

..Number
240997
..Version
SUBSTITUTE 2
..Reference

..Sponsor
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..Title
A substitute ordinance relating to creation of the RT5 zoning district.

..Sections
295-107-2 (table) am
295-403-2-a (table) am
295-405-1-g-3-b cr
295-501-2-d cr
295-503-1 (table) am
295-503-2-b-3 cr
295-503-2-j-1 am
295-503-2-q-1 am
295-503-2-u-2 am
295-505-2 (table) am
295-505-2-L-3-0 am
295-505-4-c-3 am
295-505-4-c-5 cr
295-505-5-g am

..Analysis

This ordinance creates a new zoning district, RT5 (two-family residential). In the RT5 district, the maximum number of dwelling units permitted (as a limited use) in a multi-family building shall be 8, compared to 4 units in the RT4 district. The design standards for the RT5 district are similar to those for the RT4 district, with a few variations to reflect the possibility of slightly larger buildings in the RT5 district.

...Body

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

Part 1. Table 295-107-2 of the code is amended to read:

TABLE 295-107-2 ZONING DISTRICTS			
District	Map Indicator	Most Similar District(s) Under the Previous Code	Subchapter Reference
Residential Districts			
Single-Family	RS1, RS2, RS3, RS4, RS5 and RS6	R/F-1/40, R/F-2/40, R/F-3/40, R/F-4/40 and R/F-5/40	5
Two-Family	RT1, RT2, RT3 [[and]] >>_<< RT4 >> <u>and</u> RT5<<	R/D-1/40, R/C-1/40 and R/E/40	5
Multi-Family	RM1	R/D/40	5
Multi-Family	RM2	R/C/40	5
Multi-Family	RM3	R/D/40, R/D/60 and R/D/85	5
Multi-Family	RM4	R/C/40, R/C/60, R/C/85 and R/C/125	5
Multi-Family	RM5	R/B/40	5

TABLE 295-107-2 ZONING DISTRICTS			
Multi-Family	RM6	R/B/60	5
Multi-Family	RM7	R/B/85, R/A/85 and R/A/125	5
Residential and Office	RO1, RO2	all O and RO districts	5
Commercial Districts			
Neighborhood Shopping	NS1, NS2	all S districts	6
Local Business	LB1, LB2 >>and LB3<<	all L districts	6
Commercial Service	CS	all CS districts	6
Regional Business	RB1, RB2	all RS districts	6
Central Business	C9A-C9H	C9A-C9H	7
Industrial Districts			
Industrial-Office	IO	M/D/40, M/C/60, I/D/40 and I/E/40	8
Industrial-Light	IL	M/B/85, M/A/125, I/C/60, I/D/40, I/D/60 and I/E/60	8
Industrial-Commercial	IC	none	8
Industrial-Mixed	IM	none	8
Industrial-Heavy	IH	I/A125 and I/B/85	8
Special Districts and Overlay Zones			
Parks	PK	none	9
Institutional	TL	all T districts	9
Planned Development	PD and DPD	GPD and DPD	9
Redevelopment	RED	none	9
Neighborhood Conservation	NC	none	10
Interim Study	IS	none	10
Development Incentive	DIZ	DIZ	10
Site Plan Review	SP	SPROD	10
Shoreland-Wetland	WL	Shoreland-Wetland	10
Lakefront	LF	LF/C/60	10
Master Sign Program	MSP	none	10
Floodplain	FW, FF, FSD and GF	FP1 and FP2	11

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

Table 295-403-2-a NUMBER OF PARKING SPACES, 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, >>RT5,<< 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

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Part 3. Section 295-405-1-g-3-b of the code is created to read:

295-405. Landscaping and Screening.

1. INTRODUCTION.

g. Vision Triangle.

g-3. Required Vision Triangles.

g-3-b. In the RS6, RT4, >>RT5<< RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

Part 4. Section 295-501-2-d of the code is created to read:

295-501. Purposes.

2. TWO-FAMILY RESIDENTIAL DISTRICTS.

d. RT5 District. The purpose of the RT5 district is to promote, preserve and protect neighborhoods intended primarily for 2-family dwellings while also permitting a mixture of single-family dwellings and small multi-family dwellings of 3 to 8 units. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

Part 5. Table 295-503-1 of the code is amended to read:

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	Zoning Districts							
Uses		RS1-RS5	RS6	RT1-RT2	RT3	RT4>>- RT5<<	RM1-RM2	RM3-RM7	R01 R02
RESIDENTIAL USES									
Single-family dwelling		Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling		L	L	Y	Y	Y	Y	Y	Y
Multi-family dwelling		N	N	L	L	L	Y	Y	Y
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Part 6. Section 295-503-2-b-3 of the code is created to read:

295-503. Uses.

2. LIMITED USE STANDARDS.

b. Multi-Family Dwelling.

b-3. In the RT5 district, not more than 8 dwelling units shall be permitted in a single building. If this standard is not met, a multi-family dwelling is a prohibited use.

Part 7. Section 295-503-2-j-1 of the code is amended to read:

j.

j-1. In the RS6, RT3, RT4 >>, RT5<< and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

Part 8. Section 295-503-2-q-1 of the code is amended to read:

q. Tavern.

q-1. In the RS6, RT3, RT4 >>, RT5<< and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, a tavern shall be classified as a special use. If the structure does not meet either the first or second of these standards, a tavern shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

Part 9. Section 295-503-2-u-2 of the code is amended to read:

u. Transmission Tower.

u-2. If the tower is located in an RS1 to RS6 district or an RT1 to ~~[[RT4]]~~ >>RT5<< district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit may be allowed as a special use.

Part 10. Table 295-505-2 of the code is amended to read:

Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS												
		Single-family Districts						Two-family Districts				
		RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4	>>RT5<<
Lot	Lot area, minimum (sq. ft.) <i>detached housing</i>	20,000	12,000	9,000	7,200	6,000	3,600	7,200	4,800	3,000	2,400	>> <u>2,400</u> <<
	Lot area, minimum (sq. ft.)	not applicable						3,600	3,000	1,800	1,800	>> <u>1,800</u> <<
	Lot area, maximum (sq. ft.)	none	none	none	none	none	none	none	none	none	none	>> <u>none</u> <<
	Lot width, minimum (ft.) <i>detached housing</i>	100	100	75	60	50	30	60	40	30	24	>> <u>24</u> <<
	Lot width, minimum (ft.) <i>attached housing</i>	not applicable						30	25	18	18	>> <u>16</u> <<
	Lot width, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	>> <u>80</u> <<
Density	Lot area per dwelling unit, minimum (sq. ft.)	none	none	none	none	none	3,600	3,600	2,400	1,800	1,200	>> <u>800</u> <<
	Lot area per roomer or transitional housing client, minimum (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	600	>> <u>600</u> <<
	Lot coverage, minimum <i>interior lot</i>	none	none	none	none	none	*	none	none	*	*	>> <u>*</u> <<
	Lot coverage, maximum <i>interior lot</i>	15%	30%	30%	30%	30%	60%	30%	30%	50%	70%	>> <u>70%</u> <<
	Lot coverage, minimum <i>corner lot</i>	none	none	none	none	none	*	none	none	*	*	>> <u>*</u> <<
	Lot coverage, maximum <i>corner lot</i>	15%	30%	30%	30%	40%	70%	40%	40%	60%	85%	>> <u>85%</u> <<
	Floor area, minimum (sq. ft.) <i>one-story structure</i>	1,500	1,500	1,300	1,200	900	none	none	none	none	none	>> <u>none</u> <<
	Floor area, minimum (sq. ft.) <i>split-level or taller</i>	1,900	1,900	1,700	1,450	1,200	none	none	none	none	none	>> <u>none</u> <<
Height	Height, minimum (ft.)	none	none	none	none	none	**	none	none	*	*	>> <u>*</u> <<
	Height, maximum (ft.)	45	45	45	45	45	45	45	45	45	48	>> <u>48</u> <<

	<p>*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.</p> <p>**A structure shall meet the minimum height requirements of table 295-505-2-i unless it is adjacent to a lot containing a one-story house, in which case there shall be no minimum height requirement.</p>
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	Table 295-505-2												
	PRINCIPAL BUILDING DESIGN STANDARDS												
	Single -family Districts							Two-family Districts					
		RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4	>>RT5<<	
Primary Frontage	Front setback, minimum (ft.) (see s. 295-505-2-b)	average or 25 ft., whichever is less	average or 25 ft., whichever is less	average	average	average	average	average	average	average	average	average	>>average<<
	Front setback, maximum (ft.) (see s. 295-505-2-b)	none	none	none	none	average	average	none	none	average but never more than 20 ft.			
	Side street setback, minimum (ft.)	20% of lot width but never more than 20 ft.		10% of lot width but never more than 15 ft.		10% of lot width but never more than 6 ft.		20% of lot width but never more than 20 ft.		10% of lot width but never more than 6 ft.	3	>>3<<	
	Side street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	15	>>15<<	
Side Setback	North or west side setback, minimum (ft.)	3	3	3	3	3	1.5	3	3	1.5	1.5	>>3<<	
	South or east side setback, minimum (ft.)	6	6	6	6	6	3	6	6	3	3	>>3<<	
	Combined side setback, minimum (ft.)	12	12	12	12	12	4.5	12	12	4.5	4.5	>>6<<	
	Maximum depth of building without side setback adjustment	50	50	50	50	50	75	50	50	75	100	>>100<<	
	Max. no. of stories without side or rear setback adjustment	2	2	2	3	3	3	2	2	3	4	>>4<<	
Rear Setback	Rear setback, minimum (ft.) <i>interior lot</i>	25	25	25	20	15	15	25	25	15	15	>>15<<	
	Rear setback, minimum (ft.) <i>corner lot</i>	25	25	25	15	10	10	20	20	10	10	>>10<<	
	Rear street setback, minimum (ft.) (see s. 295-505-2-e)	average	average	average	average	average	average	average	average	average	average	>>average<<	
	Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	>>none<<	
Multiple principal residential buildings permitted?		no	no	no	no	no	same as RT4	no	no	no	yes, if in existence on Nov. 22, 2003; otherwise, special use		>>yes<<

Part 11. Section 295-505-2-L-3-0 of the code is amended to read:

295-505. Design Standards.

2. PRINCIPAL BUILDING STANDARDS.

L. Design Features.

L-3. Overhead Garage Doors Facing Streets. For any new building constructed in the RS6, RT3, RT4 >>RT5<< and RM3-RM7 districts, an attached garage which has an overhead garage door that faces the street shall be set back at least 4 feet from the street façade of the main building mass. The following exceptions shall apply:

Part 12. Section 295-505-4-c-3 of the code is amended to read:

4. SITE STANDARDS.

c. Access Drives.

c-3. Width. >>The width of the access drive serving a parcel containing 8 or fewer dwelling units shall not exceed 18 feet where the access drive intersects with the public right-of-way.<< An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

Part 13. Section 295-505-4-c-5 of the code is created to read:

c-5. Limit on Number of Drives. For a parcel with 8 or fewer dwelling units, not more than one access drive shall be permitted along any street frontage of the parcel.

Part 14. Section 295-505-5-g of the code is amended to read:

5. SIGNS.

g. Construction or Vacant Land. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
RS1-RS6	36 sq. ft.
[[RT1-RT4]] >> <u>RT1-RT5</u> <<	36 sq. ft.
RM1-RM3	36 sq. ft.
RM4-RM6	48 sq. ft.
RM7, R01-R02	72 sq. ft.

..LRB
APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau
Date: March 14, 2025

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter
LRB180261-3
Jeff Osterman
02/13/2025