



Legislation Details (With Text)

File #: 031136 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/25/2003 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 1/21/2004

Effective date:

Title: A substitute ordinance relating to limited use standards for certain uses in industrial zoning districts.

Sponsors: ALD. WITKOWSKI, ALD. BREIER

Indexes: MOTOR VEHICLES, ZONING

Attachments: 1. Communication from ZCTC.PDF, 2. CPC Letter.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|---|-------------------------|--------|-------|
| 11/25/2003 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 12/1/2003 | | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | REFERRED TO | | |
| 12/19/2003 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 1/5/2004 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 1/6/2004 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 1/13/2004 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 5:0 |
| 1/21/2004 | 1 | COMMON COUNCIL | PASSED | Pass | 14:0 |
| 2/6/2004 | 1 | CITY CLERK | PUBLISHED | | |
| 10/15/2013 | 1 | COMMON COUNCIL | PUBLISHED | | |
| 11/5/2013 | 1 | COMMON COUNCIL | SIGNED | | |

031136
SUBSTITUTE 1

ALD. WITKOWSKI AND BREIER

A substitute ordinance relating to limited use standards for certain uses in industrial zoning districts.

295-803-1 (table) am

295-803-2-L-4 am

295-803-2-v am

295-803-2-w am

This ordinance makes the following changes to the regulations for industrial zoning districts:

1. A mixed-waste processing facility or a heavy motor vehicle repair facility or body shop located within 150 feet of a residential zoning district shall be permitted as a limited use in an industrial-light (IL) or industrial-heavy (IH) zoning district only if the use is totally enclosed within a building and does

not operate between the hours of 7 p.m. and 7 a.m. (There are additional limited use standards for the 2 heavy motor vehicle-related uses). Currently, these uses are required to meet one of these standards, but not both, in order to be permitted as a limited use.

2. A material reclamation facility located within 150 feet of a residential district shall be permitted as a limited use in the industrial-heavy (IH) district only if the facility does not operate between the hours of 7 p.m. and 7 a.m. (This is in addition to an existing limited use standard requiring the facility to be contained entirely within a building, regardless of the facility's distance from a residential district).

3. The classification of heavy motor vehicle outdoor storage in an industrial-light (IL) district is changed from limited use to special use.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

| Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE | | | | |
|--|------------------|-------------|----|----|
| Y = Permitted Special Use | Zoning Districts | | | |
| Uses | IO1/IO 2 | IL1/IL 2 | IM | IH |
| RESIDENTIAL USES | | | | |
| Single-family | N | N | Y | N |
| Two-family dw | N | N | Y | N |
| Multi-family | N | N | Y | N |
| Attached sing | N | N | Y | N |
| Live-work uni | N | N | Y | N |
| Mobile home | N | N | N | N |
| Watchman/serv | Y | Y | N | Y |
| Family day ca | N | N | Y | N |
| Group Residen | | | | |
| Rooming ho | N | N | S | N |
| Convent, r | N | N | Y | N |
| Dormitory | N | N | S | N |
| Fraternity | N | N | S | N |
| Adult family | N | N | L | N |
| Foster Homes | | | | |
| Foster fam | N | N | Y | N |
| Small fost | N | N | L | N |
| Group home | N | N | L | N |
| Shelter Care | | | | |
| Family she | N | N | Y | N |
| Small grou | N | N | L | N |

| | | | | |
|--|---|---|---|---|
| Large group | N | N | S | N |
| Community liv | N | N | L | N |
| Transitional | N | N | S | N |
| EDUCATIONAL USES | | | | |
| Day care cent | S | S | L | S |
| School, elemen | N | N | Y | N |
| College | S | S | S | N |
| School, speci | S | S | S | N |
| COMMUNITY-SERVING USES | | | | |
| Library | N | N | Y | N |
| Cultural inst | N | N | L | N |
| Community cen | N | N | S | N |
| Religious ass | N | N | S | N |
| Cemetery or o | N | N | N | N |
| Public safety | Y | Y | Y | Y |
| Correctional | N | N | N | N |
| COMMERCIAL AND OFFICE USES | | | | |
| General offic | Y | Y | Y | L |
| Government of | Y | Y | Y | L |
| Bank or other | S | S | Y | N |
| Currency exch | N | N | S | N |
| Retail establ | N | N | Y | N |
| Garden supply | N | Y | Y | N |
| Home improvem | N | Y | Y | N |
| Secondhand st | N | N | S | N |
| Outdoor merch | N | N | L | N |
| Artist studio | N | Y | Y | N |
| Adult retail | N | N | S | N |
| HEALTH CARE AND SOCIAL ASSISTANCE | | | | |
| Medical offic | S | N | S | N |
| Health clinic | L | N | S | N |
| Hospital | N | N | N | N |
| Medical resea | Y | Y | Y | N |
| Medical servi | N | S | N | N |
| Social servic | N | S | S | N |
| Emergency res | N | N | N | N |
| Nursing home | N | N | N | N |
| GENERAL SERVICE USES | | | | |
| Personal serv | N | N | Y | N |

| | | | | |
|---------------------------|---|-------------|---|---|
| Business serv | Y | S | Y | N |
| Building main | S | Y | S | N |
| Catering serv | S | Y | Y | N |
| Funeral home | N | N | N | N |
| Laundromat | N | N | Y | N |
| Dry cleaning | N | N | Y | N |
| Furniture and | N | N | Y | N |
| Household mai | N | Y | Y | N |
| Tool/equipmen | N | Y | Y | N |
| Animal Servic | | | | |
| Animal hos | N | Y | L | Y |
| Animal boan | N | Y | L | Y |
| Animal gro | N | Y | L | Y |
| MOTOR VEHICLE USES | | | | |
| Light Motor V | | | | |
| Sales faci | N | S | S | S |
| Rental fac | L | S | S | S |
| Repair fac | N | S | S | L |
| Body shop | N | S | S | L |
| Outdoor st | N | Y | S | Y |
| Limited wh | Y | Y | Y | Y |
| Heavy Motor V | | | | |
| Sales faci | N | Y | S | Y |
| Rental fac | N | Y | S | Y |
| Repair fac | N | L | S | L |
| Body shop | N | L | S | L |
| Outdoor st | N | [[L]] >>S<< | | Y |
| General Motor | | | | |
| Filling st | S | S | S | S |
| Car wash | S | S | S | S |
| Drive-thro | S | S | S | S |
| Parking | | | | |
| Parking lo | Y | Y | L | Y |
| Parking lo | Y | Y | L | Y |
| Parking st | Y | Y | L | Y |
| Parking st | L | L | L | L |
| Heavy moto | S | L | L | Y |
| Heavy moto | Y | Y | Y | Y |

ACCOMODATION AND FOOD SERVICE USES

| | | | | |
|--|---|---|---|---|
| Bed and break | N | N | Y | N |
| Hotel, commer | L | N | Y | N |
| Hotel, reside | N | N | Y | N |
| Tavern | L | L | Y | L |
| Assembly hall | S | S | S | N |
| Restaurant, s | L | L | Y | L |
| Restaurant, f | L | L | L | L |
| ENTERTAINMENT AND RECREATION USES | | | | |
| Park or playg | S | S | S | S |
| Festival grou | N | N | N | N |
| Recreation fa | N | S | Y | N |
| Recreation fa | N | N | S | N |
| Health club | L | L | Y | N |
| Sports facili | N | S | S | N |
| Gaming facili | N | S | N | N |
| Theater | N | N | Y | N |
| Convention an | S | N | S | N |
| Marina | Y | Y | Y | Y |
| Outdoor racin | N | N | N | S |
| Adult enterta | N | N | N | N |
| STORAGE, RECYCLING AND WHOLESALE TRADE USES | | | | |
| Recycling col | S | Y | S | Y |
| Mixed-waste p | N | L | S | L |
| Material recl | N | N | N | L |
| Salvage opera | L | L | L | L |
| Salvage opera | N | S | S | S |
| Wholesale and | Y | Y | Y | Y |
| Wholesale and | S | Y | S | Y |
| Storage Facil | | | | |
| Indoor | Y | Y | Y | Y |
| Outdoor | N | Y | S | Y |
| Hazardous | N | N | N | S |
| TRANSPORTATION USES | | | | |
| Ambulance ser | Y | Y | S | Y |
| Ground transp | S | Y | S | Y |
| Passenger ter | Y | Y | Y | Y |
| Helicopter la | S | S | S | S |
| Airport | N | Y | N | N |
| Ship terminal | N | Y | N | Y |

| | | | | |
|--|---|---|---|---|
| Truck freight | N | S | S | L |
| Railroad switch terminal | N | Y | Y | Y |
| INDUSTRIAL USES | | | | |
| Manufacturing | Y | Y | Y | Y |
| Manufacturing | N | S | S | Y |
| Manufacturing | N | N | N | S |
| Research and | Y | Y | Y | Y |
| Processing or | N | N | N | S |
| Contractor's | S | Y | Y | Y |
| Contractor's | S | Y | Y | Y |
| AGRICULTURAL USES | | | | |
| Plant nursery | Y | Y | Y | Y |
| Raising of cr | Y | Y | Y | Y |
| UTILITY AND PUBLIC SERVICE USES | | | | |
| Broadcasting | Y | S | Y | S |
| Transmission | L | L | L | L |
| Water treatment | Y | Y | Y | Y |
| Sewerage treatment | N | Y | N | Y |
| Power generation | N | S | N | Y |
| Substation/distribution | S | Y | S | Y |
| Substation/distribution | L | Y | L | Y |
| TEMPORARY USES | | | | |
| Seasonal market | L | L | L | L |
| Temporary retail | L | L | L | L |
| Concrete/batch | L | L | L | L |
| Live entertainment | L | L | L | L |

Part 2. Section 295-803-2-L-4 of the code is amended to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

L. Heavy Motor Vehicle Repair Facility, Heavy Motor Vehicle Body Shop or Heavy Motor Vehicle Outdoor Storage.

L-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed >>within a building<< ~~[[or]]~~ >>and<< it shall not operate between the hours of 7 p.m. and 7 a.m.

Part 3. Section 295-803-2-v of the code is amended to read:

v. Mixed-waste Processing Facility. If the use is located within 150 feet of a

residential district >>,<< it shall be totally enclosed >>within a building<< [[
~~or~~]] >>and<< it shall not operate between the hours of 7 p.m. and 7 a.m.

Part 4. Section 295-803-2-w of the code is amended to read:

w. Material Reclamation Facility. The use shall be contained entirely within a building >>and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m. and 7 a.m.<<

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:_____

LRB03531-2
JDO
12/19/03