



Legislation Details (With Text)

File #: 080195 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/20/2008 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 7/30/2008

Effective date:

Title: A substitute ordinance relating to storm water management regulations.

Sponsors: ALD. MURPHY, ALD. BAUMAN, ALD. KOVAC, ALD. WADE

Indexes: ENVIRONMENT, EROSION CONTROL, WATER QUALITY

Attachments: 1. Minutes of the Zoning Code Technical Committee Meeting of 6/5/08, 2. Recording of the 6/5/08 Zoning Code Technical Committee meeting, 3. Zoning Code Technical Committee Letter, 4. Propose Subs. A & B Memo - Legislative Reference Bureau, 5. Proposed Sub. C Memo - Legislative Reference Bureau, 6. Proposed Sub A, 7. Proposed Sub B, 8. Fiscal Note, 9. June 16, Memo re proposed sub B, 10. June 17 Memo re proposed sub C, 11. 6/18/08 Talking Points SW Ordinance, 12. City Plan Commission Letter.pdf, 13. Notice List, 14. Notice Published on 6-6-08 and 6-13-08, 15. Notice Published on 8-15-08

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|---|--------------------------------------|--------|-------|
| 5/20/2008 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 5/21/2008 | 0 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 5/21/2008 | 0 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 6/6/2008 | 0 | CITY CLERK | PUBLISHED | | |
| 6/13/2008 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 6/18/2008 | 0 | PUBLIC WORKS COMMITTEE | SUBSTITUTED | Pass | 4:0 |
| 6/18/2008 | 1 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PASSAGE AND ASSIGNED | Pass | 2:1 |
| 6/18/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 6/19/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 6/19/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 6/19/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 6/19/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 6/24/2008 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HELD TO CALL OF THE CHAIR | Pass | 5:0 |
| 7/16/2008 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 7/22/2008 | 2 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 5:0 |
| 7/22/2008 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | SUBSTITUTED | Pass | 5:0 |

| | | | | | |
|-----------|---|----------------|-----------------|------|------|
| 7/22/2008 | 2 | CITY CLERK | DRAFT SUBMITTED | | |
| 7/30/2008 | 2 | COMMON COUNCIL | PASSED | Pass | 13:1 |
| 8/8/2008 | 2 | MAYOR | SIGNED | | |
| 8/15/2008 | 2 | CITY CLERK | PUBLISHED | | |

080195
Substitute 2

ALD. MURPHY, BAUMAN, KOVAC AND WADE

A substitute ordinance relating to storm water management regulations.

115-14 cr

115-22.5 cr

115-23 am

115-24-1 am

116-39 cr

119-1-1-j cr

119-11-1-d cr

119-11-3.5 cr

119-12-1-b am

119-12-1-c am

120-1-1-f cr

120-9-2-d am

120-9-3-a am

120-9-5-c rn

120-9-5-c cr

120-9-5-d rn

120-9-5-e rn

120-9-5-f rn

120-9-6-a am

225-01 am

225-4-2 rc

252-75-1 am

290-7-2-f cr

290-9-1-0 am

290-9-1-a-5 am

295-103-22 cr

295-201-433 am

295-403-2-a (table) am

295-403-2-b-3-b am

295-403-2-b-3-c rp

295-403-2-b-3-d am

295-403-2-b-4 am

295-403-2-b-7 cr

295-403-2-c am

295-403-2-d cr

295-403-2-e cr

295-403-3-a am

295-403-3-b am

295-403-3-f cr

295-405-1-c-1 am

295-405-2-a am

295-405-2-b rc

295-405-2-d cr

295-405-4 cr

295-421 cr

295-505-4-c-4 rc

This ordinance creates a number of regulations and policies relating to storm water management, including:

1. New street design standards (e.g. minimum/maximum street width, use of permeable paving materials, cul-de-sac alternatives, etc.) shall apply to the design, construction or reconstruction of new or existing streets by the city or by subdivision developers.
2. The paved portion of a public street may be used for the temporary storage of storm water when deemed appropriate by the commissioner of public works. The portion of a street right-of-way between the sidewalk and the curb may be used for storm water treatment.
3. One of the stated purposes of the city's subdivision, storm water management and zoning regulations shall be the reduction of nonpoint source water pollution by minimizing impervious cover on development sites.
4. Subdivisions, storm water management facilities and erosion control facilities shall be designed to preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.
5. Trees shall be permitted in areas intended to perform storm water retention or percolation functions.
6. After construction of storm water management facilities is completed, the person responsible for providing those facilities shall submit written certification from a registered professional engineer that the facilities have been constructed in accordance with the approved storm water management plan. Currently, post-construction inspection of storm water management facilities is performed by city staff.
7. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets certain conditions. Currently, only single-family and 2-family dwellings and their accessory buildings, and all types of buildings located in areas of the city served by combined sewers, may discharge to finished grade.
8. The minimum off-street parking space requirement for single-family and 2-family dwellings (one per dwelling unit) is eliminated.
9. The minimum parking space requirements for general office and general retail uses are reduced. A maximum of 3.5 spaces per 1,000 square feet of gross floor area is established for general retail establishments.

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

Part 1. Section 115-14 of the code is created to read:

115-14. Street Design Standards. The following design standards apply to the design, construction or reconstruction of new or existing streets by the commissioner of public works and by the city.

1. The commissioner shall employ street design standards to minimize street pavement width and to provide only the pavement width necessary to ensure safe movement of traffic. The pavement width for a local street, as defined in s. 295-201-643, shall be not less than 22 feet and not more than 36 feet unless otherwise approved by the common council.
2. The minimum radius for the paved portion of a cul-de-sac shall be 35 feet.
3. A landscaped island shall be created in any cul-de-sac having a paved-area radius greater than 35 feet. This requirement may be waived by the common council.
4. Alternatives to cul-de-sac turnaround design, including but not limited to hammerheads and loop roads, shall be permitted for residential streets.
5. Vegetated open channels shall be permitted along residential streets with openings in the curb face or other conveyance methods that maintain curb and gutter.
6. Flush curbs or curb cuts that direct runoff into landscaped islands shall be permitted.
7. The minimum width of a tree border on a local street, as defined in s. 295-201-643, shall be 6 feet. This requirement may be waived by the common council.
8. The portion of the street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be designated and used for storm water treatment purposes.

Part 2. Section 115-22.5 of the code is created to read:

115-22.5. Street and Alley Construction. The use of permeable paving, as defined in s. 200-08-68.5, shall be permitted for city streets and alleys.

Part 3. Section 115-23 of the code is amended to read:

115-23. Driveways. The commissioner is empowered to determine the type, width, location and number of driveways and to regulate the distance between driveways to provide for the safety of pedestrians, provided, however, any driveway in excess of 30 feet in width must be approved by the common council [~~or by the local alderman and the commissioner of public works~~]. He >>or she<< may issue a permit for the construction of a standard, depressed or raised street pavement driveway. See s. 81-45 for the required permit fee. All driveways shall be constructed in accordance with the provisions of the specifications of the city which may be supplemented by any additional reasonable rules and regulations of the commissioner as to the materials used and the manner and methods to be adopted and employed during the construction of such driveways. >>The use of permeable paving, as defined in s. 200-08-68.5, in the construction of driveways shall be permitted.<<

Part 4. Section 115-24-1 of the code is amended to read:

115-24. Sidewalk Construction; Exceptions.

1. Sidewalks shall be constructed of concrete >>or permeable paving, as defined in s. 200-08-68.5 ,<< and constructed in accordance with the specifications of the city. Provided further, that so much of the sidewalk area commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb, may be laid or constructed of >>permeable paving<< stone, brick [[;]] >>or<< concrete pavers [[or bituminous material]] where the material and manner of laying are approved by the commissioner. >>The tree border may also be used for storm water treatment purposes.<<

Part 5. Section 116-39 of the code is created to read:

116-39. Storm Water Treatment or Storage. a. Treatment. The portion of a street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be used for storm water treatment purposes.

b. Storage. The paved portion of a public street may be used for temporary storage of storm water when such storage is deemed appropriate by the commissioner of public works. The commissioner shall determine the method, location and duration of any storm water storage on public streets.

Part 6. Section 119-1-1-j of the code is created to read:

119-1. Purpose of Chapter.

1. The purpose of this chapter is to:

j. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 7. Section 119-11-1-d of the code is created to read:

119-11. Principles of Design.

1. GENERAL.

d. The subdivision shall be designed to preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield succession of native and non-native plants.

Part 8. Section 119-11-3.5 of the code is created to read:

3.5. STREET DESIGN. a. The pavement width for a local street, as defined in s. 295-201-643, shall be not less than 22 feet and not more than 36 feet unless otherwise approved by the common council.

b. The minimum radius for the paved portion of a cul-de-sac shall be 35 feet.

c. A landscaped island shall be created in any cul-de-sac having a paved-area radius greater than 35 feet. This requirement may be waived by the common council.

d. Alternatives to cul-de-sac turnaround design, including but not limited to hammerheads and loop

roads, shall be permitted for residential streets.

- e. Vegetated open channels shall be permitted along residential streets with openings in the curb face or other conveyance methods that maintain curb and gutter.
- f. Flush curbs or curb cuts that direct runoff into landscaped islands shall be permitted.
- g. The minimum width of a tree border on a local street, as defined in s. 295-201-643, shall be 6 feet. This requirement may be waived by the common council.
- h. The portion of the street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be designated and used for storm water treatment purposes.

Part 9. Section 119-12-1-b and c of the code is amended to read:

119-12. Required Improvements.

1. AGREEMENT WITH CITY.

- b. Surfacing for streets, alleys and pedestrian ways shown on the plat with the type of pavement approved by the commissioner of public works and in accordance with approved city plans and specifications. >>The commissioner may approve the use of permeable paving, as defined in s. 200-08-68.5, for parking lanes, alleys and pedestrian ways.<<
- c. Concrete sidewalks >>or sidewalks constructed of permeable paving, as defined in s. 200-08-68.5,<< along both sides of every street in a residentially zoned area, and along at least one side of every street in areas zoned other than residential shown on the plat, in accordance with applicable standard specifications of the department of public works; provided, however, that the common council may waive or defer any or all of these requirements.

Part 10. Section 120-1-1-f of the code is created to read:

120-1. Purpose of Chapter.

- 1. The purpose of this chapter is to:
 - f. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 11. Section 120-9-2-d and 3-a of the code is amended to read:

120-9. Storm Water Management Plan.

2. EXISTING SITE CONDITIONS.

- d. Vegetation >>, including grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants<< .

3. SITE ALTERATIONS.

a. Areas where vegetation is disturbed or planted >> including areas of grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants<< .

Part 12. Section 120-9-5-c to f is renumbered 120-9-5-d to g.

Part 13. Section 120-9-5-c of the code is created to read:

5. BEST MANAGEMENT PRACTICES.

c. Areas of vegetation intended to perform storm water retention or percolation functions. Trees shall be permitted in these areas.

Part 14. Section 120-9-6-a of the code is amended to read:

6. GUARANTEE.

a. The plan shall also be accompanied by an irrevocable letter of credit, certified check or surety bond to guarantee implementation and completion of storm water management plans. By submitting the guarantee, the person consents to allowing the city to inspect the best management practices constructed to meet requirements of the storm water management plan. >>After construction of the storm water management facilities has been completed, the person shall submit a written certification from a registered professional engineer that the facilities have been constructed in accordance with the storm water management plan. The person or the registered professional engineer shall submit the certification to the city engineer.<< After the ~~[[best management practices are inspected and approved by the city]]~~ >>city engineer receives the certification<< , that portion of the guarantee not utilized under s. 120-17 shall be released or returned.

Part 15. Section 225-01 of the code is amended to read:

225-01. Adoption of State Law. Except as otherwise provided in this chapter, the city adopts ss. 145.01, 145.06, 145.11, 145.15(4) and 145.175, Wis. Stats., as amended, and chs. Comm ~~[[&2]]~~ >>81 << to 87, Wis. Adm. Code, as amended, as part of this code.

Part 16. Section 225-4-2 of the code is repealed and recreated to read:

225-4. Drainage of Yard Areas and Roofs.

2. ROOF RAINWATER LEADERS (CONDUCTORS). a. Discharge to Finished Grade; When Permitted. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets all of the following provisions:

a-1. The point of discharge shall be a minimum of 2 feet from a basement or a foundation wall of alley property line and 5 feet from all other property lines.

a-2. The discharge shall flow parallel to or away from the nearest property line.

a-3. The discharge water shall not discharge to a street, alley or other public way.

a-4. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

a-5. The downspout hub shall be sealed with a 1" concrete cap or in a manner approved by the commissioner.

b. Connection to Sewer Required. Whenever discharge to finished grade from the roof rainwater leaders, conductors or downspouts of any building, including any accessory building, cannot meet the provisions of par. a, all roof rainwater leaders, conductors or downspouts shall be mechanically connected to the storm sewer or combined sewer, or to an approved storm sewer facility when they are available and abutting the property. This shall include parcels that have access by easement or private roads when the storm sewer is available at the point of access.

c. Waiver. Any provision of par. a may be waived by the commissioner if the property owner submits, and the commissioner accepts, plans for a discharge system designed by a registered civil engineer for purposes of complying with the intent of par. a.

d. Use as Support Prohibited. No conductor, roof rainwater leader or downspout shall be used as a support for any part of a building, structure or appendage to same.

e. Installation and Maintenance. All outside roof leaders (conductors) installed under or in the ground shall be installed as regulated in s. Comm 82.36, Wis. Adm. Code. Conductors shall terminate with an approved pipe above grade. The sheet metal conductors shall be connected and sealed to the pipe in an approved manner. Roof leaders (conductors) connecting to the storm building drain in the basement shall be of an approved pipe material to a point at least 2 feet inside the basement foundation wall. Roof leaders (conductors) shall be maintained in good repair and free of stoppages.

f. Discharge into Catch Basin or Sand Interceptor Prohibited. Rainwater leaders in the combined sewer area shall not discharge into a catch basin or sand interceptor. The sewer from the rainwater leader shall bypass the catch basin or sand interceptor and shall have a direct connection to the sewer system.

Part 17. Section 252-75-1 of the code is amended to read:

252-75. Planting and Maintenance of Vegetation.

1. VEGETATION REQUIRED. In addition to any applicable requirements of ch. 295, within one year of occupancy of any single-, 2- or multi-family dwelling, a land-disturbing addition to such dwelling or an accessory structure related to such dwelling, the premises upon which such dwelling is located shall be covered with seeded or sodded grass, trees, shrubs, gardens or other vegetation. Such vegetation shall not contain Canada thistle, leafy spurge, field bindweed or any other weed which the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious. The vegetation shall thereafter be maintained and shall not be replaced with gravel, pavement or any other non-vegetation material. The area upon which vegetation shall be planted and maintained includes any unpaved portion of the public street between the property line and the curb or edge of the street pavement; however, no vegetation other than grass shall be planted and maintained on public street right-of-way unless approved by the commissioner of public works in accordance with ch. 116. >>The landscaped areas

required by this subsection may be used for storm water treatment purposes.<<

Part 18. Section 290-7-2-f of the code is created to read:

290-7. Control of Erosion and Pollutants.

2. REQUIREMENTS.

f. Native Vegetation. The land development or land disturbing activity shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.

Part 19. Section 290-9-1-0 and a-5 of the code is amended to read:

290-9. Control Plan for Building and Site Development.

1. ACTIVITIES COVERING ~~[[MORE THAN]] ONE ACRE >>~~OR MORE<< . The control plan for land disturbing activities covering ~~[[more than]] one acre >>~~or more<< shall consist of:

a-5. Vegetative cover >>, including the location of any grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants, that will be preserved or destroyed in conjunction with the land-disturbing activity<< .

Part 20. Section 295-103-22 of the code is created to read:

295-103. Purpose.

22. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 21. Section 295-201-433 of the code is amended to read:

295-201. Definitions.

433. PARKING SPACE means an area set aside ~~[[and]] >>~~,<< designated >>and of sufficient size<< for the parking of one ~~[[motor vehicle]] >>~~automobile, van, sport-utility vehicle or truck with a cargo capacity of 1.5 tons or less, but does not include a designated motorcycle parking space<< .

Part 22. Table 295-403-2-a of the code is amended to read:

| Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE | |
|---|---|
| Uses | No. of Parking Spaces Required |
| RESIDENTIAL USES | |
| Single-family dwelling | [[min. of one space]] >> <u>no min.<<</u> ; max. of 4 spaces |
| Two-family dwelling | [[min. of one space per dwelling unit]] >> <u>no min.<<</u> ; max. of 4 spaces on the premises |

| Multi-family dwelling: | Zoning Districts |
|--|--|
| Min. ratio of parking spaces to dwelling units* | RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1 |
| 1:1 | RT4, RM5, RM6, RM7, RO2, NS2, LB2, 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. | |
| Attached single-family dwelling | min. of one space; max. of 4 spaces |
| Live-work unit | one for each live/work unit in the building |
| Mobile home | N.A. |
| Watchman/service quarters | None |
| Family day care home | see requirement for dwelling unit type |
| GROUP RESIDENTIAL USES | |
| Rooming house | one for every 2 rooms |
| Convent, rectory or monastery | one per facility |
| Dormitory | one for every 15 beds or fraction thereof |
| Fraternity or sorority | one for every 2 rooms |
| Adult family home | one |
| <i>Foster Homes</i> | |
| Foster family home | one |
| Small foster home | one |
| Group home or group foster home | one |
| <i>Shelter Care Facilities</i> | |
| Family shelter care facility | one |
| Small group shelter care facility | one |
| Large group shelter care facility | one |
| Community living arrangement | one |
| Transitional living facility | one per dwelling unit |
| EDUCATIONAL USES | |
| Day care center | None (limited use) or as required by the board (special use) |
| School, elementary or secondary | none |
| College | none |
| School, specialty or personal instruction | none |
| COMMUNITY-SERVING USES | |
| Library | none |
| Cultural institution | none |
| Community center | as required by the board for special use approval |
| Religious assembly | one for every 6 seats in the assembly hall |
| Cemetery or other place of interment | none |
| Public safety facility | none |
| Correctional facility | none |
| COMMERCIAL AND OFFICE USES | |

| | |
|---|--|
| General office | one for each <u>[[250]] >>500<<</u> sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft. >>; storage or utility spaces shall not be included when calculating gross floor area<< |
| Government office | see general office |
| Bank or other financial institution | see general office |
| Currency exchange, payday loan or title loan agency | see general retail establishment |
| Installment loan agency | see general retail establishment |
| Retail establishment, general | <u>[[one for each 500 sq. ft. of gross floor area on the first floor; one for each 1,000 sq. ft. of gross floor area on the 2nd floor and above]] >>min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-e; storage or utility spaces shall not be included when calculating gross floor area<<</u> |
| Garden supply or landscaping center | see general retail establishment |
| Home improvement center | see general retail establishment |
| Secondhand store | see general retail establishment |
| Outdoor merchandise sales | one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale |
| Artist studio | none |
| Adult retail establishment | see general retail establishment |
| HEALTH CARE AND SOCIAL ASSISTANCE USES | |
| Medical office | see general office |
| Health clinic | see general office |
| Hospital | one for every 4 beds |
| Medical research laboratory | see general office |
| Medical service facility | see general office |
| Social service facility | see general office |
| Emergency residential shelter | as required by the board for special use approval |
| Nursing home | one for every 4 beds |
| GENERAL SERVICE USES | |
| Personal service establishment | see general office |
| Business service | see general office |
| Building maintenance service | see general office |
| Catering service | see general office |
| Funeral home | one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces |
| Laundromat | see general retail establishment |
| Dry cleaning establishment | see general retail establishment |
| Furniture and appliance rental and leasing | see general retail establishment |
| Household maintenance and repair service | see general retail establishment |
| Tool/equipment rental facility | see general retail establishment |
| <i>Animal Services</i> | |
| Animal hospital/clinic | see general retail establishment |

| | |
|--|--|
| Animal boarding facility | see general retail establishment |
| Animal grooming or training facility | see general retail establishment |
| MOTOR VEHICLE USES | |
| <i>Light Motor Vehicle</i> | |
| Sales facility | none (permitted use) or as required by the board (special use) |
| Rental facility | none (permitted or limited use) or as required by the board (special use) |
| Repair facility | as required by the board for special use approval |
| Body shop | none (permitted use) or as required by the board (special use) |
| Outdoor storage | none (permitted use) or as required by the board (special use) |
| Wholesale facility | none |
| <i>Heavy Motor Vehicle</i> | |
| Sales facility | none (permitted use) or as required by the board (special use) |
| Rental facility | none (permitted use) or as required by the board (special use) |
| Repair facility | none (permitted use) or as required by the board (special use) |
| Body shop | none (permitted use) or as required by the board (special use) |
| Outdoor storage | none (permitted use) or as required by the board (special use) |
| <i>General Motor Vehicle</i> | |
| Filling station | as required by the board for special use approval |
| Car wash | none |
| Drive-through facility | none |
| <i>Parking</i> | |
| Parking lot, principal use | N.A. |
| Parking lot, accessory use | N.A. |
| Parking structure, principal use | N.A. |
| Parking structure, accessory use | N.A. |
| Heavy motor vehicle parking lot, principal | N.A. |
| Heavy motor vehicle parking lot, accessory | N.A. |
| ACCOMODATION AND FOOD SERVICE USES | |
| Bed and breakfast | one for each sleeping room, plus one additional space |
| Hotel, commercial | one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above |
| Hotel, residential | one for every 2 sleeping rooms |
| Tavern | see general retail establishment |
| Assembly hall | one for every 1,000 square feet of gross floor area or fraction thereof |
| Restaurant, sit-down | see general retail establishment |
| Restaurant, fast-food/carry-out | see general retail establishment |
| ENTERTAINMENT AND RECREATION USES | |
| Park or playground | none |
| Festival grounds | none |

| | |
|---|---|
| Recreation facility, indoor | see general retail establishment |
| Recreation facility, outdoor | as required by the board for special use approval |
| Health club | see general retail establishment |
| Sports facility | as required by the board for special use approval |
| Gaming facility | N.A. |
| Theater | one for every 100 square feet of floor area in the theater auditorium |
| Convention and exposition center | as required by the board for special use approval |
| Marina | none |
| Outdoor racing facility | as required by the board for special use approval |
| Adult entertainment establishment | see general retail establishment |
| STORAGE, RECYCLING AND WHOLESALE TRADE USES | |
| Recycling collection facility | none |
| Mixed-waste processing facility | none |
| Material reclamation facility | none |
| Salvage operation, indoor | none |
| Salvage operation, outdoor | none |
| Wholesale and distribution facility, indoor | none |
| Wholesale and distribution facility, outdoor | none |
| <i>Storage Facilities</i> | |
| Indoor | none |
| Outdoor | none |
| Hazardous materials | none |
| TRANSPORTATION USES | |
| Ambulance service | see general office |
| Ground transportation service | see general office |
| Passenger terminal | none |
| Helicopter landing facility | none |
| Airport | none |
| Ship terminal or docking facility | none |
| Truck freight terminal | none |
| Railroad switching, classification yard or freight terminal | none |
| INDUSTRIAL USES | |
| Manufacturing, light | none |
| Manufacturing, heavy | none |
| Manufacturing, intense | none |
| Research and development | none |
| Processing or recycling of mined materials | none |
| Contractor's shop | see general office |

| | |
|--|--------------------|
| Contractor's shop | see general office |
| Contractor's yard | none |
| AGRICULTURAL USES | |
| Plant nursery or greenhouse | none |
| Raising of crops or livestock | none |
| UTILITY AND PUBLIC SERVICE USES | |
| Broadcasting or recording studio | see general office |
| Transmission tower | see general office |
| Water treatment plant | see general office |
| Sewerage treatment plant | see general office |
| Power generation plant | see general office |
| Substation/distribution equipment, indoor | see general office |
| Substation/distribution equipment, outdoor | see general office |
| TEMPORARY USES | |
| Seasonal market | none |
| Temporary real estate sales office | none |
| Temporary concrete/batch plant | none |
| Live entertainment special event | none |

Part 23. Section 295-403-2-b-3-b of the code is amended to read:

295-403. Parking.

2. NUMBER OF SPACES.

b. Adjustment to Number Required.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide ~~[[and the peak aggregate parking demand on all uses served shall not exceed the available number of parking spaces at any given time]]~~ .

Part 24. Section 295-403-2-b-3-c of the code is repealed.

(Note: The provision being repealed reads as follows:

b-3-c. The quantity and efficiency of the shared parking facility will serve the uses as well as, or better than, the normally required parking spaces.)

Part 25. Section 295-403-2-b-3-d of the code is amended to read:

b-3-d. The required ~~[[numbers of loading berths and]]~~ >>number of<< bicycle parking spaces will be provided.

Part 26. Section 295-403-2-b-4 of the code is amended to read:

b-4. A reduction of ~~[[15%]]~~ >>25%<< in the number of parking spaces required if the use is located in

the area bounded by ~~[[West]]~~ Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west >>or is within 1,000 feet of any regularly scheduled bus stop<< . This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in ~~[[this]]~~ >>the designated<< area >>and in locations in close proximity to bus stops<< . >>A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.<<

Part 27. Section 295-403-2-b-7 of the code is created to read:

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

Part 28. Section 295-403-2-c of the code is amended to read:

c. For a newly-constructed >>commercial<< building or >>commercial<< building addition with over 2,000 square feet of floor area, >>a minimum of<< one bicycle parking space shall be provided for each 2,000 square feet of floor area ~~[[, up to a maximum of 10 spaces]]~~ .

Part 29. Section 295-403-2-d and e of the code is created to read:

d. Shared Parking Required When Feasible. d-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of share parking facilities is infeasible.

d-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

e. Exception to Exceed Maximum Number of Parking Spaces. e-1. The number of parking spaces provided for a general retail establishment, or for any land use for which the parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner finds one or more of the following to be true:

e-1-a. The additional spaces will be located in a parking structure.

e-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

e-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

e-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

e-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

e-3. If the commissioner determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

Part 30. Section 295-403-3-a and b of the code is amended to read:

3. STANDARDS OF DESIGN.

a. Dimensions. Parking spaces shall ~~[[be a minimum of 8 feet wide and]]~~ contain at least 160 square feet, excluding drives, lanes or aisles, ~~[[except that spaces designated for compact cars shall contain at least 120 square feet]]~~ and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner >>, except that spaces designated for compact cars shall contain at least 120 square feet<< . ~~[[At least]]~~ >>A minimum of<< 50% of the required parking spaces in a parking area shall ~~[[meet the 160-square-foot requirement]]~~ >>be designated for compact cars<< .

b. Paving. All areas used for the parking of motor vehicles or trailers shall have paved or approved surfaces, as required in s. 252-74. >>The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.<<

Part 31. Section 295-403-3-f of the code is created to read:

f. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

Part 32. Section 295-405-1-c-1 of the code is amended to read:

295-405. Landscaping.

1. PERIMETER LANDSCAPING AND EDGE TREATMENTS.

c-1. Trees. Where required, trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple ~~[[,]]~~ >>and<< linden ~~[[and ash]]~~, that has a leaf and branch structure that creates a uniform crown and an opaque tree canopy. If ornamental trees are used, they shall be spaced not more than 20 feet apart and the landscaped area

measure at least 10 feet in width. If an ornamental tree projects over a public sidewalk, such projection shall be at least 7 feet above grade. >>The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.<<

Part 33. Section 295-405-2-a of the code is amended to read:

2. INTERIOR PARKING LOT LANDSCAPING.

a. Trees >>and Shrubs<< Required. [[No interior parking lot landscaping shall be required for a parking lot having an area of less than 9,000 square feet. For a parking lot that is 9,000 square feet or more in area, one tree shall be provided for every 9,000 square feet of parking lot area or fraction thereof.]] >>Interior parking lot landscaping shall be required for any parking lot having an area of at least 7,500 square feet. Two trees and 2 shrubs shall be planted for every 8 spaces or fraction thereof, and may be planted in clusters. These landscaped areas shall cover at least 5% of the surface area of the parking lot.<< Trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple [[,;]] >>and<< linden [[and ash]], that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. [[Required trees shall be evenly distributed throughout the parking lot; no parking space shall be located more than 54 feet from the base of a required tree.]] >>The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.<<

Part 34. Section 295-405-2-b of the code is repealed and recreated to read:

b. Applicability. b-1. The requirements of this subsection shall apply to both the construction of new parking lots and the reconstruction of existing parking lots.

b-2. A parking lot that is zoned industrial-light or industrial-heavy and does not abut or face an arterial or collector street shall be exempt from the interior parking lot landscaping requirement.

Part 35. Section 295-405-2-d of the code is created to read:

d. Waiver of Tree and Shrub Requirements. The tree and shrub planting and preservation requirements of par. a may be waived by the commissioner if interior parking lot landscaping is to be used for bioretention, bioswales, infiltration basins or rain gardens and the commissioner approves an alternative landscaping beautification plan for the parking lot.

Part 36. Section 295-405-4 of the code is created to read:

4. STORM WATER TREATMENT. Any landscaping installed pursuant to this subsection or any other provision of this chapter, including but not limited to required landscaping for motor vehicle display areas, parking lots, storage yards, outdoor equipment and residential buffers, may be used for storm water treatment purposes.

Part 37. Section 295-421 of the code is created to read:

295-421. Native Vegetation. All land development or redevelopment activities shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants. This shall not

include preservation of Canada thistle, leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

Part 38. Section 295-505-4-c-4 of the code is repealed and recreated to read:

295-505. Design Standards.

4. SITE STANDARDS.

c. Access Drives.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB08015-5
JDO
07/21/2008