

..Number
 211537
 ..Version
 SUBSTITUTE 1
 ..Reference

..Sponsor
 ALD. BAUMAN

..Title
 A substitute ordinance relating to zoning regulations for theaters in various downtown zoning districts.

..Section
 295-703-1(table) am
 295-703-2-p rn
 295-703-2-p cr
 295-703-2-q rn
 295-703-2-r rn
 295-703-2-s rn
 295-703-2-t rn
 295-703-2-u rn
 295-703-2-v rn
 295-703-2-w rn
 295-703-2-x rn
 295-703-2-y rn
 295-703-2-z rn
 295-703-2-aa rn

..Analysis
 This ordinance changes the use classification of a theater in the C9G downtown zoning district from permitted use to limited use, with the limited use being that the capacity of the building shall not exceed 2,000 persons. If this standard is not met, the theater shall be a special use requiring board of zoning appeals approval.

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

Part 1. 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		Zoning Districts					
S=Special Use	N=Prohibited Use							
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
RESIDENTIAL USES								
Single-family dwelling	Y	L	L	L	L	L	L	N
Two-family dwelling	Y	L	L	L	L	L	L	N

Multi-family dwelling	Y	L	L	L	L	L	L	N
Permanent supportive housing	Y	Y	Y	Y	Y	Y	Y	N
Transitional housing	S	S	S	S	S	S	S	N
Attached single-family dwelling	Y	Y	L	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	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
<i>Foster Homes</i>								
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	L	L	L	N
<i>Shelter Care Facilities</i>								
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
EDUCATIONAL USES								
Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	Y	Y	Y	Y	S	Y	Y	S
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
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
Installment loan agency	N	S	S	S	S	S	S	S
Cash-for-gold business	N	S	S	S	S	S	S	S
Pawn shop	N	S	S	S	S	S	S	S
Retail establishment, general	L	Y	Y	Y	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	S
Secondhand store	S	L	L	S	L	L	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
Adult day care	S	S	S	S	S	S	S	S
GENERAL SERVICE USES								
Personal service	L	Y	Y	Y	Y	Y	Y	N
Business service	S	Y	Y	Y	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
<i>Animal Services</i>								
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								
<i>Light Motor Vehicle</i>								
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
<i>Heavy Motor Vehicle</i>								
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
<i>General Motor Vehicle</i>								
Filling station	N	S	S	S	S	S	S	S
Car wash	N	S	S	S	S	S	S	S
Non-restaurant Drive-through facility	N	S	S	S	S	S	S	S
<i>Parking</i>								
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	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	Y	Y	Y	Y	N	
Tavern	S	Y	Y	Y	Y	Y	Y	Y	
Brewpub	N	Y	Y	Y	Y	Y	Y	Y	
Assembly hall	L	L	Y	Y	L	Y	Y	Y	
Restaurant without drive-through facility	L	Y	Y	Y	Y	Y	Y	Y	
Restaurant with drive-through facility	N	N	N	N	N	N	N	N	
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	
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	
Material reclamation facility	N	N	N	N	N	N	N	N	
Salvage operation, indoor	N	N	N	N	N	N	N	N	
Salvage operation, outdoor	N	N	N	N	N	N	N	N	
Wholesale and distribution facility, indoor	N	S	S	N	N	S	S	Y	
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	
<i>Storage Facilities</i>									
Indoor	N	S	S	N	N	S	L	Y	
Self-service	N	N	N	N	N	N	L	S	
Outdoor	N	N	N	N	N	N	N	N	
Hazardous materials	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	L	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	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	Y	Y	
INDUSTRIAL USES									
Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y	
Alcohol beverage facility ,large	N	N	N	N	N	N	L	L	
Food processing	N	L	L	N	L	L	Y	Y	
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 livestock	N	N	N	N	N	N	N	N
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprises	N	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	Y	Y	Y	Y	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
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
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
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

Part 2. Section 295-703-2-p to aa of the code is renumbered 295-703-2-q to bb.

Part 3. Section 295-703-2-p of the code is created to read:

295-703. Uses.

2. LIMITED USE STANDARDS.

p. Theater. The capacity of the building shall not exceed 2,000 persons.

..LRB

APPROVED AS TO FORM

 Legislative Reference Bureau
 Date: _____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter
LRB177199-2
Jeff Osterman
01/21/2022