.
- M. **Use, Temporary.** See Temporary Use.
- N. **Utilities** means services and supporting facilities that provide water, sewer, stormwater, electricity, gas, telecommunications, and other essential public or private utility functions. Utilities include both distribution systems and associated infrastructure necessary for service delivery.
- O. **Utility Infrastructure** means facilities and systems essential to the delivery of public services, including transportation, water, sewer, stormwater, energy, and communication networks. Public Infrastructure includes streets, sidewalks, utility lines, substations, pumping stations, reservoirs, and similar facilities owned or operated by a public agency or public utility.

Q. "V" Definitions

- A. **Variance** means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure or sign that is granted by the Board of Zoning Appeals.
- B. **Vehicle Fueling Station** means an establishment that sells gasoline or other automotive fuels, dispensed directly to the users of motor vehicles. Use may include tire pressure and air stations, and other customarily incidental uses that do not fall under the definition of major or minor vehicle services.
- C. **Vehicle Services – Major Repair / Body Work** means the repair, servicing, alteration, restoration, towing, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including incidental wholesale and retail sale of vehicle parts as an accessory use, and collision repair, body work and painting services, and/or tire recapping.
- D. **Vehicle Services – Minor Maintenance / Repair** means the repair, servicing, alteration, restoration, towing, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats,

and other vehicles as an accessory use, and providing only limited repair and maintenance services.

- E. **Veterinary Clinic** means an establishment that includes services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals, daycare, training, and grooming. Excludes non-patient care boarding.
- F. **Vision Triangle** means a designated triangular area of land at an intersection, created to ensure drivers, cyclists, and pedestrians have a clear, safe view of oncoming traffic. The size of the triangle will vary depending on the type of intersection.
- G. **Vocational/Technical School.** See School, Vocational/Technical.

R. "W" Definitions

- A. **Wetland** means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- B. **Wind Energy Conversion System (WECS), Ground-Mounted** means a machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill) attached to the ground. The WECS includes all parts of the system, including tower and the transmission equipment.
- C. **Wind Energy Conversion System, Roof-Mounted** means a machine or mechanism that converts the kinetic energy in the wind into a usable form of electrical or mechanical energy, such as but not limited to, a wind charger, wind turbine or windmill attached to the roof of another structure.
- D. **Winery** means an establishment primarily engaged in the manufacturing of fortified or unfortified wine that is permitted to do so in accordance with the State of Wisconsin Department of Revenue. Wineries shall have a capacity of more than 25,000 gallons per year (see also definition for Micro-Winery for less than 25,000 gallons). The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.
- E. **Wireless Communications Facility** means a structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.
- F. **Woodland** means an area covered in trees where the canopy allows sunlight to penetrate between the trees, limiting shade. Woodlands may support an understory of shrubs and herbaceous plants, including grasses.

S. "X" Definitions

[RESERVED]

T. "Y" Definitions

A. Yard.

1. **Yard, Front** means the shortest horizontal distance from the right-of-way line of the street which the lot is addressed on to the nearest point of the principal structure on the lot.
Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement then the front setback shall be measured from an assumed right-of-way line.
2. **Yard, Interior Side** means the shortest horizontal distance from the boundary line of an adjacent lot, which is not directly opposite to the street the lot is addressed on to the nearest point of the principal structure on the lot.
3. **Yard, Rear** means the shortest horizontal distance from the property boundary directly opposite from the street right-of-way which the lot is addressed on, or in the case of alley-accessed lots to the alley easement boundary, to the nearest point of the principal structure on the lot.
4. **Yard, Street Side** means the shortest horizontal distance from the street right-of-way line of a street which the house is not addressed on to the nearest point of the principal structure on the lot.

U. "Z" Definitions

[RESERVED]