

**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:

160192 A substitute ordinance relating to temporary changes to plans of operation.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #286)					
				v-vi	v-vi
275-20-5	rc	160192	10/7/2016	553-554	553-554
Ch. 275 (hist.)				579-580	579-580
Ch. 295 Table				651-652	651-652

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rp=repealed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 September 20, 2016.

9/20/2016
Suppl. #287

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

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

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.

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.

275-20-10 Building Maintenance

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.

LEGISLATIVE HISTORY
CHAPTER 275

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 275	rn from ch. 51*	85-1396	12/20/85	1/1/86
Ch. 275	rc	86-1766	2/3/87	6/1/87
275-2	cr	901088	11/27/90	12/15/90
275-2	am	921114	11/20/92	12/11/92
275-2	am	980963	12/18/98	1/1/99
275-20	rc	970452	11/25/97	12/16/97
275-20-0	am	050643	10/18/2005	11/4/2005
275-20-1	rn to 275-20-1.2	050643	10/18/2005	11/4/2005
275-20-1	cr	050643	10/18/2005	11/4/2005
275-20-1.5	cr	990090	5/11/99	5/28/99
275-20-1.5	am	081724	5/5/2009	5/22/2009
275-20-2	am	040127	6/15/2004	7/2/2004
275-20-3	am	120914	11/8/2012	1/1/2013
275-20-3	rc	131559	5/13/2014	8/1/2015
275-20-3-0	am	980963	12/18/98	1/1/99
275-20-3-0	am	130299	9/24/2013	10/11/2013
275-20-3-a	am	871174	10/6/87	10/23/87
275-20-3-a	am	990621	7/29/99	8/17/99
275-20-3-d	cr	961690	3/4/97	3/20/97
275-20-4	am	980963	12/18/98	1/1/99
275-20-4	am	990621	7/29/99	8/17/99
275-20-4	am	130299	9/24/2013	10/11/2013
275-20-4	rc	131559	5/13/2014	8/1/2015
275-20-4-i	rp	151320	1/19/2016	2/5/2016
275-20-4-i	rp	151199	3/29/2016	4/15/2016
275-20-4-j	rn to 275-20-4-i	151320	1/19/2016	2/5/2016
275-20-4-k	rn to 275-20-4-j	151320	1/19/2016	2/5/2016
275-20-5	rc	131502	4/22/2014	5/9/2014
275-20-5	rc	131559	5/13/2014	8/1/2015
275-20-5	rc	160192	9/20/2016	10/7/2016
275-20-5-0	am	130299	9/24/2013	10/11/2013
275-20-5-a-1	am	130299	9/24/2013	10/11/2013
275-20-5-a-3	rp	130299	9/24/2013	10/11/2013
275-20-5-c-1-0	am	130299	9/24/2013	10/11/2013
275-20-6	rc	131559	5/13/2014	8/1/2015
275-20-6-0	am	130299	9/24/2013	10/11/2013
275-20-6-a	am	130299	9/24/2013	10/11/2013
275-20-6-c	am	130299	9/24/2013	10/11/2013
275-20-6-f	rp	130299	9/24/2013	10/11/2013
275-20-7	rn to 275-20-20	131559	5/13/2014	8/1/2015
275-20-7	cr	131559	5/13/2014	8/1/2015
275-20-7-0	am	051471	3/23/2006	4/11/2006
275-20-7-p	rp	130299	9/24/2013	10/11/2013
275-20-7-p-2	am	980963	12/18/98	1/1/99
275-20-7-p-3	am	980963	12/18/98	1/1/99
275-20-7-q	rp	130299	9/24/2013	10/11/2013
275-20-7-q-0	am	050735	10/18/2005	11/4/2005
275-20-8	cr	130299	9/24/2013	10/11/2013
275-20-8	rc	131559	5/13/2014	8/1/2015

* except for 51-2 and 51-17 which were repealed.

275—(HISTORY) Building Maintenance

275-20-8.2	rp	131559	5/13/2014	8/1/2015
275-20-8.5	cr	130299	9/24/2013	10/11/2013
275-20-8.5	rn to 275-20-17	131559	5/13/2014	8/1/2015
275-20-9	rc	130299	9/24/2013	10/11/2013
275-20-9	rc	131559	5/13/2014	8/1/2015
275-20-9-a	rn to 275-20-9	941797	6/6/95	6/23/95
275-20-9-a	am	980963	12/18/98	1/1/99
275-20-9-b	rp	941797	6/6/95	6/23/95
275-20-9-c	rc	030306	6/24/2003	7/11/2003
275-20-9-d-1	rc	030306	6/24/2003	7/11/2003
275-20-9-d-2	am	030306	6/24/2003	7/11/2003
275-20-9-h-2	am	980963	12/18/98	1/1/99
275-20-9-j	rn to 275-20-9-k	971710	3/3/98	3/24/98
275-20-9-j	cr	971710	3/3/98	3/24/98
275-20-10	rc	131559	5/13/2014	8/1/2015
275-20-11	rc	131559	5/13/2014	8/1/2015
275-20-11-a	am	980963	12/18/98	1/1/99
275-20-12	cr	070549	7/31/2007	8/17/2007
275-20-12	rn to 275-20-22	131559	5/13/2014	8/1/2015
275-20-12	cr	131559	5/13/2014	8/1/2015
275-20-13	cr	131559	5/13/2014	8/1/2015
275-20-14	cr	131559	5/13/2014	8/1/2015
275-20-15	cr	131559	5/13/2014	8/1/2015
275-20-16	am	891827	1/16/90	2/3/90
275-20-16	cr	131559	5/13/2014	8/1/2015
275-20-17-0	am	891827	1/16/90	2/3/90
275-20-17-0	rc	131559	5/13/2014	8/1/2015
275-20-18	cr	131559	5/13/2014	8/1/2015
275-20-19	cr	131559	5/13/2014	8/1/2015
275-20-19-0	am	890136	10/10/89	10/28/89
275-20-19-a	am	890136	10/10/89	10/28/89
275-20-19-a-3	am	921114	11/20/92	12/11/92
275-20-19-b	am	890136	10/10/89	10/28/89
275-20-20	am	871174	10/6/87	10/23/87
275-20-20-a	rp	131559	5/13/2014	8/1/2015
275-20-20-c	rp	131559	5/13/2014	8/1/2015
275-21	cr	131559	5/13/2014	8/1/2015
275-21-3	rp	890991	7/28/92	8/14/92
275-21-6	cr	900249	6/20/90	7/10/90
275-21-6	rc	900512	1/22/91	2/8/91
275-22-3	rp	890991	7/28/92	8/14/92
275-23-6	rp	890991	7/28/92	8/14/92
275-31	cr	901353	12/21/90	1/12/91
275-32-1	am	901353	12/21/90	1/12/91
275-32-3-c	rc	970472	7/25/97	8/13/97
275-32-3-h	rc	911449	7/28/92	8/14/92
275-32-3-h-1-b	am	960621	7/30/96	8/16/96
275-32-3-h-3	am	901353	12/21/90	1/12/91
275-32-3-h-3-a	am	041644	4/12/2005	4/29/2005
275-32-3-i	cr	911449	7/28/92	8/14/92
275-32-3-i-1-a	am	041644	4/12/2005	4/29/2005
275-32-6	am	930944	10/19/93	11/5/93
275-32-7	rc	890682	7/25/89	8/15/89
275-32-7-0	am	041383	2/22/2005	3/11/2005
275-32-7-a-0	am	090428	11/3/2009	1/1/2010
275-32-7-a-2	am	101139	4/12/2011	4/29/2011
275-32-7-a-3	am	090428	11/3/2009	1/1/2010

**CHAPTER 295
ZONING**

	TABLE	295-311	Appeals
	SUBCHAPTER 1	295-313	Affidavits Required for Various
	INTRODUCTION		Zoning-Related Applications
295-101	Title		SUBCHAPTER 4
295-103	Purpose		GENERAL PROVISIONS
295-105	Applicability		
295-106	Comprehensive Plan	295-401	Introduction
295-107	Zoning Districts	295-403	Parking
295-109	Zoning Map	295-405	Landscaping
295-111	Interpretation	295-407	Signs
295-113	Uses Not Specifically	295-409	Lighting
	Enumerated	295-411	Encroachments into the Public
295-115	Basis for Discretionary Reviews		Right-of-way
295-117	Relief from Other Provisions	295-413	Transmission Towers
295-119	Severability	295-415	Nonconformities
295-121	Conflicting Requirements	295-417	Reconstruction of Residential
295-123	Completion and Restoration of		Uses
	Existing Structures	295-421	Native Vegetation
295-125	Vesting		
295-127	Rules of Construction		SUBCHAPTER 5
295-129	Statutory Authorization for		RESIDENTIAL DISTRICTS
	Floodplain Regulations		(RS1-RS6, RT1-RT4, RM1-RM7, R01 & R02)
	SUBCHAPTER 2	295-501	Purposes
	DEFINITIONS AND RULES OF	295-503	Uses
	MEASUREMENT	295-505	Design Standards
295-201	Definitions		SUBCHAPTER 6
295-203	Use Definitions		COMMERCIAL DISTRICTS
295-205	Rules of Measurement		(NS1 & NS2, LB1 & LB2, RB1 & RB2, CS)
	SUBCHAPTER 3	295-601	Purposes
	ADMINISTRATION, ENFORCEMENT	295-603	Uses
	AND APPEALS	295-605	Design Standards
295-301	Authority		SUBCHAPTER 7
295-303	Occupancy		DOWNTOWN DISTRICTS
295-304	Conditional Construction Permits		(C9A-C9H)
295-305	Temporary Use Permits		
295-306	Council Member Notification of	295-701	Purposes
	Certain Limited Uses	295-703	Uses
295-307	Amendments to the Zoning	295-705	Design Standards
	Text Or Map		
295-309	Enforcement		

295 Zoning-(Table)

	SUBCHAPTER 8 INDUSTRIAL DISTRICTS (I01 & I02, IL, IM, IH)		SUBCHAPTER 11 FLOODPLAIN OVERLAY ZONES (FW, FF, FSD, GF WL)
295-801	Purpose	295-1101	Statutory Authorization
295-803	Uses	295-1103	Finding of Fact
295-805	Industrial Design Standards	295-1105	Purposes
		295-1107	Definitions
	SUBCHAPTER 9 SPECIAL DISTRICTS (PK, TL, PD/DPD, RED)	295-1109	Areas to Be Regulated
295-901	Special District Purposes	295-1111	Annexed Areas
295-903	Parks District	295-1113	Abrogation And Greater Restrictions
295-905	Institutional District	295-1115	Interpretation
295-907	Planned Development District	295-1117	Procedures
295-909	Redevelopment District	295-1119	Standards Applicable to All Floodplain Overlay Zones
	SUBCHAPTER 10 OVERLAY ZONES (NC, IS, DI2, SP, FP1 & FP2, WL, LF, MSP, FW, FF, FSD)	295-1121	Standards For Development In the Floodway Overlay Zone
295-1001	Overlay Zone Purposes	295-1123	Standards for Development in the Flood Fringe Overlay Zone
295-1003	Neighborhood Conservation Overlay Zone	295-1125	Standards for Development in the Flood Storage Overlay Zone
295-1005	Interim Study Overlay Zone	295-1127	Standards for Development in the General Floodplain Overlay Zone
295-1007	Development Incentive Overlay Zone	295-1129	Permits Required
295-1009	Site Plan Review Overlay Zone	295-1131	Certificate of Compliance
295-1015	Lakefront Overlay Zone	295-1133	Floodproofing
295-1017	Master Sign Program Overlay Zone	295-1135	Nonconformities
		295-1137	Administration
		295-1139	Government Agencies Regulated
		295-1141	Removal of Lands from Floodplain
		295-1143	Amendments
		295-1145	Warning and Disclaimer of Liability
		295-1147	Shoreland-Wetland Overlay Zone
		295-1149	Board of Zoning Appeals Procedures
		295-1151	Enforcement and Penalties

****This listing is the Table of Contents only. To access individual subchapters, please select the link for each subchapter.**