

..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 am
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]] >> ₁ << 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 >> <u>and</u> <u>LB3<<</u> | 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, >> <u>RT5</u> << 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 amended 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 | Y |
| Two-family dwelling | | L | L | Y | Y | Y | Y | Y | Y | Y |
| Multi-family dwelling | | N | N | L | L | L | Y | Y | Y | Y |
| . | . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . | . |

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 | >>2,400<< |
| | Lot area, minimum (sq. ft.) | not applicable | | | | | | 3,600 | 3,000 | 1,800 | 1,800 | >>1,800<< |
| | Lot area, maximum (sq. ft.) | none | none | none | none | none | none | none | none | none | none | >>none<< |
| | Lot width, minimum (ft.) <i>detached housing</i> | 100 | 100 | 75 | 60 | 50 | 30 | 60 | 40 | 30 | 24 | >>24<< |
| | Lot width, minimum (ft.) <i>attached housing</i> | not applicable | | | | | | 30 | 25 | 18 | 18 | >>16<< |
| | Lot width, maximum (ft.) | none | none | none | none | none | none | none | none | none | none | >>80<< |
| Density | Lot area per dwelling unit, minimum (sq. ft.) | none | none | none | none | none | 3,600 | 3,600 | 2,400 | 1,800 | 1,200 | >>800<< |
| | Lot area per roomer or transitional housing client, minimum (sq. ft.) | NA | NA | NA | NA | NA | NA | NA | NA | NA | 600 | >>600<< |
| | Lot coverage, minimum <i>interior lot</i> | none | none | none | none | none | * | none | none | * | * | >>*<< |
| | Lot coverage, maximum <i>interior lot</i> | 15% | 30% | 30% | 30% | 30% | 60% | 30% | 30% | 50% | 70% | >>70%<< |
| | Lot coverage, minimum <i>corner lot</i> | none | none | none | none | none | * | none | none | * | * | >>*<< |
| | Lot coverage, maximum <i>corner lot</i> | 15% | 30% | 30% | 30% | 40% | 70% | 40% | 40% | 60% | 85% | >>85%<< |
| | Floor area, minimum (sq. ft.) <i>one-story structure</i> | 1,500 | 1,500 | 1,300 | 1,200 | 900 | none | none | none | none | none | >>none<< |
| | 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 | >>none<< |
| Height | Height, minimum (ft.) | none | none | none | none | none | ** | none | none | * | * | >>*<< |
| | Height, maximum (ft.) | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 48 | >>48<< |

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.

**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.

| | | 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<< |
| | 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<< | |
| | 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 | |

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

Clerical Correction
5/7/2025
Laurie Phillip