

..Number
200326
..Version
SUBSTITUTE 2
..Reference

..Sponsor
THE CHAIR

..Title
A substitute ordinance relating to zoning regulations for assembly halls and religious assembly.

..Section
295-803-1 (table) am

..Analysis
This ordinance changes the use classification of both religious assembly and assembly hall in the IC (industrial-commercial) zoning district from prohibited use to special use.

..Body
Whereas, The City’s Industrial-Commercial (“IC”) zoning district is intended primarily for light industrial uses that utilize small and medium-sized buildings; and

Whereas, The IC district provides for the orderly conversion of certain older industrial and warehousing buildings to commercial and office uses with less traffic generation than uses located on more intensive commercial retail corridors; and

Whereas, Retail uses are generally only permitted in the IC district if accessory or complementary to the primarily light manufacturing nature of the district, while accommodation, food service, recreation, and entertainment uses are generally prohibited or classified as special or limited uses; and

Whereas, As former industrial buildings have been converted to office uses and as the nature of modern manufacturing continues to evolve, the City seeks to provide additional flexibility for the reuse of former industrial buildings as mixed-use spaces that may include event spaces or assembly hall uses that complement other uses in the building or adjacent neighborhood; and

Whereas, Assembly hall and religious assembly uses are currently prohibited in the IC district; and

Whereas, This ordinance would amend the zoning code to have those uses be classified as special uses in the IC district requiring approval by the Board of Zoning Appeals (“BOZA”); and

Whereas, In evaluating future special use permit requests for these uses in the IC district, BOZA will consider all of the factors required by the zoning code, including the recommendations of the comprehensive plan, to ensure that a proposed use is not in conflict with the intent of the IC district or the long-term vision for the areas of the city zoned IC as set forth within the comprehensive plan; now, therefore

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

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

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	Zoning Districts			
Uses	IO1/ IO2	IL1/ IL2	IC	IM	IH
RESIDENTIAL USES					
Single-family dwelling	N	N	N	L	N
Two-family dwelling	N	N	N	L	N
Multi-family dwelling	N	N	N	L	N
Permanent supportive housing	N	N	N	L	N
Transitional housing	N	N	N	S	N
Attached single-family dwelling	N	N	N	L	N
Live-work unit	N	N	N	Y	N
Mobile home	N	N	N	N	N
Watchman/service quarters	Y	Y	Y	Y	Y
Family day care home	N	N	N	L	N
GROUP RESIDENTIAL USES					
Rooming house	N	N	N	S	N
Convent, rectory or monastery	N	N	N	L	N
Dormitory	N	N	N	S	N
Fraternity or sorority	N	N	N	S	N
Adult family home	N	N	N	L	N
<i>Foster Homes</i>					
Foster family home	N	N	N	L	N
Small foster home	N	N	N	L	N
Group home or group foster home	N	N	N	L	N
<i>Shelter Care Facilities</i>					
Family shelter care facility	N	N	N	L	N
Small group shelter care facility	N	N	N	L	N
Large group shelter care facility	N	N	N	S	N
Community living arrangement	N	N	N	L	N
EDUCATIONAL USES					
Day care center	S	S	N	S	S
School, elementary or secondary	N	N	N	S	N
College	S	S	N	S	N
School, personal instruction	S	S	Y	S	N
COMMUNITY-SERVING USES					
Library	N	N	N	Y	N
Cultural institution	N	N	L	L	N
Community center	N	N	N	S	N
Religious assembly	N	N	[[N]] >>S<<	S	N
Cemetery or other place of interment	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N
COMMERCIAL AND OFFICE USES					
General office	Y	Y	Y	Y	L
Government office	Y	Y	Y	Y	L
Bank or other financial institution	S	S	N	Y	N
Currency exchange, payday loan or title loan agency	N	N	N	S	N
Installment loan agency	N	N	N	S	N
Cash-for-gold business	N	N	N	S	N
Pawn shop	N	N	N	S	N
Retail establishment, general	N	N	L	Y	N

**Table 295-803-1
INDUSTRIAL DISTRICTS USE TABLE**

Y = Permitted Use S = Special Use Uses	L = Limited Use N = Prohibited Use Zoning Districts				
	IO1/ IO2	IL1/ IL2	IC	IM	IH
Garden supply or landscaping center	N	Y	Y	Y	N
Home improvement center	N	Y	L	Y	N
Secondhand store	N	N	L	L	N
Outdoor merchandise sales	N	N	N	L	N
Artist studio	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	S	N
HEALTH CARE AND SOCIAL ASSISTANCE					
Medical office	S	N	N	Y	N
Health clinic	L	N	N	S	N
Hospital	N	N	N	N	N
Medical research laboratory	Y	Y	Y	Y	N
Medical service facility	N	S	N	N	N
Social service facility	N	S	N	S	N
Emergency residential shelter	N	N	N	N	N
Nursing home	N	N	N	N	N
GENERAL SERVICE USES					
Personal service	N	N	N	Y	N
Business service	Y	S	Y	Y	N
Catering service	Y	Y	Y	Y	Y
Funeral home	N	N	N	Y	N
Laundromat	N	N	N	Y	N
Dry cleaning establishment	N	N	N	Y	N
Furniture and appliance rental and leasing	N	N	N	Y	N
Household maintenance and repair service	N	Y	Y	Y	N
Tool/equipment rental facility	N	Y	N	Y	N
<i>Animal Services</i>					
Animal hospital/clinic	N	Y	N	L	Y
Animal boarding facility	N	Y	N	L	Y
Animal grooming or training facility	N	Y	N	L	Y
MOTOR VEHICLE USES					
<i>Light Motor Vehicle</i>					
Sales facility	L	S	N	S	S
Rental facility	L	S	N	S	S
Repair facility	L	S	N	S	L
Body shop	L	S	N	S	L
Outdoor storage	L	Y	N	S	Y
Wholesale facility	Y	Y	N	Y	Y
<i>Heavy Motor Vehicle</i>					
Sales facility	L	Y	N	S	Y
Rental facility	L	Y	N	S	Y
Repair facility	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor storage	L	S	N	S	Y
<i>General Motor Vehicle</i>					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Non-restaurant drive-through facility	S	S	N	S	S
<i>Parking</i>					
Parking lot, principal use	Y	Y	S	L	Y
Parking lot, accessory use	Y	Y	L	L	Y
Parking structure, principal use	Y	Y	S	L	Y
Parking structure, accessory use	Y	Y	L	L	Y
Heavy motor vehicle parking lot, principal use	S	L	N	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	L	Y	Y
ACCOMODATION AND FOOD SERVICE USES					

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	IO1/ IO2	IL1/ IL2	IC	IM	IH
Short-term rental facility	N	N	N	Y	N
Bed and breakfast	N	N	N	Y	N
Hotel, commercial	L	N	N	Y	N
Hotel, residential	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly hall	N	N	[[N]] >>S<<	L	N
Restaurant without drive-through facility	L	L	L	Y	L
Restaurant with drive-through facility	S	S	N	S	N
ENTERTAINMENT AND RECREATION USES					
Park or playground	S	S	S	S	S
Festival grounds	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	N
Recreation facility, outdoor	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention and exposition center	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing facility	N	N	N	N	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES					
Recycling collection facility	S	Y	N	S	Y
Mixed-waste processing facility	N	L	N	S	L
Material reclamation facility	N	N	N	N	L
Salvage operation, indoor	L	L	N	L	L
Salvage operation, outdoor	N	S	N	S	S
Wholesale and distribution facility, indoor	Y	Y	Y	L	Y
Wholesale and distribution facility, outdoor	S	Y	S	S	Y
<i>Storage Facilities</i>					
Indoor	Y	Y	L	L	Y
Self-service	Y	Y	N	N	Y
Outdoor	N	Y	N	S	Y
Hazardous materials	N	N	N	N	S
TRANSPORTATION USES					
Ambulance service	Y	Y	N	S	Y
Ground transportation service	S	Y	N	S	Y
Passenger terminal	Y	Y	Y	Y	Y
Helicopter landing facility	S	S	S	S	S
Airport	N	Y	N	N	N
Ship terminal or docking facility	N	Y	N	N	Y
Truck freight terminal	N	S	N	S	L
Railroad switching, classification yard or freight terminal	N	Y	Y	Y	Y
INDUSTRIAL USES					
Alcohol beverage facility, micro	Y	Y	Y	Y	Y
Alcohol beverage facility, large	S	L	Y	S	Y
Food processing	Y	Y	Y	Y	Y
Manufacturing, light	Y	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	S	Y
Manufacturing, intense	N	N	N	N	S
Research and development	Y	Y	Y	Y	Y
Processing or recycling of mined minerals	N	N	N	N	S
Contractor's shop	Y	Y	Y	Y	Y
Contractor's yard	S	Y	N	Y	Y

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Uses	IO1/ IO2	IL1/ IL2	IC	IM	IH
AGRICULTURAL USES					
Plant nursery or greenhouse	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y
Commercial farming enterprise	Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES					
Broadcasting or recording studio	Y	S	Y	Y	S
Transmission tower	L	L	L	L	L
Water treatment plant	Y	Y	Y	Y	Y
Sewerage treatment plant	N	Y	N	N	Y
Power generation plant	N	S	N	N	Y
Small wind energy system	Y	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	Y	Y	S	Y
Substation/distribution equipment, outdoor	L	Y	L	L	Y
TEMPORARY USES					
Seasonal market	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L
Live entertainment special event	L	L	L	L	L

..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
LRB176189-4
Jeff Osterman
08/06/2020