



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2903
Fax: 262-242-9655

www.ci.mequon.wi.us

ECONOMIC DEVELOPMENT BOARD
Tuesday, February 21, 2023
8:00 AM
North Conference Room
Agenda

MEETING NOTICE: This meeting will be held virtually through the Microsoft Teams meeting platform with each member accessing the meeting remotely. Citizens may join the meeting online: [Click here to join the meeting.](#)

Meeting ID: 230 204 868 931

Passcode: oLEa7f

- 1. Appointment of a Chair pro tempore.**
- 2. Call to Order, Roll Call**
- 3. Approval of Meeting Minutes from January 24, 2023**
Action requested: review and approve.
- 4. P2 Development – DA Extension**
Action requested: approve.
- 5. Industrial Land Uses**
- 6. Staff Updates**
- 7. Announcements**
The next meeting is Tuesday, March 21, 2023, at 8:00 a.m.
- 8. Adjourn**

Dated: February 17, 2023

/s/ Tim Carr, Chairman

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and / or gather information about a subject over which they have decision making responsibility, although they will not take formal action thereto at this meeting.

Any questions regarding this agenda may be directed to the Dept. of Community Development office at 262-236-2903, Monday through Friday, 8:00 a.m. – 4:30 p.m.



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone:
 Fax: 262-242-9655

www.ci.mequon.wi.us

ECONOMIC DEVELOPMENT BOARD

Tuesday, January 24, 2023

8:00 AM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chairman Timothy Carr
 Alderman William Gebhardt
 Board Member Dennis Engel
 Board Member Daniel Gannon
 Board Member Michael Kramer
 Board Member Jeff McLean
 Board Member Inge Plautz
 Board Member Bruce Sipiora
 Board Member Tracy Johnson – **Absent**

Chairman Carr called the meeting to order.

Ald. Bill Gebhardt introduced himself to the Board.

2) Approval of Meeting Minutes from November 29, 2022

Action

Board Member Gannon made a motion to approve the November 29, 2022, meeting minutes.
 Board Member Engle seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	Approved [Unanimous]
MOVED BY:	Board Member Gannon
SECONDED BY:	Board Member Engle
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, McLean, Plautz, Sipiora
ABSENT:	Johnson

Attachment: EDB_01.24.23_DRAFT (8180 : Meeting Minutes from January 24, 2023)

3) Assistant Chair Nomination

Action

Board Member Gannon made a motion to nominate Board Member McClean as the assistant chairman.

Board Member Kramer seconded the motion.

A voice vote was taken; vote passed (8-0)

4) Town Center Business Loan Application: Tomatito Restaurant

1. Town Center Business Loan Application: Oliver Food LLC, Tomatito Restaurant located at Spur 16 Public Market, 6300 W. Mequon Road

Chairman Carr reminded the Board that their role is to determine whether the proposed business is a good fit for our community and not the quality of the loan.

Director Tollefson stated that the EDB has reviewed a handful of these proposals over the past few years as part of Community Reinvestment Act that financial institutions support. The Board is to determine whether the type of use meets the city objectives of Town Center. Staff believes it does.

She explained the proposal is for this restaurant to be located in the former Café Corzaon in the Public Market. The applicant provided statistics about the traffic that Café Corazon experienced, and the applicant believes there is an opportunity to continue to capture those customers. Dir. Tollefson stated that the proposed use meets the desired use from a development standpoint and zoning requirements.

There is agreement that it is a positive to fill the vacancy quickly.

Dir. Tollefson reinforced that none of the dollars are public dollars, not part of the city's general fund and the loan is all through private lending.

Action

Board Member Kramer made a motion to approve the proposed loan application.

Board Member McClean seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	Approved [Unanimous]
MOVED BY:	Board Member Kramer
SECONDED BY:	Board Member McClean
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, McLean, Plautz, Sipiora
ABSENT:	Johnson

5) Industrial Land Uses

Director Tollefson stated that at the last Board meeting there was discussion about considering an opportunity for a new location for industrial land uses. From a policy standpoint, it is tied to some industrially owned land located in the south-central part of the city. She had indicated to the Board that as a beginning step, she would evaluate the types of industrial land uses that are currently allowed in various zoning districts located in the different geographic areas in the city.

She commented that the southwestern portion of the city is an appropriate location due to the proximity to Highways 41/45 and other industrial land uses in the surrounding area. Historically, the city has not allowed for medium to heavy types of industrial uses due to the ancillary impacts that are sometimes associated with those uses. The proposed location alleviates many of those impacts. Due to this location, economic benefits may not be captured related to consumer and local service usage. Staff believes the community would exchange not capturing as much economic ancillary benefits with the negative impacts from the industrial uses.

A chart of all the industrial land uses (permitted and conditional) allowed in the city was provided in the Board packet along with a land use map. The uses allowed in Menomonee Falls and Germantown, as well as a map of those communities, was also provided for comparison within this chart. The Board is now equipped to discuss diversity in the market and possible thresholds if an industrial park to be located in the southwest corner of the city. Dir. Tollefson reached out to Kathleen Cady-Shilling at OED, for additional information about inquiries they receive and the level and types of industrial activity in the county. Dir. Tollefson stated that once the use list has been vetted, she will reach out to WEDC and M-7 to better align the land uses and current market demands.

The Board discussed the surrounding area of the proposed industrial park. There was discussion about the water connection issue in that area. There is support for the industrial uses to be in this location.

The next steps include:

- Identify thresholds for industrial uses.
- Specific development standards established.
- Enlist help from outside entities to align with the market demands.
- Infrastructure and utility conversations (road conditions, water accessibility, sewer usage).
- Economic impacts – decide if a TIF should be created for this location.

Next action item:

- Identify the wetlands in the proposed location.
- Understand buildable acreage.

The Board is asked to review the land uses and at the next meeting to be prepared to discuss what uses should be prohibited.

6) Spring Economic Development Event

Board Member Plutz suggested that the event be postpone until the fall so that the city is ready to showcase new developments including:

- Public improvements on Port Washington Road.
- Rezoning for priority sites.
- Updated TIF incentives.

Staff explained that there has been interest for redevelopment for a few of the identified priority sites, so those sites may not be available (Sobelman's, Ferrante's, north portion of the Pavilions). There was discussion about the methods for contacting the property owners that will be affected by zoning changes.

There was consensus among the Board that the event should be proposed to the fall.

7) Staff Updates

Staff provided updates on various sites throughout the city:

8) Announcements

The next meeting will be February 28, 2023, at 8:00 a.m.

The meeting may be change to February 21st due to low attendance availability.

9) Adjourn

Action

Board Member Sipiora made a motion to adjourn the meeting.

Board Member Engle seconded the motion.

A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Kim Tollefson

Director of Community Development



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Economic Development Board
FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: February 21, 2023
SUBJECT: P2 Development DA Extension

Background

Resolution No. 3916 approved in February 2022, authorized a Development Agreement for infrastructure improvements and a Town Center TID incentive for the P2 Planned Unit Development in connection with the townhome development currently under construction on Buntrock Avenue. The agreement outlines construction timelines, occupancy timelines and values. An amendment to the Development Agreement is requested by P2 Development adjusting the contingency of timing associated with project completion from June 1, 2023, to September 1, 2023.

Analysis

The residential project includes 42 townhomes located on Buntrock Avenue, immediately south of the Artesa residential site. The original agreement requires project completion on June 1, 2023. According to the developer, an additional 90 days is needed to complete the project for the following reasons:

- DNR approval for changes required for the public water main extension.
- MMSD approval for changes required for the sanitary sewer laterals.
- Delay in construction due to delivery of electrical meter bases.
- Supply chain delay for certain building materials.
- COVID issues for selected sub-contractors.

The development has been under continuous construction. To date, over 20 homes are constructed with approved rough inspections completed and the community center has completed the rough inspection.

Staff supports the extension of an additional 90 days to complete the project because the project is progressing and the proposed project completion dates does not negatively impact the final project value or assessment for January 1, 2024, as contemplated and detailed in the development agreement.

Fiscal Impact

The amendment does not impact the expected redevelopment project value at full build-out and assessment as of January 1, 2024.

Recommendation

Staff recommends approval of the project completion date extension to September 1, 2023.
The Finance & Personnel Committee recommendation is forthcoming on March 14, 2023.

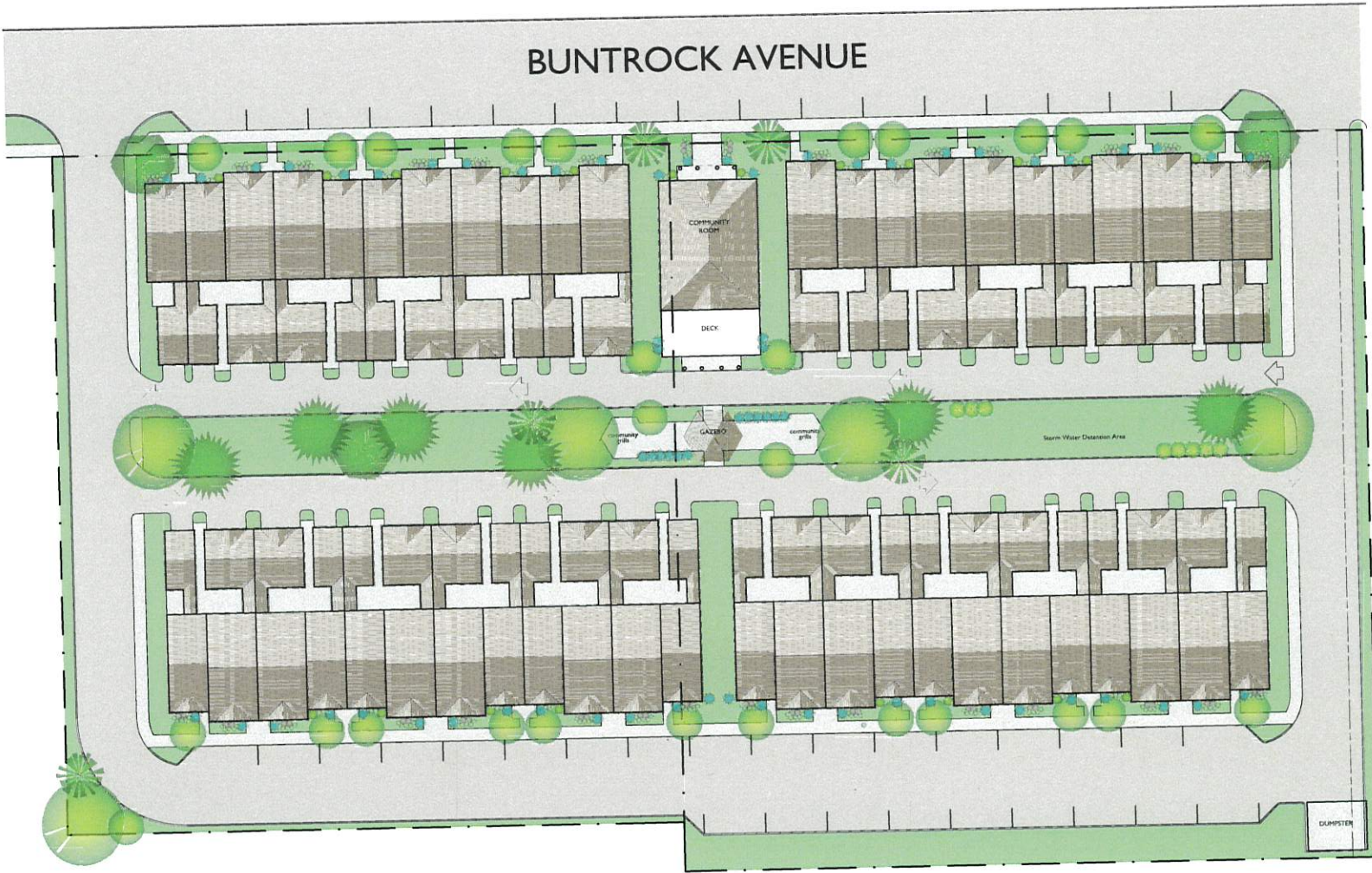
Attachments:

Site Plan_Scanned (PDF)

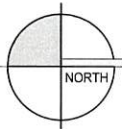
Elevations (PDF)

Res 3916_Town Center TID No.3 Incentive (DOC)

20230216_142355 (PDF)



SITE PLAN



1" = 20.00'

PARCEL AREA: 152,468.61 sq ft (3.50 Acres)
UNIT: 122,088 sq ft (2,800 units)
BUILDING FOOTPRINT: 57,863.58 sq ft
GREEN AREA: 32,146.54 sq ft

PROPOSED RESIDENTIAL DEVELOPMENT

11040-11112 BUNTROCK AVENUE
CITY OF MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
15 September 2021

Project Number:
21P205

Sheet Title:
CONCEPT 5

Sheet Number:

A-100



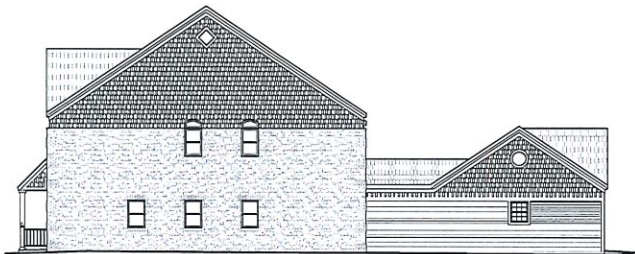
WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
 11040-11112 BUNTROCK AVENUE
 CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
 17 SEPTEMBER 2021

Project Number:
 21P205

Sheet Title:
 CONCEPT ELEVATION

Sheet Number:

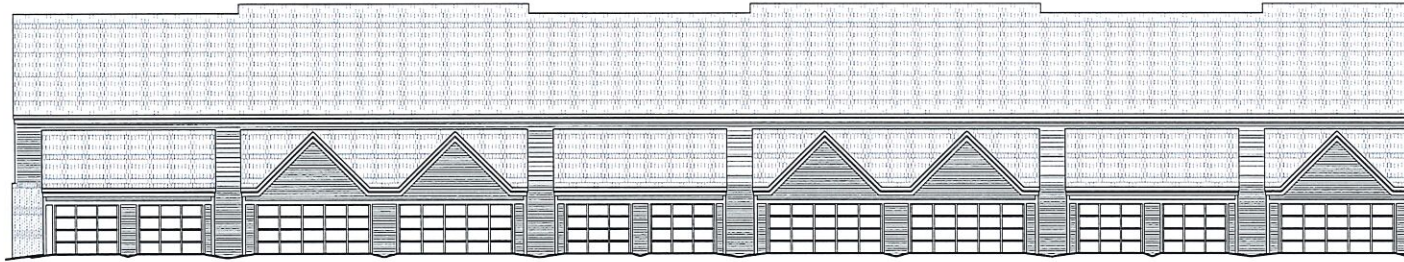
A-201

Attachment: Elevations (8181 : P2 Development DA Extension)



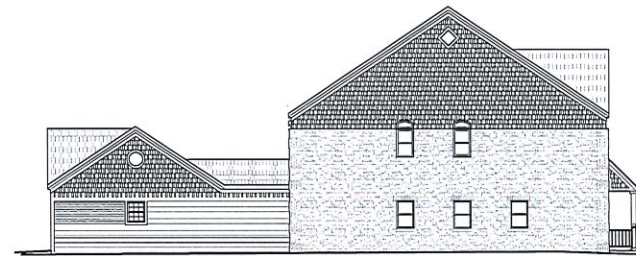
WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
 11040-11112 BUNTROCK AVENUE
 CITY OF MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
 17 SEPTEMBER 2021

Project Number:
 21P205

Sheet Title:
 CONCEPT ELEVATION

Sheet Number:

A-202

Attachment: Elevations (8181 : P2 Development DA Extension)



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
 11040-11112 BUNTROCK AVENUE
 CITY OF MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
 17 SEPTEMBER 2021

Project Number:
 21P205

Sheet Title:
 CONCEPT ELEVATION

Sheet Number:
A-203

Attachment: Elevations (8181 : P2 Development DA Extension)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3916

A Resolution Authorizing a Town Center TID No. 3 Incentive with P2 Development, in
Connection with Construction of a Planned Unit Development Located at 11040 and 11110
North Buntrock Avenue

RECITALS

A. The Economic Development Board approved an incentive for the P2 Development Town Center residential development located at 11040 and 11110-11112 North Buntrock Avenue on January 18, 2022.

B. The Developer has sought Development Agreement approval to address certain financial and timing aspects of the development.

C. The Finance-Personnel Committee recommended approval of the Development Agreement and corresponding incentive to P2 Development for the property on February 8, 2022.

D. The Development Agreement provides for the timing of construction, completion, costs and values and is consistent with the approved Planned Unit Development.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. The City agrees to the terms of the Development Agreement, in substantial conformity with the form appended to this Resolution.

2. The Mayor and City Clerk are authorized and directed to execute the Development Agreement in substantial conformity with the form appended to this Resolution, subject to any clerical or technical changes identified by the City Attorney.

Approved by: John Wirth, Mayor

Date Approved: February 8, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on February 8, 2022.

Caroline Fochs, City Clerk

Attachment: Res 3916_Town Center TID No.3 Incentive (8181 : P2 Development DA Extension)

Below are issues resulting in delay of the Project Completion Date of June 1, 2023. We are asking for a 90 day extension to the Project Completion Date.

- Resubmittal to DNR for changes required on the public water main extension on Buntrock Ave.
- Resubmittal to MMSD because of sanitary sewer laterals having to have been changed
- Delay in construction due to delayed delivery on electrical meter bases. Causing WE Energies to have to change their installation schedule to install transformers and energize services.
- Delay in numerous building materials due to supply chain issues.
- Covid delays/issues with sub-contractors



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Economic Development Board
FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: February 21, 2023
SUBJECT: Industrial Use

Background: As the Department of Development considers land uses in the south-central area of the city, consideration of various land uses, and appropriate locations is a critical step. A list and comparison of land uses can assist in categories of uses that may be essential to one another.

Reviewing the type of industrial uses desired in the community, the thresholds associated with operations and determining appropriate locations based on surrounding and zoning and the assets and context of the neighborhood is a typical first step in our policy analysis. Certainly, marketability will be a factor of our consideration as well.

To start, staff presents a chart of the various industrial land uses allowed in Mequon in four different zoning districts as well as industrial land uses allowed in the neighboring communities of Menomonee Falls and Germantown.

At last month's meeting, the Board was asked to consider these land uses and be prepared to discuss operational and locational standards to determine the level of desirability. At that meeting, the Board requested staff also provide the City of Milwaukee and Village of Brown Deer. Staff can access all of these maps and materials electronically at the meeting. Attached is the original material from the January meeting as well as the Brown Deer zoning and map and the City of Milwaukee map adjacent and the zoning. Lastly, staff has included a detailed map of the area of scope with acreage, ownership, and critical site features.

After deliberation, staff will seek information from the property owners and brokers.

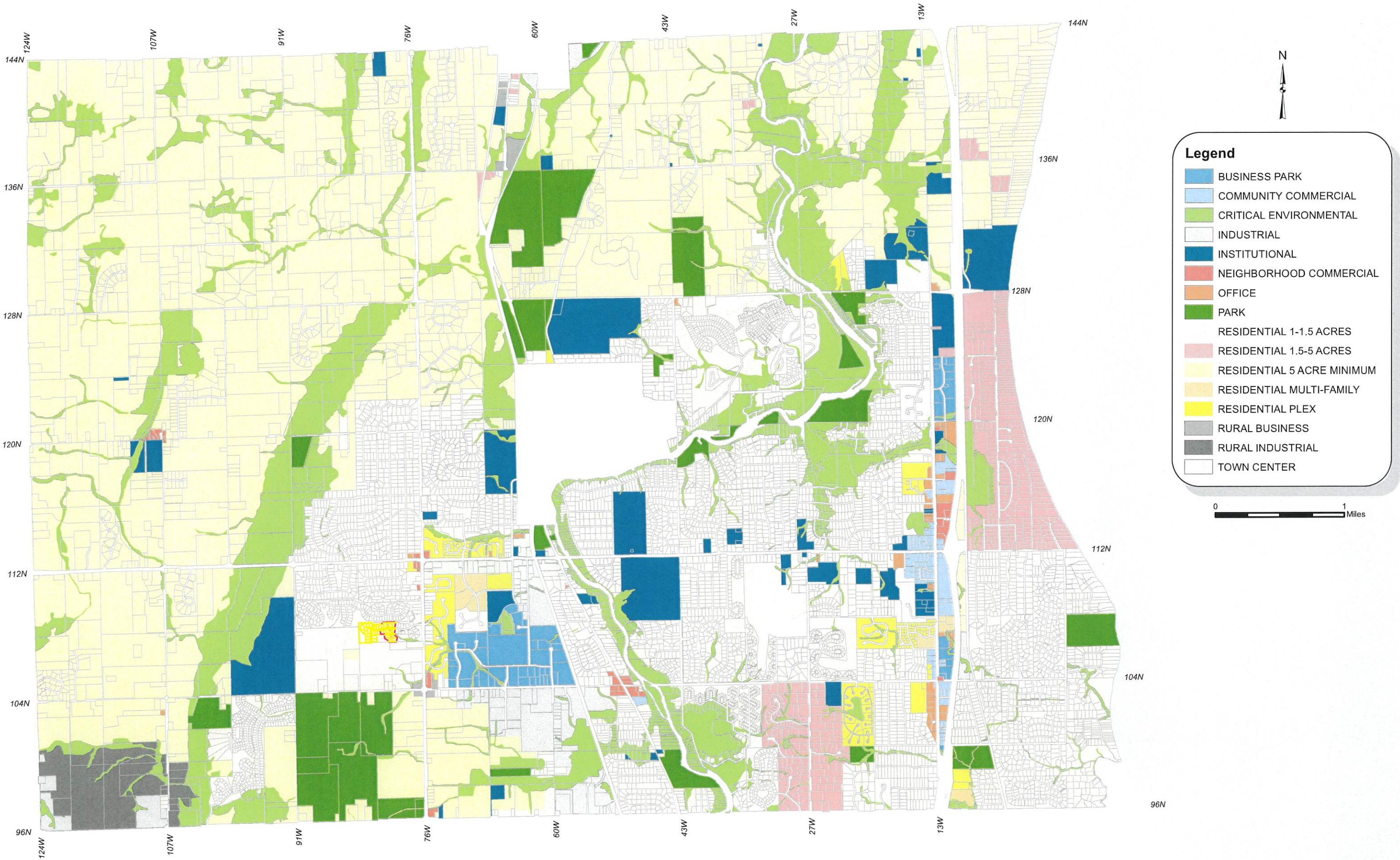
Attachments:

2_Map Set (PDF)

Brown Deer Map (PDF)

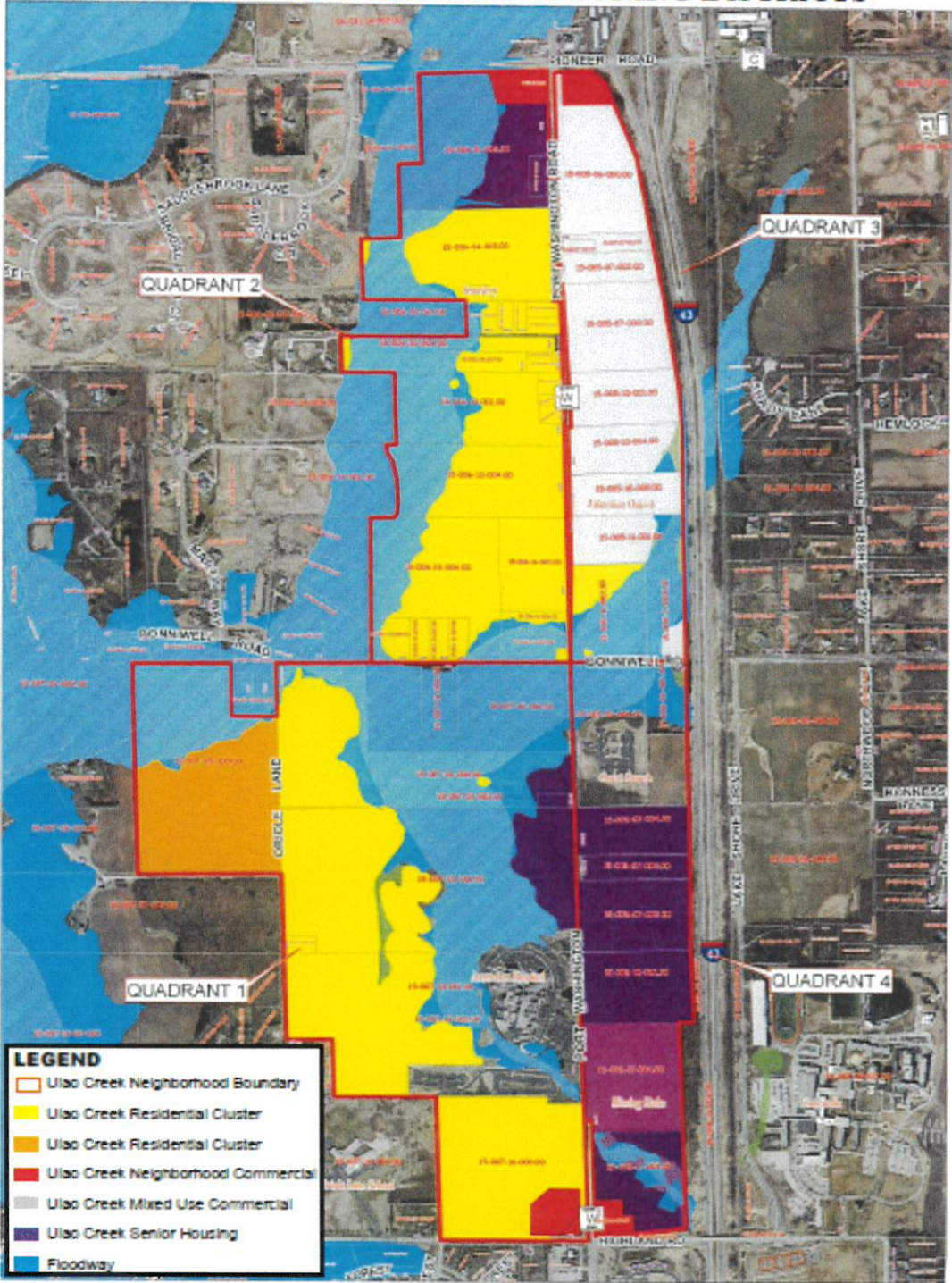
Code of Ord (PDF)

CITY OF MEQUON - LAND USE PLAN - 2035



Attachment: 2_Map Set (8182 : Industrial Use)

ULAO CREEK NEIGHBORHOOD ZONING DISTRICTS



Use	Acres	Square Footage	Units	Trips/1,000 sf or Trips/unit	Trips Generated
Single Family: 2 Acre	56		28	9.57	267
Single Family: 3/4 Acre	320		240	9.57	2,296
Senior / MR	46		460	.08 – 5.44	36 - 2502
Neighborhood Commercial	11	120,000		11.42	1370
Mixed Commercial	80	1.379 M		11.42	15,748
TOTAL		1.5M	728		19,715 – 22,183



Legend

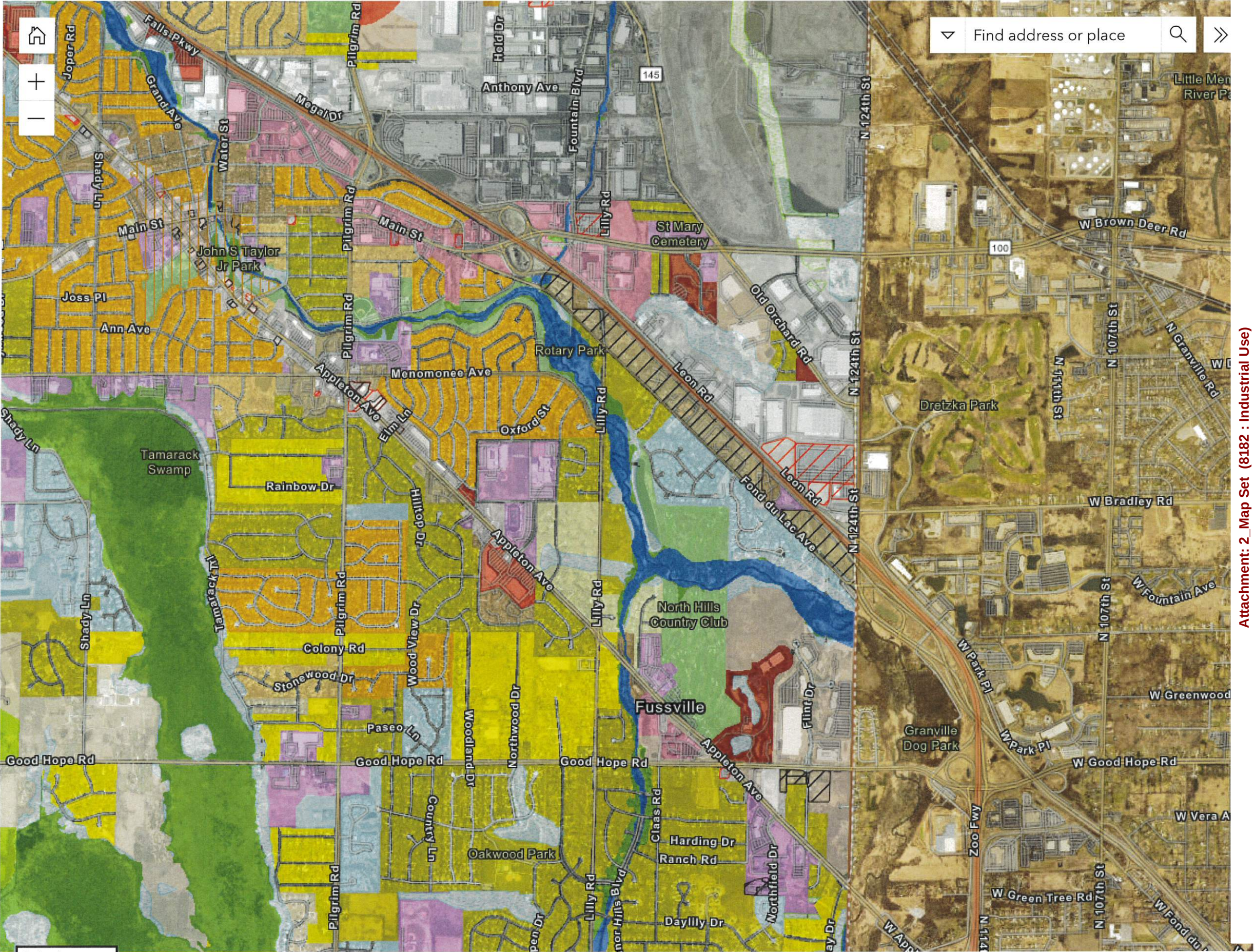
PID - Planned Intill Development

OC5 - Commercial Service

Base Zoning

ZONING NAME

- A-1 AGRICULTURE
- A-2 AGRICULTURE/URBAN FRINGE
- C-1 NEIGHBORHOOD BUSINESS
- C-2 COMMUNITY BUSINESS
- C-3 PLANNED DEVELOPMENT
- C-4 SUBURBAN RETAIL BUSINESS
- C-6 OFFICE
- CDD CONSERVATION DEVELOPMENT DISTRICT
- CW-1 CONSERVANCY WETLANDS
- FLOOD FRINGE
- FLOODWAY
- I-1 LIGHT INDUSTRIAL
- I-2 HEAVY INDUSTRIAL
- I-3 OFFICE & LIGHT INDUSTRIAL
- P-1 PARK & OPEN SPACE
- P-2 INSTITUTIONAL
- PDD PLANNED DEVELOPMENT DISTRICT



Zoning Code | Interactive Map



- ☐ B-1 Neighborhood Business
- ☐ B-2 Community Business
- ☐ B-3 General Business
- ☐ B-4 Professional Office
- ☐ B-5 Highway Business
- ☐ I Institutional

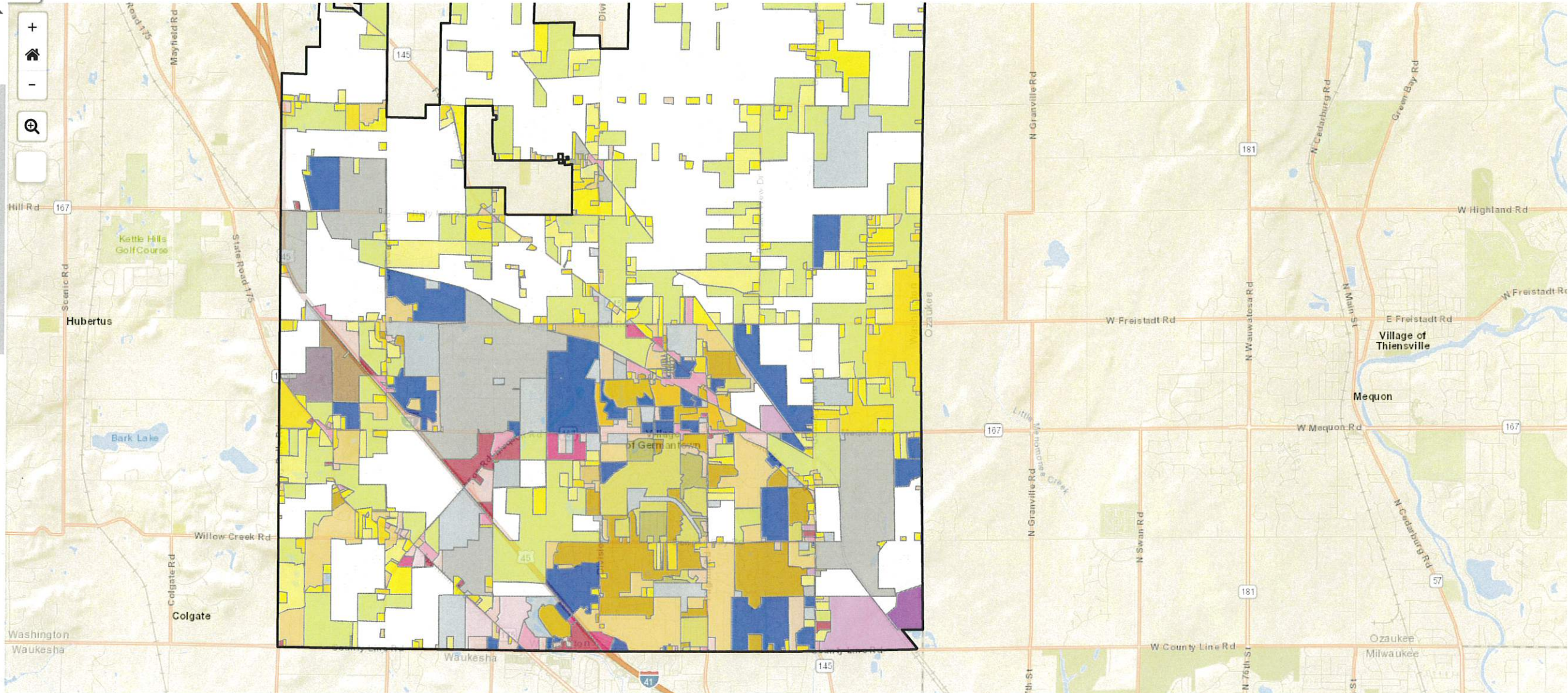
Industria

- ☐ M-1 Limited Industrial
- ☐ M-2 General Industrial
- ☐ M-3 Special Use Industrial
- ☐ M-4 Mineral Extraction

Planned Development

- ☐ PDD-01 Cobblestone Meadows District
- ☐ PDD-02 Heritage Hills District
- ☐ PDD-03 Oakwood Village District
- ☐ PDD-04 Stonehenge District
- ☐ PDD-05 Deer Ridge Estates District
- ☐ PDD-06 Germantown Marketplace II District
- ☐ PDD-08 Fountain Square Office District
- ☐ PDD-09 Infnative Machining District
- ☐ PDD-10 Neviaser/Holiday Inn District
- ☐ PDD-11 Lake Park-Squires Lake District
- ☐ PDD-12 Squire Court District
- ☐ PDD-13 Goldenwood Condos District
- ☐ PDD-14 Tree Tops District
- ☐ PDD-15 Prairie Glen District
- ☐ PDD-17 Prairie Glen North District
- ☐ PDD-18 Copperwood East District
- ☐ PDD-19 La-Z-Boy Furniture/Kessler District
- ☐ PDD-20 Seven Pines District

The districts layer is currently enabled. Enable the parcel layer



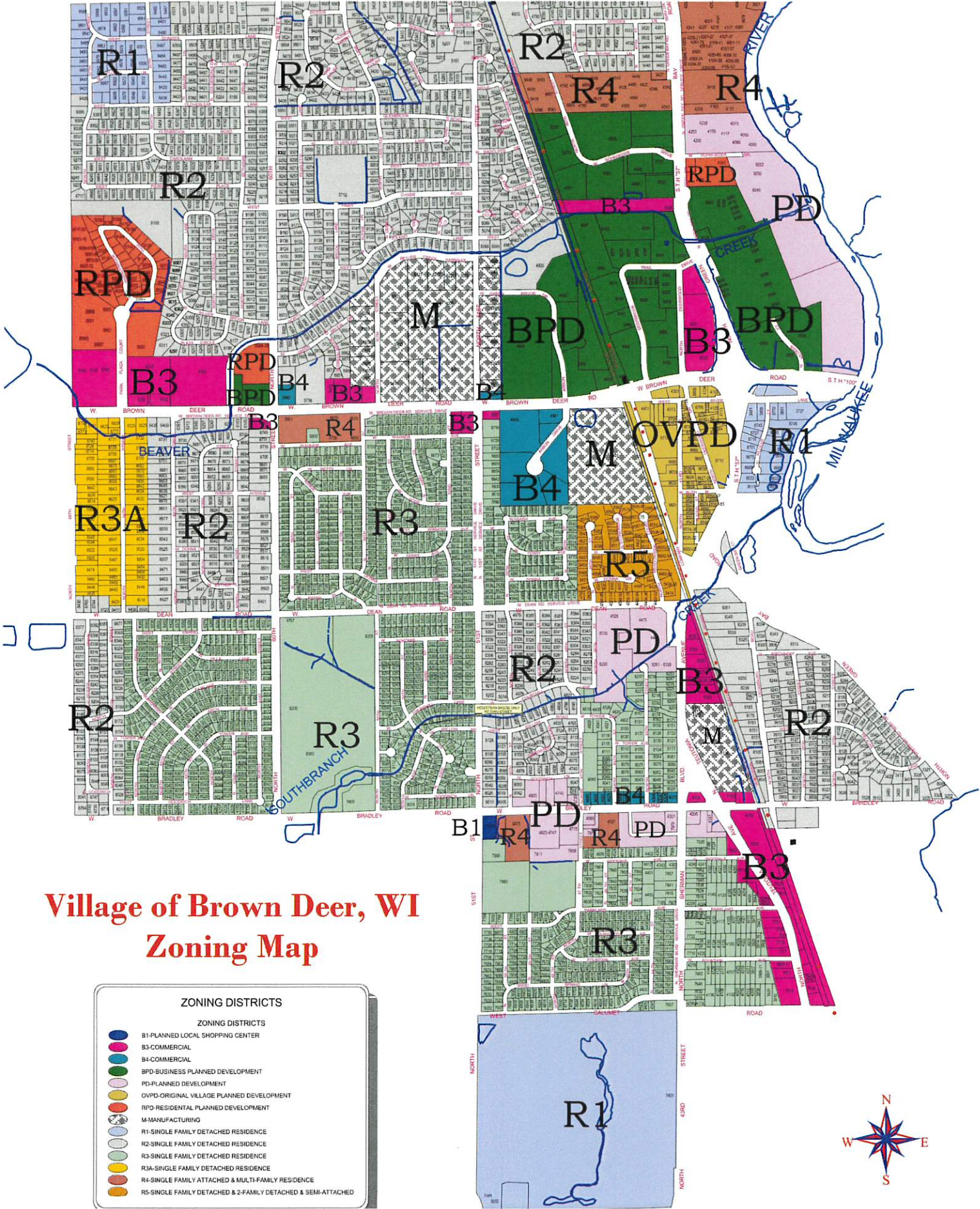
Powered by **ZoningHub®** - Zoning Made Simple™
© 2023 Civic Webware. All Rights Reserved.

[Village Website](#) [Zoning Code](#) [Contact Us](#) [New Terms of Use](#)

Attachment: 2_Map Set (8182 : Industrial Use)

Uses	City of Mequon				Menomonee Falls			Germantown			
	B5 Light Ind	B4 Business Park	B6 Rural Ind	UC MC Mixed Comm	I1 Light Ind	I2 Heavy Ind	I3 Executive	M1 Limited Ind	M2 General	M3 Special	HIA Overlay
light manufacturing	P	C	C	P	P		P	P	P	P/C	
processing	P	C			P		P				
wholesale	P	C			P			P	P	P	
distribution	P	C			P						
R & D	P	C		P	P		P				
Print and Publication	P	C			P						
offices	P	P			P		P				
furniture repair	P										
specialty trade	P			P							
salons	C	C		C							
bookstores	C	C									
daycare	C	C					P		C		
non fast food restaurants	C										
florists	C	C									
gift shops	C	C									
pharmacy	C	C									
studios for art	C	C									
lumber / bldg supply	C			P	C						
transporation terminals	C					C					
warehousing	C	C			P			P	P	P	
auto service	C	C									
pet day care / kennels	C	C		C							
fitness centers	C	C					P				
indoor sport shooting	C		C								
resale furniture and household merch	C										
architectural salvage	C										
outdoor power equipment	C										
theatres		C									
agriculture			P	P					C		
wineries			C	P							
microbreweries			C	P							
storage					P			P	P/C	P	
commercial bakeries				C							
greenhouses				P			P				
corporate campus					P		P				
salvage						C					
heavy manufacture						C	P				
High tech w corporate and headquarters				P							
athletic fields				P/C			P				
banks							P				
data processing				P			P				
recycling									C		
second had goods retail									C		
landfill									C		
schools				C							
religious institutions				C							
vet clinics				C							
Lodge / clubs				C							
Performing Arts Center				C							

P-Permitted
C-Conditional



Attachment: Brown Deer Map (8182 : Industrial Use)

Map Milwaukee: ZONING
City of Milwaukee, WI

Search...

Sign in

- File
- Getting Around
- Maps & Data Sources
- Tasks
- Analysis

Open

Save

Save as

Tool Labels X

Global Tasks

Layers

Filter Layers...

Filter

☒ Zoning

☒ Planned development

☒ Zoning overlays

☒ Interim Study overlay zones (IS)

☒ Development Incentive Zones (DIZ)

☒ Lakefront overlay zone

☒ Master sign overlay zones

☒ Neighborhood Conservation overlay zones (NC)

☒ Site Plan Review overlay zones (SPROZ)

☒ Shoreland/wetland overlay zones

☒ Zoning

☒ Zoning with downtown subdistricts

☐ Land use symbols

☐ FEMA

☒ Special Districts

☒ Department of City Development (DCD)

☒ Neighborhood Improvement Development Corporation (NIDC)

☒ Historic Preservation

☒ Community Development Grants Administration

☒ Reference



Attachment: Brown Deer Map (8182 : Industrial Use)

Map Milwaukee: ZONING
City of Milwaukee, WI

Search... [Sign in](#)

File Getting Around Maps & Data Sources Tasks Analysis

Open Save Save as

Global Tasks

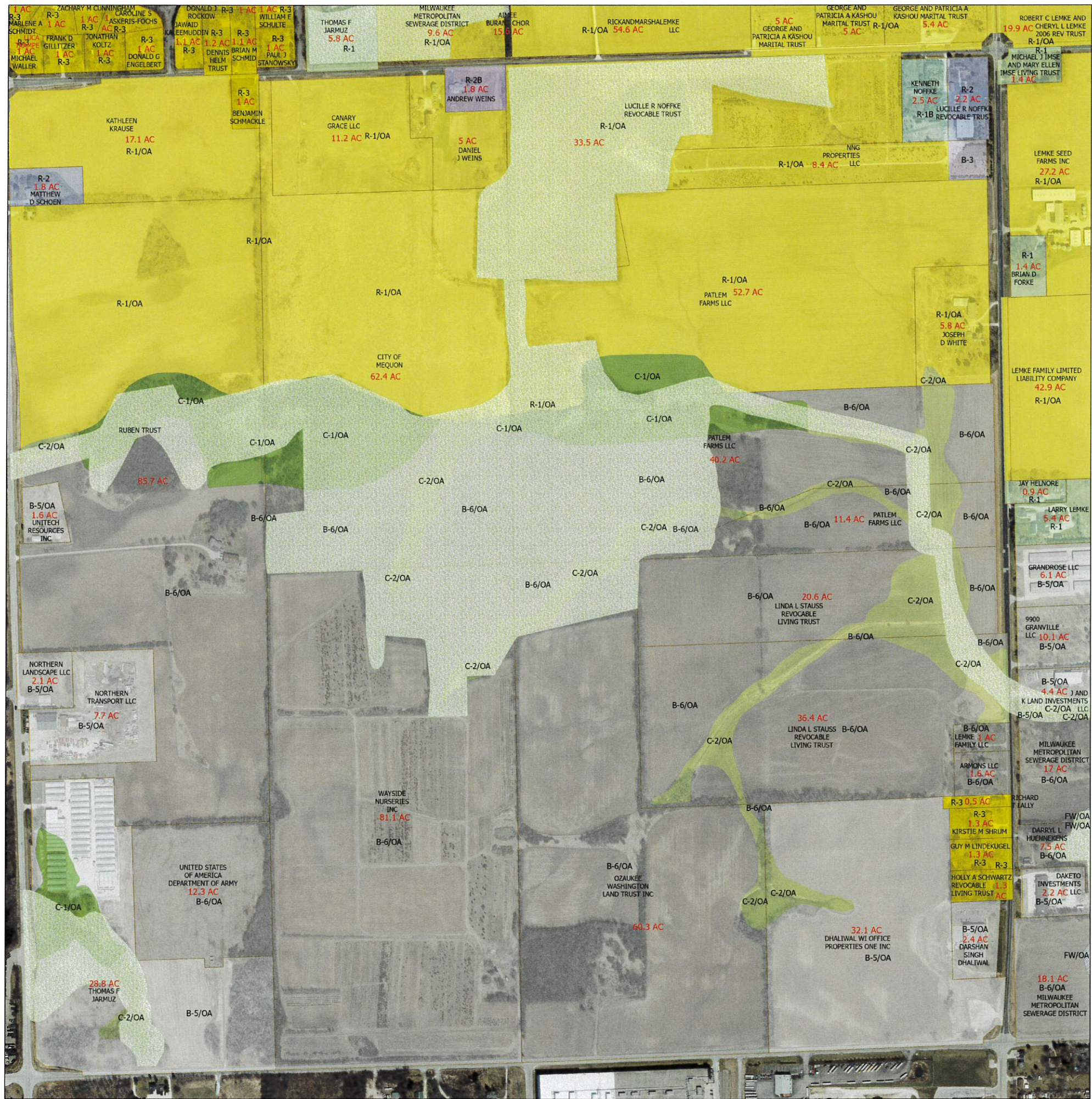
Layers

Filter Layers... [Filter](#)

- ☒ Zoning
 - ☒ Planned development
 - ☒ Zoning overlays
 - ☒ Interim Study overlay zones (IS)
 - ☒ Development Incentive Zones (DIZ)
 - ☒ Lakefront overlay zone
 - ☒ Master sign overlay zones
 - ☒ Neighborhood Conservation overlay zones (NC)
 - ☒ Site Plan Review overlay zones (SPROZ)
 - ☒ Shoreland/wetland overlay zones
 - ☒ Zoning
 - ☒ Zoning with downtown subdistricts
- ☐ Land use symbols
- ☐ FEMA
- ☒ Special Districts
 - ☒ Department of City Development (DCD)
 - ☒ Neighborhood Improvement Development Corporation (NIDC)
 - ☒ Historic Preservation
 - ☒ Community Development Grants Administration
- ☒ Reference
- ☐ Aerial Basemaps
 - ☒ 2020 Ortho
 - ☐ 2020 Ortho
 - ☐ 2018 Ortho

I want to...





ARTICLE VI. - MANUFACTURING DISTRICT

Sec. 121-218. - Purpose and intent.

The manufacturing district regulations are intended to govern the locations, types, scope and method of operations for industrial and allied establishments within the framework of the industrial growth goals of the village. The regulations are designed to preserve those lands designated on the village comprehensive plan for industrial and allied developments by preventing intrusions of structures and uses that do not complement or are not compatible with the use of such lands for desired industrial developments. In addition, uses hereafter established in the manufacturing district are regulated in accordance with their compliance with performance standards governing methods of operations. Thus, the regulations are intended to provide specific controls for governing tolerable levels of emission of noise, smoke and particulate matter, odors and other potential nuisances, and for providing adequate landscaped yards and other open areas in order to maintain desirable environmental qualities within the manufacturing district.

(Prior Code, § 22-5-5.01; Ord. of 9-20-1954, § 22-5-5.01)

Sec. 121-219. - Permitted uses.

The following are permitted uses in the manufacturing district:

- (1) Any establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products; provided that operations conform with performance standards and other requirements of this article, and that no lot shall be used or structure erected, altered, or remodeled for any the following uses:
 - a. *Industrial uses.* Abattoirs, arsenals, crematories, creosote treatment or manufacture, fat rendering, fertilizer manufacture, fireworks manufacture or storage, dumping or reduction of garbage, dead animals, offal, or refuse, ore refuse, ore reduction, petroleum processing or refining, pyroxylin manufacture, gutta percha manufacture or treatment, salt works, sauerkraut manufacture, smelters, stockyards or slaughter of animals or fow tallow, grease, or lard manufacture, cement, concrete, or asphaltic concrete, mortar or plaster batch mixing plants, or junkyards.
 - b. *Explosives.* Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation, except such as are specifically licensed by the village. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene, all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof such as

Boat sales establishments, including accessory sales and repairs of motors, parts and equipment.

- (7) Building material sales establishments, such as dimension lumber, millwork, cabinets, and other building materials but not including milling, jointing, or manufacture of millwork.
- (8) Cartage, express and parcel delivery establishments, including motor freight terminals.
- (9) Catering establishments.
- (10) Clubs or lodges, private, fraternal, or religious.
- (11) Dry cleaning establishments.
- (12) Exhibition halls.
- (13) Financial institutions, including drive-in facilities.
- (14) Garages, storage, or off-street parking lots and structures, commercial or municipal.
- (15) Greenhouses, retail and wholesale sales.
- (16) Heliports, public and private, located on lots not less than one acre in area, and having a touchdown space which is enclosed by a fence, and which is not less than 100 feet in diameter. The landing area shall, as a minimum, have two approach-departure paths, with centerlines radiating from the center of the area forming an angle greater than 90 degrees which are no less than 75 feet in width and which are unobstructed above an imaginary plane extending from edge of the landing area at an incline of one foot vertically to each six feet horizontally.
- (17) Hospitals which are owned and operated as proprietary businesses organized as "for profit" entities.
- (18) Household appliances, stores and repair shops, including accessory rebuilding and wholesale sales of used appliances and radio and television sets.
- (19) Laboratories, medical, dental, optical.
- (20) Linen, towel, or diaper service establishments.
- (21) Liquor stores.
- (22) Meat markets, including sale of meats to restaurants, clubs, hotels, institutions, and similar establishments.
- (23) Medical or dental clinics or offices.
- (24) Meeting, convention, or exhibition halls.
- (25) Monument sales.
- (26) Motels, hotels or hotel apartments.
- (27) Motor vehicle sales establishments.
- (28) Newspaper offices, including printing.
- (29) Nursing homes.

- (44) Theaters, but not including outdoor theaters.
- (45) Undertaking establishments and funeral parlors.
- (46) Vending machines, self-service, coin or currency operated.
- (47) Wholesale, jobbing and warehousing establishments.
- (48) Accessory uses to the above uses, including but not limited to:
 - a. Off-street parking and off-street loading; and
 - b. Signs, as regulated in article IX of this chapter.

(Prior Code, § 22-5-5.03; Ord. of 9-20-1954, § 22-5-5.03; Ord. No. 04-04, § V, 4-19-2004)

Sec. 121-221. - Performance standards.

Any use established in the M manufacturing district shall be operated so as to comply with the performance standard regulations prescribed in this article, and no use lawfully established prior to the effective date of this article shall be hereafter altered or modified so as to conflict with, or further conflict with, such performance standards.

(1) *Noise.*

- a. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter.
- b. Impulsive type noises shall be subject to the performance standards prescribed in this article, and shall be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels.
- c. Noise incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- d. At any point on or beyond the boundary line of the district designated below, the sound pressure level of any operation or plain (other than background noises produced by sources under control of this article, such as the operation of motor vehicles or other transportation facilities) shall not exceed the decibel limits in the table shown below.

Octave Band Frequency (cycles per second)	Maximum Permitted Sound Level (decibels)	
	Residence Districts	Business and Manufacturing Districts

(3) *Smoke and particulate matter.*

- a. The emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall be henceforth unlawful.
- b. For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart described in the bureau of mines information circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent greater than No. 1 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- c. The emission of smoke or particulate matter of a density greater than Ringelmann No. 1 but less than Ringelmann No. 3, is permitted once in any 24 hour day for no more than three minutes.
- d. Generated dust from such sources as storage areas, yards, roads, and so forth within lot boundaries shall be minimized by appropriate landscaping for all weather paving in order to prevent dispersion by wind.
- e. The emission of particulate matter from any chimney, stack, or vent, shall not exceed one quarter pound per hour per acre of lot area.

(4) *Toxic matter.* No use shall, for any period of time, discharge beyond the boundaries of the lot toxic matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

(5) *Odors.* The emission of odorous matter in excess of the odor threshold measured beyond the boundaries of the lot at ground level or at habitable elevation is prohibited.

(6) *Fire and explosion hazard.*

- a. The storage, utilization or manufacture of solid materials ranging from incombustible to moderate burning is permitted.
- b. The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 1. The materials shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the village and the National Fire Protection Association.
 2. All such buildings shall be set back at least 60 feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Protection Association.

3.

2/16/23, 1:06 PM

Brown Deer, WI Code of Ordinances

No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum allowable permitted the general population in applicable federal, state and local laws and regulations.

- (9) *Performance standards; landscaping.* All yards which adjoin a street shall be appropriately landscaped and retain the intended standards of the initial landscaping plan approved by the beautification/tree committee.

(Prior Code, § 22-5-5.04; Ord. of 9-20-1954, § 22-5-5.04)

Sec. 121-222. - Uses required to be enclosed.

All businesses, service, research, merchandise display, and manufacturing activities and operations shall be conducted wholly within completely enclosed buildings, except off-street parking, off-street loading and drive-in facilities where they are permitted. Outdoor storage of materials where permitted shall be completely enclosed within a solid fence and shall not be higher than such fence. No outdoor storage is permitted in a front or side yard or within 60 feet of a residence district.

(Prior Code, § 22-5-5.05; Ord. of 9-20-1954, § 22-5-5.05)

Sec. 121-223. - Lot area.

No minimum lot area is required within the manufacturing district; provided, however, the lot depth shall not be more than three times the lot width.

(Prior Code, § 22-5-5.06; Ord. of 9-20-1954, § 22-5-5.06)

Sec. 121-224. - Floor area ratio.

The floor area ratio within the manufacturing district shall be no more than 0.7.

(Prior Code, § 22-5-5.07; Ord. of 9-20-1954, § 22-5-5.07)

Sec. 121-225. - Setbacks.

- (a) *Front.* Within the manufacturing district front setbacks shall be not less than 35 feet in depth, except that, along street rights-of-way, the area extending from ten feet from the building to within ten feet from the street right-of-way may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities. All area between the street right-of-way and building line which is not occupied by such facilities, including the ten feet adjoining the building, and the ten feet adjoining the street, shall be appropriately landscaped.

(b)

Attachment: Code of Ord (8182 : Industrial Use)

Zoning 295-801

SUBCHAPTER 8 INDUSTRIAL DISTRICTS

295-801. Purposes. 1. **INDUSTRIAL-OFFICE (IO).** This district provides sites for modern, clean industry and supporting, non-residential land uses that complement industrial uses or require an industrial environment. Older portions of this zoning district (IO2) often form corridors which provide a buffer between residential areas and more intensive industrial districts. The newer portions of this district (IO1) are in the form of office-industrial parks or business parks with campus-style layouts and designs. The IO district has a performance-oriented transition area where it adjoins residential neighborhoods. Buffering and other requirements in the transition area are intended to protect the character of such neighborhoods.

2. **INDUSTRIAL-LIGHT (IL).** This district is intended to provide sites primarily for light industrial uses that utilize medium-sized buildings and do not have extensive outdoor storage areas or operations. This district includes both older industrial corridors (IL2) and modern industrial parks (IL1). While most buildings contain clean, light industrial uses, some commercial and office uses may also be included. This district contains heavier uses than the IO district and requires more extensive buffering from adjoining residential areas.

3. **INDUSTRIAL-COMMERCIAL (IC).** This district is intended primarily for light industrial uses that utilize small and medium-sized buildings and do not have extensive outdoor operations or storage areas. This district also provides for the orderly conversion of certain older industrial and warehousing buildings to commercial and office uses with less traffic generation than uses located on more intensive commercial retail corridors. Retail uses are considered accessory or complementary to the primarily light manufacturing nature of the district. These areas have an urban character and are more pedestrian-scaled than other, vehicular-traffic-dominated corridors. Buildings in this district were typically built without setbacks or yards and often with little or no off-street parking.

4. **INDUSTRIAL-MIXED (IM).** This district is intended to provide for the orderly conversion of certain older industrial and warehousing areas with multi-story buildings to residential, commercial or office uses for which the buildings, at the present time, may be better suited. These areas have an urban character. Buildings were typically built without setbacks or yards and often with little or no off-street parking.

5. **INDUSTRIAL-HEAVY (IH).** This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage, exterior mechanical operations, or heavy truck or equipment operations. It also accommodates uses that require large or isolated sites or harbor, airport or rail service. This district includes the historic industrial core of the city. It has a strong relationship to shipping and rail services and includes the port of Milwaukee, the Menomonee valley and various railroad corridors. Most sites within the IH district have already been developed or redeveloped. These sites seldom have excess land to provide buffer areas. Where possible, the IH district should be separated from residential neighborhoods with less intensive, non-residential districts.

295-803. Uses. 1. **USE TABLE.** Table 295-803-1 indicates the use classifications for various land uses in the industrial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in table 295-803-1:

- a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.
- b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2.
2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.
- c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.
- d. "N" indicates a prohibited use.

295-803-1 Zoning

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited		Zoning Districts		
Uses		I01/ I02	IL1/ IL2	IC	IM IH
RESIDENTIAL USES					
Single-family dwelling		N	N	N	L N
Two-family dwelling		N	N	N	L N
Multi-family dwelling		N	N	N	L N
Permanent supportive housing		N	N	N	L N
Transitional housing		N	N	N	S N
Attached single-family dwelling		N	N	N	L N
Live-work unit		N	N	N	Y N
Mobile home		N	N	N	N N
Watchman/service quarters		Y	Y	Y	Y Y
Family day care home		N	N	N	L N
GROUP RESIDENTIAL USES					
Rooming house		N	N	N	S N
Convent, rectory or monastery		N	N	N	L N
Dormitory		N	N	N	S N
Fraternity or sorority		N	N	N	S N
Adult family home		N	N	N	L N
<i>Foster Homes</i>					
Foster family home		N	N	N	L N
Small foster home		N	N	N	L N
Group home or group foster home		N	N	N	L N
<i>Shelter Care Facilities</i>					
Family shelter care facility		N	N	N	L N
Small group shelter care facility		N	N	N	L N
Large group shelter care facility		N	N	N	S N
Community living arrangement		N	N	N	L N
EDUCATIONAL USES					
Day care center		S	S	N	S S
School, elementary or secondary		N	N	N	S N
College		S	S	N	S N
School, personal instruction		S	S	Y	Y N
COMMUNITY-SERVING USES					
Library		N	N	N	Y N
Cultural institution		N	N	L	L N
Community center		N	N	N	S N
Religious assembly		N	N	S	S N
Cemetery or other place of interment		N	N	N	N N
Public safety facility		Y	Y	Y	Y Y
Correctional facility		N	N	N	N N
COMMERCIAL AND OFFICE USES					
General office		Y	Y	Y	Y L
Government office		Y	Y	Y	Y L

Zoning 295-803-1

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Bank or other financial institution	S	S	N	Y	N
Currency exchange, payday loan or title loan agency	N	N	N	S	N
Installment loan agency	N	N	N	S	N
Cash-for-gold business	N	N	N	S	N
Pawn shop	N	N	N	S	N
Retail establishment, general	N	N	L	Y	N
Garden supply or landscaping center	N	Y	Y	Y	N
Home improvement center	N	Y	L	Y	N
Secondhand store	N	N	L	L	N
Outdoor merchandise sales	N	N	N	L	N
Artist studio	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	S	N
HEALTH CARE AND SOCIAL ASSISTANCE					
Medical office	S	N	N	Y	N
Health clinic	L	N	N	S	N
Hospital	N	N	N	N	N
Medical research laboratory	Y	Y	Y	Y	N
Medical service facility	N	S	N	N	N
Social service facility	N	S	N	S	N
Emergency residential shelter	N	N	N	N	N
Nursing home	N	N	N	N	N
Adult day care	S	S	N	S	S
GENERAL SERVICE USES					
Personal service	N	N	N	Y	N
Business service	Y	S	Y	Y	N
Catering service	Y	Y	Y	Y	Y
Funeral home	N	N	N	Y	N
Laundromat	N	N	N	Y	N
Dry cleaning establishment	N	N	N	Y	N
Furniture and appliance rental and leasing	N	N	N	Y	N
Household maintenance and repair service	N	Y	Y	Y	N
Tool/equipment rental facility	N	Y	N	Y	N
Animal Services					
Animal hospital/clinic	Y	Y	N	L	Y
Animal boarding facility	Y	Y	N	L	Y
Animal grooming or training facility	Y	Y	N	L	Y
MOTOR VEHICLE USES					
Light Motor Vehicle					
Sales facility	L	S	N	S	S
Rental facility	L	S	N	S	S
Repair facility	L	S	N	S	L
Body shop	L	S	N	S	L
Outdoor storage	L	Y	N	S	Y
Wholesale facility	Y	Y	N	Y	Y
Heavy Motor Vehicle					
Sales facility	L	Y	N	S	Y

295-803-1 Zoning

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use L=Limited N=Prohibited		Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Rental facility	L	Y	N	S	Y
Repair facility	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor storage	L	S	N	S	Y
General Motor Vehicle					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Non-restaurant drive-through facility	S	S	N	S	S
Electric vehicle charging facility	Y	Y	S	L	Y
Parking					
Parking lot, principal use	Y	Y	S	L	Y
Parking lot, accessory use	Y	Y	L	L	Y
Parking structure, principal use	Y	Y	S	L	Y
Parking structures, accessory use	Y	Y	L	L	Y
Heavy motor vehicle parking lot, principal use	S	L	N	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	L	Y	Y
ACCOMMODATION AND FOOD SERVICE USES					
Bed and breakfast	N	N	N	Y	N
Hotel, commercial	L	N	N	Y	N
Hotel, residential	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly Hall	N	N	S	L	N
Restaurant without drive-through facility	L	L	L	Y	L
Restaurant with drive-through facility	S	S	N	S	N
ENTERTAINMENT AND RECREATION USES					
Park or playground	S	S	S	S	S
Festival grounds	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	N
Recreation facility, outdoor	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention and exposition	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing facility	N	N	N	N	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES					
Recycling collection facility	S	Y	N	S	Y
Mixed-waste processing facility	N	L	N	S	L
Material reclamation facility	N	N	N	N	L
Salvage operation, indoor	L	L	N	L	L
Salvage operation, outdoor	N	S	N	S	S
Wholesale and distribution facility, indoor	Y	Y	Y	L	Y
Wholesale and distribution facility, outdoor	S	Y	S	S	Y

Zoning 295-803-1

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE						
Y=Permitted Use S=Special Use	L=Limited N=Prohibited		Zoning Districts			
Uses		101/102	IL1/IL2	IC	IM	IH
Storage Facilities						
Indoor		Y	Y	L	L	Y
Self-service		S	S	N	N	S
Outdoor		N	Y	N	S	Y
Hazardous materials		N	N	N	N	S
TRANSPORTATION USES						
Ambulance service		Y	Y	N	S	Y
Ground transportation service		S	Y	N	S	Y
Passenger terminal		Y	Y	Y	Y	Y
Helicopter landing facility		S	S	S	S	S
Airport		N	Y	N	N	N
Ship terminal or docking facility		N	Y	N	N	Y
Truck freight terminal		N	S	N	S	L
Railroad switching, classification yard or freight terminal		N	Y	Y	Y	Y
INDUSTRIAL USES						
Alcohol beverage facility, micro		Y	Y	Y	Y	Y
Alcohol beverage facility, large		S	L	Y	S	Y
Food processing		Y	Y	Y	Y	Y
Manufacturing, light		Y	Y	Y	Y	Y
Manufacturing, heavy		N	S	S	S	Y
Manufacturing, intense		N	N	N	N	S
Research and development		Y	Y	Y	Y	Y
Processing or recycling of mined materials		N	N	N	N	S
Industrial wastewater treatment facility		N	S	N	N	S
Contractor's shop		Y	Y	Y	Y	Y
Contractor's yard		Y	Y	N	Y	Y
AGRICULTURAL USES						
Plant nursery or greenhouse		Y	Y	Y	Y	Y
Raising of livestock		L	L	L	L	L
Community garden		Y	Y	Y	Y	Y
Commercial farming enterprise		Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES						
Broadcasting or recording studio		Y	S	Y	Y	S
Transmission tower		L	L	L	L	L
Water treatment plant		Y	Y	Y	Y	Y
Sewerage treatment plant		N	Y	N	N	Y
Power generation plant		N	S	N	N	Y
Small wind energy system		Y	Y	Y	Y	Y
Solar farm		Y	Y	Y	Y	Y
Substation/distribution equipment, indoor		S	Y	Y	S	Y
Substation/distribution equipment, outdoor		L	Y	L	L	Y
TEMPORARY USES						
Seasonal market		L	L	L	L	L
Temporary real estate sales office		L	L	L	L	L
Concrete/batch plant, temporary		L	L	L	L	L
Live entertainment special event		L	L	L	L	L

Attachment: Code of Ord (8182 : Industrial Use)

295-803-2 Zoning**2. LIMITED USE STANDARDS.**

a. Single-Family Dwelling, Two-Family Dwelling, Multi-Family Dwelling, Permanent Supportive Housing, Attached Single-Family Dwelling, Family Day Care Home, Convent, Rectory or Monastery, Foster Family Home or Family Shelter Care Facility. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. b-1-a. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-1-b. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-2-c. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

c. Small Foster Home. c-1. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

c-2. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

d-6. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

Zoning 295-803-2-e

- e. Cultural Institution. e-1. In the IM district, the use shall be located on an arterial or collector street and on a site that is at least 10,000 square feet in area.
- e-2. In the IC district, the use shall be located on an arterial or collector street and limited to an art gallery.
- f. General Office or Government Office. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-industrial principal use and has been occupied by such non-industrial principal use within the past 12 months.
- g. Retail Establishment, General. The use is primarily a showroom sales facility where the majority of items on display are purchased in bulk or by order, or are produced on site. This includes, but is not limited to, building products, interior fixtures and furnishings, antiques and items produced on site. The sales facility is primarily open to contractors and building industry professionals, but is also open to the general public.
- h. Home Improvement Center. h-1. The use shall not exceed 15,000 square feet in gross floor area.
- h-2. Outdoor storage related to home improvement sales or storage shall not be located in the front setback.
- i. Secondhand Store. i-1. In the IC district, resale of used merchandise shall be limited to building and finishing materials, household and office fixtures and furnishings, and home improvement supplies.
- i-2. In the IM district, all drop-offs of consignment or donated items shall occur inside the building.
- j. Outdoor Merchandise Sales. j-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.
- j-2. The premises contains at least one enclosed, permanent building.
- j-3. No used merchandise is offered for sale.
- k. Health Clinic. The use shall be located on an arterial or collector street.
- L. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- m. Light Motor Vehicle Sales Facility or Heavy Motor Vehicle Sales Facility. The facility was in operation on October 1, 2002 and has been in operation within the past 12 months.
- n. Light Motor Vehicle Rental Facility or Heavy Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- o. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. o-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- o-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- o-3. Outdoor storage of motor vehicles shall be screened in accordance with s. 295-405-4.
- o-4. In the IO1 and IO2 districts, the repair facility or body shop was in operation on October 1, 2002, and has been in operation within the past 12 months.
- p. Light Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- q. Heavy Motor Vehicle Repair Facility or Heavy Motor Vehicle Body Shop. q-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- q-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- q-3. Outdoor storage of motor vehicles shall be screened in accordance with s. 295-405-4.
- q-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- r. Heavy Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- s. Electric Vehicle Charging Facility or Parking Lot, Principal Use.
- s-1. The width of the paved parking area shall not exceed 45 feet as measured from side lot line to side lot line.
- s-2. The use shall not be immediately adjacent to another premises containing a parking lot or electric vehicle charging facility as a principal use.
- s-3. No alley shall be relied upon for vehicular circulation purposes.
- s-4. The parking lot or electric vehicle charging facility shall not be located on a corner lot.
- t. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- u. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.

295-803-2-v Zoning

- v. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.
- w. Heavy Motor Vehicle Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- x. Commercial Hotel. The use shall be located on an arterial or collector street.
- y. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.
- z. Assembly Hall. z-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
- z-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
- z-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- aa. Restaurant without Drive-through Facility. aa-1. The use shall be located on an arterial or collector street or on a lot with water frontage.
- aa-2. The floor area of the restaurant shall not exceed 6,000 square feet.
- cc. Health Club. The use shall be located on an arterial or collector street.
- dd. Marina. No indoor or outdoor storage of boats shall be permitted as an exclusive or primary use. If this standard is not met, the use shall be a prohibited use.
- ee. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- ff. Material Reclamation Facility. The use shall be contained entirely within a building and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m. and 7 a.m.
- gg. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.
- hh. Wholesale and Distribution Facility, Indoor. hh-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
- hh-2. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- ii. Storage Facility, Indoor. ii-1. If the premises is located in an IC district:
 - ii-1-a. The use is accessory to a permitted principal use or a use otherwise approved by the board, and located on the same premises as that use, or the use is located off-premises but is used in an accessory manner to a principal use located within 150 feet of the indoor storage facility and both premises are under the same ownership.
 - ii-1-b. If located on the first floor, the use is not located within 25 feet of the primary street façade of the building, regardless of whether the use is located on the same premises or a different premises than the principal use
 - ii-2. If the premises is located in an IM district:
 - ii-2-a. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
 - ii-2-b. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- jj. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.
- kk. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- LL. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
- mm. Transmission Tower. mm-1. The tower shall comply with the applicable provisions of s. 295-413.
- mm-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.
- nn. Substation/Distribution Equipment, Outdoor. nn-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.
- nn-2. No structure associated with the use shall be located within 25 feet of a street lot line.

Zoning 295-803-3

oo. Seasonal Market. oo-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

oo-2. If flowers, plants or Wisconsin-grown farm products, constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

oo-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

oo-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

oo-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

oo-6. The site shall be restored to its previous condition following termination of the market operation.

pp. Temporary Real Estate Sales Office. pp-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

pp-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

pp-3. Customer-accessible restrooms shall be provided.

pp-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

qq. Temporary Concrete/Batch Plant. qq-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

qq-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

qq-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

qq-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

qq-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

qq-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

rr. Live Entertainment Special Event. rr-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

rr-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

rr-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ADDITIONAL SPECIAL USE STANDARDS. a. Currency Exchange, Payday Loan Agency, Title Loan Agency, Cash-for-Gold Business or Pawn Shop. No special use permit for a currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Transitional Housing, Rooming House, Dormitory, Fraternity or Sorority or Large Group Shelter Care Facility. No special use permit for transitional housing or a rooming house, dormitory, fraternity or

295-803-4 Zoning

sorority, or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months.

c. Industrial Wastewater Treatment Facility. No special use permit for an industrial wastewater treatment facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 500 feet of a single-family or 2-family residential zoning district.

4. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Industrial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupancy and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work, motor vehicle sales, storage, recycling and wholesale trade uses or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Retail Sales. Accessory retail sales shall be permitted provided such activity does not occupy more than 10% of the gross floor area of the use.

f. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in par. 2-q.

Zoning 295-805**295-805. Industrial Design Standards.**

1. **PURPOSE.** The objective of the design standards of this section is to reduce or eliminate potential adverse effects and nuisances often associated with industrial activities and structures, particularly as these activities and structures impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering, height transitions and noise limitations.

2. **PRINCIPAL BUILDING STANDARDS.** a. **Introduction.** Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

b. **Conversion of Industrial Buildings.** Industrial buildings may be converted to non-industrial uses as permitted by table 295-803-1 or as approved by the board. The design standards for non-industrial and residential buildings specified in table 295-805-2 shall apply to new construction only. Converted buildings shall not be subject to these design standards.

c. **Exception to Height Limitations.** Solar farms and solar arrays shall not be subject to any height limitations established by table 295-805-2.

295-805-2 Zoning

Table 295-805-2 PRINCIPAL BUILDING DESIGN STANDARDS							
<i>Design Standards for Industrial Buildings (as defined in s. 295-201-302)</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Front setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Height, maximum	none**	none**	none**	none**	85 ft. (new construction only)**	85 ft. (new construction only)**	none**
Height, minimum	none	none	none	none	18 ft.	30 ft.	none
*Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-Industrial planned development district, see also the residential buffer (setback) standards of table 295-805-4-d.							
**Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-Industrial planned development district, see also s. 295-805-4-e.							
<i>Design Standards for Non-industrial Buildings except Single-family and Two-family Dwellings</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 6 for this commercial district:	LB1	LB2	LB1	LB2	LB2	LB3 ***	LB2
*** For new construction on a parcel that is located within 100 feet of a residentially-zoned parcel, the design standards for the LB2 zoning district shall apply.							
<i>Design Standards for Single-family and Two-family Dwellings</i>							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 5 for this residential district	RT2	RT3	RT2	RT3	RT4	RT4	RT4

Zoning 295-805-3

3. ACCESSORY STRUCTURE STANDARDS. a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.

a-2. No side setbacks shall be required.

a-3. The side street setback shall not be less than the side street setback of the principal building.

a-4. The rear setback shall not be less than the rear setback of the principal building.

a-5. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, there shall be no setback requirement.

a-6. The rear street setback shall not be less than the rear street setback of the principal building.

a-7. The number of accessory structures shall not be limited.

a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

d. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

b. Parking. b-1. General. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces required for a use in an industrial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

295-805-4-d Zoning

		Table 295-805-4-d INDUSTRIAL DISTRICT RESIDENTIAL TRANSITION STANDARDS					
		Zoning District					
		I01	I02	IL1	IL2	IC	IM
Residential Buffer							
Min. setback (Buffer width)	25 ft.	10 ft.	50ft.	10 ft.	No buffer required	15 ft.	
Evergreen trees (min.) per x lineal ft. of alley, street frontage or shared property line	1 per 5 ft.				n.a.	1 per 5 ft.	
Evergreen tree spacing	2 staggered rows with trees a maximum of 10 ft. on center in each row				n.a.	same as I01-IL2	
Min. tree height at planting	6 ft.				n.a.	6 ft.	
Max. tree height at maturity	no limit				n.a.	no limit	
Alternative Residential Buffer Standards (Note: Where an alternative residential buffer is permitted, the use or industrial process shall not produce dust, odor, vibration, noise or light exceeding the standards specified in ch. 80 or elsewhere in this code at the nearest residential property line.)							
Min. buffer width	12.5 Ft.	alternative standards not permitted	25 ft.	alternative standards not permitted	No buffer required	10 ft.	
New building construction or addition	no alternative buffer standards permitted		see s. 295-405-3		n.a.	see s. 295-405-3	
Light motor vehicle parking	see s. 295-405-3		see s. 295-405-3		n.a.	see s. 295-405-3	
Dumpsters and trash collection equip.; Loading docks	see s. 295-405-6		see s. 295-405-6		n.a.	see s. 295-405-6	
Outdoor storage, outdoor salvage, outdoor operational space	see s. 295-405-5		see s. 295-405-5		n.a.	see s. 295-405-5	

Zoning 295-805-4-e

d-2. **Alternative Buffer Standards.** The width of a residential buffer may be reduced by up to 50% if the buffer meets a higher standard for screening and design, as specified by the alternative buffer standards included in table 295-805-4-d, and if the required buffer is not less than 10 feet wide. While the width of a buffer may be reduced, the number of required evergreen trees shall not be reduced and additional screening materials, such as fences and shrubs, shall be added as specified in table 295-805-4-d.

e. **Height Adjustment.** e-1. **Height Limitation When Adjacent to Residential, Institutional, Parks, or Non-Industrial Planned Development District.** The maximum height of an industrial building at the required residential buffer line or, if there is no buffer requirement, at the property line, located adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the industrial building may be increased by one foot for every 2 feet the building is set back from the residential buffer line or the property line, as appropriate.

e-2. **Exceptions to Height Limitations.** All structures shall comply with the height limitations established in subd. 1, except the following:

e-2-a. Chimneys and flues.

e-2-b. Water towers or tanks other than those located on the roof of a building.

e-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

e-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

e-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

e-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

e-2-g. Transmission towers which do not exceed 85 feet in height or have received special use approval from the board.

e-2-h. **Airports.** In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f. **Dumpsters And Waste Storage.** A dumpster or common waste storage facility visible from a public street or a non-industrial district shall be screened in accordance with s. 295-405-6-a.

g. **Loading Docks.** Where loading for more than 2 truck bays is in a yard facing and visible from a public street or a non-industrial district, the loading docks shall be screened in accordance with s. 295-405-6-b. These standards may be waived in whole or in part, or compliance with them may be delayed, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

h. **Outdoor Storage.** h-1. **Screening.** The objective of the screening standard is to hide exterior storage areas from the view of properties located outside the industrial district or from public streets. Where an outdoor storage area or outdoor salvage operation is visible from a public street or a non-industrial district, the outdoor storage area shall be screened in accordance with s. 295-405-5.

h-2. **Stockpiles.** All stockpile heights shall be limited to either the height of the fence enclosure provided or the average height of the landscape plant material, if greater. This limitation may be exceeded by 50% if the stockpile is located on the rear 25% of the site and not within 120 feet of a public street or any zoning district other than an industrial district. In a situation where a building completely screens the stockpile from the street, the 120-foot limitation shall not apply for as long as the building remains in place.

i. **Fences.** i-1. **General.** In industrial districts, all types of fences are permitted and may be located anywhere on a lot, including along a property line.

295-805-5 Zoning

i-2. **Fences Along Streets.** Fences along streets shall not exceed a height of 6 feet, with the following exceptions;

i-2-a. A fence may be erected to a height of 9 feet if it is set back at least 5 feet from the street property line and provided with a continuous landscaped area at least 5 feet in width with 2 staggered rows of shrubs spaced 4 feet on center in each row and a minimum of one canopy tree per 25 linear feet of street frontage.

i-2-b. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed on the street property line provided the wall is no higher than 6 feet, the combined height of the wall and fence does not exceed 9 feet and the portion of the fence structure above 6 feet high is at least 50% open.

i-3. **Fences along Side and Rear Lot Lines.** A fence located along a side lot line or a rear lot line shall not exceed a height of 9 feet. A fence within 5 feet of a residential use shall be opaque up to at least 6 feet in height.

i-4. **Orientation of Supporting Members.** The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

i-5. **Public-Right-of-Way.** A fence or retaining wall may extend into the public right-of-way to the extent allowed by a special privilege granted by the common council pursuant to s. 245-12.

i-6. **Barbed Wire.** Barbed wire may be used for fence purposes provided it is located not less than 6 feet above the grade directly below the fence and is not located within a residential buffer or within 15 feet of a street lot line. If visible from a public street, a continuous landscaped area at least 5 feet in width with 2 staggered rows of shrubs spaced 4 feet on center in each row and a minimum of one canopy tree per 25 linear feet of street frontage shall be provided. Razor wire and concertina wire are prohibited in all circumstances.

i-7. **Fences as Part of Required Screening.** Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405.

j. **Vision Triangles.** A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the applicable vision triangle regulations of s. 295-405-1-g.

k. **Noise.** See ss. 80-60 through 80-75 for noise regulations applicable to industrial zoning districts.

L. **Lighting.** See s. 295-409 for lighting regulations applicable to industrial zoning districts.

5. **SIGNS.** a. **General.** The design standards for signs in industrial districts are set forth in table 295-805-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407.

b. **Sign Limitation Based on Lineal Footage.** Where table 295-805-5 links the maximum number of area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

c. **Bonus Provision for Type "B" Freestanding Signs.** If a monument-type base meeting the base standard for a type "A" freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-805-5.

d. **Standards for Multiple Freestanding Signs.** Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

Zoning 295-805-5-e

e. Combination Type A and B Signs. Signs that contain elements of both type A and B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

f. Temporary Signs. The following temporary signs shall be permitted in all industrial zoning districts:

f-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
IO1, IO2, IL1, IL2, IM	48 sq. ft.
IH	72 sq. ft.

f-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

g. Type "A" Roof Signs in the Industrial-Mixed District. g-1. There shall be no maximum display area for a type "A" roof sign located in an industrial-mixed district more than 100 feet from a residential district.

g-2. The maximum display area for a type "A" roof sign located in an industrial-mixed district within 100 feet of a residential district shall be 100 square feet. If this standard is not met, a type "A" roof sign in an industrial-mixed district shall be a special use.

g-3. All type "A" roof signs shall be stationary.

h. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

295-805-5 Zoning

Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS					
	Zoning District				
	I01/I02	IL1/IL2	IC	IM	IH
Freestanding Signs	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per street frontage	1 per site *	1 per site *	1 per site *	1 per site *
Type "A" max display area (sq. ft.)	100	100	100	100	100
Type "B" max. display area (sq. ft.)	40	50	40	40	50
Maximum height	15	15	15	15	15
Wall signs	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	75	120	50	50	120
Type "B" max. display area (sq. ft.)	32	60	32	32	60
Projecting Signs	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	50	60	50	50	60
Type "B" max. display area (sq. ft.)	25	30	25	25	30
Awning Signs	<i>type "A" permitted only</i>				
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	20	20	20	20	20
Canopy and Hood Signs	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	50	60	50	50	60
Type "B" max. display area (sq. ft.)	25	30	25	25	30
* Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet.					

Zoning 295-805-5

	Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS				
		Zoning District			
	I01/I02	IL1/IL2	IC	IM	IH
Roof Signs	type "A" permitted only	permitted	type "A" permitted only	type "A" permitted only	permitted
Maximum number	1 per building	1 per building	1 per building façade	1 per building façade	1 per building
Type "A" max display area (sq. ft.)	100	no limit	see s. 295-805-5-g	see s. 295-805-5-g	no limit
Type "B" max display area (sq. ft.)	NA	100	NA	NA	100
Off-premise Signs	permitted **	permitted **	permitted **	permitted **	permitted **
Maximum number	1 per site	1 per site	1 per site	1 per site	1 per site
Maximum display area per sign (sq. ft.)	672	672	300	300	672
Minimum distance between signs		500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs			
Maximum height, Freestanding sign (ft.)	35	35	40	40	40
Maximum height, wall sign (ft.)	40	40	60	60	60
Maximum height, roof sign		25 ft. above roof			
	**Subject to special use permit requirement set forth in s. 295-407-7-d.				

Attachment: Code of Ord (8182 : Industrial Use)

Zoning--295

Pages 890 to 900 are blank.

Attachment: Code of Ord (8182 : Industrial Use)