



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Placed On File

**File created:** 4/11/2000      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 5/13/2003

**Effective date:**

**Title:** A substitute ordinance relating to the plans of operation required of those seeking approval from the board of zoning appeals to operate gas stations, convenience stores and grocery stores.

**Sponsors:** ALD. HENNINGSEN, Fredrick Gordon, ALD. RICHARDS

**Indexes:** BOARD OF ZONING APPEALS, FOOD DEALERS, SERVICE STATIONS, ZONING

**Attachments:** 1. Memo-Henningsen.PDF, 2. ZCTC Opinion.PDF, 3. CPC letter.pdf

Date	Ver.	Action By	Action	Result	Tally
4/11/2000	0	COMMON COUNCIL	ASSIGNED TO		
4/12/2000	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/12/2000	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/12/2000	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
3/5/2001	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/5/2001	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/13/2001	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
3/13/2001	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO	Pass	3:0
3/13/2001	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO	Pass	3:0
3/13/2001	1	CITY CLERK	DRAFT SUBMITTED		
3/26/2001	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/4/2001	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/28/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/30/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/30/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/5/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
2/18/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		

2/18/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/26/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/6/2003	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/6/2003	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/6/2003	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/14/2003	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/16/2003		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
1/16/2003		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
1/16/2003		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/14/2003	1	CITY CLERK	PUBLISHED		
5/6/2003	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
5/13/2003	1	COMMON COUNCIL	PLACED ON FILE	Pass	17:0

991928

SUBSTITUTE 1

ALD. HENNINGSEN, GORDON AND RICHARDS

A substitute ordinance relating to the plans of operation required of those seeking approval from the board of zoning appeals to operate gas stations, convenience stores and grocery stores.

- 295-14-20 cr
- 295-323-8 rc
- 295-333-7-b am
- 295-333-8-a am
- 295-333-8-b am
- 295-343-8-a am
- 295-343-8-b am
- 295-413-7-b am
- 295-423-8-d am
- 295-443-8-c am
- 295-453-7-a am
- 295-453-8-d am
- 295-463-7-a am
- 295-463-8-e am
- 295-473-8-c am
- 295-513-7-b am
- 295-513-8-c am
- 295-513-8-d am

This ordinance requires that, in zoning districts where service stations, motor vehicle pumping stations and grocery stores are designated special uses, the owner demonstrate that the proposed use will comply with certain conditions. These conditions are:

1. That the proposed use not disrupt established shopping patterns or discourage the full commercial utilization of the surrounding area.
2. That the proposed use not cause excessive noise, illumination, litter, fumes, odors or physical activity and will otherwise not constitute a nuisance.
3. That lighting from the proposed use or its advertising not cause reflection or glare onto residential property or public streets.

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

Part 1. Section 295-14-20 of the code is created to read:

**295-14. Special Conditions.**

**20. GENERAL PURPOSE GROCERY STORES, MOTOR VEHICLE PUMPING STATIONS AND MOTOR VEHICLE SERVICE STATIONS.** General purpose grocery stores, motor vehicle pumping stations and motor vehicle service stations shall meet the following requirements:

- a. The proposed use shall not disrupt established shopping patterns or discourage the full commercial utilization of the surrounding area.
- b. The proposed use shall not cause excessive noise, illumination, litter, fumes, odor or physical activity and shall otherwise not constitute a nuisance.
- c. The lighting for the proposed use or its advertising shall not cause reflection or glare onto residential property or public streets.

Part 2. Section 295-323-8 of the code is repealed and recreated to read:

**295-323. Special Uses.**

- 8. MOTOR VEHICLE.**
- a. Motor vehicle service stations and motor vehicle pumping stations subject to s. 295-14-20.
  - b. Motor vehicle repair centers provided the use will not disrupt established shopping patterns or discourage the full commercial utilization of the surrounding area and also subject to the restrictions of sub. 10-c.
  - c. Car washes, subject to s. 295-14-7.
  - d. Motor vehicle sales and rentals, subject to s. 295-75-7 and 8.
  - e. Motor vehicle body bumping and painting when a part of a motor vehicle sales and rental operation and when not more than 40% of floor space is devoted to motor vehicle body bumping and painting.
  - f. In L/A/85 to L/D/85 districts parking of motor vehicles, not exceeding 1.5 tons, between a street façade of a principal building and the street lot line.
  - g. Transportation services.

Part 3. Section 295-333-7-b of the code is amended to read:

**295-333. Special Uses.**

**7. RETAIL SALES.**

- b. General purpose grocery ~~[[store]]~~ >>stores, subject to s. 295-14-20<<.

Part 4 Section 295-333-8-a and b of the code is amended to read:

**8. MOTOR VEHICLE.**

- a. Motor vehicle service stations >>, subject to s. 295-14-20<<.
- b. Motor vehicle pumping stations >>, subject to s. 295-14-20<<.

Part 5. Section 295-343-8-a and b of the code is amended to read:

**295-343. Special Uses.**

**8. MOTOR VEHICLES.**

- a. Motor vehicle service stations >>, subject to s. 295-14-20<<.
- b. Motor vehicle pumping stations >>, subject to s. 295-14-20<<.

Part 6. Section 295-413-7-b of the code is amended to read:

**295-413. C9A (High Density Residential): Special Uses.**

**7. RETAIL SALES.**

- b. General purpose grocery stores >>, subject to s. 295-14-20<<.

Part 7. Section 295-423-8-d of the code is amended to read:

**295-423. C9B (Residential and Specialty Use): Special Uses.**

**8. MOTOR VEHICLE.**

- d. Motor vehicle service stations >>, subject to s. 295-14-20<<.

Part 8. Section 295-443-8-c of the code is amended to read:

**295-443. C9D (Civic Activity): Special Uses.**

**8. MOTOR VEHICLE.**

- c. Motor vehicle service stations >>, subject to s. 295-14-20<<.

Part 9. Section 295-453-7-a of the code is amended to read:

**295-453. C9E (Major Retail): Special Uses.**

**7. RETAIL SALES.**

- a. General purpose grocery stores >>, subject to s. 295-14-20<<.

Part 10. Section 295-453-8-d of the code is amended to read:

**8. MOTOR VEHICLE.**

- d. Motor vehicle service stations >>, subject to s. 295-14-20<<.

Part 11. Section 295-463-7-a of the code is amended to read:

**295-463. C9F (Office and Service): Special Uses.**

**7. RETAIL SALES.**

- a. General purpose grocery stores >>, subject to s. 295-14-20<<.

Part 12. Section 295-463-8-e of the code is amended to read:

**8. MOTOR VEHICLE.**

- e. Motor vehicle service stations >>, subject to s. 295-14-20<<.

Part 13. Section 295-473-8-c of the code is amended to read:

**295-473. C9G (Mixed Activity): Special Uses.**

**8. MOTOR VEHICLE.**

- c. Motor vehicle service stations >>, subject to s. 295-14-20<<.

Part 14. Section 295-513-7-b of the code is amended to read:

**295-513. Special Uses.**

7. RETAIL SALES.

b. General purpose grocery stores >>, subject to s. 295-14-20<<.

Part 15. Section 513-8-c and d is amended to read:

8. MOTOR VEHICLE.

c. Motor vehicle service stations, subject to s. ~~[[295-323-8-a]]~~ >>295-14-20<<.

d. Motor vehicle pumping stations, subject to s. ~~[[295-323-8-a]]~~ >>295-14-20<<.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date:\_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFOCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date:\_\_\_\_\_

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jro

03/13/01