

From: [Mazmanian, Michael](#)
To: [Lee, Chris](#)
Subject: FW: 361.03(5)(a)2. RE: Zoning Regulations for Building Materials
Date: Wednesday, September 19, 2018 10:40:33 AM

Hi Chris,

DNS would like the email below added to the record for file 180262 from yesterday's ZND agenda. We received clarification from the state that has alleviated our concerns.

Thanks,

Mike

Michael Mazmanian AIA, LEED AP

Operations Director – Development Center and Trades Division
City of Milwaukee - Department of Neighborhood Services
841 N Broadway Room 104
Milwaukee, WI 53202
(414) 286-3018
mmazma@milwaukee.gov



From: DSPS SB Building Tech [mailto:DSPSSBBuildingTech@wisconsin.gov]
Sent: Tuesday, September 18, 2018 5:38 PM
To: Mazmanian, Michael <mmazma@milwaukee.gov>; DSPS SB Building Tech <DSPSSBBuildingTech@wisconsin.gov>
Subject: 361.03(5)(a)2. RE: Zoning Regulations for Building Materials

Mr. Mazmanian:

Thank you for contacting the Department of Safety and Professional Services.

No, this would be a building appearance issue and regulated by local zoning regulations as allowed by SPS 361.03(5)(a)2. – Nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23(7), Stats.

Thank you again for contacting the DSPS. I trust you find this information helpful. If the above response does not answer your question(s) or prompts an additional or follow up question(s) simply reply to this email with any additional question(s) you may have. Please contact the DSPS again if we can provide additional information or answer other Wisconsin Commercial Building Code related questions.

The DSPS is committed to service excellence. Visit our survey at [Customer Survey](#) to evaluate your experience with the DSPS.

The Department offers an e-mail subscription service that provides electronic notification of news and/or notices that may be of interest to you. To sign up for this service, [click here](#).

The information and response presented above is a general code answer based on the question submitted. This response should not be construed as a formal code interpretation, nor does it supersede any items contained in a previously issued plan review letter. For a more detailed analysis to a specific building issue, please contact one of our full service offices to arrange for a preliminary design review or contact the program section chief. Thank you.

From: Mazmanian, Michael <mmazma@milwaukee.gov>
Sent: Tuesday, September 18, 2018 2:15 PM
To: DSPS SB Building Tech <DSPSSBBuildingTech@wisconsin.gov>
Subject: Zoning Regulations for Building Materials

Hello,

Would it be considered a violation of the commercial building code, ie. more restrictive, to regulate exterior building materials via a municipalities zoning code and zoning district as it relates to types of materials, location of materials on a building, and area of materials allowed?

Commercial: WI SPS 361.03 (5) LOCAL ORDINANCES

(5) LOCAL ORDINANCES.

[SPS 361.03\(5\)\(a\)\(a\)](#)

[SPS 361.03\(5\)\(a\)1.1](#). Except as provided in par. (b), pursuant to s. [101.02 \(7\)](#), Stats., no city, village, or town may enact or enforce an additional or more restrictive local ordinance that establishes minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment.

PS 361.03 Note **Note:** [2013 Wisconsin Act 270](#) established a uniform commercial code. Municipalities with ordinances enacted before May 1, 2013 and approved by the department shall remain in effect. A complete list of department-approved municipal ordinances is available on the department's website at dps.wi.gov.

[SPS 361.03\(5\)\(a\)2.2](#). Nothing in chs. [SPS 361](#) to [366](#) affect the authority of a municipality to enact or enforce standards relative to land use, zoning, or regulations under ss. [59.69](#), [60.61](#), [60.62](#), [61.35](#), and [62.23 \(7\)](#), Stats.

Thank you,

Mike

Michael Mazmanian AIA, LEED AP

Operations Director – Development Center and Trades Division
City of Milwaukee - Department of Neighborhood Services

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