



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes ZONING CODE TECHNICAL COMMITTEE

**TEODROS MEDHIN, CHAIR**  
**Stuart Mukamal, Ed Richardson, Ronald Roberts**  
**Staff Assistant: Linda Elmer, 286-2232,**  
**lelmer@milwaukee.gov**

---

Wednesday, November 24, 2010

3:00 PM

Room 301-B, City Hall

---

*Meeting convened: 3:01 P.M.*

**Present** 4 - Medhin, Mukamal, Richardson and Roberts

1. [100848](#)

A substitute ordinance relating to zoning regulations for transitional housing and permanent supportive housing.

**Sponsors:** THE CHAIR

*Jeff Osterman, Legislative Reference Bureau, provided members with a proposed substitute that included legislative findings. Kari Egerstrom could not attend this meeting, but had some concerns about the text defining "industry standards" as she thought it was vague. She also thought it would decrease the Board of Zoning Appeals' workload.*

*Atty. Mukamal also spoke with Ms. Egerstrom and he agrees that the definitions are ambiguous, particularly with "industry standards such as" and also the definition of "temporary" which needs a definite cut-off time rather than including the term "usually".*

*Mike Maeirle, Dept. of City Development, said that the definitions were taken from state law, but he is supportive of saying less than 24 months is "temporary". Mr. Roberts was concerned because there are other temporary uses in the code, which are for lengths of time less than six months. Atty. Mukamal recommended adding the words, "For purposes of this definition" in the "temporary" definition. Mr. Maeirle noted that the dept. did create a 46-page plan, which was presented to the Community and Economic Development Committee (file 100409). Atty. Mukamal noted that definitions should be self-evident with no ambiguity. Mr. Roberts thought there might be terms that can be written into the definition of "industry standard" to improve the definition. If there is one set of standards that are published anywhere, that could be cited; Mr. Roberts did some research, but didn't find any industry standards. Atty. Mukamal suggested listing as many generic services being offered as is possible and also including the text "including, but not limited to" as is currently done for the definition of "transitional living facility". Text referring to the City-County Commission on Supportive Housing as a source of advice could be included in the text, but not in the definition unless it can be worked in so it doesn't throw off the definition, according to Atty. Mukamal.*

*Mr. Roberts has concerns with the limited use standards for transitional housing as "certified by an annual inspection" as these facilities usually do not require annual*

inspections as they are one- and two-family buildings. He recommends changing the language to require annual fire inspections per ch. 214. Atty. Mukamal also noted that there are too many definitions that are too similar; they should be merged into fewer definitions. Mr. Richardson noted that with this ordinance there are fewer special uses that require Board of Zoning Appeals (BOZA) approval. Mr. Roberts noted that if the bar that operators need to meet is set too high, then those operators must go to BOZA, which defeats the purpose of creating a limited use ordinance. Chapter 275 could also be amended to include "transitional housing" in terms of required inspections. Amending ch. 275 would solve this problem, according to Atty. Mukamal, but Mr. Roberts thought that would be redundant. If no inspection is required, then Mr. Roberts withdraws his concern; if there is a need for an inspection, he would like to have the inspection consistent with a fire inspection. Either ch. 214 or ch. 275 could be revised to include transitional living facilities as part of the inspections. If the facility does not have an annual inspection, the application would then go to BOZA, which would be an unusual role for BOZA to determine whether a facility should be inspected or not. The Committee supported moving the building inspection codes to ch. 214 and ch. 275.

There are a number of incidents of text in the proposed ordinance which do not automatically note that the use, if not a limited use, is automatically a special use, rather than a variance. Mr. Richardson noted that treating them as variances rather than special uses would treat those establishments in operation prior to 2002 in a residential district kinder and gentler. This text mirrors current text already in the code for standard housing. Mr. Richardson strongly supports this language while Atty. Mukamal and Ms. Egerstrom do not support this text as it maintains an existing inconsistency.

Atty. Mukamal feels that this ordinance, even with the proposed substitute, contains bureaucratic language which is too field-specific. He recommends that after the 5th Whereas clause text needs to be added to note how a "more straightforward process" will be achieved and how this ordinance furthers the goals of the city within its police powers. The language should note why this type of housing is needed and why it is currently difficult to fill this need. Mr. Richardson noted that many community activists could speak on this. Only an additional one to two "Whereas" clauses need to be added.

Mr. Richardson said that this type of housing should be permitted in institutional districts, which it currently is prohibited in the proposed text.

Mr. Richardson moved that the proposed ordinance meets the ZCTC criteria with the changes relating to the definitions of "temporary" (not more than 24 months); "industry standards" be deleted and instead a best-as-can-be-complete list will be created and permanent supportive housing will be substituted; the limited use standard of supportive housing will reference ch. 214 or ch. 275, if needed; and additional "Whereas" clauses will be added to support why the ordinance is needed and how it fits within the police powers of the city, seconded by Mr. Roberts. There were no objections.

This item will be scheduled prior to December 18th so the Committee can review it with the added changes.

Atty. Mukamal is out of town December 2nd through December 7th. This matter is scheduled for City Plan Commission on December 6th.

The next meeting to discuss this file will be on December 1st at 2:30 p.m.

*Meeting adjourned: 4:14 P.M.  
Linda M. Elmer  
Staff Assistant*