



## Legislation Details (With Text)

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151199

SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

79-4-1.3-b am  
80-90-1 am  
81-51.5 am  
81-90 am  
92-11-1 am  
105-56-1 am  
105-56-2-b am  
108-5-4-b am  
119-12-4-a-0 am  
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200-22.6-9-a am  
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200-42-3-a-0 am  
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200-46-2 am

239-11-2	am
245-14-3	am
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261-98-5	am
261-98-7-b	am
263-01	am
275-20-4-i	rp
295-301	am
295-303-0	am
295-303-3	am
295-304-0	am
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295-311-2-i-1	am
295-311-5-a	am
295-311-7-a	am
295-403-2-a	am
295-403-2-b-3-e	am
295-403-2-b-4	am
295-403-2-d	am
295-403-2-e-1-0	am
295-403-2-e-1-d	am
295-403-2-e-2	am
295-403-2-e-3	am
295-403-3-a	am
295-405-1-c	am
295-405-2-c	am
295-405-2-d	am
295-407-9-b	rp
295-414-1-e	am
295-414-2-a	am
295-503-2-f-2-b	am
295-503-2-h-4	am
295-503-2-x-2	am
295-503-2-y-2	rp
295-505-2-b-6-a	am
295-505-2-b-6-b	am
295-505-2-b-7	am
295-505-2-f	am
295-505-4-f-9	am
295-603-2-b-2-b	am
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295-603-2-aa-2	am
295-603-3-bb-2	rp
295-605-2-i-4-c	am

295-605-2-i-4-e	am
295-605-4-g-8	am
295-703-2-c-2-b	am
295-703-e-4	am
295-703-2-w-2	am
295-703-2-x-2	rp
295-705-4-c-1-c	am
295-705-6-i	am
295-705-7-a-1	am
295-803-2-b-2-b	am
295-803-2-d-4	am
295-803-2-ii-2	am
295-803-3-jj-2	rp
295-903-2-b-10-b	am
295-903-2-b-11-b	rp
295-905-2-b-1-b	am
295-905-2-b-2-b	am
295-905-2-b-3-c	am
295-905-2-b-12-b	am
295-905-2-b-13-b	rp
295-1003-2-e	am
295-1007-2-e	am
350-93-2-a	am

This ordinance revises various provisions of the code for purposes of revising errors, clarifying language and eliminating obsolete provisions.

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

Part 1. Section 79-4-1.3-b of the code is amended to read:

#### **79-4. Waste Container Regulations.**

##### **1.3. EXTRA GARBAGE CART CHARGE.**

b. Charge. The department may authorize the issuance or retention of extra garbage carts, if necessary, to provide for proper storage and disposal of domestic waste and garbage. Owners of properties that receive or retain extra garbage carts shall pay an extra garbage cart fee as provided for under ~~[[s. 81-1.3]]~~ >>s. 81-51.5<< .

Part 2. Section 80-90-1 of the code is amended to read:

**80-90. Penalties.** 1. Any person violating any of the following provisions of the chapter listed in column A shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
80-3	Class E
80-6 to 7	Class E
<del>[[80-12</del>	<del>Class E]]</del>

80-13	Class E
80-15	Class D
80-19	Class E
80-22	Class F
80-27	Class E
80-28	Class E
80-29	Class E
80-31	Class E
80-42	Class F
80-44	Class P
80-45 and 80-46	Class E
80-48	Class E
80-49	Class K
80-60 to 80-65-3	Class E
80-65-4	Class K
80-66 to 80-68	Class E
80-69	Class C
80-70 to 80-73	Class E

Part 3. Section 81-51.5 of the code is amended to read:

**81-51.5. Extra Garbage Cart Charge.** The extra garbage cart charge shall be \$15 per quarter for each extra garbage cart provided under ~~[[s. 79-41.3]]~~ >>s. 79-4-1.3<< .

Part 4. Section 81-90 of the code is amended to read:

**81-90. Permanent Extension of Alcohol Beverage Licensed Premises.** The fee for a permanent extension of alcohol beverage licensed premises shall be \$50. Locations filing for the extension of operations to the outside on a permanent basis under ~~[[s. 60-21-10]]~~ >>s. 81-55-9-b<< shall be charged a total fee of \$75.

Part 5. Section 92-11-1 of the code is amended to read:

**92-11. Adequate Identification.**

1. Adequate identification obtained by licensed pawnbrokers, secondhand dealers, ~~[[junk collectors and dealers]]~~ >>secondhand motor vehicle dealers<< , and precious metal and gem dealers shall be limited to one of the following current and unexpired forms of identification:

Part 6. Section 105-56-1 and 2-b of the code is amended to read:

**105-56. Sales on Public Premises.**

1. PURPOSE. It is determined and declared that the use of certain public premises for the specific public purposes to which such premises are intended is preeminent. It is further determined and declared that sales on the designated public premises interfere with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the entrance to the ~~[[Midwest Express]]~~ >>Wisconsin<< Center, the Auditorium, the Arena, the Milwaukee ~~[[public museum]]~~ >>Public Museum<<, the >>BMO Harris<< Bradley Center, the

Performing Arts Center, the ~~[[Eagles Auditorium]]~~ >>Rave/Eagles Club<<, the Riverside Theater, Summerfest and Miller Park parking facilities, for sales interferes with the orderly ingress and egress to and from those premises and therefore with their use for their intended purposes.

## 2. REGULATIONS.

b. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the premises of the ~~[[Midwest Express]]~~ >>Wisconsin<< Center, the Auditorium, the Arena, the Milwaukee ~~[[public museum]]~~ >>Public Museum<<, the >>BMO Harris<< Bradley Center, the Performing Arts Center, the ~~[[Eagles Auditorium]]~~ >>Rave/Eagles Club<<, the Riverside Theater, Summerfest or Miller Park parking facilities, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell on the premises listed.

Part 7. Section 108-5-4-b of the code is amended to read:

### 108-5. License Required.

## 4. CHANGES TO BE REPORTED.

b. Change in Plan of Operation. If, after the license has been granted or issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council, unless the deviation is to last not longer than 4 consecutive days, in which case the request for deviation shall be processed in the same manner as an application for a temporary public entertainment premises permit under sub. 5. The common council's approval shall be given only if it determines, in the manner set forth in ~~[[s. 108-7-1-d-2]]~~ >>s. 85-2.7-4<<, that the new entertainment is compatible with the normal activity of the neighborhood in which the licensed premises is located.

Part 8. Section 119-12-4-a-0 and b-0 of the code is amended to read:

### 119-12. Required Improvements.

4. PERMITS. A. The commissioner of ~~[[city development]]~~ >>neighborhood services<< shall not issue building permits for any dwelling, other than model homes, on a lot until all proposed improvements abutting the lot have been placed under contract, except that in instances ~~[[ where]]~~ >>in which<<:

b. The commissioner of ~~[[city development]]~~ >>neighborhood services<< shall not issue occupancy permits for any dwelling on a lot until the proposed improvements abutting said lot have been completed, except that in instances ~~[[ where]]~~ >>in which<<:

Part 9. Section 119-16-2 of the code is amended to read:

### 119-16. Enforcement.

**2. COMMISSIONER TO ENFORCE.** The commissioner >>of neighborhood services<< is empowered to enforce this chapter and to initiate the action to impose the penalties provided in s. 119 17.

Part 10. Section 200-22.6-9-a and b of the code is amended to read:

**200-22.6. Registration of Residential Mortgage Loans in Default.**

**9. FEES.** a. The fee for registration of residential property with mortgage loan in default, as provided in ~~[[s. 200-33-47.5-a]]~~ >>s. 200-33-46.5-a<< , shall be due upon registration.

b. If the registration is filed more than 5 working days after the notice of default is sent, a late fee shall be charged, as provided in ~~[[s. 200-33-47.5-b]]~~ >>s. 200-33-46.5-b<< .

Part 11. Section 200-27-2 of the code is amended to read:

**200-27. Design and Supervision.**

**2.** On completion of the construction, the supervising architect or engineer shall file a written statement with the department certifying that, to the best of his or her knowledge and belief, the construction has been performed in accordance with the plans and specifications approved by the department of ~~[[city development]]~~ >>neighborhood services<<.

Part 12. Section 200-42-3-a-0 of the code is amended to read:

**200-42. Certificate of Occupancy.**

**3. WHEN ISSUED.** a. In the case of a proposed use, as described in ch. SPS 362, 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, fast food/carryout restaurant as defined under ~~[[s. 295-20-449]]~~ >>s. 295-201-499<< or a sit-down restaurant, as defined under s. 295 201 501, or where otherwise requested, the commissioner shall issue a certificate of occupancy:

Part 13. Section 200-45 of the code is amended to read:

**200-45. Approval of Existing Occupancies.** Upon written request from an owner, the commissioner of ~~[[city development]]~~ >>neighborhood services<< shall certify and issue a certificate of legality for the continuance of an existing occupancy or use of any existing building, structure, premises, or part thereof, if, after verification of the records on, file in the ~~[[commissioner's]]~~ >>commissioner of neighborhood services'<< office, and after inspection, it is found that ~~[[such]]~~ >>the << occupancy or use is a permitted and lawful occupancy or use under current code requirements, and, provided further, that no fire hazards or other hazards are found in ~~[[such]]~~ >>the<< building, structure, premises or part thereof.

Part 14. Section 200-46-2 of the code is amended to read:

**200-46. Changes in Occupancy or Use.**

2. No change from one group of occupancies to another group of occupancies as ~~[[described]]~~ >> provided<< in ~~[[ch. Comm 62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that ~~[[such]]~~ >>the<< building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.

Part 15. Section 239-11-2 of the code is amended to read:

### **239-11. Accessory Sheds and Structures.**

2. Accessory sheds shall be anchored to the ground in a manner approved by the department of ~~[[city development]]~~ >>neighborhood services<< .

Part 16. Section 245-14-3 and 4 of the code is amended to read:

### **245-14. Air and Subterranean Space Lease Structures.**

3. The committee shall design all forms to be used, and the commissioner of ~~[[city development]]~~ >>neighborhood services<< shall distribute application forms to those requesting the same. The members of ~~[[such]]~~ >>the<< committee shall elect one of their members ~~[[chairman]]~~ >>chair<< to preside over ~~[[such]]~~ >>the<< committee for a term at the pleasure of the committee. Verbatim reports of the committee activities need not be kept unless the committee so decides. Completed applications shall be returned to the commissioner of ~~[[city development]]~~ >>neighborhood services<< or his >>or her<< representative on the committee, together with ~~[[such]]~~ >>the<< building plans, plot plans and other data that will show the elevations, location, height and site of the proposed structure, its relationship to adjoining buildings, and a memorandum of ownership showing the last recorded owner of all of the properties proposed to be joined by ~~[[such]]~~ >>the<< air ~~[[and/]]~~ or subterranean space structure.

4. The application and additional submissions, in duplicate, shall be accompanied by the fee specified in s. 200-33, special privileges, etc., which shall be paid to the city treasurer, and the commissioner of ~~[[city development]]~~ >>neighborhood services<< shall submit the original of the application to the city clerk, who shall transmit the same to the common council for introduction at its next regularly scheduled meeting. A combination air space and subterranean lease shall require individual leases and a separate application and fee shall be required for each. Such fee shall not be returnable, nor shall such fee be waived at any time. The council, on receipt thereof, shall refer the same jointly to an appropriate committee of the common council, the city plan commission and the special committee on air and subterranean space lease structures, and shall be transmitted to ~~[[such]]~~ >>the<< special committee for investigation.

Part 17. Section 261-98-5 and 7-b of the code is amended to read:

### **261-98. Beer Gardens.**

5. HEATING EQUIPMENT. Any heating equipment located in or serving a tent shall meet the applicable requirements of ~~[[ch. Comm 64]]~~ >>ch. SPS 364<<, Wis. Adm. Code, as amended.

### **7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT.**

b. If a beer garden is enclosed and the fence or enclosure is in excess of 4 feet in height, the exit openings shall meet the applicable requirements of ~~[[chs. Comm 61 and 62]]~~ >>chs. SPS 361 and 362<<, Wis. Adm. Code, as amended, except that lighted exit signs and exit directional signs are not required in beer gardens. Gates and exit doors shall be marked with a sign of 5-inch letters with the words “exit” or “emergency exit only”.

Part 18. Section 263-01 of the code is amended to read:

**263-01. Adoption of State Code.** The city of Milwaukee adopts ~~[[ch. SPS 322]]~~ >>ch. SPS 363<<, Wis. Adm. Code, as amended, as part of the code.

Part 19. Section 295-20-4-i of the code is repealed.

Part 20. Section 295-301 of the code is amended to read:

**295-301. Authority.** The administration of this chapter shall be vested in the commissioner of city development >>and commissioner of neighborhood services<<, ~~[[who is]]~~ >>with the commissioner of neighborhood services<< charged with the duty and authority to issue certificates of occupancy and construction permits. The commissioner >>of neighborhood services<< 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 employees shall check all proposed work, activities, construction and uses for compliance with the provisions of the zoning code.

Part 21. Section 295-303-0 and 3 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 has been issued by the commissioner of ~~[[city development]]~~ >>neighborhood services<<. 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]]~~ >>neighborhood services<< 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]]~~ >>neighborhood services<< 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:

3. The commissioner >>of neighborhood services<< has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact >>the<< adjoining property or the neighborhood in general.

Part 22. Section 295-304-0 and 3 of the code is amended to read:



**295-304. Conditional Construction Permits.** A conditional construction permit may be issued by the commissioner >>of neighborhood services<< for a period of up to 180 days for the development of land or the erection, alteration, relocation, extension or substantial improvement of a structure, 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 construction permit shall not imply that the board or common council ~~[[is going to]]~~ >>will<< approve the applicant's request. A conditional construction permit may be issued only when the following criteria have been met:

3. The commissioner >>of neighborhood services<< has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact >>the<< adjoining property or the neighborhood in general.

Part 23. Section 295-305-0, 1 to 3-0 and 4-0 of the code is amended to read:

**295-305. Temporary Use Permits.** A temporary use permit authorizing any of the temporary uses listed in the use tables of the various zoning districts, except a live entertainment special event, for which no temporary use permit is required, may be issued by the commissioner >>of neighborhood services<< in accordance with the following provisions:

1. APPLICATION AND FEE. A completed application form, accompanied by the required fee specified in s. 200-33, shall be submitted to the commissioner >>of neighborhood services<<.

2. APPROVAL PROCEDURE. The commissioner >>of neighborhood services<< shall approve, approve with conditions, or deny a complete application within 5 working days. No notice or public hearing shall be required.

3. FINDINGS. ~~[[In order to]]~~ >>To<< approve the application for a temporary use, the commissioner >>of neighborhood services<< shall make the following findings:

4. CONDITIONS OF APPROVAL. When issuing a temporary use permit, the commissioner >>of neighborhood services<< may impose conditions, including but not limited to permit term limitations, necessary to:

Part 24. Section 295-311-2-i-1 of the code is amended to read:

## **295-311. Appeals.**

### **2. SPECIAL USE PERMITS.**

i. Additional Finding for a Group Home, Group Foster Home, Community Living Arrangement, Small Group Shelter Care Facility or Large Group Shelter Care Facility.

i-1. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home, community living arrangement, small group shelter care facility or large group shelter care facility.

Part 25. Section 295-311-5-a and 7-a of the code is amended to read:

**5. APPEALS OF ADMINISTRATIVE DECISIONS.** a. Purpose. To avoid results inconsistent with the purposes of this chapter, administrative decisions of the commissioner of city development >>and the commissioner of neighborhood services<< may be appealed to the board. This subsection establishes general provisions for appeals of administrative decisions.

**7. APPEALS OF PERMIT DENIALS; OVERLAY ZONES.** a. Purpose. To avoid results inconsistent with the purposes of this chapter, any denial of a permit by the commissioner of ~~[[city development]]~~ >>neighborhood services<< on the basis of failure to meet performance or design standards of a neighborhood conservation, development incentive or site plan review overlay zone may be appealed to the city plan commission. This subsection establishes general provisions for appeals of permit denials relating to development in these overlay zones.

Part 26. Section 295-403-2-a, b-3-e and 4 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. Furthermore, no off-street parking 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 >>of neighborhood services<<. 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]]~~ >>the<< requirement shall be specified by the board at the time of special use approval.

b. Adjustment to Number Required.

b-3-e. The property owner or owners shall sign and record, with the Milwaukee county register of deeds, a written agreement which is in a form satisfactory to the city attorney and which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the commissioner >>of neighborhood services<<.

b-4. A reduction of 25% in the number of parking spaces required if the use is located in the area bounded by Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43<sup>rd</sup> 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 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 >>of neighborhood services<< 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-d of the code is amended 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 >>of neighborhood services<< 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 shared 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 >>of neighborhood services<< 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.

Part 28. Section 295-403-2-e-1-0 and d of the code is amended to read:

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 >>of neighborhood services<< finds one or more of the following to be true:

e-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner >>of neighborhood services<<, 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.

Part 29. Section 295-403-2-e-2 and 3 of the code is amended to read:

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 >>of neighborhood services<< 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 >>of neighborhood services<< 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 of the code is amended to read:

**3. STANDARDS OF DESIGN.** A. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner >>of neighborhood services<<, except that spaces designated for compact cars shall contain at least 120 square feet. A minimum of 50% of the required parking spaces in a parking area shall be designated for compact cars.

Part 31. Section 295-405-1-c of the code is amended to read:

## **295-405. Landscaping. 1. PERIMETER LANDSCAPING AND EDGE TREATMENTS.**

c. Requirements by Landscaping Type. Table 295-405-1-c contains the fence/wall and landscaping requirements for each of the landscaping types described in par. b. Prior to issuance of any permit or certificate of occupancy for a use or change of use for which perimeter landscaping and edge treatments are required by this chapter, a landscaping and screening plan with specifications and an installation schedule shall be submitted to the commissioner >>of neighborhood services<< for approval. When interpreting the requirements of table 295-405-1-c, the following standards shall apply:

Part 32. Section 295-405-2-c and d of the code is amended to read:

### **2. INTERIOR PARKING LOT LANDSCAPING.**

c. Plan Required. Prior to issuance of any permit for a use for which interior parking lot landscaping is required by this chapter, a landscaping plan with specifications and an installation schedule shall be submitted to the commissioner >>of neighborhood services<< for approval.

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

Part 33. Section 295-407-9-b of the code is repealed.

Part 34. Section 295-414-1-e and 2-a of the code is amended to read:

## **295-414. Small Wind Energy Systems. 1. GENERAL REQUIREMENTS.**

e. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a different color or finish was approved by the commissioner >>of neighborhood services<< at the time of permit issuance.

**2. ABANDONMENT.** A. Notice of Abandonment. A small wind energy system that is out of service for a continuous 12-month period shall be deemed to have been abandoned. The commissioner of neighborhood services may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days of receipt of the notice. The commissioner >>of neighborhood services<< shall withdraw the notice of abandonment and notify the owner of the withdrawal if the owner provides information that demonstrates the small wind energy system has not been abandoned.

Part 35. Section 295-503-2-f-2-b of the code is amended to read:

## **295-503. Uses.**

### **2. LIMITED USE STANDARDS.**

f. Adult Family Home or Small Group Shelter Care Facility.

f-2. Small Group Shelter Care Facility.

f-2-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

Part 36. Section 295-503-2-h-4 of the code is amended to read:

h. Group Home, Group Foster Home or Community Living Arrangement.

h-4. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

Part 37. Section 295-503-2-x-2 of the code is amended to read:

x. Temporary Concrete/Batch Plant.

x-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

Part 38. Section 295-503-2-y-2 of the code is repealed.

Part 39. Section 295-505-2-b-6-a, b and 7 of the code is amended to read:

## **295-505. Design Standards.**

### **2. PRINCIPAL BUILDING STANDARDS.**

b. Front Setback Standards.

b-6. Atypical Properties. b-6-a. When determining the required setback, the commissioner >>of neighborhood services<< shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner >>of neighborhood services<< shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner >>of neighborhood services<< shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

Part 40. Table 295-505-2-f of the code is amended to read:

Table 295-505-2-f PRINCIPAL BUILDING INTRUSIONS INTO SETBACK AREAS				
Type of Intrusion	Front or Rear Street Setback	Side Street Setback	Side Setback	Rear Setback
Porch	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or closer than 3 ft. from the side property line and shall be open on all sides.	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.
Uncovered Wheelchair ramp	Permitted in setback only if: 1. The commissioner <u>&gt;&gt;of neighborhood services&lt;&lt;</u> determines that the lift cannot reasonably be built in the rear setback. 2. The ramp has skirting material to screen the areas beneath the ramp. 3. The ramp is kept in a reasonably good state of repair and maintenance. 4. Trees or shrubs displaced by the ramp shall be relocated or replaced. 5. The ramp shall not intrude into the public right-of-way.			Permitted anywhere in rear setback area.
Uncovered Wheelchair lift	Permitted in setback only if: 1. Skirting with a minimum height of 4 feet is provided. 2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions. 3. The lift has skirting material which prevents obstructions to the movement of the chair.			
Planter	Permitted anywhere in a setback area, but shall not exceed 4 feet in height.			
Air-Conditioning condenser	Not permitted unless set back at least 50 feet and entirely screened.		Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line.	Permitted anywhere in rear setback area.
Hood or awning	Up to 6 feet	Up to 6 feet	Up to 4 feet, but not closer than 2 feet from any property line.	
Eave	Up to 4 feet	Up to 4 feet	Up to 2 feet, or one-half of the required setback, whichever is greater.	Up to 4 feet, but not closer than 2 feet from any property line.
Balcony	Up to 4 feet	Up to 4 feet	Not permitted	Up to 4 feet, but not closer than 2 feet from any property line.
Fire escape	Not permitted	Not permitted	Permitted only along a side street or alley	Up to 6 feet, but not closer than 2 feet from any property line.
Bay window	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the lot may have similar protrusions.			
Chimney	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.			

Part 41. Section 295-505-4-f-9 of the code is amended to read:

#### 4. SITE STANDARDS.

##### f. Fences.

f-9. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner >>of neighborhood services<< may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

Part 42. Section 295-603-2-b-2-b of the code is amended to read:

## **295-603. Uses.**

### **2. LIMITED USE STANDARDS.**

#### **b. Adult Family Home or Small Group Shelter Care Facility.**

##### **b-2. Small Group Shelter Care Facility.**

b-2-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

Part 43. Section 295-603-2-d-4 of the code is amended to read:

#### **d. Group Home, Group Foster Home or Community Living Arrangement.**

d-4. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

Part 44. Section 295-603-2-aa-2 of the code is amended to read:

#### **aa. Temporary Concrete/Batch Plant.**

aa-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

Part 45. Section 295-603-3-bb-2 of the code is repealed.

Part 46. Section 295-605-2-i-4-c and e of the code is amended to read:

## **295-605. Design Standards.**

### **2. PRINCIPAL BUILDING STANDARDS.**

#### **i. Design Features.**

##### **i-4. Alternatives to Glazing**

i-4-c. Wall Design. On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner >>of neighborhood services<<. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

i-4-e. Other Elements. Subject to approval by the commissioner >>of neighborhood services<<, other elements that are integrated into the façade of a building may be used to meet the

requirements of subpar. i-3-b and shall be counted at the same rate as regular windows. Such integrated elements include, but shall not be limited to, bus shelters and automatic teller machines.

Part 47. Section 295-605-4-g-8 of the code is amended to read:

#### 4. SITE STANDARDS.

##### g. Fences.

g-8. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner >>of neighborhood services<< may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

Part 48. Section 295-703-2-c-2-b of the code is amended to read:

#### 295-703. Uses.

#### 2. LIMITED USE STANDARDS.

##### c. Adult Family Home or Small Group Shelter Care Facility.

##### c-2. Small Group Shelter Care Facility.

c-2-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

Part 49. Section 295-703-e-4 of the code is amended to read:

##### e. Group Home, Group Foster Home or Community Living Arrangement.

e-4. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

Part 50. Section 295-703-2-w-2 of the code is amended to read:

##### w. Temporary Concrete/Batch Plant.

w-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

Part 51. Section 295-703-2-x-2 of the code is repealed.

Part 52. Section 295-705-4-c-1-c of the code is amended to read:



## **295-705. Design Standards.**

### **4. CALCULATION OF PERMITTED FLOOR AREA.**

#### **c. Size of the Development Site (W).**

c-1-c. The property owner files an overall development plan with the commissioner of ~~[[city development]]~~ >>of neighborhood services<< indicating the total floor area to be constructed on the development site; and

Part 53. Section 295-705-6-i and 7-a-1 of the code is amended to read:

### **6. FENCES.**

i. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner >>of neighborhood services<< may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

### **7. SIGNS. A. Sign Classification Table.**

a-1. "L" indicates a limited-permission sign. This sign ~~[[is]]~~ >>shall be<< permitted only when the commissioner >>of neighborhood services<< finds that the sign will meet the standards of par. b. If the sign cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

Part 54. Section 295-803-2-b-2-b of the code is amended to read:

## **295-803. Uses.**

### **2. LIMITED USE STANDARDS.**

#### **b. Adult Family Home or Small Group Shelter Care Facility.**

##### **b-2. Small Group Shelter Care Facility.**

b-2-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

Part 55. Section 295-803-2-d-4 of the code is amended to read:

#### **d. Group Home, Group Foster Home or Community Living Arrangement.**

d-4. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

Part 56. Section 295-803-2-ii-2 of the code is amended to read:

ii. Temporary Concrete/Batch Plant.

ii-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department >>of neighborhood services<<.

Part 57. Section 295-803-3-jj-2 of the code is repealed.

Part 58. Section 295-903-2-b-10-b of the code is amended to read:

**295-903. Parks District (PK).**

**2. USES.**

b. Limited Use Standards

b-10. Temporary Concrete/Batch Plant.

b-10-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department >>of neighborhood services<<.

Part 59. Section 295-903-2-b-11-b of the code is repealed.

Part 60. Section 295-905-2-b-1-b of the code is amended to read:

**295-905. Institutional District (TL).**

**2. USES.**

b. Limited Use Standards

b-1. Group Home or Group Foster Home.

b-1-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a group home or group foster home.

Part 61. Section 295-905-2-b-2-b of the code is amended to read:

b-2. Small Group Shelter Care Facility.

b-2-b. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

Part 62. Section 295-905-2-b-3-c of the code is amended to read:

b-3. Community Living Arrangement.

b-3-c. The department >>of neighborhood services<< has received notification from the state of Wisconsin of application for licensure of the facility as a community living arrangement.

Part 63. Section 295-905-2-b-12-b of the code is amended to read:

b-12. Temporary Concrete/Batch Plant.

b-12-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department >>of neighborhood services<< with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department >>of neighborhood services<<.

Part 64. Section 295-905-2-b-13-b of the code is repealed.

Part 65. Section 295-1003-2-e of the code is amended to read:

**295-1003. Neighborhood Conservation Overlay Zone (NC).**

**2. PROCEDURES.**

e. Limitation on Permit Issuance. No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner >>of neighborhood services<< unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

Part 66. Section 295-1007-2-e of the code is amended to read:

**295-1007. Development Incentive Overlay Zone (DIZ).**

**2. PROCEDURES.**

e. Limitation on Permit Issuance. No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner >>of neighborhood services<< until development plan approval has been granted or specified conditions have been met. The development of single-family dwellings shall be exempt from this requirement.

Part 67. Section 350-93-2-a of the code is amended to read:

**350-93. Department of Public Works; Clothing Allowance.**

**2. ELIGIBILITY.**

a. Operations driver/workers ~~[[, sanitation workers]]~~ and tractor operators shall be eligible to receive \$215 as an annual clothing allowance.

APPROVED AS TO FORM

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Legislative Reference Bureau

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

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

City Clerk

LRB161711-2

Teodros W. Medhin/Jeff Osterman

02/18/2016

clerical correction -- 5/18/2016 -- lp