



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ZONING CODE TECHNICAL COMMITTEE

TEODROS MEDHIN, CHAIR
Stuart Mukamal, Ed Richardson, Ronald Roberts
Staff Assistant: Linda Elmer, 286-2232,
lelmer@milwaukee.gov

Wednesday, November 10, 2010

2:30 PM

Room 301-A, City Hall

Meeting called to order at 2:33 p.m.

Other attendees:

Jeff Osterman, Legislative Reference Bureau
Lindsey St. Arnold, Board of Zoning Appeals

Present 4 - Medhin, Mukamal, Richardson and Roberts

1. **100752** A substitute ordinance relating to zoning regulations for recording studios.

Sponsors: Ald. Bohl

Individual appearing:

Ald. James Bohl, 5th Aldermanic District

Ald. Bohl proposed a larger restricted use or a special or prohibited use for the hours between 10 p.m. and 7 a.m. for audio and video recording studios. He said that a recording studio which is causing noise problems in his district is in a commercial district, but is adjacent to a residential neighborhood.

Atty. Mukamal asked about the differentiation between audio and video recording. Mr. Osterman said that there is a need for the differentiation so restrictions are not imposed on studios like local television stations.

Ms. St. Arnold said that the Board of Zoning Appeals is trying to move away from regulation of operating hours and it is also concerned with consistency of the code.

Mr. Richardson said that the differentiation between broadcasting and recording creates an administrative inefficiency. He also does not see a problem with making the activities a special use and said that restrictions in downtown and industrial zoning are not necessary.

Mr. Roberts said that Code Enforcement has received complaints from aldermen and the police department as well. He said that businesses are using the occupancy permit to create an after-hours establishment since there are no restrictions on hours.

Mr. Richardson asked if a standard for noise could be put in another part of the code.

Mr. Roberts said that this would not solve the parking issues around the establishments.

Atty. Mukamal said that the idea has merit to it and given the proper record would pass a legal test. The general rule in the zoning code is if you fail a limited use standard, you fall into a special use category. So he suggests making failure to abide by the proposed hours limitation something that puts the business into the special use category or making it a licensing issue. He also suggests putting a distance requirement into the code.

Atty. Mukamal said that the restrictions should be definite and it should be clear what businesses they apply to. Mr. Richardson said that some establishments that are not problem businesses may get caught up in the legislation.

Ald. Bohl said that he did not want to create a separate license for recording studios. He mentioned applying the Extended Hours license to the establishments and changing the code to make that license apply to recording studios.

Atty. Mukamal said that the concept of separating out broadcasting and recording studios is conceptually legal and enforceable but some clarification is needed in a substitute ordinance

Atty. Mukamal moves that the ordinance meets the standard of legality and enforceability, but is inadequate in the two other aspects, which will be remediated in a substitute draft. There were no objections.

2. 100771

A substitute ordinance relating to zoning regulations for cash-for-gold businesses, currency exchanges, payday loan stores and title loan stores.

Sponsors: Ald. Witkowski and Ald. Bohl

Individual appearing:

Ald. Terry Witkowski, 13th District

Ald. Witkowski said that the purpose of the ordinance is to make sure that there is not a concentration of like type businesses in an area that would create an undesirable environment for other businesses or residents.

Mr. Richardson said that in terms of trying to calculate how many of these types of businesses are in a specific area, there is not a database that creates a map of all the payday loan or cash for gold businesses.

Mr. Osterman said that for payday loan stores, there is a searchable database provided by the state.

Ms. St. Arnold said that the board has concerns about not being able to verify the distance between the businesses. She also said that in paragraph three in page two, it appears as if the resolution dictates the actions of the board. Mr. Richardson said that board just has a problem with the language.

Mr. Roberts said that the limited use would apply only to those establishments that were not in close proximity to other businesses. He said that if a business is not in close proximity to another similar business, it would remain a special use.

Atty. Mukamal said that when the first two distance requirements were established, there was a large record of payday loan businesses created by a task force that

reinforced the legality of the requirement.

Atty. Mukamal said that he disagreed with the liquor store standard because he does not see the correlation between liquor stores and the other types of businesses mentioned in the ordinance. He also said that adding a standard to the other types of businesses will be essentially banning these businesses from the city. He said that a lawful business cannot be barred from the city.

Ald. Witkowski said that the ordinance is about economic development and how a large number of these businesses will affect economic development in the area. Atty. Mukamal said that the concern about a ban of the businesses can be addressed if there are still sufficient areas of the city where the businesses could be located if the ordinance is passed. However, the committee does not know if the ordinance will operate as an effective ban.

Ald. Witkowski asked if pawn shops could have been included in the regulation. Atty. Mukamal said that he believed they could. He also said that the types of businesses mentioned in the ordinance do not have First Amendment protection and that the ordinance can pass in some form, just not the current one.

Atty. Mukamal moves that the ordinance satisfies the standards for enforceability and administrative efficiency but further research is needed before it can be deemed legal and enforceable. Mr. Roberts seconded the motion. There were no objections.

3. 100790

An ordinance relating to revisions of various provisions of the zoning code.

Sponsors: THE CHAIR

Mr. Richardson said that a new ordinance will be created about urban agriculture in the future. The ordinance that is being proposed now is allowing certain agriculture to be permitted in new areas of the city, except for downtown, as a special use. It would be a short term fix until a complete urban agriculture package is formed by the Department of City Development.

Mr. Osterman said that he is not comfortable putting the agriculture adjustments in the ordinance due to the request of Ald. Hines to create an entirely new ordinance that makes agriculture uses a permitted use.

Atty. Mukamal moves that the ordinance satisfies the three standards. There were no objections.

**Meeting adjourned at 3:33p.m.
Staff Assistant Tobie Black**