

City of Milwaukee

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Sponsors:	THE	HE CHAIR						
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Date	Ver.	Action By	Α	ction	Result	Tally		
5/21/2013	0	COMMON COUNCIL	Ą	ASSIGNED TO	Fail			
5/22/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		REFERRED TO				
5/22/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		REFERRED TO				
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6/28/2013	0	CITY CLERK	F	PUBLISHED				
7/10/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		EARING NOTICES SENT				
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7/11/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		EARING NOTICES SENT				
7/15/2013	0	CITY PLAN COMMISSIO		RECOMMENDED FOR PASSAGE AND	Pass	5:0		
7/16/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		SUBSTITUTED	Pass	4:0		
7/16/2013	0	ZONING, NEIGHBORHO DEVELOPMENT COMM		RECOMMENDED FOR PASSAGE	Pass	4:0		
7/23/2013	1	COMMON COUNCIL	F	PASSED	Pass	14:0		
7/25/2013	1	MAYOR	S	BIGNED				
8/9/2013	1	CITY CLERK	F	PUBLISHED				
130090	_ /							

SUBSTITUTE 1

THE CHAIR A substitute ordinance relating to various revisions to the zoning code. 295-201-55 am 295-201-57-c am 295-201-57-d am 295-203-5-c am 295-203-9-a-3 am 295-203-9-a-4 am 295-403-2-a am 295-403-2-a (table) am 295-407-2-b-1-a 295-505-5-c-1 rc 295-603-2-k-2 am 295-705-5.5 am 295-705-7-b-2 am 295-705-7-b-3-a am 295-705-7-b-4-b rc 295-705-7-b-4-c rp 295-705-7-b-5 am 295-705-7-b-6 am 295-803-1 (table) am This ordinance makes various revisions to the zoning code, including:

1. Consistent with the Wisconsin Administrative Code, the definition of "bed and breakfast" is modified to state that the establishment is the owner's (not operator's) personal residence and that it is occupied by the owner (not the operator) at the time rooms are rented.

2. No off-street parking spaces shall be required for uses located in the RED redevelopment zoning district.

3. No off-street parking spaces shall be required for an attached single-family dwelling (previously, a minimum of one space was required).

4. The glazing requirements of the LB3 commercial zoning district, rather than the LB2 district (as currently provided), shall apply to all properties in downtown zoning districts, except properties in the C9A and C9H districts, where the glazing requirements of the LB2 district shall continue to apply.

5. Automatic changeable message signs shall be permitted for elementary and secondary schools, colleges and religious assemblies in residential zoning districts. Currently, only manual changeable message signs are allowed. Also, changeable message signs shall no longer be required to use reverse copy (white letters on black background).

6. The use classification of a medical office in the industrial-mixed zoning district is changed from special use to permitted use.

7. The use classification of a catering service in an industrial-office or industrial-heavy zoning district is changed from special use or prohibited use, respectively, to permitted use.

8. The use classification of a funeral home in the industrial-mixed zoning district is changed from prohibited use to permitted use.

9. The use classification of an indoor recreation facility in an industrial-office zoning district is changed from prohibited use to special use.

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

Part 1. Section 295-201-55 of the code is amended to read:

295-201. Definitions.

55. BANK OR OTHER FINANCIAL INSTITUTION means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency >>, an installment loan agency<< or a title loan agency.

Part 2. Section 295-201-57-c and d of the code is amended to read:

57. BED AND BREAKFAST means an establishment which:

c. Is the [[operator's]] >><u>owner's</u><< personal residence.

d. Is occupied by the [[operator]] >>owner<< at the time of rental.

Part 3. Section 295-203-5-c of the code is amended to read:

295-203. Use Definitions.

5. COMMERCIAL AND OFFICE USES.

c. "Bank or other financial institution" means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency >>, an installment loan agency</ or a title loan agency.

Part 4. Section 295-203-9-a-3 and 4 of the code is amended to read:

9. ACCOMMODATION AND FOOD SERVICE USES.

a. "Bed and breakfast" means an establishment which:

- a-3. Is the [[operator's]] >><u>owner's</u><< personal residence.
- a-4. Is occupied by the [[operator]] >>owner<< at the time of rental.

Part 5. Section 295-403-2-a of the code is amended to read:

295-403. Parking.

2. NUMBER OF SPACES.

a. Number Required. The number of off-street parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street parking spaces shall be required for uses located in downtown zoning districts. >><u>Furthermore, no off-street parking</u> spaces shall be required for uses located in a RED redevelopment district. << Prior to issuance of any occupancy or construction permit, documentation that the required parking spaces exist shall be provided to the commissioner. For a use where the number of required spaces is "as required by the board for special use approval," the board shall not be bound to require parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, 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				
project shall have one parking space for every 2 dwelling units; have 2 parking spaces for every 3 dwelling units. Public housin income elderly housing projects shall provide one parking space	g for low-income families and public or federally-assisted low- of or every 2 dwelling units.				
Permanent supportive housing	one for every 5 dwelling units				
Transitional housing	one for every 5 dwelling units				
Attached single-family dwelling	[[min. of one space]] >> <u>no min.</u> << ; 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				
Foster Homes					
Foster family home	one				
Small foster home	one				
Group home or group foster home	one				
Shelter Care Facilities					
Family shelter care facility	one				
Small group shelter care facility	one				
Large group shelter care facility	one				

Part 6. Table 295-403-2-a of the code is amended to read:

Community living arrangement	one
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
School, elementary or secondary	none
College	none
School, 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 250 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.
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
Cash-for-gold business	see general retail establishment
Pawn shop	see general retail establishment
Retail establishment, general	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 2 nd floor and above
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
Animal Services	
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	
Light Motor Vehicle	
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
Heavy Motor Vehicle	
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)
General Motor Vehicle	
Filling station	as required by the board for special use approval
Car wash	none
Drive-through facility	none
Parking	
Parking lot, principal use	N.A.
Parking lot, accessory 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		
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	TRANSPORTATION USES	I
	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 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
Small wind energy system	none
Solar farm	none
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 7. Section 295-407-2-b-1-a of the code is amended to read:

295-407. Signs.

- **2.** ON-PREMISE SIGNS.
- b. Sign Types.

b-1. Freestanding Signs.

b-1-a. Type A Freestanding Signs. A type A freestanding sign is characterized by a continuous sign base that extends from grade to the display area and is at least >><u>75%</u><< as wide as the display area of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as "monument signs."

Part 8. Section 295-505-5-c-1 of the code is repealed and recreated to read:

295-505. Design Standards.

5. SIGNS.

c. Elementary and Secondary Schools, Colleges and Religious Assembly.

c-1. Changeable Message Signs. Changeable message signs, both automatic and manual, shall be permitted provided that all internal illumination is turned off between the hours of 10 p.m. and 7 a.m.

Part 9. Section 295-603-2-k-2 of the code is amended to read:

295-603. Uses.

2. LIMITED USE STANDARDS.

k. Parking Lot, Accessory Use.

k-2. In the LB1 district, the parking lot shall >><u>function in an accessory manner and shall</u><< be used exclusively by owners of a >><u>different</u><< premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. >><u>The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.<<</u>

Part 10. Section 295-705-5.5 of the code is amended to read:

295-705. Design Standards.

5.5. GLAZING. The glazing requirements applicable to the [[LB2]] >>LB3<< district, as specified in s. 295-605-2-i-3, shall apply to all properties in downtown zoning districts >>, except properties in the C9A and C9H districts, which shall meet the glazing requirements of the LB2 district<< .

Part 11. Section 295-705-7-b-2, 3-a, 5 and 6 of the code is amended to read:

7. SIGNS.

b. Limited-Permission Sign Standards.

b-2. Canopy and Hood Signs. If the sign has a display area larger than 25 square feet, the sign shall be [[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]] >>a type A sign<< .

b-3. Wall Signs.

b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be [[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]] >>a type A sign<< .

b-5. Roof Signs. If the sign has a display area larger than 50 square feet, the sign shall be [[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]] >>a type A sign<< .

b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be [[composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background]] >>a type A sign<<.

Part 12. Section 295-705-7-b-4-b of the code is repealed and recreated to read:

b-4. Freestanding Signs.

b-4-b. The sign shall be a type A sign.

Part 13. Section 295-705-7-b-4-c of the code is repealed. (Note: The provision being repealed reads as follows:

b-4-c. The display area of the sign shall not have an illuminated background. Only individual letters or symbols may be internally-illuminated.)

Part 14. Table 295-803-1 of the code is amended to read:

Y = Permitted Use L = Li Zoning Districts								
	IO1/ IO2	IL1/ IL2	IM	IH				
RESIDENTIAL USES		•	•	•				
Single-family dwelling	N	Ν	Y	Ν				
Two-family dwelling	N	Ν	Y	N				
Multi-family dwelling	N	Ν	Y	N				
Permanent supportive housing	N	Ν	Y	N				
Transitional housing	N	Ν	S	N				
Attached single-family dwelling	N	Ν	Y	N				
Live-work unit	N	N	Y	N				

Mobile home	N	N		N	N
Watchman/service quarters	Y	Y		Y	Y
Family day care home	N	Ν		Y	N
GROUP RESIDENTIAL USES	<u> </u> ;				
Rooming house	N	Ν		S	N
Convent, rectory or monastery	N	N		Y	N
Dormitory	N	N		S	N
Fraternity or sorority	N	N		S	N
Adult family home	N	N		L	N
Foster Homes					
Foster family home	N	N		Y	N
Small foster home	N	N		L	N
Group home or group foster	N	N		L	N
Shelter Care Facilities					
Family shelter care facility	N	N		Y	N
Small group shelter care fac	N	N		L	N
Large group shelter care fac	N	N		S	N
Community living arrangemen	N	N		L	N
EDUCATIONAL USES					
Day care center	S	S	S		S
School, elementary or second	N	N	S		N
College	s	S	S		N
School, personal instruction	S	S	S		N
COMMUNITY-SERVING USE	S				
Library	Ν	N		Y	Ν
Cultural institution	N	N		L	N
Community center	N	N		S	N
Religious assembly	N	N		S	N
Cemetery or other place of inte	N	N		N	N
Public safety facility	Y	Y		Y	Y
Correctional facility	N	N		N	N
COMMERCIAL AND OFFICE	USES				
General office	Y	Y		Y	L
Government office	Y	Y		Y	L
Bank or other financial instituti	S	S		Y	N
Currency exchange, payday lo	Ν	N		S	N
Installment loan agency	N	N		S	N
Cash-for-gold business	N	N		S	N
Pawn shop	N	N		S	N

L	I	1			L
Retail establishment, general	Ν	Ν		Y	Ν
Garden supply or landscaping	Ν	Y		Y	N
Home improvement center	N	Y		Y	N
Secondhand store	N	Ν		S	N
Outdoor merchandise sales	N	N		L	N
Artist studio	N	Y		Y	N
Adult retail establishment	N	N		S	N
HEALTH CARE AND SOCIAL	ASSISTANCE				
Medical office	S	Ν	[[\$]] >> <u>Y</u> <<		Ν
Health clinic	L	Ν		S	N
Hospital	N	N		N	N
Medical research laboratory	Y	Y		Y	N
Medical service facility	N	s		N	N
Social service facility	N	s		S	N
Emergency residential shelter	N	N		N	N
Nursing home	N	N		N	N
GENERAL SERVICE USES					
Personal service	Ν	Ν		Y	Ν
Business service	Y	s		Y	N
Building maintenance service	S	Y		S	N
Catering servic[[S]] >> <u>Y</u> <<		Y		Y	[[N]] >> <u>Y</u> <<
Funeral home	Ν	N	[[¥]] >> <u>Y</u> <<		N
Laundromat	N	Ν		Y	N
Dry cleaning establishment	N	N		Y	N
Furniture and appliance rental	N	N		Y	N
Household maintenance and r	N	Y		Y	N
Tool/equipment rental facility	N	Y		Y	N
Animal Services					
Animal hospital/clinic	N	Y		L	Y
Animal boarding facility	N	Y		L	Y
Animal grooming or training	N	Y		L	Y
MOTOR VEHICLE USES					
Light Motor Vehicle					
Sales facility	L	s		S	S
Rental facility	L	s		S	S
Repair facility	L	s		S	L
Body shop	L	s		S	L
Outdoor storage	L	Y		S	Y
Wholesale facility	Y	Y		Y	Y

- Heavy Motor Vehicle				
Sales facility	1	Y	S	Y
Rental facility		Y	s S	Y
-		1		1
Repair facility	L.	L	S	L
Body shop	L	L	S	L
Outdoor storage	L	S	S	Y
General Motor Vehicle				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through facility	S	S	S	S
Parking				
Parking lot, principal use	Y	Y	L	Y
Parking lot, accessory use	Y	Y	L	Y
Parking structure, principal	ΙY	Y	L	Y
Parking structure, accessor	/Y	Y	L	Y
Heavy motor vehicle parking	gS	L	L	Y
Heavy motor vehicle parking	γY	Y	Y	Y
ACCOMODATION AND FOO	D SERVICE U	SES		
Bed and breakfast	Ν	Ν	Y	Ν
Hotel, commercial	L	Ν	Y	N
Hotel, residential	N	Ν	Y	N
Tavern	L	L	Y	L
Assembly hall	S	S	S	N
Restaurant, sit-down	L	L	Y	L
Restaurant, fast-food/carry-ou	ıl.	L	L	L
ENTERTAINMENT AND REC	REATION USI	ES		
Park or playground	S	S	S	S
Festival grounds	N	N	N	N
Recreation faci[[N]] >> <u>S</u> <<		S	S	N
Recreation facility, outdoor	N	Ν	S	N
Health club	L	L	Y	N
Sports facility	N	S	S	N
Gaming facility	N	S	N	N
Theater	N	N	Y	N
Convention and exposition ce	rS	N	S	N
Marina	Y	Y	Y	Y
Outdoor racing facility	N	N	N	S
Ouldoor racing lacing	10 T	r ·	r •	17

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Mixed-waste processing facilit	N	L	S	L
Material reclamation facility	Ν	Ν	Ν	L
Salvage operation, indoor	L	L	L	L
Salvage operation, outdoor	Ν	S	S	S
Wholesale and distribution fac	Y	Y	Y	Y
Wholesale and distribution fac	s	Y	S	Y
Storage Facilities				
Indoor	Y	Y	Y	Y
Outdoor	N	Y	s	Y
Hazardous materials	N	N	N	S
TRANSPORTATION USES				
Ambulance service	Y	Y	S	Y
Ground transportation service	S	Y	s	Y
Passenger terminal	Y	Y	Y	Y
Helicopter landing facility	S	S	s	S
Airport	N	Y	N	N
Ship terminal or docking facilit	N	Y	N	Y
Truck freight terminal	N	s	S	L
Railroad switching, classificati	N	Y	Y	Y
INDUSTRIAL USES				
Manufacturing, light	Y	Y	Y	Y
Manufacturing, heavy	Ν	S	S	Y
Manufacturing, intense	Ν	Ν	Ν	S
Research and development	Y	Y	Y	Y
Processing or recycling of min	N	Ν	N	S
Contractor's shop	Y	Y	Y	Y
Contractor's yard	S	Y	Y	Y
AGRICULTURAL USES				
Plant nursery or greenhouse	Y	Y	Y	Y
Raising of crops or livestock	Y	Y	Y	Y
UTILITY AND PUBLIC SERV	ICE USES	-		
Broadcasting or recording stud	Y	S	Y	S
Transmission tower	L	L	L	L
Water treatment plant	Y	Y	Y	Y
Sewerage treatment plant	N	Y	N	Y
Power generation plant	N	s	N	Y
Small wind energy system	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y
0	<u>_</u>	~	<u>_</u>	k/

Substation/distribution equipm	3	Y	5	Y				
Substation/distribution equipm	L	Y	L	Y				
TEMPORARY USES	TEMPORARY USES							
Seasonal market	L	L	L	L				
Temporary real estate sales of	L	L	L	L				
Concrete/batch plant, tempora	L	L	L	L				
Live entertainment special eve	L	L	L	L				

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:______ Department of City Development LRB146219-3 Jeff Osterman 06/13/2013

clerical correction -- 9/9/2013 -- Ip