



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, Chris Lee, 286-2232

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**Legislative Liaison, Ted Medhin, 286-8680,
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Wednesday, May 18, 2016

2:30 PM

Room 301-B, Third Floor, City Hall

Meeting convened at 2:39 p.m.

Present - Roberts, Richardson, Mukamal, Medhin

Individuals also present:

*Jeffrey Osterman, Legislative Reference Bureau
Erica Lewandowski, Department of Neighborhood Services
Michael Mannan, Department of Neighborhood Services
Chris Rute, Development Center*

1. [150534](#) A substitute ordinance relating to various provisions of the zoning code.

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Mr. Richardson said that the proposed draft ordinance is an annual update to the zoning code containing various revisions to achieve consistency. Due to many similar cases through the Board of Zoning Appeals (BOZA), one change relates to the inclusion of corner stores and taverns for RT3 zoning districts for commercial purposes similar to that of RT4 and higher density zoning districts. Another change corrects wheelchair ramp regulations to not be in conflict with Americans with Disabilities Act (ADA) and state licensing requirements for adult family homes.

Mr. Richardson said that there are two proposed changes to the current draft ordinance as presented. The first proposal tweaks the limited-use standard for general retail in the IC district to make it easier for businesses to meet the standard. The second proposal is from the Department of Neighborhood Services (DNS) to modify assembly hall use regulations with a limited-use standard.

Ms. Lewandowski said the proposal from her office is for assembly halls to be a limited-use with the following criteria:

- 1. Assembly halls must operate within the hours of operation of the restaurant or tavern*
- 2. Restaurants or taverns must hold all required licenses to facilitate events, such as a liquor license and public entertainment license*
- 3. Food and beverage service for an assembly hall must be provided by the restaurant or tavern*

Ms. Lewandowski said her office is tasked with nuisance abatement and is looking at all available tools. The additional proposal is to address a handful of assembly halls that does not operate in an accessory manner to the main use of the building. These operations oftentimes produce negative secondary effects for the community. The majority of assembly halls poses no problem as being accessory to the main use and would still be permitted under the proposal. Those halls that fail to meet the limited use standards would be subject to special use standards, and her office would be able to address them through enforcement as not being accessory to the main use.

Mr. Roberts commented. Perhaps the licensing of premises can address the issues of not being accessory in the plan of operation for assembly halls. All taverns or restaurants should not be penalized due to the conduct of a few. There should not be redundant requirements through licensing and BOZA.

Atty. Mukamal commented. The issues with assembly halls as stated are not zoning issues or matters for zoning enforcement. The issues attune to more licensing and nuisance control issues. These matters should not go to BOZA. The existing zoning code is applicable to all accessory uses.

Ms. Lewandowski added comments. There is enforcement difficulty concerning those facilities that had no licenses but held functions, and also those facilities with licenses but held functions well beyond being accessory to tavern or restaurant operations. The limited use standard will help address and define accessory use for assembly halls.

Mr. Mannan said that it is easier to address taverns and restaurants with assembly halls under licensing rather than zoning requirements.

Mr. Richardson said the intent is for DNS to catch those facilities with assembly halls that do not have a license and operates beyond being accessory. The limited use standard would require halls to have a license if they are accessory in use. Those that do have the proper licenses will not be in the jurisdiction of DNS.

Mr. Rute said that the zoning code addresses stand-alone assembly halls as special-use in most districts and the target is not stand-alone assembly halls.

Mr. Osterman and Mannan inquired about changing the definition of assembly halls.

Atty. Mukamal said that the first two criteria are not problematic, with respect to legal requirements, and do not infringe on property rights and operations. The third criterion is problematic. The proposal is not changing definitions but just adding a limited use standard.

Atty. Mukamal moved to add the limited use standard and criteria 1 and 2, excluding criterion 3, provision for accessory assembly halls, as proposed by Ms. Lewandowski, to the draft ordinance. Mr. Richardson seconded. There was no objection.

Mr. Roberts inquired about feather signs being illegal under the draft ordinance.

Ms. Lewandowski replied that feather signs are prolific and obstructive to the public and right of way. Her office has received many complaints on the signs, has the capacity to address them through special enforcement upon receiving complaints or when doing surveys, and does not oppose making the signs illegal.

Atty. Mukamal said that a good record needs to be made to classify feather signs as

illegal.

Mr. Rute said that any prohibited sign is appealable to BOZA.

Mr. Richardson moved that the proposed ordinance draft, as amended to include a revised limited-use standard for general retail establishments in the IC district and a limited-use standard for accessory assembly halls, meets the standards of legality and enforceability, consistency with the format of the zoning code, and administrative efficiency. Mr. Roberts seconded. There was no objection.

Meeting adjourned at 3:09 p.m.

Linda Elmer, Staff Assistant

Chris Lee, Staff Assistant