

..Number

130090

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

THE CHAIR

..Title

A substitute ordinance relating to various revisions to the zoning code.

..Sections

295-201-55 am

295-201-57-c am

295-201-57-d am

295-203-5-c am

295-203-9-a-3 am

295-203-9-a-4 am

295-403-2-a am

295-403-2-a (table) am

295-505-5-c-1 rc

295-603-2-L-2 am

295-705-7-b-2 am

295-705-7-b-3-a am

295-705-7-b-4-b rc

295-705-7-b-4-c rp

295-705-7-b-5 am

295-705-7-b-6 am

295-803-1 (table) am

..Analysis

This ordinance makes various revisions to the zoning code, including:

1. Consistent with the Wisconsin Administrative Code, the definition of “bed and breakfast” is modified to state that the establishment is the owner’s (not operator’s) personal residence and that it is occupied by the owner (not the operator) at the time rooms are rented.
2. No off-street parking spaces shall be required for uses located in the RED redevelopment zoning district.
3. No off-street parking spaces shall be required for an attached single-family dwelling (previously, a minimum of one space was required).
4. Automatic changeable message signs shall be permitted for elementary and secondary schools, colleges and religious assemblies in residential zoning districts. Currently, only manual changeable message signs are allowed. Also, changeable message signs shall no longer be required to use reverse copy (white letters on black background).
5. The use classification of a medical office in the industrial-mixed zoning district is changed from special use to permitted use.

6. The use classification of a catering service in an industrial-office or industrial-heavy zoning district is changed from special use or prohibited use, respectively, to permitted use.

7. The use classification of a funeral home in the industrial-mixed zoning district is changed from prohibited use to permitted use.

8. The use classification of an indoor recreation facility in an industrial-office zoning district is changed from prohibited use to special use.

..Body

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

Part 1. Section 295-201-55 of the code is amended to read:

295-201. Definitions.

55. BANK OR OTHER FINANCIAL INSTITUTION means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency >>, an installment loan agency<< or a title loan agency.

Part 2. Section 295-201-57-c and d of the code is amended to read:

57. BED AND BREAKFAST means an establishment which:

c. Is the ~~[[operator's]]~~ >>owner's<< personal residence.

d. Is occupied by the ~~[[operator]]~~ >>owner<< at the time of rental.

Part 3. Section 295-203-5-c of the code is amended to read:

295-203. Use Definitions.

5. COMMERCIAL AND OFFICE USES.

c. "Bank or other financial institution" means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency >>, an installment loan agency<< or a title loan agency.

Part 4. Section 295-203-9-a-3 and 4 of the code is amended to read:

9. ACCOMMODATION AND FOOD SERVICE USES.

a. "Bed and breakfast" means an establishment which:

a-3. Is the ~~[[operator's]]~~ >>owner's<< personal residence.

a-4. Is occupied by the ~~[[operator]]~~ >>owner<< at the time of rental.

Part 5. Section 295-403-2-a of the code is amended to read:

295-403. Parking.

2. NUMBER OF SPACES.

a. Number Required. The number of off-street parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street parking spaces shall be required for uses located in downtown zoning districts. >>Furthermore, no off-street parking spaces shall be required for uses located in a RED redevelopment district.<< Prior to issuance of any occupancy or construction permit, documentation that the required parking spaces exist shall be provided to the commissioner. For a use where the number of required spaces is “as required by the board for special use approval,” the board shall not be bound to require parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.

Part 6. 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	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling:	
<u>Zoning Districts</u>	<u>Min. ratio of parking spaces to dwelling units*</u>
RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1	1:1
RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, 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]] >>no min.<< ; 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
<i>Foster Homes</i>	
Foster family home	one

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

Uses	No. of Parking Spaces Required
Small foster home	one
Group home or group foster home	one
<i>Shelter Care Facilities</i>	
Family shelter care facility	one
Small group shelter care facility	one
Large group shelter care facility	one
Community living arrangement	one
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
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 2 nd 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

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

Uses	No. of Parking Spaces Required
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
<i>Animal Services</i>	
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	
<i>Light Motor Vehicle</i>	
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
<i>Heavy Motor Vehicle</i>	
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)
<i>General Motor Vehicle</i>	
Filling station	as required by the board for special use approval
Car wash	none
Drive-through facility	none
<i>Parking</i>	
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	

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

Uses	No. of Parking Spaces Required
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
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
<i>Storage Facilities</i>	
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

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
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
Solar farm	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 7. Section 295-505-5-c-1 of the code is repealed and recreated to read:

295-505. Design Standards.

5. SIGNS.

c. Elementary and Secondary Schools, Colleges and Religious Assembly.

c-1. Changeable Message Signs. Changeable message signs, both automatic and manual, shall be permitted provided that all internal illumination is turned off between the hours of 10 p.m. and 7 a.m.

Part 8. Section 295-603-2-L-2 of the code is amended to read:

295-603. Uses.

2. LIMITED USE STANDARDS.

L. Parking Lot, Accessory Use.

L-2. In the LB1 district, the parking lot shall ~~>>function in an accessory manner and shall<<~~ be used exclusively by owners of a ~~>>different<<~~ premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. ~~>>The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.<<~~

Part 9. Section 295-705-7-b-2, 3-a, 5 and 6 of the code is amended to read:

295-705. Design Standards.

7. SIGNS.

b. Limited-Permission Sign Standards.

b-2. Canopy and Hood Signs. If the sign has a display area larger than 25 square feet, the sign shall be ~~[[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]]~~ ~~>>a type A sign<<~~ .

b-3. Wall Signs.

b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be ~~[[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]]~~ ~~>>a type A sign<<~~ .

b-5. Roof Signs. If the sign has a display area larger than 50 square feet, the sign shall be ~~[[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]]~~ ~~>>a type A sign<<~~ .

b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be ~~[[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]]~~ ~~>>a type A sign<<~~ .

Part 10. Section 295-705-7-b-4-b of the code is repealed and recreated to read:

b-4. Freestanding Signs.

b-4-b. The sign shall be a type A sign.

Part 11. Section 295-705-7-b-4-c of the code is repealed.
(Note: The provision being repealed reads as follows:

b-4-c. The display area of the sign shall not have an illuminated background. Only individual letters or symbols may be internally-illuminated.)

Part 12. 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
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	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
<i>Foster Homes</i>				
Foster family home	N	N	Y	N
Small foster home	N	N	L	N
Group home or group foster home	N	N	L	N
<i>Shelter Care Facilities</i>				
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
EDUCATIONAL USES				
Day care center	S	S	S	S
School, elementary or secondary	N	N	S	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

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
HEALTH CARE AND SOCIAL ASSISTANCE				
Medical office	S	N	[[S]] >>Y<<	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	Y	[[N]] >>Y<<
Funeral home	N	N	[[N]] >>Y<<	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
<i>Animal Services</i>				
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				
<i>Light Motor Vehicle</i>				
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
<i>Heavy Motor Vehicle</i>				
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
<i>General Motor Vehicle</i>				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through facility	S	S	S	S
<i>Parking</i>				
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

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
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<<	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
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
<i>Storage Facilities</i>				
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
Solar farm	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	Y	S	Y

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
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

..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

Department of City Development

..Drafter

LRB146219-2

Jeff Osterman

06/13/2013