



Legislation Text

File #: 170936, **Version:** 1

170936
SUBSTITUTE 1

THE CHAIR

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

75-15-2-a-1	am
79-6-3	am
101-23-8-a-0	am
101-23-8-a-2	am
106-53-1	am
115-45-2-a-2-b	am
200-17-3-i	am
200-61-1	am
295-311-1-a-3	rp
295-311-1-a-4	rn
295-603-1 (table)	am
295-705-a-7	am
309-83-3	am
310-18.5	am
320-27-3-a-1	am
320-30-8	rp

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

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

Part 1. Section 75-15-2-a-1 of the code is amended to read:

75-15. Ambulance Certification Regulations.

2. AMBULANCE SERVICE BOARD.

a. Establishment.

a-1. A member of the public safety >>and health<< committee appointed by the president of the common council.

Part 2. Section 79-6-3 of the code is amended to read:

79-6. Solid Waste Charge.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE SOLID WASTE CHARGE. The commissioner of public works shall administer the solid waste charge. [[He or she]] >>The commissioner<< may formulate and promulgate rules which shall be applicable with respect to the administration and collection

of the solid waste charge, and may make amendments thereto, subject to approval by the public safety >>and health<< committee as may be required from time to time for proper application of the solid waste charge.

Part 3. Section 101-23-8-a-0 and 2 of the code is amended to read:

101-23. Erection of Parking Signs.

8. TAXICAB STANDS; REGULATIONS. a. Established. The public safety >>and health<< committee, subject to approval of the common council, may designate certain locations as taxicab stand areas to comply with the regulations set forth in this section.

a-2. Signs. The public safety >>and health<< committee shall arrange to provide suitable signs which shall clearly designate taxicab stands and shall be attached to a post adjacent to the stands.

Part 4. Section 106-53-1 of the code is amended to read:

106-53. Loitering of Sex Offenders.

1. LOITERING. It shall be unlawful for any person defined as a designated offender under s. 106-51-2-b, to loiter or prowl, [[in the locations specified in s. 106-51-3-a,]] >>in a school, licensed day care center, park, recreational trail, or playground,<< in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the [[locations specified in s. 106-51-3-a]] >>school, licensed day care center, park, recreational trail, or playground<<. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

Part 5. Section 115-45-2-a-2-b of the code is amended to read:

115-45. Selling Articles from Parked Vehicles.

2. LOCATIONS WHERE SELLING PROHIBITED.

a. Near Schools or Residences.

a-2-b. If special permission is granted (which special permission shall not be unreasonably withheld) in writing for a specified vehicle for a specific location, date and time period by the public safety >>and health<< committee of the common council.

Part 6. Section 200-17-3-i of the code is amended to read:

200-17. Standards and Appeals Commission.

3. POWERS AND DUTIES.

i. [[Pursuant to s. 222-11-19, the]] >>The<< commission shall have the power to conduct a hearing and render a decision regarding the nonrenewal, suspension for a period of not more than 60 days, or revocation of an electrical license issued under ch. 222.

Part 7. Section 200-61-1 of the code is amended to read:

200-61. Architectural Review Board.

1. PURPOSE AND FINDINGS. The common council finds that the physical and architectural character of certain neighborhoods and locations in the city require special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of significant historical, cultural, social or commercial attributes. In order to promote this goal, an architectural review board is created to review all applications for the alteration, rehabilitation or construction of any building, structure or site in a designated district, except for those exempted under [[sub. 10]] >>sub. 9<< , prior to the issuance of permits under s. 200-24 by the department of city development.

Part 8. Section 295-311-1-a-3 of the code is repealed.

Part 9. Section 295-311-1-a-4 is renumbered 295-311-1-a-3.

Part 10. Section 295-603-1 (table) of the code is amended to read:

Table 295-603-1

COMMERCIAL DISTRICTS USE TABLE

Y = Permitted Use

L = Limited Use

S = Special Use

N = Prohibited Use

Zoning Districts

Uses	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS		
RESIDENTIAL USES										
Single-family dwelling			Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling	Y		Y	Y	Y	Y	Y	Y	Y	
Multi-family dwelling	Y		Y	Y	Y	Y	Y	Y	Y	
Permanent supportive housing				Y	Y	Y	Y	Y	Y	Y
Transitional housing	S		S	S	S	S	S	S	S	
Attached single-family dwelling			Y	Y	Y	Y	Y	Y	Y	Y
Live-work unit		Y	Y	Y	Y	Y	Y	Y	Y	
Mobile home	N	N	N	N	N	N	N	N	N	
Watchman/service quarters		N	N	N	N	N	N	N	N	
Family day care home	L		L	L	L	L	L	L	L	
GROUP RESIDENTIAL USES										
Rooming house		S	S	S	S	S	S	S	S	
Convent, rectory or monastery			Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	S	S	S	S	S	S	S	S	S	
Fraternity or sorority	S	S	S	S	S	S	S	S	S	
Adult Family home	L		L	L	L	L	L	L	L	
Foster Homes										
Foster family home	Y		Y	Y	Y	Y	Y	Y	Y	
Small foster home	L		L	L	L	L	L	L	L	
Group home or group foster home			L	L	L	L	L	L	L	L
Shelter Care Facilities										
Family shelter care facility	Y		Y	Y	Y	Y	Y	Y	Y	

Small group shelter care facility	L	L	L	L	L	L	L	L	L									
Large group shelter care facility	S	S	S	S	S	S	S	S	S									
Community living arrangement	L	L	L	L	L	L	L	L	L									
EDUCATIONAL USES																		
Day care center	S	S	S	S	S	S	S	S										
School, elementary or secondary	[[Y]]																	
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<< [[Y]]																		
>>S<<																		
College	Y	Y	Y	Y	Y	Y	Y	Y										
School, personal instruction	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y								
COMMUNITY-SERVING USES																		
Library	Y	Y	Y	Y	Y	Y	Y											
Cultural institution	Y	Y	Y	Y	Y	Y	Y	Y	Y									
Community center	S	S	S	S	S	S	S	S	S									
Religious assembly	S	S	S	S	S	S	Y	Y	Y									
Cemetery or other place of interment	N	N	N	N	N	N	N	N	N	N	N							
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y									
Correctional facility	N	N	N	N	N	N	N	N	N									
COMMERCIAL AND OFFICE USES																		
General office	Y	Y	Y	Y	Y	Y	Y	Y										
Government office	Y	Y	Y	Y	Y	Y	Y	Y	Y									
Bank or other financial institution	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Currency exchange, payday loan or title loan agency							S	S	S	S	S	S	S	S	S	S	S	S
S																		
Installment loan agency	S	S	S	S	S	S	S	S	S	S								
Cash-for-gold business	S	S	S	S	S	S	S	S	S									
Pawn shop	S	S	S	S	S	S	S	S										
Retail establishment, general	L	L	L	L	L	L	L	L	L	L								
Garden supply or landscaping center	N	N	Y	Y	Y	Y	Y	Y	Y									
Home improvement center	N	N	S	S	S	S	Y	Y	Y									
Secondhand store	S	S	S	S	S	S	S	S	S									
Outdoor merchandise sales	S	S	S	S	S	S	S	S	S	S								
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y										
Adult retail establishment	N	N	N	N	N	N	S	S	N									
HEALTH CARE AND SOCIAL ASSISTANCE USES																		
Medical office	Y	Y	Y	Y	Y	Y	Y	Y										
Health clinic	S	S	S	S	S	S	S	S										
Hospital	N	N	S	S	S	S	S	N										
Medical research laboratory	N	N	S	S	S	S	S	S	Y	N								
Medical service facility	N	N	S	S	S	S	S	S	S	N								
Social service facility	S	S	S	S	S	S	S	S	S									
Emergency residential shelter	S	S	S	S	S	S	S	S	S									

Nursing home	S	S	Y	Y	Y	Y	Y	S									
GENERAL SERVICE USES																	
Personal service	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Business service	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Building maintenance service	N	N	S	S	S	S	Y	Y	Y								
Catering service	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Funeral home	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Laundromat	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Furniture and appliance rental and leasing			S	S	Y	Y	Y	Y	Y	Y	Y						
Household maintenance and repair service	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Animal Services																	
Animal hospital/clinic		L	L	L	L	L	L	L	L	L	L	L					
Animal boarding facility		L	L	L	L	L	L	L	L	L	L	L					
Animal grooming or training facility			L	L	L	L	L	L	L	L	L	L	L				
MOTOR VEHICLE USES																	
Light Motor Vehicle																	
Sales facility	N	N	S	S	S	Y	Y	S									
Rental facility	L	L	L	L	L	L	Y	Y	Y								
Repair facility	N	N	S	S	S	S	S	S	N								
Body shop	N	N	S	S	S	S	S	N									
Outdoor storage	N	N	S	S	S	S	S	S	N								
Wholesale facility	L	L	L	L	L	L	L	L	L								
Heavy Motor Vehicle																	
Sales facility	N	N	S	S	S	S	S	N									
Rental facility	N	N	S	S	S	S	S	S	N								
Repair facility	N	N	N	N	N	N	S	S	N								
Body shop	N	N	N	N	N	S	S	N									
Outdoor storage	N	N	N	N	N	N	S	S	N								
General Motor Vehicle																	
Filling station	N	N	S	S	S	S	S	S	N								
Car wash	N	N	L	L	L	L	L	N									
Drive-through facility		L	L	L	L	L	L	L	L	L							
Parking																	
Parking lot, principal use	L	L	L	L	L	L	Y	L	L								
Parking lot, accessory use	Y	L	Y	L	L	L	Y	Y	Y								
Parking structure, principal use		S	S	L	L	L	L	L	L	S							
Parking structure, accessory use		Y	L	Y	L	L	Y	Y	Y	Y							
Heavy motor vehicle parking lot, principal use				N	N	S	S	S	S	S	S						
Heavy motor vehicle parking lot, accessory use				S	S	S	S	S	S	S	S	S					
ACCOMMODATION AND FOOD SERVICE USES																	
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Tavern	L	Y	Y	Y	Y	Y	Y										
Brewpub	S	S	Y	Y	Y	Y	Y	Y									
Assembly hall	L	L	L	L	L	L	L	L									

Restaurant, sit-down	Y	Y	Y	Y	Y	Y	Y	Y		
Restaurant, fast-food/carry-out			L	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES										
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y		
Festival grounds	N	N	N	N	N	N	N	N		
Recreation facility, indoor	S	S	S	S	S	S	S	S	S	
Recreation facility, outdoor	S	S	S	S	S	S	S	S	S	
Health club	Y	Y	Y	Y	Y	Y	Y	Y		
Sports facility	N	N	S	S	S	S	S	S		
Gaming facility	N	N	N	N	N	N	N	N		
Theater	L	L	Y	Y	Y	Y	Y	Y		
Convention and exposition center			N	N	S	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y			
Outdoor racing facility			N	N	N	N	N	N	N	
STORAGE, RECYCLING AND WHOLESALE TRADE USES										
Recycling collection facility	S	S	S	S	S	S	S	S	S	
Mixed-waste processing facility			N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N	N	
Salvage operation, indoor	N	N	N	N	N	N	N	S	S	
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N	
Wholesale and distribution facility, indoor			S	S	L	L	L	L	L	L
Wholesale and distribution facility, outdoor	N	N	S	S	S	S	S	S	S	S
Storage Facilities										
Indoor	S	S	L	L	L	L	L	L		
Self-service	N	N	N	N	N	N	N			
Outdoor	N	N	S	S	S	S	S	S		
Hazardous materials	N	N	N	N	N	N	N	N		
TRANSPORTATION USES										
Ambulance service	N	N	S	S	S	Y	Y	S		
Ground transportation service	N	N	S	S	S	S	S	L	L	
Passenger terminal	N	N	Y	Y	Y	Y	Y	Y		
Helicopter landing facility	N	N	S	S	S	S	S	S		
Airport	N	N	N	N	N	N	N			
Ship terminal or docking facility			N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N		
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES										
Alcohol beverage facility, micro			N	N	L	L	L	L	L	Y
Alcohol beverage facility, large			N	N	N	N	N	N	N	N
Food processing	N	N	L	L	L	L	L	L		
Manufacturing, light	N	N	L	L	L	L	L	L		
Manufacturing, heavy	N	N	N	N	N	N	N	N		
Manufacturing, intense			N	N	N	N	N	N	N	
Research and development	N	N	S	S	S	S	S	S	S	
Processing or recycling of mined materials			N	N	N	N	N	N	N	N
Contractor's shop	N	N	L	L	L	L	L	L		
Contractor's yard	N	N	S	S	S	S	S	S		

AGRICULTURAL USES

Plant nursery or greenhouse	S	S	S	S	S	S	S	S	
Raising of livestock	S	S	S	S	S	S	S		
Community garden	S	S	S	S	S	S	S		
Commercial farming enterprise		S	S	S	S	S	S	S	S

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio		N	N	Y	Y	Y	Y	Y	N
Transmission tower	L	L	L	L	L	L	L		
Water treatment plant	S	S	Y	Y	Y	Y	S		
Sewage treatment plant		N	N	N	N	N	N	N	
Power generation plant		N	N	N	N	N	N	N	
Small wind energy system		S	S	S	S	S	S	S	
Solar farm	S	S	S	S	S	S	Y		
Substation/distribution equipment, indoor			L	L	L	L	L	L	L
Substation/distribution equipment, outdoor			N	N	Y	Y	Y	Y	N

TEMPORARY USES

Seasonal market	L	L	L	L	L	L	L		
Temporary real estate sales office			L	L	L	L	L	L	L
Concrete/batch plant, temporary			L	L	L	L	L	L	L
Live entertainment special event			L	L	L	L	L	L	L

Part 11. Section 295-705-5-a-7 of the code is amended to read:

295-705. Design Standards.

5. BUILDING HEIGHT.

a. Exceptions to Height Limitations.

a-7. Transmission towers which are in compliance with the height-related standards of [[s. 295-703-2-p]] >>295-703-2-u<<.

Part 12. Section 309-83-3 of the code is amended to read:

309-83. Snow and Ice Removal Cost Recovery Charge.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE. The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety >>and health<< committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

Part 13. Section 310-18.5 of the code is amended to read:

310-18.5. Purchase of >>Low-Speed<< [[Neighborhood Electric]] Vehicles. To the greatest extent practicable, the city purchasing director and any other contracting agency of the city shall make purchasing decisions that maximize the purchase and use of >>low-speed<< [[neighborhood electric]] vehicles.

Part 14. Section 320-27-3-a-1 of the code is amended to read:

320-27. Safety and Civic Commission.

3. POWERS AND DUTIES.

a. General.

a-1. It shall be the duty of the safety and civic commission to investigate, advise, and report to the mayor, common council, police department, commissioner of public works, and other city officials concerning the best methods of providing for the safety of the public and addressing civic matters of city-wide concern and to give the greatest possible publicity to these matters to educate the public. The goal of the safety and civic commission shall be to improve the quality of life in Milwaukee by improving safety and addressing citywide problems through effective, targeted public education and public information efforts to achieve behavior modification to lift the community as a whole. The matters under the [[review]] >>purview<< of the commission shall include, but not be limited to, traffic safety for motor vehicles, pedestrians, and bicycles, reducing the demand for drugs, raising educational achievement, raising school attendance and graduation rates, addressing parenting, reducing littering, water safety, fire safety, firearm safety, accidental poisoning, and other such topics that affect the health of the city.

Part 15. Section 320-30-8 of the code is repealed.

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: _____

Legislative Reference Bureau

LRB169955-2

Teodros W. Medhin

10//6/2017