



Legislation Text

File #: 140682, **Version:** 2

140682 SUBSTITUTE 2

ALD. PEREZ

A substitute ordinance relating to regulations for the industrial-mixed (IM) zoning district.

295-803-1 (table)	am
295-803-2-a	rn
295-803-2-a	cr
295-803-2-b	rn
295-803-2-b-1	rc
295-803-2-b-2-c	cr
295-803-2-c	rn
295-803-2-c	rc
295-803-2-d	rn
295-803-2-d-6	cr
295-803-2-e	rn
295-803-2-f	rn
295-803-2-g	rn
295-803-2-h	rn
295-803-2-i	rn
295-803-2-j	rn
295-803-2-k	rn
295-803-2-L	rn
295-803-2-m	rn
295-803-2-n	rn
295-803-2-o	rn
295-803-2-p	rn
295-803-2-q	rn
295-803-2-r	rn
295-803-2-s	rn
295-803-2-t	rn
295-803-2-u	rn
295-803-2-v	rn
295-803-2-w	rn
295-803-2-x	rn
295-803-2-y	rn
295-803-2-z	rn
295-803-2-aa	rn
295-803-2-bb	rn
295-803-2-cc	rn
295-803-2-dd	rn

295-803-2-ee rn
295-803-2-ff rn
295-803-2-gg rn
295-803-2-hh rn
295-803-2-ii rn
295-803-3 rc

This ordinance provides that:

1. The use classification of the following uses in the industrial-mixed (IM) zoning district is changed from permitted use to limited use: single-family dwelling, two-family dwelling, multi-family dwelling, permanent supportive housing, attached single-family dwelling, family day care home, convent, rectory or monastery, foster family home and family shelter care facility.
2. The limited use standard for these uses shall be: The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance, as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.
3. The same limited use standard shall also be added for certain uses that are already classified as limited uses in the IM district, namely adult family homes, small group shelter care facilities, small foster homes, group homes, group foster homes and community living arrangements.
4. No special use permit for transitional housing or a rooming house, dormitory, fraternity or sorority, or large group shelter care facility shall be granted by the board of zoning appeals unless the board finds, in addition to its standard required findings, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance, as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. Whereas, When the City adopted a new Zoning Code in 2002, a new Industrial-Mixed (IM) zoning district was created and applied to traditionally industrial areas that were transitioning to more of a mixture of industrial and non-industrial uses; and

Whereas, The Common Council finds that while the flexibility provided by the Industrial-Mixed classification and the associated land use regulations is appropriate and has been successful overall, there are a small number of situations where existing heavy and intense land uses may be negatively affected by allowing new residential uses in close proximity to these existing uses; and

Whereas, The Common Council further finds that the adjustments to limited use standards for residential uses in the Industrial-Mixed district set forth in this ordinance would help to ensure that future land-use conflicts are prevented; now, therefore

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 Use	Zoning Districts			
Prohibited Use				
Uses	IO1/ IO2	IL1/ IL2	IM	IH
RESIDENTIAL USES				
Single-family dwe	N	N	[[Y]] >>L<<	N
Two-family dwelli	N	N	[[Y]] >>L<<	N
Multi-family dwelli	N	N	[[Y]] >>L<<	N
Permanent supp	N	N	[[Y]] >>L<<	N
Transitional hous	N	N	S	N
Attached single-fa	N	N	[[Y]] >>L<<	N
Live-work unit	N	N	Y	N
Mobile home	N	N	N	N
Watchman/servic	Y	Y	Y	Y
Family day care h	N	N	[[Y]] >>L<<	N
GROUP RESIDENTIAL USES				
Rooming house	N	N	S	N
Convent, rectory	N	N	[[Y]] >>L<<	N
Dormitory	N	N	S	N
Fraternity or soror	N	N	S	N
Adult family home	N	N	L	N
<i>Foster Homes</i>				
Foster family ho	N	N	[[Y]] >>L<<	N
Small foster ho	N	N	L	N
Group home or	N	N	L	N
<i>Shelter Care Fac</i>				
Family shelter c	N	N	[[Y]] >>L<<	N
Small group she	N	N	L	N
Large group she	N	N	S	N
Community living	N	N	L	N
EDUCATIONAL USES				
Day care center	S	S	S	S
School, elementa	N	N	S	N
College	S	S	S	N
School, personal	S	S	S	N
COMMUNITY-SERVING USES				
Library	N	N	Y	N
Cultural instituti	N	N	L	N
Community cente	N	N	S	N

Religious assembly	N	N	S	N
Cemetery or other	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	S	S	Y	N
Currency exchange	N	N	S	N
Installment loan agency	N	N	S	N
Cash-for-gold business	N	N	S	N
Pawn shop	N	N	S	N
Retail establishment	N	N	Y	N
Garden supply or nursery	N	Y	Y	N
Home improvement	N	Y	Y	N
Secondhand store	N	N	S	N
Outdoor merchandise	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	N	Y	N
Health clinic	L	N	S	N
Hospital	N	N	N	N
Medical research	Y	Y	Y	N
Medical service facility	N	S	N	N
Social service facility	N	S	S	N
Emergency residence	N	N	N	N
Nursing home	N	N	N	N
GENERAL SERVICE USES				
Personal service	N	N	Y	N
Business service	Y	S	Y	N
Building maintenance	S	Y	S	N
Catering service	Y	Y	Y	Y
Funeral home	N	N	Y	N
Laundromat	N	N	Y	N
Dry cleaning establishment	N	N	Y	N
Furniture and appliances	N	N	Y	N
Household maintenance	N	Y	Y	N

Tool/equipment re	N	Y	Y	N
<i>Animal Services</i>				
Animal hospital	N	Y	L	Y
Animal boarding	N	Y	L	Y
Animal grooming	N	Y	L	Y
MOTOR VEHICLE USES				
<i>Light Motor Vehicle</i>				
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
<i>Heavy Motor Vehicle</i>				
Sales facility	L	Y	S	Y
Rental facility	L	Y	S	Y
Repair facility	L	L	S	L
Body shop	L	L	S	L
Outdoor storage	L	S	S	Y
<i>General Motor Vehicle</i>				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through facility	S	S	S	S
<i>Parking</i>				
Parking lot, primary	Y	Y	L	Y
Parking lot, accessory	Y	Y	L	Y
Parking structure	Y	Y	L	Y
Parking structure	Y	Y	L	Y
Heavy motor vehicle	S	L	L	Y
Heavy motor vehicle	Y	Y	Y	Y
ACCOMMODATION AND FOOD SERVICE USES				
Bed and breakfast	N	N	Y	N
Hotel, commercial	L	N	Y	N
Hotel, residential	N	N	Y	N
Tavern	L	L	Y	L
Assembly hall	S	S	S	N
Restaurant, sit-down	L	L	Y	L
Restaurant, fast-food	L	L	L	L

Restaurant, fast food	N	N	N	N
ENTERTAINMENT AND RECREATION USES				
Park or playground	S	S	S	S
Festival grounds	N	N	N	N
Recreation facility	S	S	S	N
Recreation facility	N	N	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 exhibition	S	N	S	N
Marina	Y	Y	Y	Y
Outdoor racing facility	N	N	N	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES				
Recycling collection	S	Y	S	Y
Mixed-waste processing	N	L	S	L
Material reclamation	N	N	N	L
Salvage operation	L	L	L	L
Salvage operation	N	S	S	S
Wholesale and distribution	Y	Y	Y	Y
Wholesale and distribution	S	Y	S	Y
<i>Storage Facilities</i>				
Indoor	Y	Y	Y	Y
Outdoor	N	Y	S	Y
Hazardous material	N	N	N	S
TRANSPORTATION USES				
Ambulance service	Y	Y	S	Y
Ground transportation	S	Y	S	Y
Passenger terminal	Y	Y	Y	Y
Helicopter landing	S	S	S	S
Airport	N	Y	N	N
Ship terminal or dock	N	Y	N	Y
Truck freight terminal	N	S	S	L
Railroad switching	N	Y	Y	Y
INDUSTRIAL USES				
Manufacturing, light	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	Y
Manufacturing, industrial	N	N	N	S
Research and development	Y	Y	Y	Y

Research and development	T	T	T	T
Processing or recycling	N	N	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 livestock	L	L	L	L
Community garden	Y	Y	Y	Y
Commercial farm	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES				
Broadcasting or radio	Y	S	Y	S
Transmission tower	L	L	L	L
Water treatment plant	Y	Y	Y	Y
Sewerage treatment	N	Y	N	Y
Power generation	N	S	N	Y
Small wind energy	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y
Substation/distribution	S	Y	S	Y
Substation/distribution	L	Y	L	Y
TEMPORARY USES				
Seasonal market	L	L	L	L
Temporary real estate	L	L	L	L
Concrete/batch plant	L	L	L	L
Live entertainment	L	L	L	L

Part 2. Section 295-803-2-a to ii of the code is renumbered 295-803-2-b to jj.

Part 3. Section 295-803-2-a of the code is created to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

a. Single-Family Dwelling, Two-Family Dwelling, Multi-Family Dwelling, Permanent Supportive Housing, Attached Single-Family Dwelling, Family Day Care Home, Convent, Rectory or Monastery, Foster Family Home or Family Shelter Care Facility. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

Part 4. Section 295-803-2-b-1 of the code is repealed and recreated to read:

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

b-1. Adult Family Home. b-1-a. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-1-b. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

Part 5. Section 295-803-2-b-2-c of the code is created to read:

b-2. Small Group Shelter Care Facility.

b-2-c. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

Part 6. Section 295-803-2-c of the code is repealed and recreated to read:

c. Small Foster Home. c-1. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

c-2. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

Part 7. Section 295-803-2-d-6 of the code is created to read:

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

d-6. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a

prohibited use.

Part 8. Section 295-803-3 of the code is repealed and recreated to read:

3. ADDITIONAL SPECIAL USE STANDARDS. a. Currency Exchange, Payday Loan Agency, Title Loan Agency, Cash-for-Gold Business or Pawn Shop. No special use permit for a currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Transitional Housing, Rooming House, Dormitory, Fraternity or Sorority or Large Group Shelter Care Facility. No special use permit for transitional housing or a rooming house, dormitory, fraternity or sorority, or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months.

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: _____

LRB154859-3
Jeff Osterman
10/10/2014