



Legislation Text

File #: 081414, Version: 0

081414
ORIGINAL

THE CHAIR

An ordinance relating to certificates of occupancy and zoning.

200-33-8.5 rc

200-33-32 rp

200-33-46-b am

200-42-2 am

200-42-3-a-0 am

200-42-3-b-0 am

295-301-0 am

295-303-0 am

This ordinance deletes the term zoning certificate from the building code since they are no longer issued and are now called certificates of occupancy. It also includes the following:

- 1) Increases the fee for a duplicate certificate of occupancy and a business name change from \$25 to \$50.
- 2) Clarifies that a fee for a temporary certificate of occupancy is either \$100 or \$150 based on whether the square footage of the building is less than or greater than 10,000 square feet.
- 3) Clarifies that a conditional certificate of occupancy is obtained from the department of city development.
- 4) Clarifies that the fee for a demolition permit is calculated at 1% of the cost of the demolition.
- 5) In the case of a rooming house or daycare, adds the requirement to conduct inspections when an application for a certificate of occupancy is taken out even when the prior use of the building or space was the same.

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

Part 1. Section 200-33-8.5 of the code is repealed and recreated to read:

200-33. Fees.

8.5. CERTIFICATES OF OCCUPANCY. a. Certificates of Occupancy. a-1. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of less than 10,000 square feet, open lots, outdoor storage and outdoor circuses shall be \$200.

a-2. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of 10,000 square feet or more shall be \$400.

a-3. The required fee for certificates of occupancy in sites with multiple existing buildings shall be \$350 per 10,000 square feet, with a minimum of \$350.

a-4. The required fee for certificates of occupancy in new buildings with gross areas of less than 10,000 square feet shall be as follows:

a-4-a. Common areas: \$75.

a-4-b. Each rental or condominium tenant area: \$50.

- a-4-c. Portions of rental or condominium areas: \$50.
- a-4-d. Residential apartment buildings not in condominium ownership: \$50 if all dwelling units are completed at the time of inspection.
- a-5. The required fee for certificates of occupancy in new buildings with gross area of more than 10,000 square feet shall be as follows:
 - a-5-a. Common areas: \$125.
 - a-5-b. Each rental or condominium tenant area of less than 10,000 square feet: \$50.
 - a-5-c. Each rental or condominium tenant area of more than 10,000 square feet: \$100.
 - a-5-d. Portions of rental or condominium areas less than 10,000 square feet: \$50.
 - a-5-e. Portions of rental or condominium areas more than 10,000 square feet: \$100.
 - a-5-f. Residential apartment buildings not in condominium ownership: \$100 if all dwelling units are completed at the time of inspection.
- a-6. The required fee for certificates of occupancy not requiring inspections shall be \$75.
- a-7. The required fee for certificates of occupancy with a single inspection shall be \$125.
- a-8. The required fee for duplicate certificates of occupancy shall be \$50.
- a-9. The required fee for certificates of occupancy for changes to a business name shall be \$50.
- b. Conditional Certificate of Occupancy. The application fee for a conditional certificate of occupancy shall be \$150. This fee shall be payable at the time the application is submitted to the department of city development.
- c. Temporary Certificate of Occupancy. c-1. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of 10,000 square feet or less shall be \$100.
c-2. The fee for a temporary certificate of occupancy for buildings with gross area of greater than 10,000 square feet shall be \$150.
- d. There shall be a processing fee of \$3 for each certificate of occupancy.

Part 2. Section 200-33-32 of the code is repealed.

Part 3. Section 200-33-46-b of the code is amended to read:

46. RAZING.

- b. The permit fee for interior demolition of any building or structure shall be computed at ~~[[\$0.002]]~~ >> 1% << of the cost of demolition. The minimum fee shall be \$60.

Part 4. Section 200-42-2, 3-a-0 and b-0 of the code is amended to read:

200-42. Certificate of Occupancy.

2. WHEN REQUIRED. a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy ~~[[or certificate of zoning]]~~ has been issued by the commissioner of city development, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295 or any other regulation of this code. A new certificate of occupancy ~~[[or certificate of zoning]]~~ shall be required each time there is a change in the operator or tenant of a non-residential premises.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the

proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school >>, or a daycare or a rooming house, << or a tavern or a sit-down restaurant, as described under s. 295-201-501, or where otherwise requested, the commissioner of city development shall issue a certificate of occupancy:

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, >>a daycare, a rooming house, << a tavern or a sit-down restaurant, as described under s. 295-201-501, or where otherwise requested, the commissioner of city development shall issue a ~~[[zoning]]~~ certificate >>of occupancy<< indicating conformance with the use requirements set forth in ch. 295 and:

Part 5. Section 295-301-0 of the code is amended to read:

295-301. Authority. The administration of this chapter shall be vested in the commissioner of city development, who is charged with the duty and authority to issue certificates of occupancy ~~[[, certificates of zoning]]~~ and construction permits. The commissioner shall issue no certificate or permit for the use or development of any land or structure, nor for the erection, alteration, relocation, extension or substantial improvement of any structure, or part thereof, if the intended use or the plans and specifications therefor are not in all respects in conformity with the provisions of this chapter. In issuing permits, all city departments, officers and employes shall check all proposed work, activities, construction and uses for compliance with the provisions of the zoning code.

Part 6. Section 295-303-0 of the code is amended to read:

295-303. Occupancy. Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy ~~[[or certificate of zoning]]~~ has been issued by the commissioner of city development. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of city development for a period of up to 180 days for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional certificate of occupancy shall not imply that the board or common council is going to approve the applicant's request. The commissioner of city development is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

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: _____

MET

2/9/09

LRB08560-2