

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 2**

**SUMMARY**

This supplement incorporates changes to Volume 2 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

151067      A substitute ordinance relating to the issuance of conditional construction permits for alcohol beverage establishments.

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<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #279)</b>				v-vi	v-vi
200-26-6	rc	151067	12/15/2015	27-32	27-32b
275-20-4-e	corr.			553-554	553-554
295-803-2	corr.			873-878	873-878

For subscription or distribution questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through November 24, 2015.

11/24/2015  
Suppl. #280



c-4-j. Description of any existing or proposed on-site sewage systems or private water supply systems.

c-4-k. Location of the ordinary high-water mark of any abutting navigable waterways.

c-4-L. Boundaries of all shoreland-wetlands.

c-4-m. Existing and proposed topographic and drainage features and vegetative cover.

c-4-n. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.

c-4-o. Location of existing or future access roads.

c-4-p. Specifications and dimensions for areas of proposed wetland alteration.

c-5. Certification of correctness of drawing and legal description of premises as shown on the attached drawing, or in substantial conformity therewith.

d. Complete structural calculations shall be furnished upon request of the department. All plans and specifications shall be sealed or stamped by a registered architect or registered professional engineer, except that plans for buildings having total volume of less than 50,000 cubic feet shall be signed by the designer.

e-1. Plans (drawings), data and specifications shall include floor plans, elevations, sections, and structural details and shall clearly show and describe the amount and character of the work proposed, the materials to be used therein, thermal performance standards and except for dwellings, double dwellings, duplex dwellings and private, accessory buildings shall show or be accompanied by data giving assumed bearing value of soil, assumed live loads and itemized live loads, assumed unit stresses for structural materials, stress diagrams of all trusses and typical calculations for slabs, beams, girders and columns and shall give all other information necessary to show full compliance with the requirements of this code.

e-2. Plans (drawings) shall be made on standard paper or cloth to a scale of not less than 1/8 inch to one foot, with figured dimensions, and shall designate the occupancy and use of all parts of the building structure, premises or equipment, together with intended use of all rooms. Copies of all plans (drawings), data, specifications and certified lot or plot plan presented for approval shall be distinct and intelligible, and the commissioner of city development may refuse to examine or approve any of such documents which do not conform to this code.

e-3. Structural data and other data necessary to enable the commissioner of city development to determine the safety of the

building, structure or equipment, and the adequacy of its equipment shall accompany the plans (drawings) and specifications when so required.

e-4. If in the opinion of the commissioner plans (drawings), data specifications and certified lot or plot plan filed for examination with an application for a permit to execute any construction as regulated in s. 200-24 and ch. 295 disclose that following the completion of such construction the same will thereafter obviously be occupied and used in violation of this code, or other ordinances, the Wisconsin Administrative Code, other laws, or lawful orders applicable thereto, the commissioner shall deny the permit until revised plans (drawings), data, specifications and certified lot or plot plan are filed showing that such construction when completed will thereafter be occupied and used in conformance with this code.

f. At the option of the commissioner, plans (drawings), data, specifications and certified lot or plot plans need not be submitted with an application for permit to execute minor alterations or repairs to any building, structure or equipment, or for the construction of private accessory buildings, provided the proposed construction is sufficiently described in the application for permit.

**2. ACCEPTANCE OF APPLICATION FOR PERMIT.** If, in the opinion of the commissioner of neighborhood services, the character of the construction is sufficiently described in the plans (drawings), data, specifications and certified lot or plot plan in the application for permit, and if the plans (drawings), data, specifications and certified lot or plot plan, as submitted with the application for permit bear the seal, signature and address of the architect, engineer or designer by whom they were prepared, such plans (drawings), data, specifications and certified lot or plot plan and application for permit shall be received for examination.

**2.5. REVIEW FOR FLOOD SAFETY.** The commissioner shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damage; and be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed or located so as to prevent water from entering or

## 200-26-3 Administration and Enforcement

accumulating within the components during conditions of flooding.

**3. REVIEW OF PRELIMINARY PLANS.** Architects, engineers and designers may consult with the commissioner and request an examination or preliminary sketches (plans and drawings) for any proposed construction prior to the completion of final plans and application for a permit.

**4. HEALTH COMMISSIONER'S APPROVAL.** a. When the architectural plans for the following buildings are submitted to the commissioner, he or she shall forward one copy to the commissioner of health for examination:

a-1. Restaurants and other dining establishments.

a-2. Taverns.

a-3. Food processing plants.

a-4. Indoor swimming pools and spas.

b. After the commissioner of health has examined the plan, the plan shall be returned with comments to the commissioner of neighborhood services.

**5. APPLICATIONS FOR CERTAIN DEMOLITION PERMITS.** Whenever the commissioner has received an application for the demolition of any building or structure, the commissioner shall have the notification of the application published once in a newspaper of general circulation, and notify the common council member of the district in which the proposed demolition is situated. The completed application shall include a color 3x3 inch, or larger, street-facing photograph of the structure to be demolished. Applications for the demolition of any building or structure shall then be processed in accordance with s. 200-28 and when in compliance issued 16 working days following applications, subject to s. 320-21. This subsection does not apply to:

a. Private accessory garages.  
b. Private accessory sheds.  
c. Structures for which an order has been issued for razing or rehabilitation in accordance with s. 218-4, or those which are in a condition that would constitute the basis on which an order under s. 218-4, would be issued.

d. Structures found not to qualify as a historic structure in accordance with either the interim designation procedures of s. 320-21-13 or the designation procedures of s. 320-21-9.

e. Structures which the staff of the historic preservation commission determines would not qualify for historic designation under s. 320-21-9 or s. 320-21-13. The historic

preservation commission shall adopt rules and regulations governing such determinations by staff. In order to be considered for such an exception, the owner of the structure shall make application therefor, on a form provided by the city clerk, to the historic preservation commission staff and pay the fee specified in ch. 81. No structure shall be considered for exemption under this paragraph unless its date of construction was within 50 years preceding the date of application for exemption.

**6. ALTERATIONS OF ESTABLISHMENTS SELLING ALCOHOL BEVERAGES.**

a. Licensing Committee Approval Required. Except as provided in par. b, any alteration, change or addition to an establishment selling alcohol beverages resulting in expansion of the premises shall be approved by the licensing committee prior to issuance of a permit under s. 200-24.

b. Conditional Construction Permits. Prior to the licensing committee's review of a request for an alteration, change or addition to an establishment selling alcohol beverages, a conditional construction permit for the alteration, change or addition may be issued by the commissioner for a period of up to 180 days. Issuance of a conditional construction permit shall not imply that the licensing committee will approve the applicant's request, and shall not constitute permission for the establishment to use the area being altered, changed or enlarged prior to the issuance of the updated license. A conditional construction permit may be issued only when the following criteria have been met:

b-1. The commissioner has determined that plans for the proposed construction are in compliance with the building code and the zoning code.

b-2. The applicant has filed an application with the city clerk to change the licensed premises, as required by s. 90-4-7.9 or s. 90-5-13, and paid all required fees related to that application.

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

b-4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the common council if the license application is not approved.

b-5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

**200-27. Design and Supervision. 1.** Every new building containing more than 50,000 cubic feet total volume, or an addition to a building which by reason of such addition results in a building containing over 50,000 cubic feet total volume, or structural alteration to a building containing over 50,000 cubic feet total volume, shall be designed by an architect or engineer in accordance with this code and shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the plans and specifications of the designer. A written statement to this effect shall be filed by the architect or engineer with the commissioner of city development with the application for permit. No change from the original plans and specifications shall be made except with the knowledge and consent of the designer, and as approved pursuant to s. SPS 361.31(4) , Wis. Adm. Code.

**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.

**3.** In this section "architect" or "engineer" means a registered architect or registered professional engineer, as defined in ch. 443, Wis. Stats.

**200-28. Issuance of Permits. 1. APPLICATION.** The application for permit, plans (drawings), data, specifications and certified lot or plot plan filed by an applicant as required in s. 200-26 shall be examined by the commissioner within a reasonable time, all of which, together with the proposed occupancy and use of the construction and premises, if found to be in conformity with the requirements of this code, or other ordinances, the Wisconsin Administrative Code, orders issued by the common council, or other lawful orders applicable thereto, shall be approved, and upon the payment of the required fee, a permit shall be issued by the commissioner. When a permit is issued, the commissioner shall endorse, by stamp, seal or otherwise, such plans (drawings), data, specifications and certified lot or plot plan as approved with the date of approval.

**2. PERMIT ISSUED.** The issuance or granting of a permit or approval of plans (drawings), data, specifications and certified lot or plot plan shall not be deemed or construed to be a permit for, or an approval of any violation of any of the regulations of this code, or an extension of

time specified in any order or citation issued by the commissioner. No permit presuming to give authority to violate or cancel any regulation of this code or the Wisconsin Administrative Code shall be valid, except insofar as the construction or use which it authorizes is lawful. The commissioner may set limitations concerning starting and completion of the construction and other conditions necessary to protect the health, safety and welfare of the public.

**3. REQUIREMENTS.** The issuance of a permit shall not prevent the commissioner from thereafter requiring the correction of errors in plans (drawings), data, specifications, and certified lot or plot plan, from stopping construction operations being carried on thereunder when in violation of any regulation of this code.

**4. PLANS FILED.** Two sets of approved plans (drawings), data, specifications, and certified lot or plot plan shall be retained by the commissioner and filed as a public record, and 2 sets shall be returned to the applicant.

**5. PLANS ON PREMISES.** An approved set of plans (drawings), data, specifications, and certified lot or plot plans and the permit shall be kept and maintained in a readily accessible, approved place on the premises upon which construction thereby authorized is in progress and shall be open at all reasonable times to the inspection of properly authorized public officials.

**6. PLAN CHANGES.** Plans (drawings), data, specifications and certified lot or plot plan approved by the commissioner shall not be changed or modified in any manner, nor shall the amount or character of the work authorized by such approval be changed, modified or increased unless the consent and approval of the commissioner shall have first been obtained in writing.

**7. PLAN CHANGES TO BE FILED.** No alterations or corrections of plans (drawings), data, specifications and certified lot or plot plan for any construction shall be made in the office of the commissioner. If such plans (drawings), data, specifications, and certified lot or plot plan for any proposed construction do not conform to all of the regulations of this code, violations may be indicated, but the applicant shall be required to prepare and file prints of any new plans (drawings), data, specifications and certified lot or plot plan in corrected form.

**8. LICENSED WORKER.** When the application for a permit is made by a person other than the owner, no permit will be issued to a

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person who is required by any ordinance of the city to have a license or certificate to engage in the work which is contemplated by the application unless that person has, in fact, at the time of issuance of the permit, the required license or certificate.

**200-29. Footing and Foundation Permits. 1.** In order to facilitate construction, the commissioner may, upon presentation of sufficient preliminary structural plans (drawings), data, specifications and certified lot or plot plan whereupon there is indicated the character of the proposed construction and the proposed use of the building, structure, equipment, and premises, and its compliance with s. 200-28 and ch. 295, except as provided in sub. 2, issue a footing and foundation permit for the excavation, foundations or structural parts thereof, not higher than the first floor level, subject to all other regulations of this code. However, the issuance of such footing and foundation permit shall not be construed as an approval of any other required permit; or any use of any part of the building, structure, equipment, or premises.

**2.** Such footing and foundation permits, where the proposed construction or proposed use of building is not in conformity with ch. 295, may be issued subject to the following:

a. The building and premises shall, in all other respects, comply with applicable building and zoning code regulations.

b. An application for a variance, special use or zoning district boundary amendment for such use of construction has been completed, fees paid and filed with the board or introduced to the common council.

c. The use or construction would not jeopardize life, health or property.

d. The city is held harmless by the applicant for the footing and foundation permit for any and all damage that may be incurred by the applicant or any other party.

e. The commissioner may require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a footing and foundation permit.

f. The applicant demonstrates that the proposed construction or proposed use of building will not impact adversely on adjoining property or the neighborhood in general.

g. The applicant agrees to restore the site to its previous condition within 30 days if the board denies the application for a variance or a special use.

h. The applicant demonstrates to the commissioner that exceptional, extraordinary or unusual circumstances exist and, therefore, a footing and foundation permit should be issued.

i. The commissioner notifies common council members at least 48 hours prior to the issuance of a footing and foundation permit in their districts.

j. Plumbing plans shall be submitted separately for approval prior to the issuance of a footing and foundation permit.

**200-30. Lapse of Permit, Refunds. 1. LAPSE OF PERMIT.** a. Except as regulated in s. 200-28-2 and ch. 240, if any construction for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if new construction ceases for more than 3 months, then the permit shall lapse and be void, and no construction shall be begun or resumed until a new permit is obtained and the fees as prescribed in this code are paid.

b. Except as provided for in s. 200-28-2, after the issuance of a permit, if for any reason construction is not started, or there is a cessation of construction, and the commissioner is notified within 30 days of such delay, an extension of time not exceeding 3 months may be granted. Additional extensions of time may be granted if the circumstances warrant such extensions.

c. Extensions of time shall not preclude the commissioner of city development from requiring the permit holder to comply with amended, more restrictive building code regulations which become effective during the time extension period.

**2. REFUNDS.** a. No refunds shall be made on a building permit that has lapsed and been declared void.

b. No refund shall be made for an unused partial permit.

c. No refund shall be made of the plan examination fee after the building, heating and ventilating, fire detection and suppression system, illumination or plumbing plans have been approved.

d. Any person requesting a refund of any plan examination fee indicated in par. c before the plan has been approved, shall be charged 20% of the plan examination fee for processing. The minimum processing fee shall be \$20.

e. Any applicant requesting a refund for an unissued certificate of occupancy must make the request in writing to the commissioner. Any applicant requesting a refund for an unissued licensed dwelling facility license shall make the

request in writing to the department. The processing fee shall be \$75 plus \$50 for each inspection made. Processing and inspection fees shall be deducted from the application fee and any remaining balance will be refunded to the applicant. There shall be no refund after the certificate or license is issued.

f. Any applicant requesting a refund for an unused permit shall be charged the minimum fee specified in s. 200-33-27.

f-1. Any applicant who requests the department to cancel a certificate of zoning shall do so in writing to the commissioner. No refund shall be made of the fee paid; however, where a plumbing inspection is required and has not been made, the refund will be \$50.

f-2. Any applicant who requests the department of neighborhood services to cancel a certificate of code compliance shall do so in writing to the commissioner of neighborhood services. The processing fee charged shall be \$35 plus \$50 for each inspection made. Processing and inspection fees shall be deducted from the application fee and any remaining balance will be refunded to the applicant.

f-3. No refund shall be made of the fee paid for a temporary certificate of occupancy.

g. Any person requesting a refund for a permit or certificate of occupancy which was issued in error by the commissioner shall be entitled to a full refund of the permit fee.

h. Refunds shall be paid upon certification by the commissioner to the city comptroller who shall charge such refunds to the appropriate revenue account and shall annually inform the common council of the amount of fees refunded and the persons to whom refunds were made.

**200-30.2. Permit Expiration and Renewal. 1. PERMIT EXPIRATION.** Any permit required by s. 200-24 shall expire 2 years from the date of issuance of the permit. However, a permit for a structure containing more than 100,000 square feet of floor area shall expire 3 years from the date of issuance.

**2. PERMIT RENEWAL.** If the work authorized by a permit required by s. 200-24 is not complete at the end of the 2-year period or 3-year period, as the case may be, the permit may be renewed for an additional period of time at the discretion of the commissioner of city development. In no case may the permit be renewed for more than 2 additional years.

**3. RENEWAL FEE.** The fee for renewal of the permit shall be as specified in s. 200-33-34.

**4. COMPLIANCE WITH CODE.** Work authorized by a renewal permit granted under this section shall be in compliance with the code requirements in effect at the time the original permit was issued. Any work which remains incomplete at the time of expiration of the renewal permit may only be completed upon application for and obtainment of a new permit; such work shall be subject to the code requirements in effect at the time the new permit is granted.

**200-30.3. Failure to Request Inspection.** When a contractor fails to request a required inspection for a permit open for more than 6 months beyond the date of issuance, the commissioner shall send written notice to schedule the required inspection. The contractor shall be charged the fee specified in s. 200-33 for failure to schedule the inspection within 15 days of written notice from the commissioner. Failure to pay the additional fee after one notice may result in withholding future permits.

**200-30.5. Expiration or Extension of Plan Approval. 1. EXPIRATION.** If a building permit has not been obtained within 6 months from the date that a plan was approved by the commissioner of city development, the approval shall expire, except as provided in subs. 2 or 3.

**2. EXTENSION.** A plan approval may be extended 3 months by the commissioner of city development, provided the following conditions are met:

a. A written request is submitted to the commissioner of city development prior to the expiration of the original 6 month approval period.

b. The approval period has not been extended previously.

c. The fee as specified in s. 200-33-36 has been paid.

d. If necessary, the plans have been revised to comply with the existing code.

**3. EXEMPTION.** A building permit that was not issued within 6 months from the date a plan was approved that was caused by governmental action and without any contributing fault by the applicant shall not be considered as expired. In calculating the length of time for expiration, the delay time caused by governmental action shall be added to the 6-month period.

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### 200-31. Revocation of Permit or Approval.

1. AUTHORITY. The commissioner may revoke any permit, certificate of occupancy or approval issued under this code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. A violation of this code, or of any other ordinance, law or lawful orders or Wisconsin statute relating to the same subject matter.

b. Whenever the continuance of any construction becomes dangerous to life or property.

c. Any violation of any condition or provision of the application for permit or of the permit.

d. Whenever in the opinion of the commissioner the person having charge of the construction is incompetent.

e. Whenever any false statement or misrepresentation has been made in the application for permit, plans (drawings), data, specifications and certified lot or plot plan on which the issuance of the permit or approval was based.

f. A violation of any of the conditions of an approval given by the commissioner of city development for the use of any new materials, equipment, methods of construction, devices or appliances.

2. NOTIFICATION. a. The notice revoking a permit, certificate of occupancy or approval shall be in writing and shall be served upon the applicant for the permit, owner of the premises and the owner's agent, if any, and on the person having charge of construction.

b. A revocation placard shall also be posted upon the building, structure, equipment or premises in question, by the commissioner.

c. After the notice is served upon the persons and posted, no person may proceed with any construction operations, occupancy or use on the premises, and the permit, certificate of occupancy or approval which has been revoked shall be void. Before any construction, operation, occupancy or use is resumed, a new permit, certificate of occupancy or approval as required by this code shall be procured, subject to the conditions of par. d, and fees paid, and the resumption of any construction, operation, occupancy or use shall be in compliance with this code.

d. In those cases where the permit, certificate of occupancy or approval for a premises, property, building or portion thereof is revoked for violation of any of the provisions of ch.

295, the commissioner shall act on any subsequent application for occupancy of the same premises, property, building or portion thereof only under the following conditions:

d-1. The owner of the premises, property, building or portion thereof shall submit a written plan of operation to the commissioner of city development.

d-2. The commissioner shall refer the plan of operation to the chief of police and the commissioner of health. Each department shall prepare a finding as to whether the proposed use, if operated in a manner consistent with the plan of operation submitted by the applicant, would be operated in a manner that protects the health, safety and welfare of the public. The commissioner may consider these findings in making the determination to grant the occupancy. The commissioner may act without these findings if they are not provided by the departments within 30 days of the application for a permit, certificate of occupancy or approval.

**200-32. Permit Fees. 1. PAYMENT.** a. Upon the issuance of a permit by the commissioner and before such permit shall be in effect, the applicant shall pay to the city a fee or fees as required in this code.

b. The commissioner may forward to owners of respective premises or holders of permits, annual, semiannual or periodic bills on which all fees shall be enumerated for all special privileges granted by the common council under s. 66.0425, Wis. Stats., and annual, semiannual and maintenance or periodic inspections fees as prescribed therein, and any unpaid fees of other governmental units as defined in s. 66.0131(1)(a), Wis. Stats. All special privilege and maintenance or periodic inspection fees are payable within 30 days after notice has been forwarded to the person to whom the permit was originally issued or to the owner of the premises. If not paid when due, unpaid fees shall be charged against the real estate upon which the permit or special privilege was granted, and shall be a lien upon such real estate and shall be assessed and collected as a special tax.

2. REGULATIONS. a. Basis. Permit fees for construction of all buildings or structures or additions thereto shall be computed on the cubic contents of such buildings or structures, or additions thereto, in accordance with the schedule of rates for the various groups of buildings or structures classified in this section and an additional fee shall be added as specified in s. 200-33.

b. Cost of Work. For structures where the cubic content cannot be accurately established such as parking lots, reviewing stands and tank towers, see s. 200-33-2.

c. Building Volume. Applicants for permits for new buildings or structures, or additions to existing buildings or structures, shall furnish an estimate of the volume thereof as a basis for determining the fee. The volume shall be as determined in s. 200-06. Such computations of volume shall be subject to review by the commissioner.

**3. INCREASED FEES.** a. Where construction is started, or when a premises is occupied without first obtaining a permit inspected under the jurisdiction of the department of neighborhood services, as required by this code, the fees specified in this section may be quadrupled, but the payment of such quadruple fee shall not relieve any person from fully complying with all the regulations of this code in the execution of the work nor from any other penalties prescribed in this code.

b. When construction is started without first obtaining a permit as required by this code for work under contract with an agency of the city of Milwaukee, county of Milwaukee, and state of Wisconsin or the United States of America, a permit fee equal to double the amount of the permit fees prescribed in this section shall be paid, but the payment of such double fee shall not relieve any person from fully complying with all of the regulations of this code in the execution of the work nor from any other penalties prescribed in this code. If such application for permit is sent through the United States mail, the official date of such application shall be deemed to be 2 days before its receipt in the office of the commissioner, excluding Saturdays, Sundays and holidays.

**3.5. NOTIFICATION OF COMPLETION OF CONSTRUCTION, ETC.** Upon completion of construction, erection, alteration or change of a building, structure or premises, the permit holder shall notify the department for inspection. Failure to notify the department may subject the permit holder to a charge of \$35.

**4. GOVERNMENTAL UNITS.** Where the effect of requiring any fee provided in s. 200-33 would be to cause a charge to the city of Milwaukee, the Milwaukee board of school directors, the housing authority or the redevelopment authority, the fee shall not be charged.

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SUBCHAPTER 2  
LICENSING

**275-20. Licensing Of Licensed Dwelling Facilities.** 1. DEFINITION. In this section, "offer" means to communicate a willingness, desire or intent.

1.1 COMPLIANCE. No person may operate or let to another for occupancy any licensed dwelling facility, except in compliance with the requirements of this section.

1.2 POLICY. The common council declares its purposes in adopting these provisions are to:

- a. Protect the public health, safety and welfare of the people of the city.
- b. Protect the character and stability of residential areas.
- c. Correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying licensed dwelling facilities.

1.5. ADOPTION OF STATE CODE.

Except as otherwise provided in this subchapter, the city of Milwaukee adopts ch. DHS 195, Wis. Adm. Code, as amended, as part of this code.

2. LICENSE REQUIRED. No person, firm or corporation, either as owner, operator, lessee, manager, officer or agent, may keep, maintain, conduct or operate for gain or profit, or may offer to keep, maintain, conduct or operate for gain or profit, any licensed dwelling facility in the city without first obtaining a license therefor in the manner hereinafter provided.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. In addition, if the applicant is a nonresident of Milwaukee county, the application shall contain the name and street address of a local representative inside the Milwaukee county limits who shall be a natural person upon whom service can be made under this chapter of a summons or other processes issued by any court.

4. PLAN OF OPERATION. An application for a licensed dwelling facility license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The planned hours of operation for the premises.

- b. The number of customers expected on a daily basis at the premises.

- c. The legal occupancy limit of the premises.

- d. The number of off-street parking spaces available at the premises.

- e. Plans the applicant has to provide security for the premises.

- f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

- g. Any other licenses held by the applicant or attached to the premises.

- h. A description of any provisions made for clean-up of the premises.

- i. A copy of the current state vehicle registration of each vehicle that will be used to transport waste tires.

- j. A site plan showing:

- j-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

- j-2. The locations and dimensions of any off-street parking and loading areas for customers.

- k. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED.

- a. Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

- b. Plan of Operation. If, after the license has been 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 is approved through issuance of a new license.

6. LICENSE FEE. See s. 200-33 for the required license fee.

7. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

8. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

## 275-20-9 Building Maintenance

**9. INVESTIGATION.** Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

**10. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

**11. ISSUANCE.**

a. **General.** See s. 85-12.5 for provisions relating to the issuance of a license.

b. **Occupancy.** Each license shall list the maximum number of persons that may reside in the total building or portion thereof for which the license is issued.

c. **Expiration.** A license shall expire on the date specified, unless sooner suspended or revoked as provided in this section.

**12. POSTING.** Each license shall be posted in a conspicuous place on the premises.

**13. TRANSFER.** No license for a licensed dwelling facility may be transferred. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.

**14. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

**15. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

**16. DUE PROCESS AND COMMON COUNCIL REVIEW.** If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration in ss. 85-3 to 85-5 shall apply.

**17. CAUSES FOR NONRENEWAL, SUSPENSION OR REVOCATION.** In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including sub. 20 and any of the following:

a. A conviction of the licensee, the licensee's agent, manager, operator or any other employe for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed dwelling facility.

b. The licensed dwelling facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

c. The conviction of the licensee, local representative of the licensee or the officers or directors of a corporation, or any employe for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed dwelling facility.

d. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the dwelling facility constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood.

e. The licensed dwelling facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

f. The licensed dwelling facility is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the licensed premises has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE				
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts		
Uses	I01/ I02	IL1/ IL2	IM	IH
Bank or other financial institution	S	S	Y	N
Currency exchange, payday loan or title loan agency	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, general	N	N	Y	N
Garden supply or landscaping center	N	Y	Y	N
Home improvement center	N	Y	Y	N
Secondhand store	N	N	S	N
Outdoor merchandise sales	N	N	L	N
Artist studio	N	Y	Y	N
Adult retail establishment	N	N	S	N
<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>				
Medical office	S	N	Y	N
Health clinic	L	N	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
<b>GENERAL SERVICE USES</b>				
Personal service	N	N	Y	N
Business service	Y	S	Y	N
Building maintenance service	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 appliance rental and leasing	N	N	Y	N
Household maintenance and repair service	N	Y	Y	N
Tool/equipment rental facility	N	Y	Y	N
<i>Animal Services</i>				
Animal hospital/clinic	N	Y	L	Y
Animal boarding facility	N	Y	L	Y
Animal grooming or training facility	N	Y	L	Y
<b>MOTOR VEHICLE USES</b>				
<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

295-803-1 Zoning

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use	L=Limited N=Prohibited	Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IM	IH	
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, principal use	Y	Y	L	Y	
Parking lot, accessory use	Y	Y	L	Y	
Parking structure, principal use	Y	Y	L	Y	
Parking structures, accessory use	Y	Y	L	Y	
Heavy motor vehicle parking lot, principal use	S	L	L	Y	
Heavy motor vehicle parking lot, accessory use	Y	Y	Y	Y	
<b>ACCOMMODATION AND FOOD SERVICE USES</b>					
Bed and breakfast	N	N	Y	N	
Hotel, commercial	L	N	Y	N	
Hotel, residential	N	N	Y	N	
Tavern	L	L	Y	L	
Brewpub	L	L	Y	L	
Assembly Hall	S	S	S	N	
Restaurant, sit-down	L	L	Y	L	
Restaurant, fast-food/carry-out	L	L	L	L	
<b>ENTERTAINMENT AND RECREATION USES</b>					
Park or playground	S	S	S	S	
Festival grounds	N	N	N	N	
Recreation facility, indoor	S	S	S	N	
Recreation facility, outdoor	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 exposition	S	N	S	N	
Marina	Y	Y	Y	Y	
Outdoor racing facility	N	N	N	S	
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>					
Recycling collection facility	S	Y	S	Y	
Mixed-waste processing facility	N	L	S	L	
Material reclamation facility	N	N	N	L	
Salvage operation, indoor	L	L	L	L	
Salvage operation, outdoor	N	S	S	S	
Wholesale and distribution facility, indoor	Y	Y	Y	Y	

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE				
Y=Permitted Use	L=Limited	Zoning Districts		
S=Special Use	N=Prohibited			
Uses	I01/I02	IL1/IL2	IM	IH
<b>Storage Facilities</b>				
Indoor	Y	Y	Y	Y
Outdoor	N	Y	S	Y
Hazardous materials	N	N	N	S
<b>TRANSPORTATION USES</b>				
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 facility	N	Y	N	Y
Truck freight terminal	N	S	S	L
Railroad switching, classification yard or freight terminal	N	Y	Y	Y
<b>INDUSTRIAL USES</b>				
Alcohol beverage facility, micro	Y	Y	Y	Y
Alcohol beverage facility, large	S	L	S	Y
Food processing	Y	Y	Y	Y
Manufacturing, light	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	Y
Manufacturing, intense	N	N	N	N
Research and development	Y	Y	Y	Y
Processing or recycling of mined minerals	N	N	N	S
Contractor's shop	Y	Y	Y	Y
Contractor's yard	Y	Y	Y	Y
<b>AGRICULTURAL USES</b>				
Plant nursery or greenhouse	Y	Y	Y	Y
Raising of livestock	L	L	L	L
Community garden	Y	Y	Y	Y
Commercial farming enterprise	Y	Y	Y	Y
<b>UTILITY AND PUBLIC SERVICE USES</b>				
Broadcasting or recording studio	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
Substation/distribution equipment, indoor	S	Y	S	Y
Substation/distribution equipment, outdoor	L	Y	L	Y
<b>TEMPORARY USES</b>				
Seasonal market	L	L	L	L
Temporary real estate sales office	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L
Live entertainment special event	L	L	L	L

## 295-803-2 Zoning

### 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 [October 31, 2014], 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.

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.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, 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, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department has received notification from the state of Wisconsin of application for licensure of the facility as a 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.

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.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, 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 small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department 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.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

- 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 [October 31, 2014], 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.
- e. Cultural Institution. e-1. The use shall be located on an arterial or collector street.
- e-2. The area of the site shall be at least 10,000 square feet.
- f. General Office or Government Office. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-industrial principal use and has been occupied by such non-industrial principal use within the past 12 months.
- g. Outdoor Merchandise Sales. g-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.
- g-2. The premises contains at least one enclosed, permanent building.
- g-3. No used merchandise is offered for sale.
- h. Health Clinic. The use shall be located on an arterial or collector street.
- i. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- j. Light Motor Vehicle Sales Facility or Heavy Motor Vehicle Sales Facility. The facility was in operation on October 1, 2002 and has been in operation within the past 12 months.
- k. Light Motor Vehicle Rental Facility or Heavy Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- L. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. L-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- L-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- L-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- L-4. In the IO1 and IO2 districts, the repair facility or body shop was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- m. Light Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- n. Heavy Motor Vehicle Repair Facility or Heavy Motor Vehicle Body Shop. n-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- n-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- n-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- n-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- o. Heavy Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- p. Parking Lot, Principal Use. p-1. The width of the paved parking area shall not exceed 45 feet as measured from side lot line to side lot line.
- p-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
- p-3. No alley shall be relied upon for vehicular circulation purposes.
- p-4. The parking lot shall not be located on a corner lot.
- q. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- r. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.
- s. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.

## 295-803-2-t Zoning

- t. Commercial Hotel. The use shall be located on an arterial or collector street.
- u. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.
- v. Sit-down Restaurant. v-1. The use shall be located on an arterial or collector street or on a lot with water frontage.
  - v-2. The floor area of the restaurant shall not exceed 6,000 square feet.
- w. Fast-food/Carry-out Restaurant. w-1. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
  - w-2. The use shall be located on an arterial or collector street.
- x. Health Club. The use shall be located on an arterial or collector street.
- y. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- z. 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.
- aa. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.
- bb. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.
- cc. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- dd. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
- ee. Transmission Tower. ee-1. The tower shall comply with the applicable provisions of s. 295-413.
  - ee-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.
- ff. Substation/Distribution Equipment, Outdoor. ff-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
  - ff-2. No structure associated with the use shall be located within 25 feet of a street lot line.
- gg. Seasonal Market. gg-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.
  - gg-2. If flowers, plants or Wisconsin-grown farm products, constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.
  - gg-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
  - gg-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
  - gg-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
  - gg-6. The site shall be restored to its previous condition following termination of the market operation.
- hh. Temporary Real Estate Sales Office. hh-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.
  - hh-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.
    - hh-3. Customer-accessible restrooms shall be provided.
    - hh-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.
  - ii. Temporary Concrete/Batch Plant. ii-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.