

MICHAEL S. D'AMATO  
ALDERMAN, 3RD DISTRICT



CITY HALL  
MILWAUKEE, WISCONSIN

CHAIR:  
JUDICIARY & LEGISLATION COMMITTEE  
ZONING CODE TASK FORCE

VICE CHAIR:  
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MILWAUKEE PUBLIC LIBRARY BOARD  
MILWAUKEE COUNTY FEDERATED  
LIBRARY SYSTEM BOARD  
HISTORIC PRESERVATION COMMISSION

April 20, 2005

Mr. Grant Langley  
City Attorney  
Room 800, City Hall

Dear Mr. Langley:

Attached, please find a copy of Common Council File Number 040644, an ordinance relating to zoning regulations for parking lots in the C9D (Civic Activity) downtown zoning district, introduced to the Common Council on September 1, 2004. This file was first referred to the Zoning Code Technical Committee and was recommended for passage by that body on September 15, 2004. It was then referred to the Zoning, Neighborhoods and Development Committee where it has been ever since.

I write this to request that your office opine as to the legality and enforceability of this ordinance. I would very much like to have this opinion in hand prior to any vote by the Zoning, Neighborhoods and Development Committee on this file. Given how long this matter has been in committee, I would ask for expedited consideration of this request.

Should you have any further questions, or desire additional information, please do not hesitate to contact me.

Sincerely,

Ald. Michael S. D'Amato  
Chair, Zoning, Neighborhoods and Development Committee

Cc: Council President Hines  
Linda Elmer





# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Master with text

File Number: 040644

File Number: 040644

File Type: Ordinance

Status: In Committee

Version: 0

Reference:

Controlling Body: ZONING,  
NEIGHBORHOODS  
& DEVELOPMENT  
COMMITTEE

File Name:

Introduced: 9/1/2004

Requester: LEGISLATIVE REFERENCE BUREAU Cost:

Final Action:

Drafter: jdo

Effective:

Comments: cpc, zctc

Title: An ordinance relating to zoning regulations for parking lots in the C9D (Civic Activity) downtown zoning district.

Sections: 295-703-1 (table) am; 295-703-2-1 rc

Indexes: ZONING, PARKING LOTS

Sponsors:

Attachments: Zoning Code Comm Report.pdf, Notice Published on 9-20-04 and 9-27-04 for ZND Mtg.PDF, CPC Letter.doc, Wis. Center District's Parking Lot.PDF, Midwest Airlines Center-Addition.PDF, Transfer Agreement.PDF

### History of Legislative File 040644

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	9/1/04	ASSIGNED TO	ZONING, NEIGHBORHOOD S & DEVELOPMENT COMMITTEE			
	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	9/3/04	REFERRED TO	CITY PLAN COMMISSION	10/1/04		
	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	9/3/04	REFERRED TO	ZONING CODE TECHNICAL COMMITTEE	10/1/04	9/23/04	
0	CITY CLERK	9/20/04	PUBLISHED	DAILY REPORTER			

*This file is being published 9/20/04 and 9/27/04 for a ZND Mtg. on 10/05/04 at 9:00 a.m.*

0 CITY CLERK 4/11/05 PUBLISHED DAILY REPORTER

This file is being published on 4/11/05 and 4/18/05 for a ZND Mtg. on 4/26/05 at 9:00 a.m.

0 ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE 4/19/05 HEARING NOTICES SENT 4/26/05

This ordinance changes the use classification of principal-use and accessory-use parking lots in the C9D (Downtown - Civic Activity) zoning district from special use to limited use. The limited use standards are as follows:

1. The parking lot shall be located in a redevelopment project area which is 10 acres or more and under common ownership or control.
2. The parking lot shall be located in subdistrict B of the C9D district.

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 S = Special Use N = Prohibited Use Zoning Districts

Uses	C9A	C9B	C9C	C9D	C9EC9F	C9G	C9H
<b>RESIDENTIAL USES</b>							
Single-family dwelling		Y	Y	L	L	L	L
Two-family dwelling	Y	Y	L	L	L	L	N
Multi-family dwelling	Y	Y	L	L	L	L	N
Attached single-family dwelling			Y	Y	L	L	L
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
Family day care home	L	L	L	L	L	L	N
<b>Group Residential</b>							
Rooming house	S	S	S	S	S	S	N
Convent, rectory or Monastery			Y	Y	Y	Y	Y
Dormitory	S	S	S	S	S	S	N
Fraternity or sorority			S	S	S	S	S
Adult family home	L	L	L	L	L	L	N
<b>Foster Homes</b>							
Foster family home	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
<b>Shelter Care Facilities</b>							
Family shelter care Facility			Y	Y	Y	Y	Y
Small group shelter care facility			L	L	L	L	L
Large group shelter care facility			S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	N
Transitional living facility	S	S	S	S	S	S	N
<b>EDUCATIONAL USES</b>							
Day care center	S	S	S	S	S	S	S
School, elementary or Secondary	Y	Y	Y	Y	Y	S	Y
College	S	S	S	Y	S	Y	Y
School, specialty or personal instruction			S	Y	Y	S	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  
 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 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 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  
 Limited wholesale facility N Y Y N L Y L Y

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	N	S										
Body shop	N	N	N	N	N	N	N	N	S										
Outdoor storage	N	N	N	N	N	N	N	N	S										
General Motor Vehicle																			
Filling station	N	S	S	S	S	S	S	S	S										
Car wash	N	S	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	[[S]]	>>	L	<<	S	S	L	S								
Parking lot, accessory use	L	S	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	L	L									
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	S	S	S	S								
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	S	S	S	S								
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	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	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	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	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											
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	Y	Y											
Wholesale and distribution facility, outdoor	N	N	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											
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											

Master Report Continued (040644)

Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N	Y	Y
<b>INDUSTRIAL USES</b>											
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	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	N	N	
Contractor's shop	N	N	N	N	N	N	S	Y			
Contractor's yard	N	N	N	N	N	N	S	Y			
<b>AGRICULTURAL USES</b>											
Plant nursery or greenhouse	N	N	N	N	N	N	N	N	S		
Raising of crops or livestock	N	N	N	N	N	N	N	N	N		
<b>UTILITY AND PUBLIC SERVICE USES</b>											
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	S	S	Y	
Substation/distribution Equipment, outdoor	L	L	L	L	L	L	L	L	L	Y	
<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	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	L		

Part 2. Section 295-703-2-L of the code is repealed and recreated to read:

295-703. Uses.

2. LIMITED USE STANDARDS.

L. Parking Lot, Principal Use or Accessory Use. L-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control

L-2. If located in the C9D district, the parking lot is located in subdistrict B.