



**City of Milwaukee**  
**Common Council Minutes**  
**COMMON COUNCIL**

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

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**Tuesday, May 24, 2011**

**9:00 AM**

**Council Chambers, 3rd Fl., City Hall**

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*Amended 5/23/11*

The meeting was called to order at 9:12 a.m.

The roll was called.

**Present: 13 -**

Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski, Hines Jr.

**Excused: 2 -**

Davis, Puente

The Pledge of Allegiance was said, followed by an invocation offered by Reverend Demetrius Williams of Community Baptist Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of March 3 2011?

There being none, the minutes of that meeting were approved.

Ald. Bauman moved that the Common Council resolve itself into a committee of the whole for the purpose of making a presentation.

There was no objection.

Ms. Chantal Tribble came forward, escorted by Council Members Robert Bauman, Nik Kovac, Milele Coggs, Michael Murphy, and Ashanti Hamilton.

A presentation was made to Ms. Tribble.

Ald. Bauman moved that the committee of the whole rise.

There was no objection.

Commendatory and condolatory resolutions were read and approved by the Common Council.

## THE LICENSES COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [100490](#) An ordinance related to the period of time that a professional photographer's license is effective.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-93-1 of the code is amended to read:

81-93. Photographer's License; Professional.

1. Each professional photographer's license shall be issued for a [[one-year]]  
>>2-year<< period commencing from the date of granting of the license.

**A motion was made by ALD. BOHL that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## PLACING ON FILE THE FOLLOWING:

2. [101368](#) An ordinance repealing the residency requirement for a precious metal and gem dealer's license applicant.

**A motion was made by ALD. BOHL that this Ordinance be PLACED ON FILE. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## APPROVAL OF THE FOLLOWING:

3. [101218](#) Motion relating to the recommendations of the Licenses Committee relative to licenses.

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Licenses Committee as contained in the listings attached to this file.

**A motion was made by ALD. BOHL that this Motion be APPROVED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

## APPROVAL OF THE FOLLOWING:

1. [101536](#) Motion relating to the recommendations of the Public Safety Committee relative to licenses.  
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.  
**A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:**  
**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.  
**No:** 0  
**Excused:** 2 - Davis Puente

## PASSAGE OF THE FOLLOWING:

2. [110022](#) A substitute ordinance relating to parking controls.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
Part 1. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:  
“On the east side of North Fratney Street from a point 130 feet north of the north curb line of East Nash Street extended to a point 240 feet further north thereof at any time.(6th Ward)”  
“On the east side of North Fratney Street from the south curb line of East Vienna Avenue to a point 50 feet south thereof, at any time”  
“On the east side of North Fratney Street from the south curb line of East Vienna Avenue to a point 125 feet south thereof, at any time”  
“On the west side of North Fratney Street from East Nash Street to East Vienna Avenue at any time”  
“On the west side of North Fratney Street from East Vienna Avenue to a point 125 feet south thereof”  
“On the north side of East Brady Street from North Arlington Place to a point 180 feet west on regular school days 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM”

“On the west side of North Franklin Place from East Brady Street to a point 260 feet north on regular school days 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM”

“On the west side of North 77th Street from West Lisbon Avenue to the south lot line of No. 3241 North 77th Street, at any time, except Sunday”

Part 2. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:

On the north side of East Brady Street from North Franklin Place to a point 180 feet west on regular school days 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM

On the west side of North Franklin Place from East Brady Street to a point 260 feet north on regular school days 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM

On the north side of West Center Street from North 92nd Street to North 93rd Street

Part 3. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by striking the following:

“On West Center Street between North 92nd and North 93rd Streets between the hours of 8:00 A.M. and 6:00 P.M.”

“On the west side of South 77th Street from W. Oklahoma Avenue to a point 750 feet south thereof from 7:00 a.m. to 5:00 p.m. except Saturday and Sunday”

Part 4. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the south side of West Center Street between North 92nd and North 93rd Streets

On the west side of South 77th Street from W. Oklahoma Avenue to a point 820 feet south thereof from 7:00 a.m. to 5:00 p.m. except Saturday and Sunday

Part 5. Section 101-23-7-a-2 of the Code relating to Exceptions to Restricted Parking Near Schools is amended by striking the following:

“On the north side of East Brady Street from North Arlington Place to a point 180 feet north from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM”

“On the west side of North Franklin Place from East Brady Street to a point 260 feet north from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM”

Part 6. Section 101-23-7-a-2 of the Code relating to Exceptions to Restricted Parking Near Schools is amended by adding the following:

On the north side of East Brady Street from North Franklin Place to a point 180 feet west from 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM

On the west side of North Franklin Place from East Brady Street to a point 260 feet north from 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM

Part 7. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On East Linus Street from South Kinnickinnic Avenue to South Lenox Street

**A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [110023](#) A substitute ordinance relating to traffic controls.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:

On West Fond du Lac Avenue from North 40th Street to West Roosevelt Drive

**A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110045](#) An ordinance relating to procedures for issuing public passenger vehicle permits.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-50-9-a of the code is repealed and recreated to read:

100-50. Public Passenger Vehicle Permits.

9. COMMITTEE ACTION. a. If the chief of police files no written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the city clerk shall issue the permit in accordance with sub. 11. If the chief of police files a written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the application shall be forwarded to the licensing committee for its recommendation as to whether the permit should be issued.

Part 2. Section 100-50-9.5 of the code is repealed.

**A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

5. [110090](#) An ordinance relating to public transportation review board membership.

*Identified as amendment #1*

**A motion was made by ALD. WITKOWSKI that this Ordinance be AMENDED. This motion FAILED by the following vote:**

**Aye:** 3 - Wade, Witkowiak Witkowski

**No:** 9 - Hamilton, Kovac, Bauman, Bohl, Donovan, Murphy, Dudzik, Zielinski Hines Jr.

**Absent:** 1 - Coggs

**Excused:** 2 - Davis Puente

Part 1. Section 320-16-1-a and b of the code is amended to read:

320-16. Public Transportation Review Board.

1. CREATED. a. There is created a public transportation review board consisting of ~~[[10]]>>11<<~~ members. ~~[[Seven]]>>Eight<<~~ members shall be appointed by the president of the common council and 3 members shall be appointed by the mayor all to serve upon confirmation by the common council.

b. Members appointed by the president of the common council shall include at least 2 persons having experience working with taxicab services, one member representing Milwaukee county transit services, one member representing limousine or shuttle services, one member representing downtown business and transportation interests, one member representing the interests of handicapped passengers>>, one member

who neither owns nor leases a motor vehicle for personal use and who relies on public passenger transportation for personal travel<< and one member of the common council.

**A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

ADOPTION OF THE FOLLOWING:

- 6. [110012](#) Resolution relative to acceptance and funding of a Juvenile Accountability Block Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin, Office of Justice Assistance for the Juvenile Accountability Block Grant to operate the School Safety Program; and

Whereas, The operation of this grant from 07/01/2011 to 06/30/2012 would cost \$93,736 of which \$9,374 would be provided by the city and \$84,362 would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Community Development Grants Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2010 Special Revenue-Grant and Aid Projects, the following amounts for the program titled: "Juvenile Accountability Block Grant - School Safety Program":

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0001100000	0150	9990	0001 0000	R999		000600

Project	Amount
Grantor Share	\$84,362

- 2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels: budget against these Project/Grant values the amount required under the grant agreement; and



3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Community Development Grants Administration which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2011 grant budget funds for specific items of equipment;
3. Enter into subcontracts and leases as detailed in the grant budget.

**A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

CONFIRMATION OF THE FOLLOWING:

7. [101586](#) Appointment of Rita Murphy to the Bicycle and Pedestrian Task Force by the Mayor. (4th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

8. [110006](#) Appointment of Ald. Bauman to the Public Transportation Review Board by the Common Council President.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

9. [110065](#) Appointment of Elizabeth Nicols to the Public Transportation Review Board by the

Common Council President.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.  
The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

10. [110066](#) Appointment of Peter Tsounis to the Public Transportation Review Board by the  
Common Council President.

**A motion was made by ALD. BAUMAN that this Appointment be HELD IN  
COUNCIL. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

11. [110067](#) Appointment of Abdulkadir Omar to the Public Transportation Review Board by the  
Common Council President.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.  
The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

12. [110068](#) Appointment of John Doherty to the Public Transportation Review Board by the  
Common Council President.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.  
The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

13. [110069](#) Appointment of Sandra Kellner to the Public Transportation Review Board by the  
Common Council President.

**A motion was made by ALD. BAUMAN that this Appointment be HELD IN  
COUNCIL. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

14. [110070](#) Appointment of Don Natzke to the Public Transportation Review Board by the Common Council President.

**A motion was made by ALD. BAUMAN that this Appointment be HELD IN COUNCIL. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

15. [110098](#) Appointment of David Jasenski to the Public Transportation Review Board by the Mayor. (10th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

16. [110099](#) Appointment of Mariano Schifalacqua to the Public Transportation Review Board by the Mayor. (5th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

17. [110100](#) Appointment of Jeffrey Polenske to the Public Transportation Review Board by the Mayor. (5th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

[101416](#)

A substitute ordinance relating to the keeping of chickens in the city.

*The question was put: Have the requirements of section 4-21 of the Milwaukee City Charter been satisfied with respect to this motion.*

*The Clerk indicated that they had been satisfied.*

**A motion was made by ALD. KOVAC that this Ordinance be TAKEN FROM COMMITTEE. This motion PREVAILED by the following vote:**

**Aye:** 10 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Murphy, Witkowiak, Zielinski Hines Jr.

**No:** 3 - Donovan, Dudzik Witkowski

**Excused:** 2 - Davis Puente

*Identified as amendment #2.*

**A motion was made by ALD. WITKOWSKI that this Ordinance be AMENDED. This motion PREVAILED by the following vote:**

**Aye:** 10 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Witkowiak, Witkowski Zielinski

**No:** 3 - Wade, Dudzik Hines Jr.

**Excused:** 2 - Davis Puente

Whereas, A number of cities allow the keeping of chickens; and

Whereas, Chickens can produce eggs, a source of sustainable, healthy food; and

Whereas, Once a chickens' living space is arranged, chickens are low maintenance and often treated as pets; and

Whereas, Chickens are voracious insect-eaters, their fertilizer is ideal for vegetable and flower gardens, and they do not smell if well cared for; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-7-8 of the code is created to read:

60-7. Animal Licenses and Permits.

8. A fee of \$35 shall be charged at the time of application for anyone intending to keep chickens in the city.

(See s. 78-6.5.)

Part 2. Section 78-5-1 of the code is amended to read:

78-5. Keeping of Animals Within City.

1. PERMITTED ANIMALS. No animal that is not a domesticated animal may be kept or brought into the city except as provided in [[ss. 78-20 and 23]] >>this chapter<< or as otherwise authorized by the commissioner.

Part 3. Section 78-5-2-a of the code is amended to read:

2. CERTAIN ANIMALS PROHIBITED.

a. Except as otherwise provided in this chapter, no person shall keep within the city, either temporarily or permanently, any live [[fowl,] cows, cattle, horses, sheep, swine, goats, [[chickens]] >>roosters<< , ducks, turkeys, geese or any other domesticated livestock, >> or undomesticated fowl<< provided, however, that [[such]] >>the<< animals or fowl may be kept at places approved by the commissioner for slaughtering, educational purposes, research purposes and for circuses or similar recreational events. Upon approval by the commissioner, horses used for livery service may be kept within the city. No rabbits or guinea pigs shall be kept within any portion of any multiple dwelling.

Part 4. Section 78-5-4 of the code is amended to read:

4. ANIMAL REMOVAL. The department [[or the humane society]] may confiscate and remove animals from a premises for violation of [[subs.]] >>sub.<< 1, 2 or 3 or ss. [[78-23, 25 and 31]] >>78-6, 78-6.5, 78-23, 78-25 and 78-31, or if the animals constitute a public health threat as determined by the health department<<. The department may convey such animals [[to the humane society]] to be housed and handled appropriately. If necessary, such animals may be disposed of in a humane manner by the department [[, humane society]] or their designee.

Part 5. Section 78-6.5 of the code is created to read:

78-6.5. Keeping of Chickens in the City.

1. PERMIT REQUIRED. No person shall keep chickens in the city without obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-8. The permit application is also subject to notification and approval pursuant to sub. 2.

2. NEIGHBORHOOD APPROVAL REQUIRED. Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of application.

3. KEEPING OF CHICKENS ALLOWED. The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:
- a. No person shall keep any rooster.
  - b. No person shall slaughter any chickens.
  - c. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
  - d. Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the covered enclosure or a sanitary and adequately-sized and accessible fenced enclosure, or yard, at all times.
  - e. Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
  - f. Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
  - g. Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken.
  - h. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
  - i. No enclosure shall be located in the front yard of a dwelling.
  - j. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.
4. PUBLIC HEALTH REQUIREMENTS. a. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- b. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
  - c. The commissioner may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
5. PERMIT REVOCATION. A permit is subject to revocation upon failure to comply with any provisions of sub. 3 or 4. Once a permit is revoked, a permit shall not be reissued.

Part 6. Section 78-39 of the code is amended to read:

78-39. Selling Baby Fowls. No person may display, give away or sell baby chicks or ducklings or any other young of domestic or nondomestic fowl as pets or novelties >>provided, however, that this prohibition does not apply to baby chicks kept pursuant to s. 78-6.5<<.

Part 7. This ordinance takes effect in 45 days.

**A motion was made by ALD. KOVAC that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 8 - Hamilton, Kovac, Bauman, Bohl, Coggs, Murphy, Witkowiak  
Zielinski

**No:** 5 - Wade, Donovan, Dudzik, Witkowski Hines Jr.

**Excused:** 2 - Davis Puente

## THE FINANCE &amp; PERSONNEL COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [110051](#) A substitute ordinance to further amend the 2011 offices and positions in the City Service.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 1 of ordinance File Number 100414 relative to offices and positions in the City Service is hereby amended as follows:

Under "Health Department, Family and Community Health Services Division, Southside/Northwest Health Center", delete one position of "Public Health Nurse (X)(G)(I)(MMM)(O)", add one position of "Public Health Nurse (X)(G)(O)(N)" and add footnote "(N)" to read as follows: "To expire 03/31/12 unless the Newborn Hearing Screening Grant is extended. Partially funds one position of Public Health Nurse."

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

The provisions of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 3. This ordinance will take effect and be in force from and after its passage and publication.

**A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## ADOPTION OF THE FOLLOWING:

2. [110019](#) Substitute resolution relative to the application, acceptance and funding of the Universal Newborn Hearing Screening Program from the State of Wisconsin Division of Public Health.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Public Health to screen newborns for hearing loss; and

Whereas, The operation of this grant program from 04/01/11 to 03/31/12 would cost



\$62,614 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Public Health is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent account of the 2011 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Newborn Hearing Screening Grant:

Project/Grant	GR0001100000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$62,614

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project Levels; budget to these Project/Grant values the amounts required under the grant agreement; and be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2011 grant budget funds for training and out-of-town travel by departmental staff; and,
3. Enter into subcontracts as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2011 Positions Ordinance C.C. File Number 100414, should be amended as follows:

Under

HEALTH DEPARTMENT  
Family and Community Health Services Division  
Southside/Northwest Health Center

DELETE:

Public Health Nurse (X) (G)(I)(MMM)(O)

ADD:

Public Health Nurse (X)(G)(O)(N)

ADD footnote (N) to read as follows:

To expire 03/31/12 unless the Newborn Hearing Screening Grant is extended.  
Partially funds one position of Public Health Nurse.

**A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [110078](#) Substitute resolution establishing a City of Milwaukee social media policy.

Whereas, The City Information Management Committee is responsible for policy and management of the City's information resources; and

Whereas, The evolution of the internet has increasingly transformed the nature of web site content from static presentation of information to creation of interactive applications that encourage dialogue and collaboration; and

Whereas, Interactive social media web applications such as Facebook, Twitter and LinkedIn offer opportunities to City residents to interact directly with their City government; and

Whereas, The City Information Management Committee has prepared a City social media policy, which was approved by the committee on March 29, 2011; and

Whereas, For the purposes of this policy, "social media sites" are defined as interactive online pages that allow for and encourage multiple postings or interactions and whose information is constantly altered by its readers and producers; and

Whereas, For the purposes of this policy, “City-supported” or “City-sponsored” social media web sites are defined as sites created or maintained by designated City employees and used for City-related social media content; and

Whereas, All official City presence on social media sites is an extension of the City’s existing information systems and networks, and wherever possible, content posted to City social media sites must also be made available on the City’s website; and

Whereas, This policy prescribes that to ensure consistency of message, City departments should limit the number of staff personnel authorized to post to social media sites by designating an individual or individuals who will act as spokesperson for the City and the department on various social media websites; and

Whereas, City employees, as prescribed in this policy, in their role as designated representatives of the City of Milwaukee, must never post personal information to a City-sponsored social media site, and City representatives who wish to post personal information on social media sites must maintain separate personal pages on social media sites; and

Whereas, This policy recognizes the unique positions of elected officials in City government and exempts elected officials and their representatives from provisions of this policy restricting employees from posting information regarding other City departments; and

Whereas, This policy prescribes that actions that employees and representatives of the City must follow when posting in an official capacity using social media and reserves the right to remove comments or materials the City deems:

1. Are profane, obscene, violent, or pornographic in language or content;
2. Promote, foster or perpetuate discrimination on the basis of gender, race, creed, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity, past or present membership in military service or familial status.
3. Unlawfully defame or attack an individual or group.
4. Make direct or indirect threats against any person or organization.
5. Support or oppose a political campaign or a ballot measure.
6. Advertise or solicit business for a personal or private business or endeavor.

7. Promote or endorse any specific financial or commercial entity.
8. Defraud or defame any financial, commercial or non-governmental agency.
9. Violate any federal, state or local law or encourage any illegal activity.
10. Violate any existing copyrights, trade secrets or legal ownerships.
11. Compromise the safety or security of the public or public systems.
12. Are unrelated to the original topic.

; and

Whereas, This policy also strives to maintain compliance with state and local laws regarding public records, open meetings, record retention and elections; and

Whereas, Public records laws of the State of Wisconsin and local ordinances may require retention of any information, materials or discussion on social media sites that involve City of Milwaukee employees and relate to official City business; and

Whereas, This policy prescribes that individual City departments will be responsible for ensuring proper retention of content posted by their employees to social media sites; and

Whereas, Communication among members of governmental bodies using social media may constitute a “meeting” under the Wisconsin Open Meetings Law; and

Whereas, For this reason, this policy prescribes that members of these bodies are strongly discouraged from interactions with other members on social media sites; and

Whereas, Various social media sites adhere to their own policies regarding the privacy of site users; and

Whereas, As prescribed in this policy, the City of Milwaukee makes no claim to protect or preserve the privacy of users who interact with employees or representatives of the City via these sites beyond those protections which the site owners provide; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a City social media policy, a copy of which is attached to this file, is adopted as City policy.

**A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110079](#) Resolution establishing a City of Milwaukee information technology systems password policy.

Whereas, The City Information Management Committee is responsible for policy and management of the City's information resources; and

Whereas, The Comptroller's Office, as a result of an external audit, has prepared and recommended to the City Information Management Committee a City information technology systems password policy, which was approved by the committee on March 29, 2011; and

Whereas, Passwords are an important aspect of computer information system and network security; and

Whereas, Passwords help protect the integrity of City data and safeguard City assets and data against fraud, misuse and theft; and

Whereas, The scope of this policy includes all personnel who use or are responsible for any form of access that supports information systems which reside at any City facility, including all contractors, vendors, or agents who may have access to the City network or electronically store any City information; and

Whereas, Password strength should reflect the environment that the information system is deployed in and the likely threats it will face; and

Whereas, The password requirements outlined in this policy are to provide baseline protection of City data and information systems; and

Whereas, Through this policy, the City will establish a standard for the creation of strong passwords, the protection of those passwords and the frequency of change of passwords to protect information systems and data from unauthorized access; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a City information technology systems password policy, a copy of which is attached to this file, is adopted as City policy.

**A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

5. [110118](#) Substitute resolution authorizing the City of Milwaukee Departments to accept, expend and carryover rebates and incentives generated from grant activities. Whereas, The City of Milwaukee and sub-recipients appear to be eligible to receive rebates and incentives from Focus on Energy, We Energies, and other programs as a result of expenditures of grant funds on energy efficiency and conservation activities; and

Whereas, Federal grant regulations require that rebates and incentives accruing to grantees as a result of expenditures of grant funds be treated as applicable credits and otherwise be used to defray program costs and; the rebates are to be expended first before requesting additional draw down of grant funds; and

Whereas, awarding agencies authorize recipients and sub-recipients of grant funds to use rebate and incentive dollars for more program related activities; now, Therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the departments be authorized to receive, expend and if necessary carryover rebates and incentives generated from grant activities as authorized by the grant; and in accordance with federal regulations; and be it

Further Resolved, That the City of Milwaukee departments are authorized and directed to expend rebates and incentives received first before any additional draw down of grant funds; and comply with any applicable reporting requirements:

**A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

PLACING ON FILE THE FOLLOWING:

6. [110011](#) Communication from the Election Commission relating to the payment of poll workers.

**A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## THE JUDICIARY &amp; LEGISLATION COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [100991](#) A substitute ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
  
Part 1. Section 59-7-2 of the code is amended to read:  
59-7. Right of Entry and Examination.  
2. SPECIAL INSPECTION WARRANT. If any person[[;]] >>, << or occupant, or other person in charge of a building, structure, premises or conveyance refuses, impedes, inhibits, interferes with entry and free access to inspection authorized by sub. 1, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., as amended.  
  
Part 2. Section 60-29-2 of the code is amended to read:  
60-29. Food Peddler Basic Permit.  
2. For each pushed, [[peddled]] >>pedaled<< or pulled vehicle: \$117.  
  
Part 3. Section 68-4.6-1 of the code is amended to read:  
68-4.6. Meal Service Establishments.  
1. The application is fully and accurately completed and is accompanied by the fee set forth in s. [[60-21-9]] >>60-21-5<<.  
  
Part 4. Section 81-55 of the code is repealed.  
  
Part 5. Section 87-1-7 of the code is amended to read:  
87-1. Pool and Billiard Table Licenses.  
7. VIOLATIONS.  
b. Revocation. The common council may revoke the license of any person licensed under this section for any of the reasons set forth in s. 87-2-7, and the common council shall issue an order to such licensee to appear before it or its [[utilities and licenses]] >>licensing<< committee and show cause why the license should not be revoked.  
  
Part 6. Section 87-2-5-0 and 7-a-0 of the code is amended to read:  
87-2. Pool and Billiard Hall License.  
5. HEARINGS. The general health, safety and welfare of the public is of primary concern to the common council. The application for a license may be denied as to a particular location within the city whenever the common council finds that the location and physical layout of the premises are such and the layout characteristics are such that it is against the health, safety and general welfare of the public to permit the



operation of a billiard hall at that location. Any premises declared to be unsafe by the written report of the commissioner of neighborhood services, or a fire hazard by the written report of the fire chief shall be deemed ineligible for a license. In determining whether or not a license should be issued, a hearing shall be held before issuance by the common council or >>licensing<< committee [[on utilities and licenses ]]. At [[such]] >>the<< hearing the following factors shall be considered:

#### 7. REVOCATION OF LICENSE.

a. The common council may suspend or revoke the license of any licensee for cause, after notice to the licensee and a hearing before the council or its [[utilities and licenses]] >>licensing<< committee, on any of the following grounds:

Part 7. Section 90-4-7.9-e of the code is amended to read:

90-4. Classification of Licenses.

#### 7.9. PERMANENT EXTENSION OF PREMISES.

e. Committee Action. The licensing committee shall hold a hearing on whether or not to grant each application for a permanent extension of licensed premises [[for special events]]. If any interested person objects to the granting of a particular application,[[ then]] the licensee shall receive at least 3 [[days]] >>days'<< notice of the hearing date and the nature of the objection to the application. The applicant shall have an opportunity to appear at the hearing and be represented by counsel and to cross-examine witnesses opposed to the granting of the application for permanent extension of the licensed premises, and to present evidence in favor of the granting of the application. At the conclusion of the hearing, the committee shall make a recommendation to the common council on whether to grant the application. In making its recommendation, the committee may consider, among other factors, the appropriateness of the location for which a permanent extension of licensed premises is sought, whether [[such]] >>the<< location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare. The common council shall act on the committee's recommendation without further hearing.

Part 8. Section 90-4-11-c-4 of the code is amended to read:

#### 11. CLASS "D" PROVISIONAL OPERATOR'S LICENSE.

c-4. The applicant has not been denied a Class "B" manager's or Class "D" operator's license, or has not had his or her Class "B" or Class "D" license not renewed [[,any]] within the preceding 12 months.

Part 9. Section 90-37-1 of the code is amended to read:

90-37. Centers for the Visual and Performing Arts. 1. FINDINGS. The Wisconsin state statutes create the designation "centers for the visual and performing arts" and [[exempts]] >>exempt<< them from certain restrictions relating to the presence of underage persons on licensed Class "B" alcohol beverage premises. The state

statutes do not, however, provide a definition for “centers for the visual and performing arts”. The prevention of the underage consumption of alcohol and the regulation of alcohol beverage premises where underage persons congregate is a primary concern of the common council, given its responsibility to protect its most vulnerable residents. The common council finds, therefore, that it is essential to define and license “centers for the visual and performing arts” to help ensure the health, safety and welfare of the people of the city of Milwaukee and, in this light, to grant this license infrequently and only after careful consideration, review and deliberation.

Part 10. Section 90-37-2-a of the code is renumbered 90-37-2-0.

Part 11. Section 90-37-2-b of the code is repealed.

Part 12. Section 92-10-2.5 of the code is repealed.

Part 13. Section 95-2-4-a of the code is amended to read:

95-2. Transient Merchants.

4. ISSUANCE; QUALIFICATIONS OF LICENSEES; POSTING.

a. [[All licenses shall be issued from a bound book with proper reference stubs kept for the purpose, numbered in the order in which they are issued and]] >>Each license<< shall state clearly the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the [[dates]] >>date<< of issuance and expiration of the license, the fee paid and the name and address of the licensee, and the date of revocation of [[all licenses ]] >>any license<< revoked.

Part 14. Section 95-14-3-b-7 and f-1 of the code is amended to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

3. APPLICATION.

b.

b-7. The date of birth of the [[applicants]] >>applicant<<.

f. Changes, Transfers.

f-1. Changes to be Reported. All persons licensed under this section shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form within [[5]] >>10<< days after the change occurs.

Part 15. Section 101-5.5-6 of the code is repealed.

Part 16. Section 109-5-4-h and i of the code is repealed.

Part 17. Chapter 112 of the code is repealed.

Part 18. Section 115-32-1-d of the code is repealed.

Part 19 . Section 200-22.5-4 of the code is amended to read:

200-22.5. Registration of Residential Properties Pending Foreclosure.

4. NOTIFICATION OF ABANDONED RESIDENTIAL PROPERTY.

If, inspection of the residential property required under sub. 3 shows the property is abandoned, the filing parties shall notify the commissioner of the abandoned state of the property >>within 5 working days<< on a form prescribed by the commissioner that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification form shall identify the agent or servicing company, if any, that is authorized by the filing party to enter upon the property and to conduct repairs or maintenance as required in sub. 5-a.

Part 20. Section 200-53-10 of the code is amended to read:

200-53. Residential Rental Certificate.

10. REVOCATION. A certificate of residential rental code compliance may be revoked at the discretion of the commissioner if violations which are considered to be an unfit or unsafe condition pursuant to sub. [[7-a]] >>6-d<<are observed during a complaint investigation.

Part 21. Section 340-1-6 of the code is repealed.

Part 22. Part 11 of File Number 100208 is repealed.

**A motion was made by ALD. HAMILTON that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

ADOPTION OF THE FOLLOWING:

2. [101564](#) Substitute resolution relating to legislative bills.

*Identified as amendment #3.*

*Ald. Bohl requested unanimous consent to offer an amendment not in writing.*

*There was no objection.*

*Ald. Bohl moved to amend amendment #2 as follows:*

*"...to seek those changes to the bill enumerated [[to the]] >>by<< the*

*Judiciary and Legislation Committee [[by]] >>and<< the Chief of the Milwaukee Police Department."*

*There were no objections.*

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

Whereas, The Judiciary and Legislation Committee of the Common Council has recommended the following position on the bill hereinafter listed and the Common Council being advised of said matter; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby opposes the following legislative bill and instructs the Division of Intergovernmental Relations to appear before the proper committees to oppose this bill and use its best endeavors to have them not enacted into law, viz:

--- SB-93 Going armed with weapons, possessing or transporting a firearm, bow, or crossbow under certain circumstances, disorderly conduct limitation, and electric weapons. (constitutional)

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [110017](#) Substitute resolution authorizing the return of real estate located at 5014 N 55th Street, in the 7th Aldermanic District to its former owner. (Betty J. Hawkins)
- Whereas, The property located at 5014 N 55th Street, previously owned by Betty J. Hawkins, has delinquent taxes for 210-0405-000-X and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 14, 2011; and
- Whereas, CORELOGIC TAX SERVICES/GMAC on behalf of Betty J. Hawkins would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 14; and

Whereas, Betty J. Hawkins has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 5014 N 55th Street, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 10-CV019424 known as the 2010-03 In Rem Parcel 6, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110024](#) Resolution authorizing payment of the claim of Kathleen Huber, in the amount of \$6,000.

Whereas, The claimant, Kathleen Huber (C.I. File No. 07-L-116-1), through her attorneys, Cermele & Associates, S.C., has filed a claim for damages against the City of Milwaukee pursuant to Wis. Stat. § 62.67, for injuries and damages incurred on March 29, 2007, as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle her claim in the amount of \$6,000; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson & Mentkowski, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson & Mentkowski, S.C., recommends and

the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$6,000.00, payable to Kathleen Huber and Cermele & Associates, S.C.-Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118; and, be it

Further Resolved, That the law firm of Crivello, Carlson & Mentkowski, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

5. [110025](#) Resolution authorizing payment of the claim of Kathryn Gebhardt (f/k/a Kathryn Smith), in the amount of \$24,000.
- Whereas, The claimant, Kathryn Gebhardt (C.I. File No. 07-L-116), through her attorneys, Cermele & Associates, S.C., has filed a claim for damages against the City of Milwaukee pursuant to Wis. Stat. § 62.67, for injuries and damages incurred on March 29, 2007, as a result of a vehicle accident with an uninsured motorist; and
- Whereas, The claimant has agreed to settle her claim in the amount of \$24,000; and
- Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson & Mentkowski, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and
- Whereas, The law firm of Crivello, Carlson & Mentkowski, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$24000.00, payable to Kathryn Gebhardt and Cermele & Associates, S.C.-Trust

Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118; and, be it

Further Resolved, That the law firm of Crivello, Carlson & Mentkowski, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

6. [110040](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2009 and 2010 tax rolls, plus interest applicable to date of repayment, if appropriate.

Whereas, Assessments were made against certain parcels of real estate for the years 2009 and 2010 as contained in Common Council Resolution File No. 110040, and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of payment to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That interest for Key No. 391-0101-000-0 shall be applicable from date of payment to March 31, 2010 for the year 2009, and, be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

7. [110044](#) Resolution authorizing payment of the claim of AT&T in the amount of \$30,000.
- Whereas, The claimant, AT&T (25201008-50-0049) has filed a claim against the City of Milwaukee in the amount of \$46,488.43; and
- Whereas, The City has agreed to settle the claim in the amount of \$30,000; and
- Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this claim; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that proper city officers be and hereby are authorized and directed to issue a City check in the amount of \$30,000.00, payable to the order of AT&T, Risk Management, 435 South 95th Street, Milwaukee, WI 53214, in full and final payment of this claim, upon receipt of a release of claim, approved as to form and execution by the City attorney; said amount to be charged to Damages and Claims Account-636506 - Fund No. 0001 - Organization 1490 - Program 2631 - Sub Class S118.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

8. [110047](#) Substitute resolution relating to an appeal from Matt Coffaro for property damage. (9th Aldermanic District)
- Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$1,844.00 related to a driveway being damaged by the City. Based on this review, members of the Committee recommend the claimant be reimbursed \$1,844.00 in payment of this claim; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the



total sum of \$1,844.00 payable to Matt Coffaro, 7025 North 89th Street, Milwaukee, WI, 53224 to reimburse for the loss; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118. This resolution would release the City from any further liability arising from this incident.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

9. [110062](#) Substitute resolution approving the establishment of election ward lines in the City of Milwaukee.

*Ald. Donovan moved to amend this file by assigning the area of proposed ward 235 west of S. Muskego Ave to proposed ward 225.*

**A motion was made by ALD. DONOVAN that this Resolution be AMENDED. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

*Ald. Donovan moved to amend this file by assigning the area of proposed ward 250 bounded by W. Lincoln Ave., S. 20th St., the Union Pacific Railroad tracks, S. 27th St. and W. Forest home Ave. to proposed ward 249.*

**A motion was made by ALD. DONOVAN that this Resolution be AMENDED. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

*Ald. Coggs moved to amend this file by assigning the area of proposed ward 180 bounded by W. McKinley Ave., N 7th St., W. Vliet St., N. Dr. Martin Luther King Dr., W. Juneau Ave., W. Winnebago St., and I-43 to proposed ward 181.*

**A motion was made by ALD. COGGS that this Resolution be AMENDED. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

*Ald. Hamilton moved to amend this file by adding a second "Further Resolved" clause to read as follows:*

*"Further Resolved, That the attached plan establishing election ward boundary lines shall be effective with the 2012 spring primary elections."*

**A motion was made by ALD. HAMILTON that this Resolution be AMENDED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

Whereas, Section 5.15, Wis. Stats., requires all cities, villages and towns with a population of 1,000 or more to establish municipal wards based on the results of each decennial U.S. census; and

Whereas, Once established, wards are intended to remain as permanent as possible, although municipalities are given latitude to adjust ward boundaries to: 1) comply with population ranges required by law; 2) reflect changes in municipal boundaries which occurred after the adoption of the existing ward plan; 3) permit the establishment of election districts of substantially equal population; and 4) permit the establishment of aldermanic or supervisory districts which enhance the participation of minorities in the political process and their ability to elect representatives; and

Whereas, Based on population changes between 2000 and 2010, the City of Milwaukee, in compliance with the requirements of s. 5.15, Wis. Stats., has developed a ward plan, including a map of the city showing revised ward boundaries as well as a list of census block numbers contained within each ward, that allows for the creation of aldermanic districts that are as nearly equal in population as practicable and which enhance the participation of the minority community in the political process; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a City of Milwaukee ward plan is approved, pursuant to s. 5.15, Wis. Stats., and that in compliance with s.5.15, Wis. Stats., the following are attached to and incorporated as part of this file: 1) all wards numbered in whole numbers in consecutive order beginning with the number one; 2) designation of polling places for the wards; 3) the

boundaries for each ward specified pursuant to the conventions of s. 4.003, Wis. Stats.; which are incorporated into 4) a map of the City of Milwaukee which illustrates the ward boundaries; 5) a list of the block numbers used by the U.S. Bureau of the Census that are wholly or partly contained in each ward; and, be it

Further Resolved, That as required by s. 5.15, Wis. Stats., the City Clerk shall transmit a copy of this resolution to the county clerks of Milwaukee, Washington and Waukesha counties, and to the State Legislative Reference Bureau, together with items #4 and #5 specified in the "Resolved" clause, within 5 days after adoption of this resolution.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

10. [110081](#) Resolution directing the Intergovernmental Relations Division-Department of Administration to seek passage of state legislation changing food license expiration dates.

Whereas, Section 97.30(2)(a), Wis. Stats., provides that all retail food establishment licenses expire on June 30 of each year; and

Whereas, The Health Department acts as an agent of the Wisconsin Department of Agriculture, Trade and Consumer Protection for issuing food licenses and making investigations or inspection of retail food establishments by agreement under s. 97.41(1m), Wis. Stats.; and

Whereas, Approximately 3,500 retail food establishments are licensed by the City including all restaurants, food and espresso carts, bakeries, coffee bars, delicatessens, grocery stores, convenience stores, candy stores, bed and breakfasts, taverns and bars, food markets, liquor stores and special event vendors; and

Whereas; The volume of food establishment licenses that are subject to annual renewal procedures at the same time place an extraordinary burden on the resources of the Health Department, the License Division of the City Clerk and the Licenses Committee of the Common Council; and

Whereas, The health and safety of the public require careful scrutiny of food license renewals, especially in circumstances where investigation or inspection reveals a potential hazard to public health and where complaints by members of the public relating to the operation of an retail food establishment establish cause for responsible

review; and

Whereas, The Wisconsin Legislature has recognized in s. 125.04(11)(b), Wis. Stats., that a City of the First Class may more effectively review and process a high volume of license renewals for alcohol beverage license establishments by providing an exception to allow the expiration of annual licenses to be staggered throughout the year based upon the date of issue of an initial license; and

Whereas, The interests of the City in promoting the health and safety of the public will be furthered by allowing interested members of the public more orderly access to the food establishment license review process; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Affairs Division-Department of Administration is directed to develop and seek passage of legislation by the Wisconsin Legislature to allow the issuance of a retail food establishment license by a City of the First Class at any time during the year which license shall be valid for one year expiring on a specified date.

**A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

CONFIRMATION OF THE FOLLOWING:

11. [110091](#) Appointment of Jeffery Roman to the Equal Rights Commission by the Mayor. (15th Aldermanic District)

**A motion was made by ALD. HAMILTON that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

PLACING ON FILE THE FOLLOWING:

12. [101588](#) Resolution expressing the City of Milwaukee's support for the implementation of a high-speed rail system between the cities of Milwaukee and Chicago.

**A motion was made by ALD. HAMILTON that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

13.        [110046](#)        Communication from the National League of Cities relating to the Open Society Institute's Black Male Achievement program.

**A motion was made by ALD. HAMILTON that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## THE ZONING, NEIGHBORHOODS &amp; DEVELOPMENT COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [100848](#) A substitute ordinance relating to zoning regulations for transitional housing and permanent supportive housing.  
Whereas, A small portion of Milwaukee's population has consistently been unable to obtain safe, decent housing because of periods of low or no income, mental illness, market conditions or a combination thereof, and thus is homeless or at risk of homelessness; and  
  
Whereas, Permanent supportive housing is a proven national model for assisting homeless persons and persons at risk of homelessness to live independently in multi-family buildings with on-site case management and peer support; and  
  
Whereas, Permanent supportive housing has been found to reduce the social costs of homelessness by decreasing the number of police calls and emergency-room visits; and  
  
Whereas, To be affordable to very-low-income residents, permanent supportive housing requires a greater density of dwelling units and fewer parking spaces than residential buildings in general; and  
  
Whereas, Transitional housing provides temporary, supervised residential treatment to adult clients in need of such treatment, including but not limited to individuals with mental health conditions or other disabilities who are homeless or at risk of homelessness, or are affected by other circumstances that indicate a need for such treatment; and  
  
Whereas, Inspection of transitional housing is necessary to maintain safe, decent and sanitary living conditions for residents living therein; and  
  
Whereas, The Common Council has determined that there is a need to enact legislation regarding the zoning and building inspection of these two separate but complementary types of residences, in order to promote their sound and expedient approval, development and operation in a manner that protects both the residents of these dwellings and the general public; and  
  
Whereas, The Common Council finds that the regulations set forth in this ordinance promote and protect the public health, safety and general welfare of the city and are thereby consistent with the purpose of the City of Milwaukee Zoning Code; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 214-7-1-c-1 of the code is amended to read:

214-7. Fire Prevention.

1. RESPONSIBILITIES OF THE FIRE CHIEF.

c. Fire Inspections.

c-1. Pursuant to s. 101.14(2), Wis. Stats., the commissioner of neighborhood services, as building inspector of the city, is authorized to conduct the annual fire inspections of all non-residential properties required by that section. In addition, the commissioner is authorized to conduct annual fire inspections of residential buildings with 3 or more dwelling units >>and transitional housing, regardless of the number of dwelling units<< .

Part 2. Section 295-201-448 of the code is created to read:

295-201. Definitions.

448. PERMANENT SUPPORTIVE HOUSING means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

Part 3. Section 295-201-664.5 of the code is repealed and recreated to read:

664.5. TRANSITIONAL HOUSING means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

Part 4. Section 295-203-1-d to i of the code is renumbered 295-203-1-f to k.

Part 5. Section 295-203-1-d and e of the code is created to read:

295-203. Use Definitions.

1. RESIDENTIAL USES.

d. "Permanent supportive housing" means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

e. "Transitional housing" means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

Part 6. Section 295-203-2-m of the code is repealed.

Part 7. Table 295-403-2-a of the code is amended to read:

□

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses No. of Parking Spaces Required

RESIDENTIAL USES

Single-family dwelling min. of one space; max. of 4 spaces

Two-family dwelling min. of one space per dwelling unit; max. of 4 spaces on the premises

Multi-family dwelling: Zoning Districts

Min. ratio of parking spaces to dwelling units\* RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1 1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2,

RB2, CS, C9A, IM 2:3 \* Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.

>>Permanent supportive housing one for every 5 dwelling units<<

>>Transitional housing one for every 5 dwelling units<<

Attached single-family dwelling min. of one space; max. of 4 spaces

Live-work unit one for each live/work unit in the building

Mobile home N.A.

Watchman/service quarters none

Family day care home see requirement for dwelling unit type

GROUP RESIDENTIAL USES

Rooming house one for every 2 rooms

Convent, rectory or monastery one per facility



Dormitory one for every 15 beds or fraction thereof

Fraternity or sorority one for every 2 rooms

Adult family home one

Foster Homes

Foster family home one

Small foster home one

Group home or group foster home one

Shelter Care Facilities

Family shelter care facility one

Small group shelter care facility one

Large group shelter care facility one

Community living arrangement one

[[Transitional living facility one per dwelling unit]]

EDUCATIONAL USES

Day care center None (limited use) or as required by the board (special use)

School, elementary or secondary none

College none

School, specialty or personal instruction none

COMMUNITY-SERVING USES

Library none

Cultural institution none

Community center as required by the board for special use approval

Religious assembly one for every 6 seats in the assembly hall

Cemetery or other place of interment none

Public safety facility none

Correctional facility none

COMMERCIAL AND OFFICE USES

General office one for each 250 sq. ft. of the first 2,000 sq. ft. of gross floor area;  
one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft.

Government office see general office

Bank or other financial institution see general office

Currency exchange, payday loan or title loan agency see general retail  
establishment

Installment loan agency see general retail establishment

Retail establishment, general one for each 500 sq. ft. of gross floor area on the first  
floor; one for each 1,000 sq. ft. of gross floor area on the 2nd floor and above

Garden supply or landscaping center see general retail establishment

Home improvement center see general retail establishment

Secondhand store see general retail establishment

Outdoor merchandise sales one for each 500 sq. ft. of outdoor or indoor space  
devoted to the display of goods for sale

Artist studio none

Adult retail establishment see general retail establishment

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**HEALTH CARE AND SOCIAL ASSISTANCE USES**

Medical office see general office  
Health clinic see general office  
Hospital one for every 4 beds  
Medical research laboratory see general office  
Medical service facility see general office  
Social service facility see general office  
Emergency residential shelter as required by the board for special use approval  
Nursing home one for every 4 beds

**GENERAL SERVICE USES**

Personal service establishment see general office  
Business service see general office  
Building maintenance service see general office  
Catering service see general office  
Funeral home one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces  
Laundromat see general retail establishment  
Dry cleaning establishment see general retail establishment  
Furniture and appliance rental and leasing see general retail establishment  
Household maintenance and repair service see general retail establishment  
Tool/equipment rental facility see general retail establishment

**Animal Services**

Animal hospital/clinic see general retail establishment  
Animal boarding facility see general retail establishment  
Animal grooming or training facility see general retail establishment

**MOTOR VEHICLE USES****Light Motor Vehicle**

Sales facility none (permitted use) or as required by the board (special use)  
Rental facility none (permitted or limited use) or as required by the board (special use)  
Repair facility as required by the board for special use approval  
Body shop none (permitted use) or as required by the board (special use)  
Outdoor storage none (permitted use) or as required by the board (special use)  
Wholesale facility none

**Heavy Motor Vehicle**

Sales facility none (permitted use) or as required by the board (special use)  
Rental facility none (permitted use) or as required by the board (special use)  
Repair facility none (permitted use) or as required by the board (special use)  
Body shop none (permitted use) or as required by the board (special use)  
Outdoor storage none (permitted use) or as required by the board (special use)

**General Motor Vehicle**

Filling station as required by the board for special use approval  
Car wash none

Drive-through facility none

Parking

Parking lot, principal use N.A.

Parking lot, accessory use N.A.

Parking structure, principal use N.A.

Parking structure, accessory use N.A.

Heavy motor vehicle parking lot, principal N.A.

Heavy motor vehicle parking lot, accessory N.A.

ACCOMODATION AND FOOD SERVICE USES

Bed and breakfast one for each sleeping room, plus one additional space

Hotel, commercial one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above

Hotel, residential one for every 2 sleeping rooms

Tavern see general retail establishment

Assembly hall one for every 1,000 square feet of gross floor area or fraction thereof

Restaurant, sit-down see general retail establishment

Restaurant, fast-food/carry-out see general retail establishment

ENTERTAINMENT AND RECREATION USES

Park or playground none

Festival grounds none

Recreation facility, indoor see general retail establishment

Recreation facility, outdoor as required by the board for special use approval

Health club see general retail establishment

Sports facility as required by the board for special use approval

Gaming facility N.A.

Theater one for every 100 square feet of floor area in the theater auditorium

Convention and exposition center as required by the board for special use approval

Marina none

Outdoor racing facility as required by the board for special use approval

Adult entertainment establishment see general retail establishment

STORAGE, RECYCLING AND WHOLESALE TRADE USES

Recycling collection facility none

Mixed-waste processing facility none

Material reclamation facility none

Salvage operation, indoor none

Salvage operation, outdoor none

Wholesale and distribution facility, indoor none

Wholesale and distribution facility, outdoor none

Storage Facilities

Indoor none

Outdoor none

Hazardous materials none  
 TRANSPORTATION USES  
 Ambulance service see general office  
 Ground transportation service see general office  
 Passenger terminal none  
 Helicopter landing facility none  
 Airport none  
 Ship terminal or docking facility none  
 Truck freight terminal none  
 Railroad switching, classification yard or freight terminal none  
 INDUSTRIAL USES  
 Manufacturing, light none  
 Manufacturing, heavy none  
 Manufacturing, intense none  
 Research and development none  
 Processing or recycling of mined materials none  
 Contractor's shop see general office  
 Contractor's yard none  
 AGRICULTURAL USES  
 Plant nursery or greenhouse none  
 Raising of crops or livestock none  
 UTILITY AND PUBLIC SERVICE USES  
 Broadcasting or recording studio see general office  
 Transmission tower see general office  
 Water treatment plant see general office  
 Sewerage treatment plant see general office  
 Power generation plant see general office  
 Substation/distribution equipment, indoor see general office  
 Substation/distribution equipment, outdoor see general office  
 TEMPORARY USES  
 Seasonal market none  
 Temporary real estate sales office none  
 Temporary concrete/batch plant none  
 Live entertainment special event none

Part 8. Table 295-503-1 of the code is amended to read:

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use

Zoning Districts

Uses RS1-RS5 RS6 RT1-RT3 RT4 RM1-RM2 RM3-RM7 RO1 RO2

RESIDENTIAL USES

Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y											
Two-family dwelling	L	L	Y	Y	Y	Y	Y	Y											
Multi-family dwelling	N	N	L	L	Y	Y	Y	Y											
>>Permanent supportive housing				N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
>>Transitional housing	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Attached single-family dwelling	N	N	L	L	Y	Y	Y	Y											
Live-work unit	N	N	N	L	L	L	Y	Y											
Mobile home	N	N	N	N	N	N	N	N											
Watchman/service quarters	N	N	N	N	N	N	N	N	N	N									
Family day care home	L	L	L	L	L	L	L	L	L										
GROUP RESIDENTIAL USES																			
Rooming house	N	N	N	S	S	S	S	S											
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	N	N	N	S	S	S	S	S											
Fraternity or sorority	N	N	N	S	S	S	S	S	S										
Adult family home	L	L	L	L	L	L	L	L	L										
Foster Homes																			
Foster family home	Y	Y	Y	Y	Y	Y	Y	Y	Y										
Small foster home	L	L	L	L	L	L	L	L	L										
Group home or group foster home						L	L	L	L	L	L	L	L	L	L	L	L	L	L
Shelter Care Facilities																			
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y									
Small group shelter care facility				L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Large group shelter care facility				N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
[[Transitional living facility	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
EDUCATIONAL USES																			
Day care center	L	L	L	L	L	L	L	L	L										
School, elementary or secondary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
College	N	N	N	S	S	S	Y	Y											
School, specialty or personal instruction							N	L	N	L	N	L	N	L	Y	Y			
COMMUNITY-SERVING USES																			
Library	Y	Y	Y	Y	Y	Y	Y	Y	Y										
Cultural institution	N	L	N	L	L	L	L	L	L										
Community center	N	S	N	S	S	S	S	S	S										
Religious assembly	Y	Y	Y	Y	Y	Y	Y	Y	Y										
Cemetery or other place of interment							N	N	N	N	N	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y										
Correctional facility	N	N	N	N	N	N	N	N	N										
COMMERCIAL AND OFFICE USES																			
General office	N	L	N	L	N	L	Y	Y											
Government office	N	L	N	L	N	L	Y	Y											
Bank or other financial institution	N	L	N	L	N	L	N	L	Y	Y									

Currency exchange, payday loan or title loan agency	N	N	N	N	N	N	N	N	N	N
Installment loan agency	N	N	N	N	N	N	N	N	N	N
Retail establishment, general	N	L	N	L	N	L	L	L		
Garden supply or landscaping center			N	N	N	N	N	N	N	N
Home improvement center	N	N	N	N	N	N	N	N	N	
Secondhand store	N	N	N	N	N	N	S	S		
Outdoor merchandise sales	N	N	N	N	N	N	N	N	N	
Artist studio	N	L	N	L	N	L	Y	Y		
Adult retail establishment	N	N	N	N	N	N	N	N	N	
HEALTH CARE AND SOCIAL ASSISTANCE USES										
Medical office	N	L	N	L	N	L	Y	Y		
Health clinic	N	N	N	N	N	N	S	S	S	
Hospital	N	N	N	N	N	N	N	N		
Medical research laboratory			N	N	N	N	N	N	N	N
Medical service facility	N	N	N	N	N	N	N	N	N	
Social service facility	N	N	N	N	S	N	S	S	S	
Emergency residential shelter	N	N	N	N	N	N	S	S	S	S
Nursing home	N	S	N	S	S	S	S	S		
GENERAL SERVICE USES										
Personal service	N	L	N	L	N	L	Y	Y		
Business service	N	S	N	S	N	S	L	L		
Building maintenance service	N	N	N	N	N	N	N	N	N	N
Catering service	N	L	N	L	N	L	L	L		
Funeral home	N	L	N	L	N	L	Y	Y		
Laundromat	N	N	N	N	N	N	L	L		
Dry cleaning establishment	N	L	N	L	N	L	L	L		
Furniture and appliance rental and leasing					N	N	N	N	N	N
Household maintenance and repair service					N	N	N	N	N	N
Tool/equipment rental facility	N	N	N	N	N	N	N	N	N	
Animal Services										
Animal hospital/clinic	N	N	N	N	N	N	N	N	N	
Animal boarding facility	N	N	N	N	N	N	N	N	N	
Animal grooming or training facility	N	N	N	N	N	N	N	N	N	N
MOTOR VEHICLE USES										
Light Motor Vehicle										
Sales facility	N	N	N	N	N	N	N	N	N	
Rental facility	N	N	N	N	N	N	N	N	N	
Repair facility	N	N	N	N	N	N	N	N	N	
Body shop	N	N	N	N	N	N	N	N	N	
Outdoor storage	N	N	N	N	N	N	N	N	N	
Wholesale facility	N	N	N	N	N	N	N	N	N	
Heavy Motor Vehicle										

Sales facility	N	N	N	N	N	N	N	N	
Rental facility	N	N	N	N	N	N	N	N	
Repair facility	N	N	N	N	N	N	N	N	
Body shop	N	N	N	N	N	N	N	N	
Outdoor storage	N	N	N	N	N	N	N	N	N
General Motor Vehicle									
Filling station	N	N	N	N	N	N	N	N	
Car wash	N	N	N	N	N	N	N	N	
Drive-through facility	N	N	N	N	N	N	N	N	N
Parking									
Parking lot, principal use	N	S	N	S	S	S	S	S	
Parking lot, accessory use		Y	L	Y	L	Y	L	Y	L
Parking structure, principal use		N	N	N	N	N	S	S	S
Parking structure, accessory use		N	N	N	N	Y	Y	Y	L
Heavy motor vehicle parking lot, principal		N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory		N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES									
Bed and breakfast	S	L	L	L	L	L	Y	Y	
Hotel, commercial	N	N	N	N	N	N	N	S	
Hotel, residential	N	N	N	N	N	N	N	Y	
Tavern	N	L	N	L	N	L	N	S	
Assembly hall	N	N	N	N	N	N	N	S	
Restaurant, sit-down		N	L	N	L	N	L	Y	Y
Restaurant, fast-food/carry-out		N	L	N	L	N	L	L	L
ENTERTAINMENT AND RECREATION USES									
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	
Festival grounds	N	N	N	N	N	N	N	N	
Recreation facility, indoor		N	N	N	N	N	N	S	S
Recreation facility, outdoor		N	N	N	N	N	N	N	N
Health club	N	N	N	N	N	N	Y	Y	
Sports facility	N	N	N	N	N	N	N	N	
Gaming facility	N	N	N	N	N	N	N	N	
Theater	N	N	N	N	N	L	L		
Convention and exposition center		N	N	N	N	N	N	N	N
Marina	N	N	N	N	N	N	N	N	
Outdoor racing facility	N	N	N	N	N	N	N	N	
Adult entertainment establishment		N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recycling collection facility	N	N	N	N	N	N	S	S	
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N	
Salvage operation, indoor		N	N	N	N	N	N	N	
Salvage operation, outdoor		N	N	N	N	N	N	N	

Wholesale and distribution facility, indoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	N
Storage Facilities									
Indoor	N	N	N	N	N	N	N	N	N
Outdoor	N	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N	N
TRANSPORTATION USES									
Ambulance service	N	N	N	N	N	N	N	N	N
Ground transportation service	N	N	N	N	N	N	N	N	N
Passenger terminal	N	N	N	N	N	N	N	N	N
Helicopter landing facility	N	N	N	N	N	N	N	N	N
Airport	N	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES									
Manufacturing, light	N	N	N	N	N	N	N	N	N
Manufacturing, heavy	N	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N	N
Research and development	N	N	N	N	N	N	N	N	N
Processing or recycling of mined materials	N	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	N	N	N
Contractor's yard	N	N	N	N	N	N	N	N	N
AGRICULTURAL USES									
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raising of crops or livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES									
Broadcasting or recording studio	N	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N	N
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L	L
TEMPORARY USES									
Seasonal market	L	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L	L

Part 9. Table 295-505-2 of the code is amended to read:

Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS



Single-family Districts			Two-family Districts							
RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4	
Lot area, minimum (sq. ft.)	detached housing	20,000	12,000	9,000	7,200					
6,000	3,600	7,200	4,800	3,000	2,400					
Lot area, minimum (sq. ft.)	attached housing	not applicable	3,600	3,000						
1,800	1,800									
Lot area, maximum (sq. ft.)	none	none	none	none	none	none	none	none	none	
none	none	none								
Lot width, minimum (ft.)	detached housing	100	100	75	60	50	30			
60	40	30	24							
Lot width, minimum (ft.)	attached housing	not applicable	30	25	18	18				
Lot width, maximum (ft.)	none	none	none	none	none	none	none	none	none	
none	none	none								
Density Lot area per dwelling unit, minimum (sq. ft.)	none	none	none	none	none	none	none	none	none	
none	3,600	3,600	2,400	1,800	1,200					
Lot area per roomer or transitional client<<, minimum (sq. ft.)	[[living facility resident]] >>housing	NA	NA	NA	NA	NA	NA	NA	600	
Lot coverage, minimum	interior lot	none	none	none	none	none	none	none	*	
none	none	*	*							
Lot coverage, maximum	interior lot	15%	30%	30%	30%	30%				
60%	30%	30%	50%	70%						
Lot coverage, minimum	corner lot	none	none	none	none	none	none	none	*	
none	none	*	*							
Lot coverage, maximum	corner lot	15%	30%	30%	30%	40%				
70%	40%	40%	60%	85%						
Floor area, minimum (sq. ft.)	one-story structure	1,500	1,500	1,300						
1,200	900	none	none	none	none					
Floor area, minimum (sq. ft.)	split-level or taller	1,900	1,900	1,700	1,450					
1,200	none	none	none	none	none					
Height Height, minimum (ft.)	none	none	none	none	none	none	**	none		
none	*	*								
Height, maximum (ft.)	45	45	45	45	45	45	45	45	48	

\*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table. \*\* A structure shall meet the minimum height requirement of table 295-505-2-i unless it is adjacent to a lot containing a one-story house, in which case there shall be no minimum height requirement.

	Single-family Districts			Two-family Districts				RT1	RT2	RT3	RT4	
	RS1	RS2	RS3	RS4	RS5	RS6						
Primary Frontage	Front setback, minimum (ft.) (see s. 295-505-2-b) or 25 ft., whichever is less						average	average	average	average	average	average
	average	average	average	average	Average	average						
	Front setback, maximum (ft.) (see s. 295-505-2-b)						none	none	none	none	none	none
	none	average	average	none	none	average	but never more than 20 ft.					
	Side street setback, minimum (ft.)						20% of lot width but never more than 20 ft.	10% of lot width but never more than 15 ft.	10% of lot width but never more than 6 ft.	20% of lot width but never more than 20 ft.	10% of lot width but never more than 6 ft.	3
	Side street setback, maximum (ft.)						none	none	none	none	none	none
	none	none	none	none	15							
Side Setback	North or west side setback, minimum (ft.)						3	3	3	3	3	1.5
	3	1.5	1.5									
	South or east side setback, minimum (ft.)						6	6	6	6	3.5	6
	3.5											
	Combined side setback, minimum (ft.)						12	12	12	12	5	12
											5	
	Maximum depth of building without side setback adjustment						50	50	50			
	50	50	75	50	50	75	100					
	Max. no. of stories without side or rear setback adjustment						2	2	2	3	3	3
	3	2	2	3	4							
Rear Setback	Rear setback, minimum (ft.) interior lot						25	25	25	20	15	15
	25	25	15	15								
	Rear setback, minimum (ft.) corner lot						25	25	25	15	10	10
	10											
	Rear street setback, minimum (ft.) (see s. 295-505-2--e)						average	average	average	average	average	average
	average	average	average	average	average	average	average	average	average	average	average	
	Rear street setback, maximum (ft.)						none	none	none	none	none	none
	none	none	none	none	none							
Multiple principal residential buildings permitted?	-RT4						no	no	no	no	no	same as RT3
	no	no	no	yes, if in existence on November 5, 2003; otherwise, special use								

Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS



	RM1	RM2	RM3	RM4	RM5	RM6	RM7	RO1	RO2
Height, maximum (ft.)	45	45	45	60	60	85	85; no limit if floor area ratio is less than 4:1		
Front setback, minimum (ft.)	(see s. 295-505-2-b)	average	average	average	average	average	average	average	average
Front setback, maximum (ft.)	(see s. 295-505-2-b)	average but never more than 20 ft.	average but never more than 15 ft.	average but never more than 15 ft.	average but never more than 15 ft.	average but never more than 15 ft.	average but never more than 15 ft.	average but never more than 15 ft.	average but never more than 15 ft.
Side street setback, minimum (ft.)	3	3	3	3	same as RM1-RM2	none	10% of lot width but not more than 15 ft.	3	3
Side street setback, maximum (ft.)	none	none	none	none	none	none	15	15	15
North or west side setback, Minimum (ft.)	3	3	1.5	1.5	1.5	1.5	1.5	3	none
South or east side setback, Minimum (ft.)	6	6	3.5	3.5	3.5	3.5	3.5	6	none
Combined side setback, Minimum (ft.)	12	12	5	5	5	5	5	12	none
Maximum depth of building without side setback	100	100	100	50	none	none	50	50	75
Max. no. of stories without side or rear setback	8	2	8	8	8	8	2	2	3
Rear setback, minimum (ft.)	interior lot	25	25	20	15	15	15	10	20
Rear setback, minimum (ft.)	corner lot	10	10	10	10	10	10	10	10
Rear street setback, minimum (ft.)	(see s. 295-505-2-e)	average	average	average	average	average	average	average	average
Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none
Multiple principal residential Buildings permitted?	yes	yes	yes	yes	yes	yes	yes	yes	yes

Part 10. Section 295-505-2-n of the code is created to read:

295-505. Design Standards.

2. PRINCIPAL BUILDING STANDARDS.

n. Minimum Lot Area for Premises with Mixture of Dwelling Unit Types. n-1. Permanent Supportive Housing. Where permanent supportive housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula  $PSF = ((PN/RN) \times LSF)/PN$ , where:

n-1-a. PSF is the lot area, in square feet, per permanent supportive housing unit.

n-1-b. PN is the number of permanent supportive housing units.

n-1-c. RN is the total number of residential units, both permanent supportive housing units other types of dwelling units.

n-1-d. LSF is total lot area, in square feet.

n-2. Transitional Housing. Where transitional housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula  $TSF = ((TN/2)/((TN/2) + GN)) \times LSF / TN$ , where:

n-2-a. TSF is the lot area, in square feet, per transitional housing client

n-2-b. TN is the total number of transitional housing clients

n-2-c. GN is the total number of dwelling units, not including transitional housing

n-2-d. LSF is total lot area, in square feet

Part 11. Table 295-603-1 of the code is amended to read:

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE

Y = Permitted Use      L = Limited Use S = Special Use      N =

Prohibited Use      Zoning Districts

Uses    NS1    NS2    LB1    LB2    RB1    RB2    CS

RESIDENTIAL USES

Single-family dwelling    Y    Y    Y    Y    Y    Y    Y

Two-family dwelling      Y    Y    Y    Y    Y    Y    Y

Multi-family dwelling    Y    Y    Y    Y    Y    Y    Y

>>Permanent supportive housing      Y    Y    Y    Y    Y    Y    Y    Y<<

>>Transitional housing    S    S    S    S    S    S    S<<

Attached single-family dwelling    Y    Y    Y    Y    Y    Y    Y    Y

Live-work unit    Y    Y    Y    Y    Y    Y    Y

Mobile home      N    N    N    N    N    N    N

Watchman/service quarters    N    N    N    N    N    N    N    N

Family day care home      L    L    L    L    L    L    L

GROUP RESIDENTIAL USES

Rooming house    S    S    S    S    S    S

Convent, rectory or monastery    Y    Y    Y    Y    Y    Y    Y    Y

Dormitory	S	S	S	S	S	S	S													
Fraternity or sorority			S	S	S	S	S	S	S	S										
Adult family home	L	L	L	L	L	L	L	L												
Foster Homes																				
Foster family home			Y	Y	Y	Y	Y	Y	Y	Y										
Small foster home			L	L	L	L	L	L	L	L										
Group home or group foster home									L	L	L	L	L	L	L	L				
Shelter Care Facilities																				
Family shelter care facility			Y	Y	Y	Y	Y	Y	Y	Y										
Small group shelter care facility						L	L	L	L	L	L	L	L							
Large group shelter care facility						S	S	S	S	S	S	S	S	S						
Community living arrangement			L	L	L	L	L	L	L	L										
[[Transitional living facility			S	S	S	S	S	S	S	S	S	S	S	S]]						
EDUCATIONAL USES																				
Day care center			S	S	S	S	S	S	S	S										
School, elementary or secondary						Y	Y	Y	Y	Y	Y	Y	Y	Y						
College	Y	Y	Y	Y	Y	Y	Y	Y												
School, specialty or personal instruction						Y	Y	Y	Y	Y	Y	Y	Y	Y						
COMMUNITY-SERVING USES																				
Library	Y	Y	Y	Y	Y	Y	Y	Y												
Cultural institution			Y	Y	Y	Y	Y	Y	Y	Y										
Community center			S	S	S	S	S	S	S	S										
Religious assembly			S	S	S	S	Y	Y	Y											
Cemetery or other place of interment									N	N	N	N	N	N	N	N				
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y											
Correctional facility	N	N	N	N	N	N	N	N												
COMMERCIAL AND OFFICE USES																				
General office	Y	Y	Y	Y	Y	Y	Y	Y												
Government office	Y	Y	Y	Y	Y	Y	Y	Y												
Bank or other financial institution						Y	Y	Y	Y	Y	Y	Y	Y							
Currency exchange, payday loan or title loan agency														S	S	S	S	S	S	S
Installment loan agency	S	S	S	S	S	S	S	S												
Retail establishment, general						L	L	L	L	L	L	L	L							
Garden supply or landscaping center									N	N	Y	Y	Y	Y	Y					
Home improvement center						N	N	S	S	Y	Y	Y								
Secondhand store	S	S	S	S	S	S	S	S												
Outdoor merchandise sales						S	S	S	S	S	S	S	S							
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y												
Adult retail establishment						N	N	N	N	S	S	N								
HEALTH CARE AND SOCIAL ASSISTANCE USES																				
Medical office	Y	Y	Y	Y	Y	Y	Y	Y												
Health clinic	S	S	S	S	S	S	S	S												
Hospital	N	N	S	S	S	S	S													

Medical research laboratory	N	N	S	S	S	S	Y							
Medical service facility	N	N	S	S	S	S	S							
Social service facility	S	S	S	S	S	S	S							
Emergency residential shelter	S	S	S	S	S	S	S	S	S					
Nursing home	S	S	Y	Y	Y	Y	Y							
GENERAL SERVICE USES														
Personal service	Y	Y	Y	Y	Y	Y	Y							
Business service	Y	Y	Y	Y	Y	Y	Y							
Building maintenance service	N	N	S	S	Y	Y	Y							
Catering service	Y	Y	Y	Y	Y	Y	Y							
Funeral home	Y	Y	Y	Y	Y	Y	Y							
Laundromat	Y	Y	Y	Y	Y	Y	Y							
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y						
Furniture and appliance rental and leasing					S	S	Y	Y	Y	Y	Y	Y		
Household maintenance and repair service					Y	Y	Y	Y	Y	Y	Y	Y		
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y						
Animal Services														
Animal hospital/clinic	L	L	L	L	L	L	L							
Animal boarding facility	L	L	L	L	L	L	L	L						
Animal grooming or training facility					L	L	L	L	L	L	L	L		
MOTOR VEHICLE USES														
Light Motor Vehicle														
Sales facility	N	N	S	S	Y	Y	S							
Rental facility	L	L	L	L	Y	Y	Y							
Repair facility	N	N	S	S	S	S	S							
Body shop	N	N	S	S	S	S	S							
Outdoor storage	N	N	S	S	S	S	S	S						
Wholesale facility	L	L	L	L	L	L	L	L						
Heavy Motor Vehicle														
Sales facility	N	N	S	S	S	S	S							
Rental facility	N	N	S	S	S	S	S							
Repair facility	N	N	N	N	S	S	N							
Body shop	N	N	N	N	S	S	N							
Outdoor storage	N	N	N	N	S	S	N							
General Motor Vehicle														
Filling station	N	N	S	S	S	S	S							
Car wash	N	N	L	L	L	L	L							
Drive-through facility	L	L	L	L	L	L	L	L						
Parking														
Parking lot, principal use	L	L	Y	L	Y	L	L							
Parking lot, accessory use		Y	L	Y	L	Y	Y	Y						
Parking structure, principal use			S	S	L	L	L	L	L					
Parking structure, accessory use		Y	L	Y	L	Y	Y	Y	Y					

Heavy motor vehicle parking lot, principal use	N	N	S	S	S	S	S	
Heavy motor vehicle parking lot, accessory use		S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y	
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y	
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	
Tavern	L	L	Y	Y	Y	Y	Y	
Assembly hall	S	S	S	S	S	S	S	
Restaurant, sit-down		Y	Y	Y	Y	Y	Y	Y
Restaurant, fast-food/carry-out	L	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES								
Park or playground	Y	Y	Y	Y	Y	Y	Y	
Festival grounds	N	N	N	N	N	N	N	
Recreation facility, indoor		S	S	Y	Y	Y	Y	Y
Recreation facility, outdoor		S	S	S	S	S	S	S
Health club	Y	Y	Y	Y	Y	Y	Y	
Sports facility	N	N	S	S	S	S	S	
Gaming facility	N	N	N	N	N	N	N	
Theater	L	L	Y	Y	Y	Y	Y	
Convention and exposition center		N	N	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y	
Outdoor racing facility	N	N	N	N	N	N	N	
Adult entertainment establishment		N	N	N	N	S	S	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recycling collection facility	S	S	S	S	S	S	S	
Mixed-waste processing facility	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	
Salvage operation, indoor	N	N	N	N	N	N	N	S
Salvage operation, outdoor	N	N	N	N	N	N	N	
Wholesale and distribution facility, indoor		S	S	L	L	L	L	Y
Wholesale and distribution facility, outdoor	N	N	S	S	S	S	S	S
Storage Facilities								
Indoor	S	S	L	L	L	L	Y	
Outdoor	N	N	S	S	S	S	S	
Hazardous materials	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Ambulance service	N	N	S	S	Y	Y	S	
Ground transportation service		N	N	S	S	S	S	L
Passenger terminal	N	N	Y	Y	Y	Y	Y	
Helicopter landing facility	N	N	S	S	S	S	S	
Airport	N	N	N	N	N	N	N	
Ship terminal or docking facility	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	



Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N
<b>INDUSTRIAL USES</b>								
Manufacturing, light	N	N	L	L	L	L	L	
Manufacturing, heavy	N	N	N	N	N	N	N	
Manufacturing, intense	N	N	N	N	N	N	N	
Research and development	N	N	S	S	S	S	S	
Processing or recycling of mined materials					N	N	N	N
Contractor's shop	N	N	L	L	L	L	L	
Contractor's yard	N	N	S	S	S	S	S	
<b>AGRICULTURAL USES</b>								
Plant nursery or greenhouse	N	N	N	N	N	N	N	
Raising of crops or livestock		N	N	N	N	N	N	N
<b>UTILITY AND PUBLIC SERVICE USES</b>								
Broadcasting or recording studio		N	N	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	
Water treatment plant	S	S	Y	Y	Y	Y	Y	
Sewage treatment plant	N	N	N	N	N	N	N	
Power generation plant	N	N	N	N	N	N	N	
Substation/distribution equipment, indoor		S	S	S	S	S	S	S
Substation/distribution equipment, outdoor		L	L	L	L	L	L	L
<b>TEMPORARY USES</b>								
Seasonal market	L	L	L	L	L	L	L	
Temporary real estate sales office		L	L	L	L	L	L	L
Concrete/batch plant, temporary		L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	

Part 12. Table 295-605-2 of the code is amended to read:

Table 295-605-2 PRINCIPAL BUILDING DESIGN STANDARDS  
 Design Standards for Non-residential and Multi-family Principal Buildings

	NS1	NS2	LB1	LB2	RB1	RB2	CS	
<b>Primary Street</b>								
Front setback, minimum (ft.)	(see s. 295-505-2-b)							average none average
	none	average none	none					
Front setback, maximum (ft.)	(see s. 295-505-2-b)							50 average 70 average
	none	70 average						
<b>Secondary Street</b>								
Side street setback, min. (ft.)	none	none	none	none	none	none	none	none
Side street setback, max. (ft.)	15	5	25	5	none	70	5	
Rear street setback, minimum (ft.)	none	none	none	none	none	none	none	none
	none							
Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none

none								
Side setback, minimum (ft.)	none	none	none	none	none	none	none	none
Side setback, maximum (ft.)	none	none	none	none	none	none	none	none
Rear setback, minimum (ft.)	none	none	none	none	none	none	none	none
Rear setback, maximum (ft.)	none	none	none	none	none	none	none	none
Lot area per dwelling unit, minimum (sq. ft.)	2,400	1,200	1,200	800	1,200			
	800	1,200						
>>Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)								
	1,200; 2,400 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms
<<<Lot area per transitional housing client, minimum (sq. ft.)	1,200	600	600					
	400	600	400	600				
Height, minimum (ft.)	none	18	none	18	none	24	none	
Height, maximum (ft.)	45	60	45	60	85	85	60	
Minimum glazed area, primary street frontage	40%	60%	30%	60%	20%			
	30%	10%						
Minimum glazed area, secondary street frontage	10%	15%	10%	15%				
	10%	15%	5%					
Multiple principal buildings permitted?	yes	yes	yes	yes	yes	yes	yes	
Design Standards for Single-family and Two-family Dwellings	NS1	NS2	LB1	LB2	RB1	RB2	CS	
Refer to design standards in subch.	5 for this residential district							RM1 RM4
	RM2	RM5	RM2	RM5	RM4			

Part 13. Table 295-703-1 of the code is amended to read:

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use

Zoning Districts

Uses C9A C9B C9C C9D C9E C9F C9G C9H

RESIDENTIAL USES

Single-family dwelling	Y	Y	L	L	L	L	N	
Two-family dwelling	Y	Y	L	L	L	L	N	
Multi-family dwelling	Y	Y	L	L	L	L	N	
>>Permanent supportive housing			Y	Y	Y	Y	Y	N<<
>>Transitional housing	S	S	S	S	S	S	N<<	
Attached single-family dwelling	Y	Y	L	L	L	L	N	

Live-work unit	Y	Y	L	L	L	L	L	S											
Mobile home	N	N	N	N	N	N	N	N											
Watchman/service quarters			N	N	N	N	N	N	N	N	Y								
Family day care home	L	L	L	L	L	L	L	L	N										
GROUP RESIDENTIAL USES																			
Rooming house	S	S	S	S	S	S	S	N											
Convent, rectory or monastery			Y	Y	Y	Y	Y	Y	Y	Y	N								
Dormitory	S	S	S	S	S	S	S	N											
Fraternity or sorority			S	S	S	S	S	S	S	N									
Adult family home	L	L	L	L	L	L	L	N											
Foster Homes																			
Foster family home			Y	Y	Y	Y	Y	Y	Y	N									
Small foster home			L	L	L	L	L	L	N										
Group home or group foster home							L	L	L	L	L	L	N						
Shelter Care Facilities																			
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	N										
Small group shelter care facility			L	L	L	L	L	L	L	N									
Large group shelter care facility			S	S	S	S	S	S	S	N									
Community living arrangement	L	L	L	L	L	L	L	N											
[[Transitional living facility	S	S	S	S	S	S	S	S	N]]										
EDUCATIONAL USES																			
Day care center	S	S	S	S	S	S	S	S											
School, elementary or secondary			Y	Y	Y	Y	Y	S	Y	Y	S								
College	S	S	Y	S	S	Y	Y												
School, specialty or personal instruction			S	Y	Y	S	S	S	Y	S									
COMMUNITY-SERVING USES																			
Library	Y	Y	Y	Y	S	Y	Y	N											
Cultural institution	L	L	Y	Y	S	Y	Y	N											
Community center	S	S	S	S	S	S	S	S											
Religious assembly	Y	Y	Y	Y	L	Y	L	N											
Cemetery or other place of interment							N	N	N	N	N	N	N						
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y											
Correctional facility	N	N	N	S	N	N	N	N											
COMMERCIAL AND OFFICE USES																			
General office	L	Y	Y	Y	L	Y	Y	Y											
Government office	L	Y	Y	Y	L	Y	Y	Y											
Bank or other financial institution			L	Y	Y	Y	Y	Y	Y	Y	N								
Currency exchange, payday loan or title loan agency										N	S	S	S	S	S	S	S	S	
Installment loan agency	N	S	S	S	S	S	S	S											
Retail establishment, general			L	Y	Y	S	Y	Y	Y	S									
Garden supply or landscaping center						N	N	N	N	N	N	S	S						
Home improvement center	N	N	N	N	N	N	N	N	S										

Secondhand store	N	S	S	N	S	S	Y	S											
Outdoor merchandise sales		S	S	S	N	S	S	Y	S										
Artist studio	L	Y	Y	N	L	L	Y	S											
Adult retail establishment		N	N	N	N	N	N	S	S										
HEALTH CARE AND SOCIAL ASSISTANCE USES																			
Medical office	L	Y	Y	Y	L	Y	Y	Y											
Health clinic		S	S	S	S	L	Y	Y	N										
Hospital	S	S	S	S	N	S	S	N											
Medical research laboratory					N	S	S	S	S	Y	Y	Y							
Medical service facility		N	N	N	N	S	S	S	S										
Social service facility		S	S	S	S	S	S	S	S										
Emergency residential shelter					N	S	S	S	N	N	S	N							
Nursing home	S	S	S	N	N	N	N	N											
GENERAL SERVICE USES																			
Personal service	L	Y	Y	S	Y	Y	Y	N											
Business service		S	Y	Y	Y	L	Y	Y	Y										
Building maintenance service					N	S	S	N	L	Y	Y	Y							
Catering service	L	S	S	N	N	N	Y	Y											
Funeral home	N	S	S	N	N	N	Y	N											
Laundromat	S	Y	Y	N	S	Y	Y	N											
Dry cleaning establishment	L	Y	Y	Y	Y	Y	Y	Y	N										
Furniture and appliance rental and leasing						N	S	S	N	S	S	S	S						
Household maintenance and repair service						N	Y	Y	N	Y	N	Y	Y						
Tool/equipment rental facility					N	S	S	N	S	N	S	S							
Animal Services																			
Animal hospital/clinic		N	N	S	N	S	S	S	S										
Animal boarding facility		N	N	N	N	N	N	N	N										
Animal grooming or training facility		N	N	S	N	S	S	S	S										
MOTOR VEHICLE USES																			
Light Motor Vehicle																			
Sales facility	N	N	N	N	N	N	S	Y											
Rental facility	N	L	L	L	L	L	L	L											
Repair facility	N	S	S	N	S	S	S	S											
Body shop	N	N	N	N	N	N	N	S											
Outdoor storage	N	N	N	N	N	N	N	S											
Wholesale facility	N	L	L	N	L	L	L	L											
Heavy Motor Vehicle																			
Sales facility	N	N	N	N	N	N	N	S											
Rental facility	N	N	N	N	N	N	S	S											
Repair facility	N	N	N	N	N	N	N	S											
Body shop	N	N	N	N	N	N	N	S											
Outdoor storage	N	N	N	N	N	N	N	S											
General Motor Vehicle																			

Filling station	N	S	S	S	S	S	S	S		
Car wash	N	S	S	S	S	S	S	S		
Drive-through facility	N	S	S	S	S	S	S	S	S	S
Parking										
Parking lot, principal use		S	S	S	L	S	S	L	S	
Parking lot, accessory use		L	S	S	L	S	S	L	S	
Parking structure, principal use		S	S	L	S	L	L	S	S	
Parking structure, accessory use		L	L	L	L	L	L	L	L	
Heavy motor vehicle parking lot, principal		N	N	S	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory		S	S	S	S	S	S	S	S	Y
ACCOMMODATION AND FOOD SERVICE USES										
Bed and breakfast	S	Y	Y	N	L	L	Y	N		
Hotel, commercial	S	Y	Y	Y	Y	Y	Y	N		
Hotel, residential	Y	Y	Y	N	Y	Y	Y	N		
Tavern	S	Y	Y	Y	Y	Y	Y	Y		
Assembly hall	S	S	Y	Y	L	Y	Y	Y		
Restaurant, sit-down		L	Y	Y	Y	Y	Y	Y	Y	
Restaurant, fast-food/carry-out		L	L	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES										
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Festival grounds	N	N	N	N	N	N	N	N	N	
Recreation facility, indoor		S	S	Y	Y	Y	Y	Y	Y	
Recreation facility, outdoor		N	S	S	S	N	N	S	S	
Health club	L	L	Y	Y	L	Y	Y	Y		
Sports facility	S	S	Y	Y	Y	Y	Y	Y	Y	
Gaming facility	S	S	S	S	S	S	S	S	S	
Theater	N	Y	Y	Y	Y	Y	Y	Y	Y	
Convention and exposition center		N	N	N	Y	Y	Y	Y	Y	N
Marina	N	Y	Y	Y	Y	Y	Y	Y		
Outdoor racing facility	N	N	N	N	N	N	N	N	N	
Adult entertainment establishment		N	N	N	N	N	N	N	S	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES										
Recycling collection facility	N	S	S	N	N	N	S	S		
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N	
Material reclamation facility	N	N	N	N	N	N	N	N	N	
Salvage operation, indoor	N	N	N	N	N	N	N	N	N	
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N	
Wholesale and distribution facility, indoor		N	S	S	N	N	S	Y	Y	
Wholesale and distribution facility, outdoor		N	N	N	N	N	N	N	N	
Storage Facilities										
Indoor	N	S	S	N	N	S	Y	Y		
Outdoor	N	N	N	N	N	N	N	N		
Hazardous materials	N	N	N	N	N	N	N	N	N	

TRANSPORTATION USES

Ambulance service	N	N	N	N	N	N	S	S											
Ground transportation service				N	N	N	N	N	N	S	Y								
Passenger terminal	S	S	S	S	S	S	Y	Y											
Helicopter landing facility		N	S	S	S	S	S	S	S										
Airport	N	N	N	N	N	N	N	N											
Ship terminal or docking facility		N	N	N	N	N	N	N	Y	Y									
Truck freight terminal		N	N	N	N	N	N	N	N										
Railroad switching, classification yard or freight terminal										N	N	N	N	N	N	N	N	Y	

INDUSTRIAL USES

Manufacturing, light	N	L	L	N	L	L	Y	Y											
Manufacturing, heavy		N	N	N	N	N	N	N	N										
Manufacturing, intense		N	N	N	N	N	N	N	N										
Research and development		N	Y	Y	N	Y	Y	Y	Y										
Processing or recycling of mined materials							N	N	N	N	N	N	N	N					
Contractor's shop		N	N	N	N	N	N	S	Y										
Contractor's yard		N	N	N	N	N	N	S	Y										

AGRICULTURAL USES

Plant nursery or greenhouse		N	N	N	N	N	N	N	S										
Raising of crops or livestock			N	N	N	N	N	N	N	N									

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio					N	Y	Y	Y	L	Y	Y	Y							
Transmission tower	L	L	L	L	L	L	L	L											
Water treatment plant		S	S	S	S	S	S	S	S										
Sewage treatment plant		S	S	S	S	S	S	S	S										
Power generation plant		N	N	N	N	N	N	N	N										
Substation/distribution equipment, indoor							S	S	S	S	S	S	S	Y					
Substation/distribution equipment, outdoor							L	L	L	L	L	L	L	Y					

TEMPORARY USES

Seasonal market	L	L	L	L	L	L	L	L											
Temporary real estate sales office		L	L	L	L	L	L	L	L	L									
Concrete/batch plant, temporary		L	L	L	L	L	L	L	L	L									
Live entertainment special event	L	L	L	L	L	L	L	L	L										

Part 14. Table 295-803-1 of the code is amended to read:

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE

Y = Permitted Use      L = Limited Use   S = Special Use      N = Prohibited

Use      Zoning Districts

Uses    IO1/ IO2    IL1/ IL2    IM IH

RESIDENTIAL USES

Single-family dwelling	N	N	Y	N															
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Two-family dwelling	N	N	Y	N				
Multi-family dwelling	N	N	Y	N				
>>Permanent supportive housing	N	N	Y	N<<				
>>Transitional housing	N	N	S	N<<				
Attached single-family dwelling	N	N	Y	N				
Live-work unit	N	N	Y	N				
Mobile home	N	N	N	N				
Watchman/service quarters	Y	Y	N	Y				
Family day care home	N	N	Y	N				
GROUP RESIDENTIAL USES								
Rooming house	N	N	S	N				
Convent, rectory or monastery	N	N	Y	N				
Dormitory	N	N	S	N				
Fraternity or sorority	N	N	S	N				
Adult family home	N	N	L	N				
Foster Homes								
Foster family home	N	N	Y	N				
Small foster home	N	N	L	N				
Group home or group foster home					N	N	L	N
Shelter Care Facilities								
Family shelter care facility	N	N	Y	N				
Small group shelter care facility	N	N	L	N				
Large group shelter care facility	N	N	S	N				
Community living arrangement	N	N	L	N				
[[Transitional living facility	N	N	S	N]]				
EDUCATIONAL USES								
Day care center	S	S	L	S				
School, elementary or secondary	N	N	Y	N				
College	S	S	S	N				
School, specialty or personal instruction	S	S	S	N				
COMMUNITY-SERVING USES								
Library	N	N	Y	N				
Cultural institution	N	N	L	N				
Community center	N	N	S	N				
Religious assembly	N	N	S	N				
Cemetery or other place of interment					N	N	N	N
Public safety facility	Y	Y	Y	Y				
Correctional facility	N	N	N	N				
COMMERCIAL AND OFFICE USES								
General office	Y	Y	Y	L				
Government office	Y	Y	Y	L				
Bank or other financial institution	S	S	Y	N				
Currency exchange, payday loan or title loan agency					N	N	S	N

Installment loan agency	N	N	S	N				
Retail establishment, general		N	N	Y	N			
Garden supply or landscaping center			N	Y	Y	N		
Home improvement center	N	Y	Y	N				
Secondhand store	N	N	S	N				
Outdoor merchandise sales	N	N	L	N				
Artist studio	N	Y	Y	N				
Adult retail establishment	N	N	S	N				
HEALTH CARE AND SOCIAL ASSISTANCE								
Medical office	S	N	S	N				
Health clinic	L	N	S	N				
Hospital	N	N	N	N				
Medical research laboratory		Y	Y	Y	N			
Medical service facility	N	S	N	N				
Social service facility	N	S	S	N				
Emergency residential shelter	N	N	N	N				
Nursing home	N	N	N	N				
GENERAL SERVICE USES								
Personal service	N	N	Y	N				
Business service	Y	S	Y	N				
Building maintenance service	S	Y	S	N				
Catering service	S	Y	Y	N				
Funeral home	N	N	N	N				
Laundromat	N	N	Y	N				
Dry cleaning establishment	N	N	Y	N				
Furniture and appliance rental and leasing		N	N	Y	N			
Household maintenance and repair service		N	Y	Y	N			
Tool/equipment rental facility	N	Y	Y	N				
Animal Services								
Animal hospital/clinic	N	Y	L	Y				
Animal boarding facility	N	Y	L	Y				
Animal grooming or training facility	N	Y	L	Y				
MOTOR VEHICLE USES								
Light Motor Vehicle								
Sales facility	L	S	S	S				
Rental facility	L	S	S	S				
Repair facility	L	S	S	L				
Body shop	L	S	S	L				
Outdoor storage	L	Y	S	Y				
Wholesale facility	Y	Y	Y	Y				
Heavy Motor Vehicle								
Sales facility	L	Y	S	Y				
Rental facility	L	Y	S	Y				



Repair facility	L	L	S	L				
Body shop	L	L	S	L				
Outdoor storage	L	S	S	Y				
General Motor Vehicle								
Filling station	S	S	S	S				
Car wash	S	S	S	S				
Drive-through facility	S	S	S	S				
Parking								
Parking lot, principal use	Y	Y	L	Y				
Parking lot, accessory use	Y	Y	L	Y				
Parking structure, principal use	Y	Y	L	Y				
Parking structure, accessory use	Y	Y	L	Y				
Heavy motor vehicle parking lot, principal use	S	L	L	Y				
Heavy motor vehicle parking lot, accessory use	Y	Y	Y	Y				
ACCOMODATION AND FOOD SERVICE USES								
Bed and breakfast	N	N	Y	N				
Hotel, commercial	L	N	Y	N				
Hotel, residential	N	N	Y	N				
Tavern	L	L	Y	L				
Assembly hall	S	S	S	N				
Restaurant, sit-down	L	L	Y	L				
Restaurant, fast-food/carry-out	L	L	L	L				
ENTERTAINMENT AND RECREATION USES								
Park or playground	S	S	S	S				
Festival grounds	N	N	N	N				
Recreation facility, indoor	N	S	Y	N				
Recreation facility, outdoor	N	N	S	N				
Health club	L	L	Y	N				
Sports facility	N	S	S	N				
Gaming facility	N	S	N	N				
Theater	N	N	Y	N				
Convention and exposition center	S	N	S	N				
Marina	Y	Y	Y	Y				
Outdoor racing facility	N	N	N	S				
Adult entertainment establishment	N	N	N	N				
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recycling collection facility	S	Y	S	Y				
Mixed-waste processing facility	N	L	S	L				
Material reclamation facility	N	N	N	L				
Salvage operation, indoor	L	L	L	L				
Salvage operation, outdoor	N	S	S	S				
Wholesale and distribution facility, indoor	Y	Y	Y	Y				
Wholesale and distribution facility, outdoor	S	Y	S	Y				

## Storage Facilities

Indoor Y Y Y Y

Outdoor N Y S Y

Hazardous materials N N N S

## TRANSPORTATION USES

Ambulance service Y Y S Y

Ground transportation service S Y S Y

Passenger terminal Y Y Y Y

Helicopter landing facility S S S S

Airport N Y N N

Ship terminal or docking facility N Y N Y

Truck freight terminal N S S L

Railroad switching, classification yard or freight terminal N Y Y Y

## INDUSTRIAL USES

Manufacturing, light Y Y Y Y

Manufacturing, heavy N S S Y

Manufacturing, intense N N N S

Research and development Y Y Y Y

Processing or recycling of mined minerals N N N S

Contractor's shop Y Y Y Y

Contractor's yard S Y Y Y

## AGRICULTURAL USES

Plant nursery or greenhouse Y Y Y Y

Raising of crops or livestock Y Y Y Y

## UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio Y S Y S

Transmission tower L L L L

Water treatment plant Y Y Y Y

Sewerage treatment plant N Y N Y

Power generation plant N S N Y

Substation/distribution equipment, indoor S Y S Y

Substation/distribution equipment, outdoor L Y L Y

## TEMPORARY USES

Seasonal market L L L L

Temporary real estate sales office L L L L

Concrete/batch plant, temporary L L L L

Live entertainment special event L L L L

□Part 15. Table 295-903-2-a of the code is amended to read:

## Table 295-903-2-a PARKS DISTRICT USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited

Use Zoning District

Uses PK  
 RESIDENTIAL USES  
 Single-family dwelling N  
 Two-family dwelling N  
 Multi-family dwelling N  
 >>Permanent supportive housing N<<  
 >>Transitional housing N<<  
 Attached single-family dwelling N  
 Live-work unit N  
 Mobile home N  
 Watchman/service quarters N  
 Family day care home N  
 GROUP RESIDENTIAL USES  
 Rooming house N  
 Convent, rectory or monastery N  
 Dormitory N  
 Fraternity or sorority N  
 Adult family home N  
 Foster Homes  
     Foster family home N  
     Small foster home N  
     Group home or group foster home N  
 Shelter Care Facilities  
     Family shelter care facility N  
     Small group shelter care facility N  
     Large group shelter care facility N  
 Community living arrangement N  
 [[Transitional living facility N]]  
 EDUCATIONAL USES  
 Day care center L  
 School, elementary or secondary Y  
 College Y  
 School, specialty or personal instruction S  
 COMMUNITY-SERVING USES  
 Library Y  
 Cultural institution L  
 Community center L  
 Religious assembly L  
 Cemetery or other place of interment N  
 Public safety facility Y  
 Correctional facility N  
 COMMERCIAL AND OFFICE USES  
 General office N

Government office Y  
 Bank or other financial institution N  
 Currency exchange, payday loan agency or title loan agency N  
 Installment loan agency N  
 Retail establishment, general L  
 Garden supply or landscaping center N  
 Home improvement center N  
 Secondhand store N  
 Outdoor merchandise sales N  
 Artist studio N  
 Adult retail establishment N  
 HEALTH CARE AND SOCIAL ASSISTANCE  
 Medical office N  
 Health clinic N  
 Hospital N  
 Medical research laboratory N  
 Medical service facility N  
 Social service facility N  
 Emergency residential shelter N  
 Nursing home N  
 GENERAL SERVICE USES  
 Personal service N  
 Business service N  
 Building maintenance service N  
 Catering service N  
 Funeral home N  
 Laundromat N  
 Dry cleaning establishment N  
 Furniture and appliance rental and leasing N  
 Household maintenance and repair service N  
 Tool/equipment rental facility N  
 Animal Services  
     Animal hospital/clinic N  
     Animal boarding facility N  
     Animal grooming or training facility N  
 MOTOR VEHICLE USES  
 Light Motor Vehicle  
     Sales facility N  
     Rental facility N  
     Repair facility N  
     Body shop N  
     Outdoor storage N  
     Wholesale facility N

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Heavy Motor Vehicle  
     Sales facility N  
     Rental facility N  
     Repair facility N  
     Body shop N  
     Outdoor storage N  
 General Motor Vehicle  
     Filling station N  
     Car wash N  
     Drive-through facility N  
 Parking  
     Parking lot, principal use S  
     Parking lot, accessory use Y  
     Parking structure, principal use S  
     Parking structure, accessory use S  
     Heavy motor vehicle parking lot, principal use N  
     Heavy motor vehicle parking lot, accessory use N  
**ACCOMODATION AND FOOD SERVICE USES**  
 Bed and breakfast N  
 Hotel, commercial N  
 Hotel, residential N  
 Tavern N  
 Assembly hall L  
 Restaurant, sit-down L  
 Restaurant, fast-food/carry-out L  
**ENTERTAINMENT AND RECREATION USES**  
 Park or playground Y  
 Festival grounds N  
 Recreation facility, indoor Y  
 Recreation facility, outdoor Y  
 Health club N  
 Sports facility S  
 Gaming facility N  
 Theater L  
 Convention and exposition center S  
 Marina L  
 Outdoor racing facility N  
 Adult entertainment establishment N  
**STORAGE, RECYCLING AND WHOLESALE TRADE USES**  
 Recycling collection facility N  
 Mixed-waste processing facility N  
 Material reclamation facility N  
 Salvage operation, indoor N

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Salvage operation, outdoor	N
Wholesale and distribution facility, indoor	N
Wholesale and distribution facility, outdoor	N
Storage Facilities	
Indoor	N
Outdoor	N
Hazardous materials	N
TRANSPORTATION USES	
Ambulance service	N
Ground transportation service	N
Passenger terminal	L
Helicopter landing facility	N
Airport	N
Ship terminal or docking facility	N
Truck freight terminal	N
Railroad switching, classification yard or freight terminal	N
INDUSTRIAL USES	
Manufacturing, light	N
Manufacturing, heavy	N
Manufacturing, intense	N
Research and development	N
Processing or recycling of mined materials	N
Contractor's shop	N
Contractor's yard	N
AGRICULTURAL USES	
Plant nursery or greenhouse	L
Raising of crops or livestock	Y
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	N
Transmission tower	L
Water treatment plant	Y
Sewerage treatment plant	N
Power generation plant	N
Substation/distribution equipment, indoor	S
Substation/distribution equipment, outdoor	L
TEMPORARY USES	
Seasonal market	L
Temporary real estate sales office	N
Concrete/batch plant, temporary	L
Live entertainment special event	L

Part 16. Table 295-905-2-a of the code is amended to read:

## Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE

Y = Permitted Use      L = Limited Use S = Special Use      N = Prohibited

Use      Zoning District

Uses      TL

## RESIDENTIAL USES

Single-family dwelling      N

Two-family dwelling      N

Multi-family dwelling      N

&gt;&gt;Permanent supportive housing      N&lt;&lt;

&gt;&gt;Transitional housing      S&lt;&lt;

Attached single-family dwelling      N

Live-work unit      N

Mobile home      N

Watchman/service quarters      Y

Family day care home      N

## GROUP RESIDENTIAL USES

Rooming house      S

Convent, rectory or monastery      Y

Dormitory      Y

Fraternity or sorority      S

Adult family home      N

## Foster Homes

Foster family home      N

Small foster home      N

Group home or group foster home      L

## Shelter Care Facilities

Family shelter care facility      N

Small shelter care facility      L

Large shelter care facility      S

Community living arrangement      L

[[Transitional living facility      S]]

## EDUCATIONAL USES

Day care center      L

School, elementary or secondary      Y

College      Y

School, specialty or personal instruction      Y

## COMMUNITY-SERVING USES

Library      Y

Cultural institution      Y

Community center      S

Religious assembly      Y

Cemetery or other place of interment      Y

Public safety facility      Y

Correctional facility S  
 COMMERCIAL AND OFFICE USES  
 General office Y  
 Government office Y  
 Bank or other financial institution L  
 Currency exchange, payday loan agency or title loan agency S  
 Installment loan agency S  
 Retail establishment, general L  
 Garden supply or landscaping center N  
 Home improvement center N  
 Secondhand store N  
 Outdoor merchandise sales N  
 Artist studio Y  
 Adult retail establishment N  
 HEALTH CARE AND SOCIAL ASSISTANCE  
 Medical office Y  
 Health clinic S  
 Hospital S  
 Medical research laboratory Y  
 Medical service facility S  
 Social service facility S  
 Emergency residential shelter S  
 Nursing home Y  
 GENERAL SERVICE USES  
 Personal service L  
 Business service L  
 Building maintenance service S  
 Catering service S  
 Funeral home Y  
 Laundromat S  
 Dry cleaning establishment S  
 Furniture and appliance rental and leasing N  
 Household maintenance and repair service N  
 Tool/equipment rental facility N  
 Animal Services  
     Animal hospital/clinic N  
     Animal boarding facility N  
     Animal grooming or training facility N  
 MOTOR VEHICLE USES  
 Light Motor Vehicle  
     Sales facility N  
     Rental facility N  
     Repair facility N



Body shop N  
 Outdoor storage N  
 Wholesale facility N  
 Heavy Motor Vehicle  
   Sales facility N  
   Rental facility N  
   Repair facility N  
   Body shop N  
   Outdoor storage N  
 General Motor Vehicle  
   Filling station N  
   Car wash N  
   Drive-through facility L  
 Parking  
   Parking lot, principal use S  
   Parking lot, accessory use Y  
   Parking structure, principal use S  
   Parking structure, accessory use S  
   Heavy motor vehicle parking lot, principal use N  
   Heavy motor vehicle parking lot, accessory use N  
 ACCOMODATION AND FOOD SERVICE USES  
 Bed and breakfast S  
 Hotel, commercial N  
 Hotel, residential N  
 Tavern N  
 Assembly hall S  
 Restaurant, sit-down Y  
 Restaurant, fast-food/carry-out L  
 ENTERTAINMENT AND RECREATION USES  
 Park or playground Y  
 Festival grounds Y  
 Recreation facility, indoor S  
 Recreation facility, outdoor S  
 Health club Y  
 Sports facility S  
 Gaming facility N  
 Theater N  
 Convention and exposition center S  
 Marina Y  
 Outdoor racing facility N  
 Adult entertainment establishment N  
 STORAGE, RECYCLING AND WHOLESALE TRADE USES  
 Recycling collection facility S

Mixed-waste processing facility N  
 Material reclamation facility N  
 Salvage operation, indoor N  
 Salvage operation, outdoor N  
 Wholesale and distribution facility, indoor N  
 Wholesale and distribution facility, outdoor N  
 Storage Facilities  
   Indoor N  
   Outdoor N  
   Hazardous materials N  
 TRANSPORTATION USES  
 Ambulance service Y  
 Ground transportation service N  
 Passenger terminal Y  
 Helicopter landing facility S  
 Airport N  
 Ship terminal or docking facility N  
 Truck freight terminal N  
 Railroad switching, classification yard or freight terminal N  
 INDUSTRIAL USES  
 Manufacturing, light N  
 Manufacturing, heavy N  
 Manufacturing, intense N  
 Research and development S  
 Processing or recycling of mined materials N  
 Contractor's shop N  
 Contractor's yard N  
 AGRICULTURAL USES  
 Plant nursery or greenhouse N  
 Raising of crops or livestock N  
 UTILITY AND PUBLIC SERVICE USES  
 Broadcasting or recording studio Y  
 Transmission tower L  
 Water treatment plant Y  
 Sewerage treatment plant Y  
 Power generation plant S  
 Substation/distribution equipment, indoor Y  
 Substation/distribution equipment, outdoor L  
 TEMPORARY USES  
 Seasonal market L  
 Temporary real estate sales office L  
 Concrete/batch plant, temporary L  
 Live entertainment special event L

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

2. [101387](#) A substitute ordinance relating to zoning regulations for wind energy systems.

Part 1. Section 295-201-459-0 of the code is amended to read:

295-201. Definitions.

459. POWER GENERATION PLANT means a facility that converts one or more energy sources, including but not limited to water power, >>wind power,<< fossil fuels, nuclear power or solar power, into electrical energy or steam. >>This term does not include a small wind energy system.<< A power generation plant may also perform either or both of the following:

Part 2. Section 295-201-612 of the code is created to read:

612. SMALL WIND ENERGY SYSTEM means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where “total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

Part 3. Section 295-201-690 of the code is created to read:

690. WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by s. 66.0403(1)(m), Wis. Stats. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

Part 4. Section 295-203-15-g-0 of the code is amended to read:

295-203. Use Definitions.

15. UTILITY AND PUBLIC SERVICE USES.

g. “Power generation plant” means a facility that converts one or more energy

sources, including but not limited to water power, >>wind power,<< fossil fuels, nuclear power or solar power, into electrical energy or steam. >>This term does not include a small wind energy system.<< A power generation plant may also perform either or both of the following:

Part 5. Section 295-203-15-h of the code is created to read:

h. "Small wind energy system" means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

Part 6. Section 295-414 of the code is created to read:

295-414. Small Wind Energy Systems. 1. GENERAL REQUIREMENTS. A small wind energy system shall comply with the use regulations of the applicable zoning district and with the following requirements:

a. Setbacks. The wind tower for a small wind energy system shall be set back a distance equal to its total height from:

a-1. Any public right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

a-2. Any overhead utility line, unless written permission is granted by the affected utility.

a-3. Any property line abutting property that is residentially zoned, unless written permission is granted by the owner of the abutting property.

b. Access. b-1. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

b-2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

c. Electrical Wires. All electrical wires associated with the small wind energy system, other than the grounding wires, wires necessary to connect the wind generator to the tower wiring and wires necessary to connect the tower wiring to the disconnect junction box, shall be located underground.

d. Lighting. The wind tower and generator shall not be artificially lighted unless such lighting is required by the federal aviation administration.

e. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a different color or finish was approved by the commissioner at the time of permit issuance.

f. Signs. No signs shall be permitted other than signs identifying the manufacturer, installer or owner, appropriate warning signs, and one sign with a display area not exceeding 18 square feet that is used solely for educational or acknowledgement purposes..

g. Code Compliance. The small wind energy system, including the tower, shall comply with all applicable state construction and electrical code provisions.

h. Utility Notification And Interconnection. If the small wind energy system is connected to an electric utility, it shall comply with the public service commission of Wisconsin's Rules for Interconnecting Distributed Generation Facilities.

2. ABANDONMENT. a. Notice of Abandonment. A small wind energy system that is out of service for a continuous 12-month period shall be deemed to have been abandoned. The commissioner of neighborhood services may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days of receipt of the notice. The commissioner shall withdraw the notice of abandonment and notify the owner of the withdrawal if the owner provides information that demonstrates the small wind energy system has not been abandoned.

b. Removal of Abandoned System. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of the notice of abandonment. If the owner fails to remove the wind generator from the tower, the commissioner of neighborhood services may pursue a legal action to have the wind generator removed at the owner's expense.

3. METEOROLOGICAL TOWERS. A meteorological tower is a structure, including a tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, anemometers and vanes, date logger, instrument wiring and telemetry devices, that is used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. A meteorological

tower shall be permitted under the same standards and removal requirements as a small wind energy system.

Part 7. Table 295-403-2-a of the code is amended to read:

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses No. of Parking Spaces Required

RESIDENTIAL USES

Single-family dwelling min. of one space; max. of 4 spaces

Two-family dwelling min. of one space per dwelling unit; max. of 4 spaces on the premises

Multi-family dwelling: Zoning Districts

Min. ratio of parking spaces to dwelling units\* RM1, RM2, RM3, RM4, RO1, NS1,

LB1, RB1 1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2,

RB2, CS, C9A, IM 2:3 \* Note: In RM6, RM7, C9A and IM districts, a

private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.

Attached single-family dwelling min. of one space; max. of 4 spaces

Live-work unit one for each live/work unit in the building

Mobile home N.A.

Watchman/service quarters none

Family day care home see requirement for dwelling unit type

GROUP RESIDENTIAL USES

Rooming house one for every 2 rooms

Convent, rectory or monastery one per facility

Dormitory one for every 15 beds or fraction thereof

Fraternity or sorority one for every 2 rooms

Adult family home one

Foster Homes

Foster family home one

Small foster home one

Group home or group foster home one

Shelter Care Facilities

Family shelter care facility one

Small group shelter care facility one

Large group shelter care facility one

Community living arrangement one

Transitional living facility one per dwelling unit

EDUCATIONAL USES

Day care center None (limited use) or as required by the board (special use)

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School, elementary or secondary none  
College none  
School, personal instruction none  
COMMUNITY-SERVING USES  
Library none  
Cultural institution none  
Community center as required by the board for special use approval  
Religious assembly one for every 6 seats in the assembly hall  
Cemetery or other place of interment none  
Public safety facility none  
Correctional facility none  
COMMERCIAL AND OFFICE USES  
General office one for each 250 sq. ft. of the first 2,000 sq. ft. of gross floor area;  
one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft.  
Government office see general office  
Bank or other financial institution see general office  
Currency exchange, payday loan or title loan agency see general retail  
establishment  
Installment loan agency see general retail establishment  
Cash-for-gold business see general retail establishment  
Pawn shop see general retail establishment  
Retail establishment, general one for each 500 sq. ft. of gross floor area on the first  
floor; one for each 1,000 sq. ft. of gross floor area on the 2nd floor and above  
Garden supply or landscaping center see general retail establishment  
Home improvement center see general retail establishment  
Secondhand store see general retail establishment  
Outdoor merchandise sales one for each 500 sq. ft. of outdoor or indoor space  
devoted to the display of goods for sale  
Artist studio none  
Adult retail establishment see general retail establishment  
HEALTH CARE AND SOCIAL ASSISTANCE USES  
Medical office see general office  
Health clinic see general office  
Hospital one for every 4 beds  
Medical research laboratory see general office  
Medical service facility see general office  
Social service facility see general office  
Emergency residential shelter as required by the board for special use approval  
Nursing home one for every 4 beds  
GENERAL SERVICE USES  
Personal service establishment see general office  
Business service see general office  
Building maintenance service see general office

Catering service see general office  
Funeral home one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces  
Laundromat see general retail establishment  
Dry cleaning establishment see general retail establishment  
Furniture and appliance rental and leasing see general retail establishment  
Household maintenance and repair service see general retail establishment  
Tool/equipment rental facility see general retail establishment

#### Animal Services

Animal hospital/clinic see general retail establishment  
Animal boarding facility see general retail establishment  
Animal grooming or training facility see general retail establishment

#### MOTOR VEHICLE USES

##### Light Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)  
Rental facility none (permitted or limited use) or as required by the board (special use)  
Repair facility as required by the board for special use approval  
Body shop none (permitted use) or as required by the board (special use)  
Outdoor storage none (permitted use) or as required by the board (special use)  
Wholesale facility none

##### Heavy Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)  
Rental facility none (permitted use) or as required by the board (special use)  
Repair facility none (permitted use) or as required by the board (special use)  
Body shop none (permitted use) or as required by the board (special use)  
Outdoor storage none (permitted use) or as required by the board (special use)

##### General Motor Vehicle

Filling station as required by the board for special use approval  
Car wash none  
Drive-through facility none

##### Parking

Parking lot, principal use N.A.  
Parking lot, accessory use N.A.  
Parking structure, principal use N.A.  
Parking structure, accessory use N.A.  
Heavy motor vehicle parking lot, principal N.A.  
Heavy motor vehicle parking lot, accessory N.A.

#### ACCOMODATION AND FOOD SERVICE USES

Bed and breakfast one for each sleeping room, plus one additional space  
Hotel, commercial one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above  
Hotel, residential one for every 2 sleeping rooms



Tavern see general retail establishment

Assembly hall one for every 1,000 square feet of gross floor area or fraction thereof

Restaurant, sit-down see general retail establishment

Restaurant, fast-food/carry-out see general retail establishment

#### ENTERTAINMENT AND RECREATION USES

Park or playground none

Festival grounds none

Recreation facility, indoor see general retail establishment

Recreation facility, outdoor as required by the board for special use approval

Health club see general retail establishment

Sports facility as required by the board for special use approval

Gaming facility N.A.

Theater one for every 100 square feet of floor area in the theater auditorium

Convention and exposition center as required by the board for special use approval

Marina none

Outdoor racing facility as required by the board for special use approval

Adult entertainment establishment see general retail establishment

#### STORAGE, RECYCLING AND WHOLESALE TRADE USES

Recycling collection facility none

Mixed-waste processing facility none

Material reclamation facility none

Salvage operation, indoor none

Salvage operation, outdoor none

Wholesale and distribution facility, indoor none

Wholesale and distribution facility, outdoor none

#### Storage Facilities

Indoor none

Outdoor none

Hazardous materials none

#### TRANSPORTATION USES

Ambulance service see general office

Ground transportation service see general office

Passenger terminal none

Helicopter landing facility none

Airport none

Ship terminal or docking facility none

Truck freight terminal none

Railroad switching, classification yard or freight terminal none

#### INDUSTRIAL USES

Manufacturing, light none

Manufacturing, heavy none

- Manufacturing, intense none
- Research and development none
- Processing or recycling of mined materials none
- Contractor’s shop see general office
- Contractor’s yard none
- AGRICULTURAL USES
- Plant nursery or greenhouse none
- Raising of crops or livestock none
- UTILITY AND PUBLIC SERVICE USES
- Broadcasting or recording studio see general office
- Transmission tower see general office
- Water treatment plant see general office
- Sewerage treatment plant see general office
- Power generation plant see general office
- >>Small wind energy system none<<
- Substation/distribution equipment, indoor see general office
- Substation/distribution equipment, outdoor see general office
- TEMPORARY USES
- Seasonal market none
- Temporary real estate sales office none
- Temporary concrete/batch plant none
- Live entertainment special event none

□Part 8. Table 295-503-1 of the code is amended to read:

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use

Zoning Districts

Uses	RS1-RS5	RS6	RT1-RT3	RT4	RM1-RM2	RM3-RM7	RO1	RO2
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RESIDENTIAL USES

Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling	L	L	Y	Y	Y	Y	Y	Y
Multi-family dwelling	N	N	L	L	Y	Y	Y	Y
Attached single-family dwelling	N	N	L	L	Y	Y	Y	Y
Live-work unit	N	N	N	L	L	L	Y	Y
Mobile home	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	N
Family day care home	L	L	L	L	L	L	L	L

GROUP RESIDENTIAL USES

Rooming house	N	N	N	S	S	S	S	S
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	N	N	N	S	S	S	S	S



Health clinic	N	N	N	N	N	S	S	S											
Hospital	N	N	N	N	N	N	N	N											
Medical research laboratory						N	N	N	N	N	N	N	N						
Medical service facility	N	N	N	N	N	N	N	N	N	N									
Social service facility	N	N	N	N	S	N	S	S	S										
Emergency residential shelter					N	N	N	N	S	S	S	S							
Nursing home	N	S	N	S	S	S	S	S											
GENERAL SERVICE USES																			
Personal service	N	L	N	L	N	L	Y	Y											
Business service	N	S	N	S	N	S	L	L											
Building maintenance service					N	N	N	N	N	N	N	N							
Catering service	N	L	N	L	N	L	L	L											
Funeral home	N	L	N	L	N	L	Y	Y											
Laundromat	N	N	N	N	N	N	L	L											
Dry cleaning establishment	N	L	N	L	N	L	L	L											
Furniture and appliance rental and leasing							N	N	N	N	N	N	N	N	N	N	N	N	N
Household maintenance and repair service							N	N	N	N	N	N	N	N	N	N	N	N	N
Tool/equipment rental facility	N	N	N	N	N	N	N	N	N	N									
Animal Services																			
Animal hospital/clinic	N	N	N	N	N	N	N	N	N										
Animal boarding facility	N	N	N	N	N	N	N	N	N										
Animal grooming or training facility	N	N	N	N	N	N	N	N	N	N	N	N							
MOTOR VEHICLE USES																			
Light Motor Vehicle																			
Sales facility	N	N	N	N	N	N	N	N											
Rental facility	N	N	N	N	N	N	N	N											
Repair facility	N	N	N	N	N	N	N	N											
Body shop	N	N	N	N	N	N	N	N											
Outdoor storage	N	N	N	N	N	N	N	N	N										
Wholesale facility	N	N	N	N	N	N	N	N	N										
Heavy Motor Vehicle																			
Sales facility	N	N	N	N	N	N	N	N											
Rental facility	N	N	N	N	N	N	N	N											
Repair facility	N	N	N	N	N	N	N	N											
Body shop	N	N	N	N	N	N	N	N											
Outdoor storage	N	N	N	N	N	N	N	N	N										
General Motor Vehicle																			
Filling station	N	N	N	N	N	N	N	N											
Car wash	N	N	N	N	N	N	N	N											
Drive-through facility	N	N	N	N	N	N	N	N	N	N									
Parking																			
Parking lot, principal use	N	S	N	S	S	S	S	S	S										
Parking lot, accessory use	Y	L	Y	L	Y	L	Y	L	Y	L	Y	L							

Parking structure, principal use	N	N	N	N	N	N	S	S	S
Parking structure, accessory use	N	N	N	N	Y	Y	Y	Y	L
Heavy motor vehicle parking lot, principal	N	N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory	N	N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES									
Bed and breakfast	S	L	L	L	L	L	Y	Y	
Hotel, commercial	N	N	N	N	N	N	N	N	S
Hotel, residential	N	N	N	N	N	N	N	N	Y
Tavern	N	L	N	L	N	L	N	S	
Assembly hall	N	N	N	N	N	N	N	N	S
Restaurant, sit-down	N	L	N	L	N	L	Y	Y	
Restaurant, fast-food/carry-out	N	L	N	L	N	L	L	L	L
ENTERTAINMENT AND RECREATION USES									
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N	N
Recreation facility, indoor	N	N	N	N	N	N	N	S	S
Recreation facility, outdoor	N	N	N	N	N	N	N	N	N
Health club	N	N	N	N	N	N	Y	Y	
Sports facility	N	N	N	N	N	N	N	N	N
Gaming facility	N	N	N	N	N	N	N	N	N
Theater	N	N	N	N	N	N	L	L	
Convention and exposition center	N	N	N	N	N	N	N	N	N
Marina	N	N	N	N	N	N	N	N	N
Outdoor racing facility	N	N	N	N	N	N	N	N	N
Adult entertainment establishment	N	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recycling collection facility	N	N	N	N	N	N	N	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	N	N
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	N
Storage Facilities									
Indoor	N	N	N	N	N	N	N	N	N
Outdoor	N	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N	N
TRANSPORTATION USES									
Ambulance service	N	N	N	N	N	N	N	N	N
Ground transportation service	N	N	N	N	N	N	N	N	N
Passenger terminal	N	N	N	N	N	N	N	N	N
Helicopter landing facility	N	N	N	N	N	N	N	N	N
Airport	N	N	N	N	N	N	N	N	N

Ship terminal or docking facility N N N N N N N N N  
 Truck freight terminal N N N N N N N N N  
 Railroad switching, classification yard or freight terminal N N N N N N N N N

INDUSTRIAL USES

Manufacturing, light N N N N N N N N N  
 Manufacturing, heavy N N N N N N N N N  
 Manufacturing, intense N N N N N N N N N  
 Research and development N N N N N N N N N  
 Processing or recycling of mined materials N N N N N N N N N  
 Contractor's shop N N N N N N N N N  
 Contractor's yard N N N N N N N N N

AGRICULTURAL USES

Plant nursery or greenhouse Y Y Y Y Y Y Y Y Y  
 Raising of crops or livestock Y Y Y Y Y Y Y Y Y

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio N N N N N N N N N  
 Transmission tower L L L L L L L L L  
 Water treatment plant S S S S S S S S S  
 Sewage treatment plant N N N N N N N N N  
 Power generation plant N N N N N N N N N  
 >>Small wind energy system L L L L L L L L L<<  
 Substation/distribution equipment, indoor S S S S S S S S S  
 Substation/distribution equipment, outdoor L L L L L L L L L

TEMPORARY USES

Seasonal market L L L L L L L L L  
 Temporary real estate sales office L L L L L L L L L  
 Concrete/batch plant, temporary L L L L L L L L L  
 Live entertainment special event L L L L L L L L L

Part 9. Section 295-503-2-s to w of the code is renumbered 295-503-2-t to x.

Part 10. Section 295-503-2-s of the code is created to read:

295-503. Uses.

2. LIMITED USE STANDARDS.

s. Small Wind Energy System. The total height of the tower shall not be more than 10 feet higher than the maximum building height for the zoning district in which the tower is located.

□Part 11. Table 295-603-1 of the code is amended to read:

## Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N =

## Prohibited Use Zoning Districts

Uses NS1 NS2 LB1 LB2 RB1 RB2 CS

## RESIDENTIAL USES

Single-family dwelling	Y	Y	Y	Y	Y	Y	Y		
Two-family dwelling		Y	Y	Y	Y	Y	Y	Y	
Multi-family dwelling		Y	Y	Y	Y	Y	Y	Y	
Attached single-family dwelling		Y	Y	Y	Y	Y	Y	Y	Y
Live-work unit	Y	Y	Y	Y	Y	Y	Y		
Mobile home	N	N	N	N	N	N	N		
Watchman/service quarters		N	N	N	N	N	N	N	
Family day care home		L	L	L	L	L	L	L	

## GROUP RESIDENTIAL USES

Rooming house	S	S	S	S	S	S	S		
Convent, rectory or monastery		Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	S	S	S	S	S	S	S		
Fraternity or sorority		S	S	S	S	S	S	S	
Adult family home	L	L	L	L	L	L	L		

## Foster Homes

Foster family home		Y	Y	Y	Y	Y	Y	Y	
Small foster home		L	L	L	L	L	L	L	
Group home or group foster home						L	L	L	L

## Shelter Care Facilities

Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	
Small group shelter care facility		L	L	L	L	L	L	L	L
Large group shelter care facility		S	S	S	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	
Transitional living facility	S	S	S	S	S	S	S	S	

## EDUCATIONAL USES

Day care center		S	S	S	S	S	S	S	
School, elementary or secondary		Y	Y	Y	Y	Y	Y	Y	Y
College	Y	Y	Y	Y	Y	Y	Y	Y	
School, personal instruction	Y	Y	Y	Y	Y	Y	Y	Y	

## COMMUNITY-SERVING USES

Library	Y	Y	Y	Y	Y	Y	Y		
Cultural institution	Y	Y	Y	Y	Y	Y	Y	Y	
Community center	S	S	S	S	S	S	S	S	
Religious assembly	S	S	S	S	Y	Y	Y	Y	
Cemetery or other place of interment					N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	
Correctional facility	N	N	N	N	N	N	N	N	

## COMMERCIAL AND OFFICE USES

General office	Y	Y	Y	Y	Y	Y	Y												
Government office	Y	Y	Y	Y	Y	Y	Y	Y											
Bank or other financial institution					Y	Y	Y	Y	Y	Y	Y								
Currency exchange, payday loan or title loan agency										S	S	S	S	S	S	S	S		
Installment loan agency	S	S	S	S	S	S	S	S											
Cash-for-gold business	S	S	S	S	S	S	S	S											
Pawn shop	S	S	S	S	S	S	S	S											
Retail establishment, general				L	L	L	L	L	L	L									
Garden supply or landscaping center						N	N	Y	Y	Y	Y	Y							
Home improvement center				N	N	S	S	Y	Y	Y									
Secondhand store	S	S	S	S	S	S	S	S											
Outdoor merchandise sales	S	S	S	S	S	S	S	S											
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y											
Adult retail establishment				N	N	N	N	S	S	N									
HEALTH CARE AND SOCIAL ASSISTANCE USES																			
Medical office	Y	Y	Y	Y	Y	Y	Y	Y											
Health clinic	S	S	S	S	S	S	S	S											
Hospital	N	N	S	S	S	S	S												
Medical research laboratory					N	N	S	S	S	S	Y								
Medical service facility	N	N	S	S	S	S	S	S											
Social service facility	S	S	S	S	S	S	S	S											
Emergency residential shelter				S	S	S	S	S	S	S	S								
Nursing home	S	S	Y	Y	Y	Y	Y	Y											
GENERAL SERVICE USES																			
Personal service	Y	Y	Y	Y	Y	Y	Y	Y											
Business service	Y	Y	Y	Y	Y	Y	Y	Y											
Building maintenance service				N	N	S	S	Y	Y	Y									
Catering service	Y	Y	Y	Y	Y	Y	Y	Y											
Funeral home	Y	Y	Y	Y	Y	Y	Y	Y											
Laundromat	Y	Y	Y	Y	Y	Y	Y	Y											
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y									
Furniture and appliance rental and leasing						S	S	Y	Y	Y	Y	Y							
Household maintenance and repair service						Y	Y	Y	Y	Y	Y	Y							
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y	Y										
Animal Services																			
Animal hospital/clinic	L	L	L	L	L	L	L	L											
Animal boarding facility	L	L	L	L	L	L	L	L											
Animal grooming or training facility	L	L	L	L	L	L	L	L	L										
MOTOR VEHICLE USES																			
Light Motor Vehicle																			
Sales facility	N	N	S	S	Y	Y	S												
Rental facility	L	L	L	L	Y	Y	Y												
Repair facility	N	N	S	S	S	S	S												



Body shop	N	N	S	S	S	S	S		
Outdoor storage	N	N	S	S	S	S	S	S	
Wholesale facility	L	L	L	L	L	L	L	L	
Heavy Motor Vehicle									
Sales facility	N	N	S	S	S	S	S		
Rental facility	N	N	S	S	S	S	S		
Repair facility	N	N	N	N	S	S	N		
Body shop	N	N	N	N	S	S	N		
Outdoor storage	N	N	N	N	S	S	N		
General Motor Vehicle									
Filling station	N	N	S	S	S	S	S		
Car wash	N	N	L	L	L	L	L		
Drive-through facility	L	L	L	L	L	L	L	L	
Parking									
Parking lot, principal use	L	L	Y	L	Y	L	L		
Parking lot, accessory use			Y	L	Y	L	Y	Y	Y
Parking structure, principal use			S	S	L	L	L	L	L
Parking structure, accessory use			Y	L	Y	L	Y	Y	Y
Heavy motor vehicle parking lot, principal use	N	N	S	S	S	S	S	S	S
Heavy motor vehicle parking lot, accessory use	S	S	S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES									
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y		
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y		
Hotel, residential	Y	Y	Y	Y	Y	Y	Y		
Tavern	L	L	Y	Y	Y	Y	Y		
Assembly hall	S	S	S	S	S	S	S		
Restaurant, sit-down	Y	Y	Y	Y	Y	Y	Y	Y	
Restaurant, fast-food/carry-out	L	L	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES									
Park or playground	Y	Y	Y	Y	Y	Y	Y		
Festival grounds	N	N	N	N	N	N	N		
Recreation facility, indoor	S	S	S	S	S	S	S	S	S
Recreation facility, outdoor	S	S	S	S	S	S	S	S	S
Health club	Y	Y	Y	Y	Y	Y	Y		
Sports facility	N	N	S	S	S	S	S		
Gaming facility	N	N	N	N	N	N	N		
Theater	L	L	Y	Y	Y	Y	Y		
Convention and exposition center			N	N	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y		
Outdoor racing facility	N	N	N	N	N	N	N		
Adult entertainment establishment			N	N	N	N	S	S	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recycling collection facility	S	S	S	S	S	S	S		

Mixed-waste processing facility	N	N	N	N	N	N	N	N											
Material reclamation facility	N	N	N	N	N	N	N	N											
Salvage operation, indoor	N	N	N	N	N	N	N	S											
Salvage operation, outdoor	N	N	N	N	N	N	N	N											
Wholesale and distribution facility, indoor								S	S	L	L	L	L	Y					
Wholesale and distribution facility, outdoor								N	N	S	S	S	S	S					
Storage Facilities																			
Indoor	S	S	L	L	L	L	Y												
Outdoor	N	N	S	S	S	S	S												
Hazardous materials	N	N	N	N	N	N	N	N											
TRANSPORTATION USES																			
Ambulance service	N	N	S	S	Y	Y	S												
Ground transportation service					N	N	S	S	S	S	L								
Passenger terminal	N	N	Y	Y	Y	Y	Y												
Helicopter landing facility	N	N	S	S	S	S	S												
Airport	N	N	N	N	N	N	N												
Ship terminal or docking facility	N	N	N	N	N	N	N												
Truck freight terminal	N	N	N	N	N	N	N												
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N												
INDUSTRIAL USES																			
Manufacturing, light	N	N	L	L	L	L	L												
Manufacturing, heavy	N	N	N	N	N	N	N												
Manufacturing, intense	N	N	N	N	N	N	N												
Research and development	N	N	S	S	S	S	S												
Processing or recycling of mined materials					N	N	N	N	N	N	N								
Contractor's shop	N	N	L	L	L	L	L												
Contractor's yard	N	N	S	S	S	S	S												
AGRICULTURAL USES																			
Plant nursery or greenhouse	S	S	S	S	S	S	S												
Raising of crops or livestock			S	S	S	S	S	S	S	S									
UTILITY AND PUBLIC SERVICE USES																			
Broadcasting or recording studio					N	N	Y	Y	Y	Y	Y								
Transmission tower	L	L	L	L	L	L	L												
Water treatment plant	S	S	Y	Y	Y	Y	Y												
Sewage treatment plant	N	N	N	N	N	N	N												
Power generation plant	N	N	N	N	N	N	N												
>>Small wind energy system			Y	Y	Y	Y	Y	Y	Y	Y	Y								
Substation/distribution equipment, indoor					S	S	S	S	S	S	S								
Substation/distribution equipment, outdoor					L	L	L	L	L	L	L								
TEMPORARY USES																			
Seasonal market	L	L	L	L	L	L	L												
Temporary real estate sales office					L	L	L	L	L	L	L								
Concrete/batch plant, temporary					L	L	L	L	L	L	L								

Live entertainment special event L L L L L L L

□Part 12. Table 295-703-1 of the code is amended to read:

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use

Zoning Districts

Uses C9A C9B C9C C9D C9E C9F C9G C9H

RESIDENTIAL USES

Single-family dwelling	Y	Y	L	L	L	L	L	N
Two-family dwelling	Y	Y	L	L	L	L	L	N
Multi-family dwelling	Y	Y	L	L	L	L	L	N
Attached single-family dwelling	Y	Y	L	L	L	L	L	N
Live-work unit	Y	Y	L	L	L	L	S	
Mobile home	N	N	N	N	N	N	N	
Watchman/service quarters	N	N	N	N	N	N	N	Y
Family day care home	L	L	L	L	L	L	L	N

GROUP RESIDENTIAL USES

Rooming house	S	S	S	S	S	S	S	N
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	N
Dormitory	S	S	S	S	S	S	S	N
Fraternity or sorority	S	S	S	S	S	S	S	N
Adult family home	L	L	L	L	L	L	L	N

Foster Homes

Foster family home	Y	Y	Y	Y	Y	Y	Y	N
Small foster home	L	L	L	L	L	L	L	N
Group home or group foster home					L	L	L	L

Shelter Care Facilities

Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	N
Small group shelter care facility	L	L	L	L	L	L	L	N
Large group shelter care facility	S	S	S	S	S	S	S	N
Community living arrangement	L	L	L	L	L	L	L	N
Transitional living facility	S	S	S	S	S	S	S	N

EDUCATIONAL USES

Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	Y	Y	Y	Y	Y	Y	S	Y
College	S	S	S	Y	S	S	Y	Y
School, personal instruction	S	Y	Y	S	S	S	Y	S

COMMUNITY-SERVING USES

Library	Y	Y	Y	Y	S	Y	Y	N
Cultural institution	L	L	Y	Y	S	Y	Y	N
Community center	S	S	S	S	S	S	S	S
Religious assembly	Y	Y	Y	Y	L	Y	L	N

Cemetery or other place of interment	N	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	
Correctional facility	N	N	N	S	N	N	N	N	
COMMERCIAL AND OFFICE USES									
General office	L	Y	Y	Y	L	Y	Y	Y	
Government office	L	Y	Y	Y	L	Y	Y	Y	
Bank or other financial institution		L	Y	Y	Y	Y	Y	Y	N
Currency exchange, payday loan or title loan agency							N	S	S S S S S S S S
Installment loan agency	N	S	S	S	S	S	S	S	S
Cash-for-gold business	N	S	S	S	S	S	S	S	S
Pawn shop	N	S	S	S	S	S	S	S	
Retail establishment, general		L	Y	Y	S	Y	Y	Y	S
Garden supply or landscaping center					N	N	N	N	N S S
Home improvement center		N	N	N	N	N	N	N	S
Secondhand store		N	S	S	N	S	S	Y	S
Outdoor merchandise sales		S	S	S	N	S	S	Y	S
Artist studio		L	Y	Y	N	L	L	Y	S
Adult retail establishment		N	N	N	N	N	N	S	S
HEALTH CARE AND SOCIAL ASSISTANCE USES									
Medical office	L	Y	Y	Y	L	Y	Y	Y	
Health clinic		S	S	S	S	L	Y	Y	N
Hospital		S	S	S	N	S	S	N	
Medical research laboratory					N	S	S	S	Y Y Y
Medical service facility		N	N	N	N	S	S	S	S
Social service facility		S	S	S	S	S	S	S	S
Emergency residential shelter		N	S	S	S	N	N	S	N
Nursing home		S	S	S	N	N	N	N	
GENERAL SERVICE USES									
Personal service		L	Y	Y	S	Y	Y	Y	N
Business service		S	Y	Y	Y	L	Y	Y	Y
Building maintenance service			N	S	S	N	L	Y	Y Y
Catering service		L	S	S	N	N	N	Y	Y
Funeral home		N	S	S	N	N	N	Y	N
Laundromat		S	Y	Y	N	S	Y	Y	N
Dry cleaning establishment		L	Y	Y	Y	Y	Y	Y	N
Furniture and appliance rental and leasing						N	S	S	N S S S S
Household maintenance and repair service						N	Y	Y	N Y N Y Y
Tool/equipment rental facility						N	S	S	N S N S S
Animal Services									
Animal hospital/clinic		N	N	S	N	S	S	S	S
Animal boarding facility			N	N	N	N	N	N	N
Animal grooming or training facility			N	N	S	N	S	S	S S

## MOTOR VEHICLE USES

## Light Motor Vehicle

Sales facility	N	N	N	N	N	N	S	Y
Rental facility	N	L	L	L	L	L	L	L
Repair facility	N	S	S	N	S	S	S	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
Wholesale facility	N	L	L	N	L	L	L	L

## Heavy Motor Vehicle

Sales facility	N	N	N	N	N	N	N	S
Rental facility	N	N	N	N	N	N	S	S
Repair facility	N	N	N	N	N	N	N	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S

## General Motor Vehicle

Filling station	N	S	S	S	S	S	S	S
Car wash	N	S	S	S	S	S	S	S
Drive-through facility	N	S	S	S	S	S	S	S

## Parking

Parking lot, principal use	S	S	S	L	S	S	L	S
Parking lot, accessory use	L	S	S	L	S	S	L	S
Parking structure, principal use	S	S	L	S	L	L	S	S
Parking structure, accessory use	L	L	L	L	L	L	L	L
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	Y

## ACCOMMODATION AND FOOD SERVICE USES

Bed and breakfast	S	Y	Y	N	L	L	Y	N
Hotel, commercial	S	Y	Y	Y	Y	Y	Y	N
Hotel, residential	Y	Y	Y	N	Y	Y	Y	N
Tavern	S	Y	Y	Y	Y	Y	Y	
Assembly hall	S	S	Y	Y	L	Y	Y	Y
Restaurant, sit-down	L	Y	Y	Y	Y	Y	Y	Y
Restaurant, fast-food/carry-out	L	L	L	L	L	L	L	L

## ENTERTAINMENT AND RECREATION USES

Park or playground	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N
Recreation facility, indoor	S	S	Y	Y	Y	Y	Y	Y
Recreation facility, outdoor	N	S	S	S	N	N	S	S
Health club	L	L	Y	Y	L	Y	Y	Y
Sports facility	S	S	Y	Y	Y	Y	Y	Y
Gaming facility	S	S	S	S	S	S	S	S

Theater	N	Y	Y	Y	Y	Y	Y	Y											
Convention and exposition center									N	N	N	Y	Y	Y	Y	N			
Marina	N	Y	Y	Y	Y	Y	Y	Y											
Outdoor racing facility				N	N	N	N	N	N	N	N								
Adult entertainment establishment									N	N	N	N	N	N	S	S			
STORAGE, RECYCLING AND WHOLESALE TRADE USES																			
Recycling collection facility	N	S	S	N	N	N	N	S	S										
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N	N									
Material reclamation facility	N	N	N	N	N	N	N	N	N										
Salvage operation, indoor		N	N	N	N	N	N	N	N	N									
Salvage operation, outdoor		N	N	N	N	N	N	N	N	N									
Wholesale and distribution facility, indoor									N	S	S	N	N	S	Y	Y			
Wholesale and distribution facility, outdoor									N	N	N	N	N	N	N	N			
Storage Facilities																			
Indoor		N	S	S	N	N	S	Y	Y										
Outdoor		N	N	N	N	N	N	N	N										
Hazardous materials		N	N	N	N	N	N	N	N	N									
TRANSPORTATION USES																			
Ambulance service	N	N	N	N	N	N	N	S	S										
Ground transportation service															N	Y			
Passenger terminal	S	S	S	S	S	S	S	Y	Y										
Helicopter landing facility		N	S	S	S	S	S	S	S										
Airport	N	N	N	N	N	N	N	N	N										
Ship terminal or docking facility		N	N	N	N	N	N	N	Y	Y									
Truck freight terminal		N	N	N	N	N	N	N	N										
Railroad switching, classification yard or freight terminal															N	N	N	N	N
Y																			Y
INDUSTRIAL USES																			
Manufacturing, light	N	L	L	N	L	L	Y	Y											
Manufacturing, heavy		N	N	N	N	N	N	N	N										
Manufacturing, intense		N	N	N	N	N	N	N	N										
Research and development		N	Y	Y	N	Y	Y	Y	Y										
Processing or recycling of mined materials										N	N	N	N	N	N	N			
Contractor's shop		N	N	N	N	N	N	S	Y										
Contractor's yard		N	N	N	N	N	N	S	Y										
AGRICULTURAL USES																			
Plant nursery or greenhouse		N	N	N	N	N	N	N	S										
Raising of crops or livestock		N	N	N	N	N	N	N	N										
UTILITY AND PUBLIC SERVICE USES																			
Broadcasting or recording studio										N	Y	Y	Y	L	Y	Y	Y		
Transmission tower	L	L	L	L	L	L	L	L											
Water treatment plant		S	S	S	S	S	S	S	S										
Sewage treatment plant		S	S	S	S	S	S	S	S										

Power generation plant	N	N	N	N	N	N	N	N	N		
>>Small wind energy system		Y	Y	Y	Y	Y	Y	Y	Y	Y	<<Y
Substation/distribution equipment, indoor		S	S	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor		L	L	L	L	L	L	L	L	L	Y
TEMPORARY USES											
Seasonal market	L	L	L	L	L	L	L	L			
Temporary real estate sales office		L	L	L	L	L	L	L	L	L	
Concrete/batch plant, temporary		L	L	L	L	L	L	L	L	L	
Live entertainment special event	L	L	L	L	L	L	L	L	L	L	

Part 13. Table 295-803-1 of the code is amended to read:

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE

Y = Permitted Use      L = Limited Use      S = Special Use      N = Prohibited

Use      Zoning Districts

Uses      IO1/ IO2      IL1/ IL2      IM IH

RESIDENTIAL USES

Single-family dwelling	N	N	Y	N
Two-family dwelling	N	N	Y	N
Multi-family dwelling	N	N	Y	N
Attached single-family dwelling	N	N	Y	N
Live-work unit	N	N	Y	N
Mobile home	N	N	N	N
Watchman/service quarters	Y	Y	Y	Y
Family day care home	N	N	Y	N

GROUP RESIDENTIAL USES

Rooming house	N	N	S	N
Convent, rectory or monastery	N	N	Y	N
Dormitory	N	N	S	N
Fraternity or sorority	N	N	S	N
Adult family home	N	N	L	N
Foster Homes				
Foster family home	N	N	Y	N
Small foster home	N	N	L	N
Group home or group foster home			N	N
			L	N

Shelter Care Facilities

Family shelter care facility	N	N	Y	N
Small group shelter care facility	N	N	L	N
Large group shelter care facility	N	N	S	N
Community living arrangement	N	N	L	N
Transitional living facility	N	N	S	N

EDUCATIONAL USES

Day care center	S	S	L	S
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School, elementary or secondary	N	N	Y	N				
College	S	S	S	N				
School, personal instruction	S	S	S	N				
COMMUNITY-SERVING USES								
Library	N	N	Y	N				
Cultural institution	N	N	L	N				
Community center	N	N	S	N				
Religious assembly	N	N	S	N				
Cemetery or other place of interment					N	N	N	N
Public safety facility	Y	Y	Y	Y				
Correctional facility	N	N	N	N				
COMMERCIAL AND OFFICE USES								
General office	Y	Y	Y	L				
Government office	Y	Y	Y	L				
Bank or other financial institution					S	S	Y	N
Currency exchange, payday loan or title loan agency						N	N	S N
Installment loan agency	N	N	S	N				
Cash-for-gold business	N	N	S	N				
Pawn shop	N	N	S	N				
Retail establishment, general	N	N	Y	N				
Garden supply or landscaping center					N	Y	Y	N
Home improvement center	N	Y	Y	N				
Secondhand store	N	N	S	N				
Outdoor merchandise sales	N	N	L	N				
Artist studio	N	Y	Y	N				
Adult retail establishment	N	N	S	N				
HEALTH CARE AND SOCIAL ASSISTANCE								
Medical office	S	N	S	N				
Health clinic	L	N	S	N				
Hospital	N	N	N	N				
Medical research laboratory					Y	Y	Y	N
Medical service facility	N	S	N	N				
Social service facility	N	S	S	N				
Emergency residential shelter	N	N	N	N				
Nursing home	N	N	N	N				
GENERAL SERVICE USES								
Personal service	N	N	Y	N				
Business service	Y	S	Y	N				
Building maintenance service	S	Y	S	N				
Catering service	S	Y	Y	N				
Funeral home	N	N	N	N				
Laundromat	N	N	Y	N				
Dry cleaning establishment	N	N	Y	N				



Furniture and appliance rental and leasing	N	N	Y	N
Household maintenance and repair service	N	Y	Y	N
Tool/equipment rental facility	N	Y	Y	N
Animal Services				
Animal hospital/clinic	N	Y	L	Y
Animal boarding facility	N	Y	L	Y
Animal grooming or training facility	N	Y	L	Y
MOTOR VEHICLE USES				
Light Motor Vehicle				
Sales facility	L	S	S	S
Rental facility	L	S	S	S
Repair facility	L	S	S	L
Body shop	L	S	S	L
Outdoor storage	L	Y	S	Y
Wholesale facility	Y	Y	Y	Y
Heavy Motor Vehicle				
Sales facility	L	Y	S	Y
Rental facility	L	Y	S	Y
Repair facility	L	L	S	L
Body shop	L	L	S	L
Outdoor storage	L	S	S	Y
General Motor Vehicle				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through facility	S	S	S	S
Parking				
Parking lot, principal use	Y	Y	L	Y
Parking lot, accessory use	Y	Y	L	Y
Parking structure, principal use	Y	Y	L	Y
Parking structure, accessory use	Y	Y	L	Y
Heavy motor vehicle parking lot, principal use	S	L	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	Y	Y
ACCOMODATION AND FOOD SERVICE USES				
Bed and breakfast	N	N	Y	N
Hotel, commercial	L	N	Y	N
Hotel, residential	N	N	Y	N
Tavern	L	L	Y	L
Assembly hall	S	S	S	N
Restaurant, sit-down	L	L	Y	L
Restaurant, fast-food/carry-out	L	L	L	L
ENTERTAINMENT AND RECREATION USES				
Park or playground	S	S	S	S
Festival grounds	N	N	N	N

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Recreation facility, indoor N S S N  
 Recreation facility, outdoor N N S N  
 Health club L L Y N  
 Sports facility N S S N  
 Gaming facility N S N N  
 Theater N N Y N  
 Convention and exposition center S N S N  
 Marina Y Y Y Y  
 Outdoor racing facility N N N S  
 Adult entertainment establishment N N N N  
**STORAGE, RECYCLING AND WHOLESALE TRADE USES**  
 Recycling collection facility S Y S Y  
 Mixed-waste processing facility N L S L  
 Material reclamation facility N N N L  
 Salvage operation, indoor L L L L  
 Salvage operation, outdoor N S S S  
 Wholesale and distribution facility, indoor Y Y Y Y  
 Wholesale and distribution facility, outdoor S Y S Y  
**Storage Facilities**  
   Indoor Y Y Y Y  
   Outdoor N Y S Y  
   Hazardous materials N N N S  
**TRANSPORTATION USES**  
 Ambulance service Y Y S Y  
 Ground transportation service S Y S Y  
 Passenger terminal Y Y Y Y  
 Helicopter landing facility S S S S  
 Airport N Y N N  
 Ship terminal or docking facility N Y N Y  
 Truck freight terminal N S S L  
 Railroad switching, classification yard or freight terminal N Y Y Y  
**INDUSTRIAL USES**  
 Manufacturing, light Y Y Y Y  
 Manufacturing, heavy N S S Y  
 Manufacturing, intense N N N S  
 Research and development Y Y Y Y  
 Processing or recycling of mined minerals N N N S  
 Contractor's shop Y Y Y Y  
 Contractor's yard S Y Y Y  
**AGRICULTURAL USES**  
 Plant nursery or greenhouse Y Y Y Y  
 Raising of crops or livestock Y Y Y Y  
**UTILITY AND PUBLIC SERVICE USES**

Broadcasting or recording studio	Y	S	Y	S
Transmission tower	L	L	L	L
Water treatment plant	Y	Y	Y	Y
Sewerage treatment plant	N	Y	N	Y
Power generation plant	N	S	N	Y
>>Small wind energy system	Y	Y	Y	Y<<
Substation/distribution equipment, indoor	S	Y	S	Y
Substation/distribution equipment, outdoor	L	Y	L	Y
TEMPORARY USES				
Seasonal market	L	L	L	L
Temporary real estate sales office	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L
Live entertainment special event	L	L	L	L

□Part 14. Table 295-903-2-a of the code is amended to read:

Table 295-903-2-a PARKS DISTRICT USE TABLE

Y = Permitted Use      L = Limited Use      S = Special Use      N = Prohibited

Use      Zoning District

Uses      PK

RESIDENTIAL USES

Single-family dwelling      N  
 Two-family dwelling      N  
 Multi-family dwelling      N  
 Attached single-family dwelling      N  
 Live-work unit      N  
 Mobile home      N

Watchman/service quarters      N

Family day care home      N

GROUP RESIDENTIAL USES

Rooming house      N  
 Convent, rectory or monastery      N  
 Dormitory      N  
 Fraternity or sorority      N  
 Adult family home      N

Foster Homes

Foster family home      N  
 Small foster home      N  
 Group home or group foster home      N

Shelter Care Facilities

Family shelter care facility      N  
 Small group shelter care facility      N  
 Large group shelter care facility      N

Community living arrangement N  
 Transitional living facility N  
 EDUCATIONAL USES  
 Day care center L  
 School, elementary or secondary Y  
 College Y  
 School, personal instruction S  
 COMMUNITY-SERVING USES  
 Library Y  
 Cultural institution L  
 Community center L  
 Religious assembly L  
 Cemetery or other place of interment N  
 Public safety facility Y  
 Correctional facility N  
 COMMERCIAL AND OFFICE USES  
 General office N  
 Government office Y  
 Bank or other financial institution N  
 Currency exchange, payday loan agency or title loan agency N  
 Installment loan agency N  
 Cash-for-gold business N  
 Pawn shop N  
 Retail establishment, general L  
 Garden supply or landscaping center N  
 Home improvement center N  
 Secondhand store N  
 Outdoor merchandise sales N  
 Artist studio N  
 Adult retail establishment N  
 HEALTH CARE AND SOCIAL ASSISTANCE  
 Medical office N  
 Health clinic N  
 Hospital N  
 Medical research laboratory N  
 Medical service facility N  
 Social service facility N  
 Emergency residential shelter N  
 Nursing home N  
 GENERAL SERVICE USES  
 Personal service N  
 Business service N  
 Building maintenance service N

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Catering service N  
 Funeral home N  
 Laundromat N  
 Dry cleaning establishment N  
 Furniture and appliance rental and leasing N  
 Household maintenance and repair service N  
 Tool/equipment rental facility N  
 Animal Services  
     Animal hospital/clinic N  
     Animal boarding facility N  
     Animal grooming or training facility N  
 MOTOR VEHICLE USES  
 Light Motor Vehicle  
     Sales facility N  
     Rental facility N  
     Repair facility N  
     Body shop N  
     Outdoor storage N  
     Wholesale facility N  
 Heavy Motor Vehicle  
     Sales facility N  
     Rental facility N  
     Repair facility N  
     Body shop N  
     Outdoor storage N  
 General Motor Vehicle  
     Filling station N  
     Car wash N  
     Drive-through facility N  
 Parking  
     Parking lot, principal use S  
     Parking lot, accessory use Y  
     Parking structure, principal use S  
     Parking structure, accessory use S  
     Heavy motor vehicle parking lot, principal use N  
     Heavy motor vehicle parking lot, accessory use N  
 ACCOMODATION AND FOOD SERVICE USES  
 Bed and breakfast N  
 Hotel, commercial N  
 Hotel, residential N  
 Tavern N  
 Assembly hall L  
 Restaurant, sit-down L

Restaurant, fast-food/carry-out L  
 ENTERTAINMENT AND RECREATION USES  
 Park or playground Y  
 Festival grounds N  
 Recreation facility, indoor Y  
 Recreation facility, outdoor Y  
 Health club N  
 Sports facility S  
 Gaming facility N  
 Theater L  
 Convention and exposition center S  
 Marina L  
 Outdoor racing facility N  
 Adult entertainment establishment N  
 STORAGE, RECYCLING AND WHOLESALE TRADE USES  
 Recycling collection facility N  
 Mixed-waste processing facility N  
 Material reclamation facility N  
 Salvage operation, indoor N  
 Salvage operation, outdoor N  
 Wholesale and distribution facility, indoor N  
 Wholesale and distribution facility, outdoor N  
 Storage Facilities  
   Indoor N  
   Outdoor N  
   Hazardous materials N  
 TRANSPORTATION USES  
 Ambulance service N  
 Ground transportation service N  
 Passenger terminal L  
 Helicopter landing facility N  
 Airport N  
 Ship terminal or docking facility N  
 Truck freight terminal N  
 Railroad switching, classification yard or freight terminal N  
 INDUSTRIAL USES  
 Manufacturing, light N  
 Manufacturing, heavy N  
 Manufacturing, intense N  
 Research and development N  
 Processing or recycling of mined materials N  
 Contractor's shop N  
 Contractor's yard N

## AGRICULTURAL USES

Plant nursery or greenhouse L  
 Raising of crops or livestock Y

## UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio N  
 Transmission tower L  
 Water treatment plant Y  
 Sewerage treatment plant N  
 Power generation plant N  
 >>Small wind energy system Y<<  
 Substation/distribution equipment, indoor S  
 Substation/distribution equipment, outdoor L

## TEMPORARY USES

Seasonal market L  
 Temporary real estate sales office N  
 Concrete/batch plant, temporary L  
 Live entertainment special event L

Part 15. Table 295-905-2-a of the code is amended to read:

## Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited

Use Zoning District

Uses TL

## RESIDENTIAL USES

Single-family dwelling N  
 Two-family dwelling N  
 Multi-family dwelling N  
 Attached single-family dwelling N  
 Live-work unit N  
 Mobile home N  
 Watchman/service quarters Y  
 Family day care home N

## GROUP RESIDENTIAL USES

Rooming house S  
 Convent, rectory or monastery Y  
 Dormitory Y  
 Fraternity or sorority S  
 Adult family home N  
 Foster Homes  
 Foster family home N  
 Small foster home N  
 Group home or group foster home L

Shelter Care Facilities  
 Family shelter care facility N  
 Small shelter care facility L  
 Large shelter care facility S  
 Community living arrangement L  
 Transitional living facility S  
 EDUCATIONAL USES  
 Day care center L  
 School, elementary or secondary Y  
 College Y  
 School, personal instruction Y  
 COMMUNITY-SERVING USES  
 Library Y  
 Cultural institution Y  
 Community center S  
 Religious assembly Y  
 Cemetery or other place of interment Y  
 Public safety facility Y  
 Correctional facility S  
 COMMERCIAL AND OFFICE USES  
 General office Y  
 Government office Y  
 Bank or other financial institution L  
 Currency exchange, payday loan agency or title loan agency S  
 Installment loan agency S  
 Cash-for-gold business S  
 Pawn shop S  
 Retail establishment, general L  
 Garden supply or landscaping center N  
 Home improvement center N  
 Secondhand store N  
 Outdoor merchandise sales N  
 Artist studio Y  
 Adult retail establishment N  
 HEALTH CARE AND SOCIAL ASSISTANCE  
 Medical office Y  
 Health clinic S  
 Hospital S  
 Medical research laboratory Y  
 Medical service facility S  
 Social service facility S  
 Emergency residential shelter S  
 Nursing home Y



## GENERAL SERVICE USES

Personal service L  
Business service L  
Building maintenance service S  
Catering service S  
Funeral home Y  
Laundromat S  
Dry cleaning establishment S  
Furniture and appliance rental and leasing N  
Household maintenance and repair service N  
Tool/equipment rental facility N

## Animal Services

Animal hospital/clinic N  
Animal boarding facility N  
Animal grooming or training facility N

## MOTOR VEHICLE USES

## Light Motor Vehicle

Sales facility N  
Rental facility N  
Repair facility N  
Body shop N  
Outdoor storage N  
Wholesale facility N

## Heavy Motor Vehicle

Sales facility N  
Rental facility N  
Repair facility N  
Body shop N  
Outdoor storage N

## General Motor Vehicle

Filling station N  
Car wash N  
Drive-through facility L

## Parking

Parking lot, principal use S  
Parking lot, accessory use Y  
Parking structure, principal use S  
Parking structure, accessory use S  
Heavy motor vehicle parking lot, principal use N  
Heavy motor vehicle parking lot, accessory use N

## ACCOMODATION AND FOOD SERVICE USES

Bed and breakfast S  
Hotel, commercial N

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Hotel, residential N  
 Tavern N  
 Assembly hall S  
 Restaurant, sit-down Y  
 Restaurant, fast-food/carry-out L  
 ENTERTAINMENT AND RECREATION USES  
 Park or playground Y  
 Festival grounds Y  
 Recreation facility, indoor S  
 Recreation facility, outdoor S  
 Health club Y  
 Sports facility S  
 Gaming facility N  
 Theater N  
 Convention and exposition center S  
 Marina Y  
 Outdoor racing facility N  
 Adult entertainment establishment N  
 STORAGE, RECYCLING AND WHOLESALE TRADE USES  
 Recycling collection facility S  
 Mixed-waste processing facility N  
 Material reclamation facility N  
 Salvage operation, indoor N  
 Salvage operation, outdoor N  
 Wholesale and distribution facility, indoor N  
 Wholesale and distribution facility, outdoor N  
 Storage Facilities  
   Indoor N  
   Outdoor N  
   Hazardous materials N  
 TRANSPORTATION USES  
 Ambulance service Y  
 Ground transportation service N  
 Passenger terminal Y  
 Helicopter landing facility S  
 Airport N  
 Ship terminal or docking facility N  
 Truck freight terminal N  
 Railroad switching, classification yard or freight terminal N  
 INDUSTRIAL USES  
 Manufacturing, light N  
 Manufacturing, heavy N  
 Manufacturing, intense N

Research and development S  
 Processing or recycling of mined materials N  
 Contractor's shop N  
 Contractor's yard N  
 AGRICULTURAL USES  
 Plant nursery or greenhouse S  
 Raising of crops or livestock S  
 UTILITY AND PUBLIC SERVICE USES  
 Broadcasting or recording studio Y  
 Transmission tower L  
 Water treatment plant Y  
 Sewerage treatment plant Y  
 Power generation plant S  
 >>Small wind energy system Y<<  
 Substation/distribution equipment, indoor Y  
 Substation/distribution equipment, outdoor L  
 TEMPORARY USES  
 Seasonal market L  
 Temporary real estate sales office L  
 Concrete/batch plant, temporary L  
 Live entertainment special event L

□Part 16. Table 295-1015-3-a of the code is amended to read:

Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE  
 Y = Permitted Use L = Limited Use S = Special Use Overlay Zone  
 Uses LF  
 EDUCATIONAL USES  
 Day care center L  
 COMMUNITY-SERVING USES  
 Library Y  
 Cultural institution Y  
 Community center L  
 COMMERCIAL AND OFFICE USES  
 General office S  
 Government office Y  
 Retail establishment, general L  
 MOTOR VEHICLE USES  
 Parking lot, principal use S  
 Parking lot, accessory use Y  
 Parking structure, principal use S  
 Parking structure, accessory use S  
 ACCOMMODATION AND FOOD SERVICE USES

Bed and breakfast S  
 Tavern S  
 Assembly hall L  
 Restaurant, sit-down L  
 Restaurant, fast-food/carry-out L  
 ENTERTAINMENT AND RECREATION USES  
 Park or playground Y  
 Festival grounds Y  
 Recreation facility, indoor S  
 Recreation facility, outdoor S  
 Theater S  
 Marina L  
 TRANSPORTATION USES  
 Passenger terminal Y  
 Helicopter landing facility S  
 Ship terminal or docking facility S  
 UTILITY AND PUBLIC SERVICE USES  
 Transmission tower L  
 Water treatment plant Y  
 >>Small wind energy system Y<<  
 Substation/distribution equipment, indoor S  
 Substation/distribution equipment, outdoor L  
 TEMPORARY USES  
 Seasonal market L  
 Live entertainment special event L

**A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [101570](#) A substitute ordinance relating to the change in zoning from Multi-Family Residential to Institutional, for future expansion, located on the south side of West Wisconsin Avenue, west of North 32nd Street, in the 4th Aldermanic District.
- Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:
- Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:
- Section 295-905(2)(c).0004. The zoning map is amended to change the zoning for

3205 West Wisconsin Avenue, Tax Key No. 401-9997-100, from Multi-Family Residential (RM6) to Institutional (TL).

**A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110042](#) An ordinance relating to electrical permits and licenses.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 222-11-1-g of the code is amended to read:

222-11. Electrical Licenses.

1. TYPES.

g. Any burglar or security alarm system installation conducted under a permit obtained by a Type LB [[or Type LV]] low-voltage licensee shall be performed by persons holding a minimum of Electronic Security Association-National Training School (NTS) Level I certification or equivalent determined by the commissioner.

Part 2. Section 222-13-2-a of the code is amended to read:

222-13. Permits.

2. APPLICATIONS FOR PERMIT.

a. Any holder of a Type C, Type M[[or Type E]] >>, Type E, Type LB, Type LF or Type LV<< license desiring a permit as required by this chapter shall file with the commissioner of city development an application for such permit in writing on a form furnished for such purpose. Such application shall be signed by the supervising electrician of the applicant's business.

Part 3. Section 222-13-5 of the code is repealed and recreated to read:

5. LOW VOLTAGE LICENSE TYPE PERMIT REQUIREMENTS.

a. The department of city development may allow any licensed electrical contractor to obtain a permit from within the scope of the contractor's license class.

b. For systems of 100 volts or less nominal, the following tables shall apply:

1 AND 2-FAMILY DWELLINGS, LESS THAN 101 VOLT NOMINAL

LICENSE TYPE

Type of System	C	LB	LF	LV
Fire alarm with optionals		X		X
Burglar alarm or security system, hard-wired			X	X

NON-RESIDENTIAL, LESS THAN 101 VOLT NOMINAL

LICENSE TYPE

Type of System	C	LB	LF	LV
Hard-wired device to utilize or control LV power circuits				X
Solar photo voltaic system		X		
Fire alarm with optionals		X		X
Smoke detector	X		X	
Sprinkler alarm	X		X	
Intercom system, hard-wired			X	X
Burglar alarm, security system, hard-wired		X		X
Energy management system		X		
A.D.A. requirements	X			
Emergency lighting	X			
Communication, signaling and data cables		X		X

MULTI-FAMILY RESIDENTIAL, LESS THAN 101 VOLT NOMINAL

LICENSE TYPE

Type of System	C	LB	LF	LV
Hard-wired device to utilize or control LV power circuits				X
Solar photo voltaic system		X		
Fire alarm with optionals		X		X
Smoke detector	X		X	
Sprinkler alarm	X		X	
Intercom system, hard-wired		X		X
Burglar alarm and security system, hard-wired		X		X
Energy management system		X		
A.D.A. requirements	X			
Emergency lighting	X			
Communication, signaling and data cables		X		X

Part 4. Section 222-13-7-b-3 of the code is created to read:

7. NO PERMITS TO VIOLATORS.

b-3 Information provided on contractors application is no longer valid and contractor

failed to notify department by providing an updated license application.

Part 5. Section 222-15-1 of the code is amended to read:

222-15. Installation Standards.

1. The commissioner of [[city development]] >>neighborhood services<< may grant special permission, for a limited period of time, for the installation or use of temporary electrical wiring and equipment which do not conform with the regulations of this chapter. The electrical contractor installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times, and its complete removal at the end of the fixed temporary period, as set forth by the commissioner of [[city development]] >>neighborhood services<< or any time sooner when ordered by the commissioner of [[city development]] >>neighborhood services<<. Carnivals, circuses, theatrical acts, and exhibitions and all places of temporary outdoor assembly are included in the provisions of this subsection, and all electrical wiring and equipment associated therewith shall be installed, maintained, and operated in a safe and workmanlike manner. All such electric wiring and equipment shall be isolated from the public by proper elevation and guarding and all electric fuses and switches shall be installed in approved enclosures. Cable laid on the ground in areas traversed by the public shall be buried in trenches or protected by approved covers.

Part 6. Section 222-17-3 of the code is amended to read:

222-17. Approval of Electrical Equipment.

3. It shall be the policy of the commissioner of [[city development]] >>neighborhood services<< to approve, subject to the regulations of this chapter, any type or kind of electrical equipment which has been approved by the National Bureau of Standards or any nationally recognized testing laboratory or the state of Wisconsin.

Part 7. Section 222-17-4 of the code is repealed.

Part 8. Sections 222-21 to 222-23 of the code are repealed.

**A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## ADOPTION OF THE FOLLOWING:

5. [110102](#) Substitute resolution relating to a requirement for Commissioner of City Development design review and approval for projects receiving financial support from the City's Housing Trust Fund.

Whereas, On September 26, 2006, the Common Council adopted File Number 060071, a resolution endorsing a framework and strategy for the financing and operation of the City of Milwaukee's Housing Trust Fund, including the establishment of a 13-member Housing Trust Fund Advisory Board responsible for evaluating requests for funding from the Housing Trust Fund and making funding-award recommendations to the Common Council; and

Whereas, File Number 060071 further directed City staff to draft the legislation necessary to implement the framework and strategy endorsed therein, including an ordinance establishing the Housing Trust Fund and provisions relating to its operation and funding; and

Whereas, On November 14, 2006, the Common Council passed File Number 041537, the ordinance creating the City of Milwaukee's Housing Trust Fund, which provides financial support to developers and community-based organizations for the acquisition, construction, rehabilitation and modification of affordable and accessible housing for low-income households; and

Whereas, Section 316-5-2-d of the Code of Ordinances directs the Housing Trust Fund Advisory Board to "adopt rules, guidelines and criteria to assist the Board in carrying out its responsibilities"; and

Whereas, The Housing Trust Fund Advisory Board has developed and adopted a 22-page application form that it uses to review, evaluate and score requests for funding from the Housing Trust Fund; and

Whereas, The Common Council finds that, to ensure that housing developments that receive support from the Housing Trust Fund are of high design quality and compatible with the existing built environment, and to enable low-income residents of Housing Trust Fund-financed development to enjoy the benefits of well-designed housing, it is essential to require City staff design review and approval of all housing developments financed by the Housing Trust Fund that involve new construction or substantial exterior renovation; and

Whereas, Neither the Housing Trust Fund guidelines adopted by File Number 060071 nor the current Housing Trust Fund application document require that a Housing Trust Fund-supported project receive design review and approval by City staff; now, therefore, be it



Resolved, By the Common Council of the City of Milwaukee, that the "Operation of the Housing Trust Fund" portion of the "Resolved" clause of Common Council File Number 060071 is amended by adding the following statement:

12. All projects involving new construction or substantial exterior renovation that are financed by the Housing Trust Fund shall be subject to design review and approval by the Commissioner of City Development.

; and, be it

Further Resolved, That the Housing Trust Fund Advisory Board is requested to add, to its application form for Housing Trust Fund awards, language referencing the requirement for design review and approval by the Commissioner of City Development prior to the issuance of a building permit for any Housing Trust Fund-financed project involving new construction or substantial exterior renovation.

**A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

1. [110035](#) Substitute resolution authorizing the creation and funding of the St. Paul Avenue Exterior Enhancement Grant Program and approving Program Eligibility Requirements and Guidelines.  
  
Whereas, The Department of City Development has operated a number of business incentive programs for a number of years; and  
  
Whereas, The City-Wide Facade Grant Program and the Retail Investment Fund have provided businesses with development incentives for visible reinvestment in the St. Paul Avenue business district and neighborhood commercial area; and  
  
Whereas, The Common Council of the City of Milwaukee (“Common Council”) created Business Improvement District No. 26 (“BID No. 26”) via File No. 990931 on October 19, 1999, as authorized by Section 66.1109, Wisconsin Statutes, to provide a financing method to allow the Menomonee Valley business district to be self-sustaining; and  
  
Whereas, BID No. 26 has committed \$25,000 for the St. Paul Avenue Exterior Enhancement Grant Program (“SPAEEGP” or “Program”); and  
  
Whereas, The SPAEEGP is designed to provide business incentives for exterior improvements to businesses and property owners; and  
  
Whereas, It is recognized that the SPAEEGP requires a set of Program Eligibility Requirements and Guidelines, a copy of which is attached to this Common Council File; and  
  
Whereas, The City of Milwaukee can leverage significant amounts of private investment and improvements to the businesses and properties located in the targeted area in the St. Paul Avenue business district if the SPAEEGP is available to assist businesses or property owners with upgrades to street facing building exteriors and landscaping; and  
  
Whereas, This Program will provide a significant incentive to increase the vitality of the St. Paul Avenue business district; now, therefore, be it  
  
Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to transfer \$75,000 from the Development Fund Parent Account No. 9900-UR03310000A to the St. Paul Avenue Exterior Enhancement Grant Program Project Account; and, be it

Further Resolved, That these funds are designated for improvements in the target area, as listed in the Program Eligibility Requirements and Guidelines, which are established herein by the Common Council; and, be it

Further Resolved, That the Commissioner of the Department of City Development is directed to enter into contracts and agreements, as necessary, to carryout said Program.

**A motion was made by ALD. ZIELINSKI that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Dudzik

**Excused:** 2 - Davis Puente

2. [110036](#) Substitute resolution authorizing additional funding for the Central Business District Focus Retail Program.

Whereas, The Department of City Development has operated a number of business incentive programs for a number of years; and

Whereas, The City-Wide Facade Grant Program and Retail Investment Fund have provided business development incentives for visible reinvestment in downtown and neighborhood commercial areas; and

Whereas, The Common Council of the City of Milwaukee (“Common Council”) created Business Improvement District No. 21 (“BID No. 21”) via File No. 970900 on October 14, 1997, as authorized by Section 66.1109, Wisconsin Statutes, to provide a financing method to allow the Milwaukee Downtown business district to be self-sustaining; and

Whereas, BID No. 21 has committed \$25,000 for the Central Business District Focus Retail Program (“CBDFRP”); and

Whereas, The CBDFRP is designed to provide white-box grants to commercial property owners; and

Whereas, It is recognized that the CBDFRP requires a set of program guidelines that will adhere to the Facade Grant Program Eligibility Requirements and to the established Design Guidelines; and

Whereas, The City of Milwaukee can leverage significant amounts of private investment and improvements to the commercial properties located in the targeted

area in the Central Business District if the CBDFRP continues to be available to assist property owners or businesses with upgrades to storefronts and with building renovations; and

Whereas, This program has provided a significant incentive to increase the vitality of the downtown retail environment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to transfer \$75,000 from the Development Fund Parent Account No. 9900-UR03310000A to the Central Business District Focus Retail Program Project Account; and, be it

Further Resolved, That these funds are designated for the targeted area in the Central Business District under the guidelines established by the Common Council; and, be it

Further Resolved, That the Commissioner of the Department of City Development is authorized to enter into contracts and agreements, as necessary, to carryout said program.

**A motion was made by ALD. ZIELINSKI that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Dudzik

**Excused:** 2 - Davis Puente

3. [110057](#) Substitute resolution authorizing the acceptance of donation of services to be provided by IBM to identify opportunities to develop urban agricultural assets in the City of Milwaukee.

Whereas, IBM has established a Smarter Cities Program, through which donations of services are awarded to cities to provide city leaders with analysis and recommendations to support successful growth, better delivery of municipal services, more citizen engagement and improved efficiency; and

Whereas, The City of Milwaukee (“City”) is a worldwide leader in urban agriculture and aquaponics, and is therefore, uniquely qualified to develop cutting-edge technology and best practices in this field; and

Whereas, The terms of the IBM Smarter Cities Program require that the donation of services be made to a government agency; and

Whereas, As a result of this program, IBM will send six experts to the City for a three-week period to make recommendations for improving urban agricultural systems

and such donation of services is valued at \$400,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development, on behalf of the City, is authorized to accept the donation of services from IBM to identify opportunities to develop urban agricultural assets in the City; and, be it

Further Resolved, That the proper City officials are authorized to execute any documents necessary to accept the donation of services described herein.

**A motion was made by ALD. ZIELINSKI that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110101](#) Substitute resolution relating to a \$75,000 appropriation from the Development Fund to United Milwaukee Scrap, LLC.

Whereas, The Wisconsin Department of Transportation (“WISDOT”) accepts applications for Transportation Economic Assistance (“TEA”) grants to fund transportation projects that support business growth and retention; and

Whereas, File No. 100608, adopted by the Common Council on November 23, 2010, authorized the Department of City Development (“DCD”) to apply to WISDOT for a TEA grant on behalf of United Milwaukee Scrap, LLC (“UMS”); and

Whereas, The total estimated cost of the transportation improvement for which grant funding will be sought is \$571,000; and

Whereas, The TEA grant requires that its funds be matched by the local applicant; and

Whereas, The City of Milwaukee (“City”) has agreed to provide a portion of the local match, with UMS providing the remainder; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$75,000 be allocated from the Development Fund to this project, with \$60,000 being the City’s share of the local match and \$15,000 being provided to DCD to cover administrative costs associated with the TEA grant; and, be it

Further Resolved, That the City Comptroller is directed to transfer \$75,000 from the Development Fund Parent Account No. 9900-UR03310000A for the City’s share of the local match for the TEA grant as outlined above; and, be it

Further Resolved, That DCD is directed to enter into a Grant Agreement with UMS that provides for disbursement of the City's share of the local match upon completion of the project as a reimbursement of documented actual costs up to \$60,000; and, be it

Further Resolved, That disbursement of the City's share of the local match is conditioned upon completion of required site improvements identified in the binding agreement discussed in File No. 100608.

**A motion was made by ALD. ZIELINSKI that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

CONFIRMATION OF THE FOLLOWING:

5. [101226](#) Reappointment of Chris Hau to the Business Improvement District Board #16 (West North Avenue) by the Mayor. (4th Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

6. [101486](#) Appointment of Susan Kissinger to the Business Improvement District No. 8 Board (Historic King Drive) by the Mayor. (6th Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

7. [101487](#) Appointment of Steve Magnuson to the Business Improvement District Board No. 5 (Westown) by the Mayor. (4th Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

8. [110094](#) Appointment of Jason Rae to the Business Improvement District Board #16 (West North Avenue) by the Mayor. (10th Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED.**

**The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

9. [110095](#) Reappointment of Steven Hentzen to the Business Improvement District Board No. 31 (Havenwoods) by the Mayor. (2nd Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED.**

**The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

10. [110096](#) Appointment of Ryan Duncan to the Business Improvement District Board No. 31 (Havenwoods) by the Mayor. (2nd Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED.**

**The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

11. [110097](#) Appointment of Shannon Hilliard to the Business Improvement District Board No. 37 (30th Street Industrial Corridor) by the Mayor. (5th Aldermanic District)

**A motion was made by ALD. ZIELINSKI that this Appointment be CONFIRMED.**

**The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

PLACING ON FILE THE FOLLOWING:

12. [110059](#) Resolution relating to the membership of the African-American Male Unemployment Task Force.

**A motion was made by ALD. ZIELINSKI that this Resolution be PLACED ON FILE.**

**The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente



## THE PUBLIC WORKS COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [110060](#) An ordinance relating to storm water management regulations.

Whereas, On October 25, 2010, the Milwaukee Metropolitan Sewerage District (“MMSD”) amended ch. 13 (Surface Water and Storm Water) of its “Rules”; and

Whereas, Communities within the MMSD service area are required to update their local storm water management regulations to be consistent with the revised MMSD “Rules” within 6 months of MMSD’s approval of those revisions; and

Whereas, The Department of Public Works-Infrastructure Services Division has identified the revisions set forth in this ordinance as being necessary to make the City of Milwaukee’s storm water management regulations consistent with the revised MMSD “Rules”; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 120-3-5 of the code is amended to read:

120-3. Definitions.

5. DEVELOPMENT means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration. >>This includes the construction of buildings, roads, parking lots and paved or unpaved storage areas.<<

Part 2. Section 120-3-18 of the code is amended to read:

18. PERSON means any individual, association, organization, partnership, firm, corporation or other entity engaging in the development or redevelopment of a property, [[either]] as the owner [[or as the owner’s agent]] >>of the property<< . Such corporate or individual ownership shall not be used to circumvent the intention of this chapter.

Part 3. Section 120-7-2-d of the code is created to read:

120-7. Control of Storm Water Discharge.

2. DEVELOPMENT CRITERIA.

d. The construction or reconstruction of a public road will increase impervious surface

by one-half acre or more.

Part 4. Section 120-7-3-e and f of the code is created to read:

3. EXEMPTIONS.

e. Reconstruction of public roads when the area of impervious surface is not changing.

f. Pavement maintenance activities, such as sealing, milling and overlaying, or pulverizing.

Part 5. Section 120-7-5-b of the code is amended to read:

5. RUNOFF RELEASE RATE.

b. If the development or redevelopment occurring is subject to the requirements of sub. 2 and does not cause an increase of 0.5 acres or more of impervious area, the peak runoff flow rates under post-development conditions shall be at least 10% less than the peak runoff rates under pre-development conditions >>during 2-year and 100-year, 24-hour storm events<< .

Part 6. Section 120-7-5-c and d of the code is created to read:

c. If demolition or construction during redevelopment will disturb an area between 3.5 and 5 acres, then the runoff release rate shall be reduced by 15%.

d. If demolition or construction during redevelopment will disturb an area exceeding 5 acres, then the runoff release rate shall be reduced by 20%.

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

**A motion was made by ALD. BAUMAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

## ADOPTION OF THE FOLLOWING:

2. [100450](#) Substitute resolution amending a special privilege for change of ownership to George Bockl Living Trust; for removal and replacement of a barrier free access ramp; and for addition of a backup driveway for the premises at 250 North Water Street, in the 4th Aldermanic District.

Whereas, George Bockl requested permission to keep and maintain a barrier free access ramp in the public right-of-way; and

Whereas, Permission for said ramp to continue to occupy the public right-of-way was granted in 2006 under Common Council Resolution File Number 060089; and

Whereas, George Bockl Living Trust now owns the property, and

Whereas, The applicant has removed and replaced the barrier free access ramp with a new barrier free access ramp that includes a new platform with stairs; and

Whereas, A site visit revealed the presence of a backup driveway; and

Whereas, Said replacement barrier free, platform and backup driveway may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability for said items to be formally transferred to the applicant, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 060089 is hereby rescinded; and, be it

Further Resolved, That George Bockl Living Trust, Attention: Robert De Toro, 207 East Buffalo Street, Milwaukee, Wisconsin, 53202, is hereby granted the following special privileges:

1. To construct and maintain a 3-foot tall concrete platform with steps and portion of barrier free access ramp in the south, 15-foot wide sidewalk area of East Buffalo Street. The 8-foot 6-inch wide structure commences at a point approximately 100 feet east of the eastline of North Water Street and extends 23 feet 10 inches to the west.
2. To construct and maintain a concrete barrier free access ramp in the south, 15-foot wide sidewalk area of East Buffalo Street. Said 4-foot 4-inch wide ramp commences at a point approximately 38 feet east of the eastline North Water Street and extends east 31 feet.

3. To keep and maintain a backup driveway in the south, 15-foot wide sidewalk area of East Buffalo Street centered approximately 140 feet east of the eastline of North Water Street. The driveway approach serves a 10-foot wide loading dock, which is constructed integral with the building built in 1906. Vehicles may occupy the sidewalk area only and shall be parked in such a manner so as not to project beyond the south curb face of East Buffalo Street. The grantee is to provide sufficient traffic control to all for continued pedestrian traffic and two-way vehicular traffic while the backup driveway is being used.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, George Bockl Living Trust, shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

Pay to the City Treasurer an annual fee, which has an initial amount of \$703.08. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Owner must ensure sufficient traffic control while using the backup driveway to allow continued, safe traffic flow on East Buffalo Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [101217](#) Substitute resolution amending a special privilege for change of ownership to Antiques on Second LLC for a non-code compliant projecting business sign for the premises at 224 West Washington Street, in the 12th Aldermanic District.

Whereas, Canvasbacks Inc requested permission to install and maintain a non-code compliant projecting business sign in the public right-of-way; and

Whereas, Permission for said projecting business sign was granted in 2003 under Common Council Resolution File Number 030618; and

Whereas, Antiques on Second LLC is now a tenant of the property, and

Whereas, For the liability for said sign to be formally transferred to the applicant, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 030618 is hereby rescinded; and, be it

Further Resolved, That Antiques on Second LLC, 1039 South 2nd Street, Milwaukee, Wisconsin, 53204, is hereby granted the following special privilege:

To keep and maintain a 1-foot 3-inch tall, 7-foot 2-inch wide business sign that projects approximately 1-foot into the west sidewalk area of South 2nd Street and is

centered approximately 5 feet north of the north line of West Washington Street. Said sign is only 8 feet 6 inches above the adjacent sidewalk grade, which is less than the 10 feet required by Section 244-10 of the Milwaukee Code of Ordinances.

Said above-mentioned sign shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said sign shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Antiques on Second LLC, shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110026](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$71,000 for a total estimated cost of these projects being \$1,085,000.

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

#### 2nd and 10th Aldermanic Districts

N. 62nd St. - W. Keefe Ave. Pkwy. to W. Capitol Dr. (ST211110148): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$8,000, Additional Funds). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2012 construction season.

#### 5th Aldermanic District

W. Bobolink Ave. - W. Appleton Ave. to N. Lovers Lane Rd. (ST211060140): Paving the roadway with asphalt. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$8,000, Additional Funds). The total estimated cost for this project including the requested amount is \$185,000. This project is anticipated to be completed during the 2011 construction season.

N. 83rd St. - W. Congress St. to W. Ruby Ave. (ST211110122): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable

Reconstruction Paving Fund -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$125,000. This project is anticipated to be completed during the 2012 construction season.

N. 88th St. - W. Burleigh St. to W. Concordia Ave. (ST211030108): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000, Additional Funds). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2012 construction season.

#### 9th Aldermanic District

N. 70th St. - W. Brown Deer Rd. to a point north of W. Glenbrook Ct. (ST211130110): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2013 construction season.

N. 105th St. - W. Bradley Rd. to W. Sylvia St. (ST211130109): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$125,000. This project is anticipated to be completed during the 2013 construction season.

#### 14th Aldermanic District

Alley between S. Ellen St., S. Kinnickinnic Ave., E. Morgan Ave., and E. Vollmer Ave. (ST212110108): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2011-2012 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with



Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

5. [110027](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$1,447,000 for a total estimated cost of \$1,579,000.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

3rd Aldermanic District

N. Marietta Ave. - E. Locust St. to E. Kenwood Blvd. (ST211020144) File Number 101437: Pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (8.0-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$25,600; Nonassessable Reconstruction Paving Fund -- \$275,000). The total estimated cost for this project including the requested amount is \$306,000. This project is anticipated to be completed during the 2011 construction season.

5th Aldermanic District

Alley between W. Burleigh St., W. Chambers St., N. 85th St., and N. 86th St. (ST21210105) File Number 921421: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approach, and grading. (Assessable

Alley Paving Fund -- \$45,000; Nonassessable Alley Paving Fund -- \$90,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2011-2012 construction season.

#### 8th Aldermanic District

W. Mitchell St. - S. Layton Blvd. to S. 32nd St. (ST211040114) File Number 090511: Pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (5.0 - 9.0-foot width of tree border area), tree removal where necessary, and grading. (Assessable Reconstruction Paving Fund -- \$8,000; Nonassessable Reconstruction Paving Fund -- \$335,000). The total estimated cost for this project including the requested amount is \$380,000. This project is anticipated to be completed during the 2011 construction season.

S. 30th St. - W. Burnham St. to W. Mitchell St. (ST211110175) File Number 101348: Install traffic calming speed hump(s). (Assessable Reconstruction Paving Fund -- \$6,900; Nonassessable Reconstruction Paving Fund -- \$8,000). The total estimated cost for this project including the requested amount is \$20,000. This project is anticipated to be completed during the 2011 construction season.

#### 10th Aldermanic District

S. 60th St. - W. Dickinson St. to W. Main St. (ST211030113) File Number 100837: Pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (7.0 - 8.5-foot width of tree border area), grading, and tree removal where necessary. (Assessable Reconstruction Paving Fund -- \$12,000; Nonassessable Reconstruction Paving Fund -- \$140,000). The total estimated cost for this project including the requested amount is \$156,000. This project is anticipated to be completed during the 2011 construction season.

#### 11th Aldermanic District

S. Sunset Dr. - W. Wedgewood Dr. to W. Morgan Ave. (ST211020114) File Number 091621: Asphalt pavement resurfacing, replace driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$500; Nonassessable Reconstruction Paving Fund -- \$32,000). The total estimated cost for this project including the requested amount is \$42,000. This project is anticipated to be completed during the 2011 construction season.

#### 12th Aldermanic District

W. Maple St. - S. 6th St. to S. 13th St. (ST211100109) File Number 101437: Asphalt pavement resurfacing, narrow roadway width from 40 feet to 38 feet, replace

all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (5.0 - 8.0-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$34,000; Nonassessable Reconstruction Paving Fund -- \$435,000). The total estimated cost for this project including the requested amount is \$535,000. This project is anticipated to be completed during the 2011 construction season.

; and

Whereas, The report of the Commissioner of Public Works has been filed with the City Clerk; and

Whereas, Notices have been sent to all interested persons and public hearings held; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works' Report, as amended at said Public Hearing, is approved and the properties therein identified are benefited; and, be it

Further Resolved, That said Commissioner of Public Works is authorized and directed to proceed with said work in accordance with said report pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the proper departments take such action as is required of them to assess the abutting or adjacent properties and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts; and, be it

Further Resolved, That the projects do not involve any parcels of agricultural land which are eligible for deferred special assessments under the provisions of Section 14.30 of the Milwaukee City Charter; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That projects: N. Marietta Ave. (ST211020144), Alley W. Burleigh St. (ST21210105), W. Mitchell St. (ST211040114), S. 30th St. (ST211110175), S. 60th St. (ST211030113), and W. Maple St. (ST211100109) will be billed after January 1, 2013, but not before 12 months after the project contract has been completed.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

6. [110028](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$1,472,000 for a total estimated cost of these projects being \$3,008,000.

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

3rd Aldermanic District

N. Marietta Ave. - E. Locust St. to E. Kenwood Blvd. (SM495110525): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$45,000). The total estimated cost for this project is \$45,000. This project is anticipated to be completed during the 2011 construction season.

N. Weil St. - E. Concordia Ave. to 125 feet m/l south of E. Townsend Ave. (SM495110046): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$95,000. This project is anticipated to be completed during the 2011 construction season.

3rd and 6th Aldermanic Districts

E. Auer Ave. - N. Holton St. to N. Bremen St. (SM495110045): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$427,000. This project is anticipated to be completed during the 2011 construction season.

5th Aldermanic District

N. 81st St. - W. Fiebrantz Ave. to W. Hope Ave. (SM495110521): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$53,000). The total estimated cost for this project is \$53,000. This project is anticipated to be completed during the 2011 construction season.

N. 119th St. - W. Hampton Ave. to a point north of W. Hampton Ave. (SM495110523): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$25,000). The total estimated cost for this project is \$25,000. This project is anticipated to be completed during the 2011 construction season.

N. 122nd St. - W. Florist Ave. to W. Lynx Ave. (SM495110524): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project is \$20,000. This project is anticipated to be completed during the 2011 construction season.

#### 6th Aldermanic District

N. Humboldt Ave. - N. Riverboat Rd. to N. Commerce St. (WT410110781): Water main relay. (Nonassessable Water Fund Budget Line 5010 -- \$12,000; Nonassessable Water Fund Budget Line 6410 -- \$13,000). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2012 construction season.

#### 7th Aldermanic District

N. 36th St. - W. Hope Ave. to 275 feet m/l north of W. Hope Ave. (SM495110048): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$1,000). The total estimated cost for this project including the requested amount is \$57,000. This project is anticipated to be completed during the 2011 construction season.

N. 42nd St. - W. Burleigh St. to W. Townsend St. (SM495110520): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$40,000). The total estimated cost for this project is \$40,000. This project is anticipated to be completed during the 2011 construction season.

N. 49th St. - W. Keefe Ave. to W. Vienna St. (SM495110047): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$282,000. This project is anticipated to be completed during the 2011 construction season.

#### 7th and 15th Aldermanic Districts

N. 19th St. - W. Center St. to W. Locust St. (SM495110040): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$461,000. This project is anticipated to be completed during the 2011 construction season.

#### 8th Aldermanic District

W. Becher St. - S. 24th St. to S. Layton Blvd. (SM495110533): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$30,000). The total estimated cost for this project is \$30,000. This project is anticipated to be completed during the 2011 construction season.

W. Lapham St. - S. Layton Blvd. to S. 29th St. (SM495110532): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project is \$20,000. This project is anticipated to be completed during the 2011 construction season.

W. Mitchell St. - S. Layton Blvd. to S. 32nd St. (SM495110527): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$33,000). The total estimated cost for this project is \$33,000. This project is anticipated to be completed during the 2011 construction season.

#### 9th Aldermanic District

W. Calumet Rd. - N. 51st St. to N. 60th St. (SM495110522): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$5,000). The total estimated cost for this project is \$5,000. This project is anticipated to be completed during the 2011 construction season.

#### 10th Aldermanic District

N. 44th St. - W. Blue Mound Rd. to W. Wells St. (SM495110515): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$5,000). The total estimated cost for this project is \$5,000. This project is anticipated to be completed during the 2011 construction season.

S. 60th St. - W. Dickinson St. to W. Main St. (SM495110528): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$17,000). The total estimated cost for this project is \$17,000. This project is anticipated to be completed during the 2011 construction season.

#### 11th Aldermanic District

W. Crawford Ave. - W. Tripoli Ave. to S. 73rd St. (SM495110517): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$25,000). The total estimated cost for this project is \$25,000. This project is anticipated to be completed during the 2011 construction season.

S. Sunset Dr. - W. Wedgewood Dr. to W. Morgan Ave. (SM495110529): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$2,000). The total estimated cost for this project is \$2,000. This project is anticipated to be completed during the 2011 construction season.

S. 38th St. - W. Morgan Ave. to W. Holt Ave. (SM495110531): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$5,000). The total estimated cost for this project is \$5,000. This project is anticipated to be completed during the 2011 construction season.

S. 63rd St. - W. Eden Pl. to W. Morgan Ave. (SM495110514): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$28,000). The total estimated cost for this project is \$28,000. This project is anticipated to be completed during the 2011 construction season.

#### 12th Aldermanic District

W. Maple St. - S. 6th St. to S. 13th St. (SM495110526): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$63,000). The total estimated cost for this project is \$63,000. This project is anticipated to be completed during the 2011 construction season.

#### 13th Aldermanic District

W. Euclid Ave. - S. 16th St. to S. 20th St. (SM495110530): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$25,000). The total estimated cost for this project is \$25,000. This project is anticipated to be completed during the 2011 construction season.

S. 20th St. - South City Limits to W. College Ave. (SM495110516): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$50,000). The total estimated cost for this project is \$50,000. This project is anticipated to be completed during the 2011 construction season.

#### 14th Aldermanic District

E. Lincoln Ave. - S. Kinnickinnic Ave. to S. 1st St. (SM495110519): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$65,000). The total estimated cost for this project is \$65,000. This project is anticipated to be completed during the 2011 construction season.

E. Potter Ave. - S. Logan Ave. to S. Kinnickinnic Ave. (SM495110518): Sewer work prior to paving. (Nonassessable Sewer Maintenance Relay Fund -- \$30,000).

The total estimated cost for this project is \$30,000. This project is anticipated to be completed during the 2011 construction season.

City Wide

Paving Coordination - Administration (SM495110015): The total estimated cost for this project is \$300,000. This project is anticipated to be completed during the 2011 construction season.

2011 City Paving Projects - Administration (SM495110049): The total estimated cost for this project is \$500,000. This project is anticipated to be completed during the 2011 construction season.

;and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

7. [110029](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$5,103,027.57 for a total estimated cost of these projects being \$10,381,027.56.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:



#### 2nd Aldermanic District

W. Grantosa Dr. - N. 77th St. to 100 feet m/l east of W. Gertrude Ave. (SM495100201) File Number 100723: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$46,000). The total estimated cost for this project including the requested amount is \$61,000. This project is anticipated to be completed during the 2011 construction season.

#### 3rd and 4th Aldermanic Districts

N. Prospect Ave. at E. Royall Pl. (ST211090147) File Number 090107: Traffic calming bump outs. (Nonassessable Reconstruction Paving Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$45,000. This project is anticipated to be completed during the 2011 construction season.

#### 4th and 15th Aldermanic Districts

W. Galena St. - N. 34th St. to N. 35th St. (SM495100121) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$125,000). The total estimated cost for this project including the requested amount is \$137,000. This project is anticipated to be completed during the 2011 construction season.

#### 6th Aldermanic District

W. Nash St. - N. 21st St. to N. 22nd St. (SM495100198) File Number 100723: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$71,000). The total estimated cost for this project including the requested amount is \$86,000. This project is anticipated to be completed during the 2011 construction season.

N. 21st St. - W. Nash St. to W. Vienna St. (SM495100199) File Number 100723: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$109,000). The total estimated cost for this project including the requested amount is \$124,000. This project is anticipated to be completed during the 2011 construction season.

#### 7th Aldermanic District

W. Hope Ave. - 180 feet m/l east of N. Toronto Ave. to N. 39th St. (SM495100009) File Number 090971: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$165,000). The total estimated cost for this project including the requested amount is \$177,000. This project is anticipated to be completed during the 2011 construction season.

N. 36th St. - W. Hope Ave. to 275 feet m/l north of W. Hope Ave. (SM495110048) File Number 110028: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$56,000). The total estimated cost for this project including the requested amount is \$57,000. This project is anticipated to be completed during the 2011 construction season.

N. 38th St. - W. Vienna Ave. to W. Roosevelt Dr. (SM495100071) File Number 100013: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$159,000). The total estimated cost for this project including the requested amount is \$171,000. This project is anticipated to be completed during the 2011 construction season.

#### 7th and 15th Aldermanic Districts

N. 33rd St. - W. Hadley St. to W. Locust St. (SM495100079) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$263,000). The total estimated cost for this project including the requested amount is \$275,000. This project is anticipated to be completed during the 2011 construction season.

#### 8th and 11th Aldermanic Districts

N. 33rd St. - W. Lakefield Dr. to W. Drury Ln. (SM495100026) File Number 091131: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$86,000). The total estimated cost for this project including the requested amount is \$98,000. This project is anticipated to be completed during the 2011 construction season.

#### 9th Aldermanic District

W. Calumet Rd. - N. 51st St. to 105 feet m/l west of N. 52nd St. (SM495100116) File Number 100013: Relay storm sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$139,000). The total estimated cost for this project including the requested amount is \$151,000. This project is anticipated to be completed during the 2011 construction season.

#### 10th Aldermanic District

W. Burleigh St. (north side) - N. 51st St. to N. 54th St. (SM495100075) File Number 100013: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$283,000). The total estimated cost for this project including the requested amount is \$295,000. This project is anticipated to be completed during the 2011 construction season.

## 11th Aldermanic District

W. Drury Ln. - S. 32nd St. to 150 feet m/l north of W. Drury Ln. (SM495100027) File Number 091131: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$81,000). The total estimated cost for this project including the requested amount is \$93,000. This project is anticipated to be completed during the 2011 construction season.

W. Lakefield Dr. - W. Paine St. to S. 34th St. (SM495100025) File Number 091131: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$193,000). The total estimated cost for this project including the requested amount is \$205,000. This project is anticipated to be completed during the 2011 construction season.

## 12th Aldermanic District

S. Water St. - E. National Ave. to 230 feet m/l south of E. National Ave. (SM495100242) File Number 101095: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$117,000). The total estimated cost for this project including the requested amount is \$132,000. This project is anticipated to be completed during the 2011 construction season.

## 14th Aldermanic District

E. Lincoln Ave. Bridge over the Union Pacific Railroad (BR32000401/ST32002101) (2110-04-70) File Number 080732: Rehabilitate bridge, asphalt pavement resurfacing of bridge approaches, replace curb and gutter, sidewalk as necessary and grading.

City Share Non-assessable Paving Fund -- \$149,950.80

Grantor Non-reimbursable Structure Fund -- \$4,600,000

City Share Non-assessable Structure Fund -- \$2,852,076.77

These funds are to be transferred to the construction account (BR32000410/ST32002110) (2110-04-70)

Previously authorized for bridge construction: \$0.00

Current estimated cost of the total project including this resolution: \$8,094,027.56

Original estimated cost of the total project (File Number 080732): \$6,167,000

This project is anticipated to be completed during the 2012 construction season.

15th Aldermanic District

W. Fond du Lac Ave. - N. 17th St. to N. 19th St. (SM495100120) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$168,000). The total estimated cost for this project including the requested amount is \$180,000. This project is anticipated to be completed during the 2011 construction season.

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Engineer and the Commissioner of Public Works are hereby authorized to negotiate and enter into an agreement with the State of Wisconsin, Department of Transportation for the City to undertake construction management duties on the following project: E. Lincoln Ave. Bridge (BR32000401/ST32002101) (2110-04-70) and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to the State of Wisconsin, Department of Transportation after receipt of invoices from said State for the city's share of the costs for said project: E. Lincoln Ave. Bridge (BR32000401/ST32002101) (2110-04-70) and, be it

Further Resolved, That upon the completion of project ; E. Lincoln Ave. Bridge (BR32000401/ST32002101) (2110-04-70) and a determination of the actual costs, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

8. [110032](#) Resolution to authorize the naming of South Adams Avenue, East Alvina Avenue, South Austin Street, East Boden Street, South Burrell Street, East Goldleaf Avenue, South Griffin Avenue, East Henry Avenue, South Jasper Avenue, East Mangold Avenue, and East Uncas Avenue as private roads within the Milwaukee County lands generally located north of East College Avenue and east of south Howell Avenue, and located within the 13th Aldermanic District.

Whereas, The Milwaukee County is creating a commercial park on the lands previously known as the 440th Airbase located north of East College Avenue and east of South Howell Avenue; and

Whereas, By the City formally recognizing these private roads, building addresses can be assigned to support mail delivery and emergency services responses; and

Whereas, The Milwaukee County has requested that these private street names be consistent with the public street name that they align with in order for the visiting public and emergency service responders to more easily locate these businesses; and

Whereas, Chapter 113-1 of the Milwaukee Code of Ordinances provides for naming of private roads and the Milwaukee County has provided legal descriptions of the limits of each of these private roads; and

Whereas, A condition of adopting this resolution, the Milwaukee County is responsible for placing brown street name signs in accord with Chapter 113-1 at their cost, as well as placing and maintaining traffic control devices where these private roads connect into the public right of way to control vehicular traffic leaving the site; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following private roads be described as follows:

South Adams Avenue

Being the centerline of a 30 foot wide private road in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North

89°00'32" East, along the south line of said 1/4 section, 1622.23 feet to a point; thence North 0°59'28" West 561.50 feet to the point of beginning; thence North 0°49'38" West 409.17 to the point of termination.

#### East Alvina Avenue

Being the centerline of a 30 foot wide private road in the Southeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 89°00'32" East, along the south line of said 1/4 section, 1622.23 feet to a point; thence North 0°59'28" West 561.50 feet to the point of beginning; thence South 85°03'00" West 48.30 feet to a point; thence South 82°50'39" West 54.98 feet to a point; thence South 79°25'48" West 69.16 feet to a point; thence South 82°18'51" West 79.76 feet to a point; thence South 87°14'25" West 57.50 feet to a point; thence 39.63 feet along a curve to the left having a radius of 50.00 feet and a chord of 38.60 feet North 70°03'11" West to the point of termination.

#### South Austin Street

Being the centerline of a 30 foot wide private road in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 0°48'35" West, along the west line of said 1/4 section, 2168.03 feet to a point; thence North 89°11'25" East 609.67 feet to the point of beginning; thence South 0°03'00" East 341.13 feet to the point of termination.

#### East Boden Street

Being the centerline of a 30 foot wide private road in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 0°48'35" West, along the west line of said 1/4 section, 1643.70 feet to a point; thence North 89°11'25" East 386.41 feet to the point of beginning; thence North 89°09'14" East 215.40 feet to the point of termination.

#### South Burrell Street

Being the centerline of a 30 foot wide private road in the Southwest 1/4 and the Northwest of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 0°48'35" West, along the west line of said 1/4 section, 2167.12 feet to a point; thence North 89°11'25" East 386.07 feet to the point of beginning; thence South 0°50'46" East 1181.83 feet to a point; thence 117.59 feet along a curve to the left having a radius of 150.00 feet and a chord of 114.60 feet South 23°18'10" East to the point of termination.

East Goldleaf Avenue

Being the centerline of a 30 foot wide private road in the Southeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 0°48'35" West, along the west line of said 1/4 section, 1203.75 feet to a point; thence North 89°11'25" East 911.93 feet to the point of beginning; thence North 89°12'02" East 448.69 feet to the point of termination.

South Griffin Avenue

Being the centerline of a 30 foot wide private road in the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 0°48'35" West, along the west line of said 1/4 section, 1203.85 feet to a point; thence North 89°11'25" East 1195.85 feet to the point of beginning; thence South 0°47'58" East 146.88 feet to a point; thence South 65°35'27" East 59.75 feet to a point; thence South 0°59'28" East 312.19 feet to a point; thence South 9°39'46" East 56.64 feet to a point; thence South 1°55'58" East 80.39 feet to a point; thence 39.63 feet along a curve to the left having a radius of 50 feet and a chord of 38.60 feet South 24°38'22" East to the point of termination.

East Henry Avenue

Being the centerline of a 30 foot wide private road in the Northeast 1/4 and the

Northwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North  $0^{\circ}48'35''$  West, along the west line of said 1/4 section, 2165.58 feet to a point; thence North  $88^{\circ}59'36''$  East 33.00 feet to a point on the east right-of-way line of South Howell Avenue and the point of beginning; thence North  $88^{\circ}59'36''$  East 1656.90 feet to a point; thence 44.40 feet along a curve to the right having a radius of 250.00 feet and a chord of 44.35 feet South  $85^{\circ}55'09''$  East to a point; thence South  $81^{\circ}01'22''$  East 204.38 feet to a point; thence 42.26 feet along a curve to the left having a radius of 250.00 feet and a chord of 42.21 feet South  $85^{\circ}51'54''$  East to a point; thence North  $89^{\circ}17'33''$  East 364.36 feet to a point; thence 127.01 feet along a curve to the left having a radius of 750.00 feet and a chord of 126.86 feet North  $84^{\circ}26'28''$  East to a point; thence North  $79^{\circ}35'23''$  East 198.78 feet to the point of termination.

#### South Jasper Avenue

Being the centerline of a 30 foot wide private road in the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East: thence North  $89^{\circ}00'32''$  East, along the south line of said 1/4 section, 1012.16 feet to a point; thence North  $01^{\circ}01'26''$  West 55.00 to a point on the north right-of-way line of East College Avenue and the point of beginning; thence North  $01^{\circ}01'26''$  West 84.15 feet to a point; thence 96.64 feet along a curve to the left having a radius of 250.00 feet and a chord of 96.04 feet North  $12^{\circ}05'51''$  West to a point; thence North  $23^{\circ}10'17''$  West 97.56 feet to a point; thence 187.38 feet along a curve to the right having a radius of 500.00 feet and a chord of 186.29 feet North  $12^{\circ}26'07''$  West to a point; thence North  $01^{\circ}41'57''$  West 405.73 feet to a point; thence North  $00^{\circ}47'58''$  West 1252.00 feet to the point of termination.

#### East Mangold Avenue

Being the centerline of a 30 foot wide private road in the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North  $0^{\circ}48'35''$  West, along the west line of said 1/4 section, 719.60 feet to a point; thence North  $89^{\circ}11'25''$  East 914.94 feet to the point of beginning; thence North  $89^{\circ}15'44''$



East 335.89 feet to the point of termination.

East Uncas Avenue - located west of South Jasper Avenue

Being the centerline of a 30 foot wide private road in the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 89°00'32" East, along the south line of said 1/4 section, 915.99 feet to a point; thence North 0°59'28" West 831.59 feet to the point of beginning; thence South 89°19'38" West 376.89 feet to a point; thence 117.58 feet along a curve to the right having a radius of 150.00 feet and a chord of 114.60 feet North 68°12'58" West to the point of termination.

East Uncas Avenue - located east of South Griffin Avenue

Being the centerline of a 30 foot wide private road in the Southeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 North, Range 22 East described as follows:

Commencing at a concrete monument with a brass cap marking the Southwest corner of Southwest 1/4 of Section 33, Township 6 North, Range 22 East; thence North 89°00'32" East, along the south line of said 1/4 section, 1253.12 feet to a point; thence North 0°59'28" West 868.17 feet to the point of beginning; thence North 89°22'43" East 228.90 feet to a point; thence 54.75 feet along a curve to the left having a radius of 150.00 feet and a chord of 54.44 feet North 78°55'22" East to a point; thence North 68°28'10" East 7.53 feet to a point; thence 43.28 feet along a curve to the right having a radius of 150.00 feet and a chord of 43.13 feet North 76°43'58" East to a point; thence North 84°59'55" East 79.62 feet to a point; thence 63.13 feet along a curve to the left having a radius of 100.00 feet and a chord of 62.08 feet North 66°54'52" East to a point; thence North 48°49'48" East 40.70 feet to a point; thence 105.78 feet along a curve to the right having a radius of 150.00 feet and a chord of 103.60 feet North 69°01'57" East to a point; thence North 89°14'05" East 425.50 feet to the point of termination.

Further Resolved, That City departments are authorized to include South Adams Avenue, East Alvina Avenue, South Austin Street, East Boden Street, South Burrell Street, East Goldleaf Avenue, South Griffin Avenue, East Henry Avenue, South Jasper Avenue, East Mangold Avenue, and East Uncas Avenue in their data bases and on City maps as private roads.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

9. [110043](#) Resolution authorizing the City Comptroller to transfer funds to various State or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee construction costs of \$120,000 with the City share being \$29,680 and the Grantor's share being \$90,320.

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to various State or Federal Aid project subaccounts for construction; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee construction costs for the projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfields as follows:

Project Grant Value

State I.D. 1302-00-70

ST320061410

South and East Bay Street - East Potter Avenue to South Kinnickinnic Avenue

City Share Non-Assessable Fund Paving

ST320110000

Fund 0333

\$29,680.00

Grantor's Reimbursible -Paving Fund

SP032110100

Fund 0306

\$90,320.00

Estimated Total: \$120,000.00

Previously authorized for construction: \$1,168,500

Current estimated cost of total project including this resolution: \$ 1,288,500

Original estimated cost of total project (Res 060275) \$2,428,851.00

(Includes Preliminary Engineering & both Constructions Phases for downtown to Bayview Bike way)

Summary of Projects in this Resolution:

City Share of Non-Assessable Paving: \$29,680.00

Grantor Share: \$90,320.00

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

10. [110049](#) Resolution relative to the application, acceptance and funding of Storm Water Best Management Best Practices grant from the Milwaukee Metropolitan Sewerage District for the alleys project in the area between South 21st Street, South 24th Street, West Ohio Avenue and West Morgan Avenue and authorizing and directing the Commissioner of Public Works to execute a grant funding agreement between the City of Milwaukee and the Milwaukee Metropolitan Sewerage District.
- Whereas, The City is eligible for grant from the Milwaukee Metropolitan Sewerage District (MMSD) through its Municipal Storm Water Best Management Practices funding program for the installation of a 4-foot wide strip of pervious concrete pavement and a 2 to 3 feet wide permeable paver section (Perma Pave) in the middle of the alleys bounded by South 21st Street, South 24th Street, West Ohio Avenue and West Morgan Avenue; and
- Whereas, Storm water pollution control peak flow reduction are important components of the City's storm water management regulation; and
- Whereas, The proposed project consists of constructing pervious concrete pavement alley and permeable paver alley by removing the existing concrete alley pavements; and
- Whereas, Pervious concrete pavement and permeable pavers are established means of removing sediment from public streets and reducing peak flows into the storm main sewers; and
- Whereas, The MMSD has offered to reimburse the City with funds not to exceed \$98,748.98; and
- Whereas, The operation of the funding for the Alley project is effective from the date the agreement is executed through October 31, 2011 and is estimated to cost

\$147,535.65, of which \$98,748.98 would be reimbursed by the MMSD upon completion ; and

Whereas, Department of Public Works/Infrastructure Services has committed funds for the entire cost of the project per common council file Number 100310 (ST212030134); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to accept such a fund without further Common Council approval unless the terms of the grant change as indicated in Common Council file 030712 (Grant Ordinance); and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Project/Grant Parent	Grantor Share
Project/Grant	SP032110100
Fund	0306
Organization	9990
Program	0001
Amount	\$98,748.98

Further Resolved, That these funds are appropriated to the Department of Public Works, Infrastructure Services Division which is authorized to expend from the amount budgeted for specific purposes as indicated in the grant budgets and incur costs consistent with the award date; and, be it

Further Resolved, That the Infrastructure Services/Sewer Maintenance commit \$147,535.65 (common council file Number 100310) to fund the project; and, be it

Further Resolved, That these funds are budgeted for the Department of Public Works which is authorized to expend from the amount budgeted for specific purposes as indicated in the grant and incur costs consistent with the grant; and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed to execute a grant funding agreement between the City of Milwaukee and the MMSD regarding the Storm water Best Management Practices Program grant; and, be it

Further Resolved, That the Commissioner of Public Works of the Department of Public Works shall have the authority to authorize transfers within the project budget so long as the amount expended for any purpose shall not exceed the amount authorized by the budget by 10% and such transfers are in accordance with grantor regulations; and, be it

Further Resolved, That the Commissioner of Public Works on behalf of the City of Milwaukee be authorized to enter into subcontracts (and leases) as detailed in the project budget and in accordance with City purchasing procedures and grant and aid guidelines for awarding such contracts.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

11. [110058](#) Resolution approving an Amendment to Lease Agreement with Federal Marine Terminals, Inc.
- Whereas, The Tenant and the City entered into an Extension & Amendment to Lease Agreement dated October 21, 2008 (hereinafter referred to as the “Extension Agreement”), to extend and amend that certain lease between the Tenant and the City dated August 13, 1998, as amended on August 13, 1998, and further amended on September 28, 1999, (together hereinafter referred to as the “Lease”), for the lease of approximately 23 acres of real property located at 1200 S. Lincoln Memorial Drive in the City of Milwaukee; and
- Whereas, These adjustments will moderate fluctuations in inflation as now measured by the Producer Price Index when calculating rental escalations under the terms of the Extension Agreement;
- NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the City and Tenant agree to amend the Lease Agreement as follows:
- The Extension Agreement is hereby amended to provide for an escalation of rent clauses based upon the Consumer Price Index rather than the Producer Price Index. Effective as at the date of this Amendment to Lease Agreement the Extension Agreement, shall be amended at section 3D and 3E by deleting
- ““All Commodities” line of the “Producer Price Index”” and replacing it by ““All

Urban Consumers - current series line of the Consumer Price Index.”””

The other terms and conditions of the Extension Agreement as have been in effect shall remain unchanged and continue in full force and effect; and

Whereas, The Board of Harbor Commissioners at their meeting of April 14, 2011 acted by vote of the Board to approve this Amendment to Lease Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said Common Council hereby ratifies and approves the Amendment to Lease Agreement between Federal Marine Terminals, Inc. and the City of Milwaukee, by and through its Board of Harbor Commissioners for the period of January 1, 2009 through December 31, 2013; and, be it

Further Resolved, That the designated officers of said government and of said Board of Harbor Commissioners are hereby authorized and directed to execute an agreement to carry out this purpose as prepare by the City Attorney's Office.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

12. [110077](#) Substitute resolution approving an Intergovernmental Cooperation Agreement for the Hawthorn Glen Trail Rehabilitation Project between the City and the Milwaukee Board of School Directors.

Whereas, The City owns the land for the Hawthorn Glen Outdoor Education and Nature Center, and the City and Milwaukee Public Schools (MPS) have worked collaboratively to develop and maintain this center since 1955; and

Whereas, The Department of Public Works (DPW) and MPS have planned a \$280,000 Hawthorn Glen Trail Rehabilitation Project to improve the center by rebuilding a collapsed retaining wall, repairing some nature trails and adding new nature trails; and

Whereas, DPW has received a grant of \$140,000 from the Wisconsin Department of Natural Resources (DNR) per File #091569, adopted by the Common Council on April 13, 2010, which the City will sub-grant to MPS to fund this project, and MPS has agreed, as sub-grantee, to provide \$50,000 in cash and \$90,000 in non-cash

contributions for the project; and

Whereas, The City Attorney has drafted an Intergovernmental Cooperation Agreement for the Hawthorn Glen Trail Rehabilitation Project between the City and the Milwaukee Board of School Directors to ensure this project is completed in an orderly and fiscally responsible manner stipulating the following:

1. MPS will forward \$50,000 in cash to the City for this project upon approval.
2. DPW will let base contracts for the project of not more than \$100,000 representing MPS's \$50,000 cash contribution matched by \$50,000 from the City's DNR grant to rebuild the collapsed retaining wall and make other repairs and improvements.
3. The remaining \$90,000 of the City's DNR grant will be indentified by DPW as additional and alternate bid items, and DPW will not let contracts or proceed with these bid items until MPS's matching non-cash contributions are forthcoming and approved by the DNR.
4. MPS's \$90,000 in non-cash contributions to this project must be documented and structured in accordance with DNR grant guidelines and requirements.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Cooperation Agreement attached to this file for the Hawthorn Glen Trail Rehabilitation Project between the City and the Milwaukee Board of School Directors is approved; and, be it

Further Resolved, That the proper City officers are authorized to execute this agreement with the Milwaukee Board of School Directors.

**A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

13. [110110](#) Resolution authorizing the Commissioner of Public Works to enter into an Out-of-Program Agreement with Westlawn Renaissance LLC for the reconstruction of city infrastructures within the Westlawn Subdivision.

**A motion was made by ALD. BAUMAN that this Resolution be REFERRED TO to the PUBLIC WORKS COMMITTEE . This motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

PLACING ON FILE THE FOLLOWING:

14. [101571](#) Communication from the Departments of City Development and Public Works relating to the “Streetscape Guidelines” prepared by Terra Engineering, Ltd. for the City of Milwaukee.

**A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

15. [110041](#) Communication from the Department of Public Works transmitting its 2010 residential recycling annual report.

**A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente



THE STEERING & RULES COMMITTEE RECOMMENDS:

CONFIRMATION OF THE FOLLOWING:

1. [110093](#) Reappointment of Yovira Moroney to the Charter School Review Committee by the Mayor. (2nd Aldermanic District)

**A motion was made by ALD. MURPHY that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

Communications from City officers were read and ordered on file without objection.

MATTERS FOR IMMEDIATE ADOPTION:

1. [110122](#) Resolution amending Common Council Resolution File Number 100416 to extend the reporting deadline for the Pension Task Force.  
Whereas, The Common Council adopted Resolution File Number 100416 on September 21, 2010, creating a Pension Task Force; and  
  
Whereas, The resolution directed the Pension Task Force to report its findings and recommendations to the Common Council by June 30, 2010; and  
  
Whereas, Extending the task force's reporting deadline will provide sufficient time to thoroughly investigate, analyze and make recommendations to ensure the City's pension program remains fiscally sound; now, therefore, be it  
  
Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 100416 is amended by replacing the final "Further Resolved" clause with the following:  
  
"Further Resolved, The Pension Task Force shall report its findings to the Common Council by December 31, 2011, and be automatically dissolved."  
  
**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**  
  
**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.  
  
**No:** 0  
  
**Excused:** 2 - Davis Puente
2. [110123](#) Resolution amending Resolution File Number 100146 to extend the period of authority, responsibilities and activities of the Milwaukee City Hall Historical Exhibit work group.  
Whereas, The Common Council created a Milwaukee Historic Exhibit work group by Resolution File Number 100146, adopted July 7, 2010; and  
  
Whereas, Resolution File Number 100146 directed that the work group submit its findings to the Common Council within 4 months of the adoption of the resolution; and  
  
Whereas, Resolution File Number 101121 extended the activities of the work group to May 1, 2011; and

Whereas, The work group met and deliberated on December 7, 2010, January 7, 2011, March 16, 2011, April 13, 2011, and May 4, 2011; and

Whereas, The work group has identified potential sources of funding for the exhibit; and

Whereas, The Department of Public Works, as part of the task of this work group, has cataloged all existing artifacts from Milwaukee City Hall; and

Whereas, The work group has determined that it will benefit from additional meetings; and

Whereas, The work group is preparing its final recommendations for implementation; and

Whereas, The Common Council finds that the work group has demonstrated substantial progress in fulfilling its responsibilities and mission and that an extension for an additional period of 3 months for submission of findings of the work group is appropriate to assure successful completion of the task of the work group; now, therefore, be it

Resolved, That Resolution File Number 100146 shall be amended by deleting the final "Further Resolved clause" and replacing it with the following:

"Further Resolved, The work group shall report its findings to the Common Council by August 1, 2011."; and, be it

Further Resolved, That Resolution File Number 101121, adopted December 21, 2010, is rescinded.

**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

3. [110138](#) Resolution approving final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(S)
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Redevelopment Authority of the City of Milwaukee (DCD #2850) 2699993110, 2699989000

Milwaukee Habitat for Humanity (DCD #2866) 3480609000, 3480608000, 3480610000

Gatlin Development Co., Inc. (DCD #2867) 1790082000, 1790111000, 1790071000, 1790033000

UMCS Phase III, LLC (DCD #2870) 3480283000

**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

4. [110181](#) Resolution rejecting a reservation for public alley purposes located on a City of Milwaukee property located at 3245 North 37th Street, in the 7th Aldermanic District.

Whereas, The City of Milwaukee owns the property located at 3245 North 37th Street which was the site of the former Jackie Robinson Middle School; and

Whereas, This property is proposed to be converted into senior housing apartments with adjacent single family units; and

Whereas, An existing reservation for public alley purposes created in 1922 is located on this property but is no longer needed and must be removed in order to support this proposed project; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby rejects the reservation for public alley purposed, described as follows:

The northeasterly 7.50 feet of lands located in the Southwest 1/4 of Section 12, Township 7 North, Range 21 East, described as follows: Commencing at the intersection of the centerline of vacated North 38th Street extended and the original centerline of West Fond du Lac Ave; thence North 44°12' West, along said original centerline of West Fond du Lac Avenue, 185.39 feet to the point of beginning of the land to be described; thence North 45°48' East 138.42 feet to a point in the west line of vacated North 38th Street; thence North, along said west line, 31.63 feet to a point; thence North 44°12' West 137.29 feet to a point; thence South 45°48' West 160.50 feet to a point in the original centerline of West Fond du Lac Avenue; thence

South 44°12' East, along said original centerline, 160.00 feet to the point of beginning.

Further Resolved, That the City Engineer is hereby directed to have a certified copy of this resolution recorded in the Office of the Register of Deeds of Milwaukee County.

Requestor

Department of Public Works

**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

5. [110184](#) Resolution authorizing the City Attorney to commence legal action against the State and its officers regarding the lapse or transfer of about \$1.5 million in recycling grant funds.

Whereas, The Secretaries of the Wisconsin Department of Administration and the Wisconsin Department of Natural Resources have publicly stated their intent to cut the City's annual recycling grant by approximately \$1.5 million; and

Whereas, The City has already budgeted this money for its 2011 recycling program and the loss of these funds will cause the City substantial budgetary hardship; and

Whereas, The City has written to the Secretaries twice to question the legal propriety of these cuts; and

Whereas, The Secretaries have replied and have not set forth a complete legal justification for their actions; and

Whereas, The City Attorney has begun a thorough investigation of the City's ability to bring suit against the Secretaries and any other necessary parties in order to compel payment of these previously promised monies; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that, if the office of the City Attorney determines that a lawsuit to compel payment of these monies is justified and viable, it is authorized to bring suit as soon as is reasonably possible.

**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Davis Puente

Announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 11:48 a.m.

-- Jim Owczarski, Deputy City Clerk