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:

260642 A substitute ordinance relating to zoning regulations for family day care homes.

Remove old MEMO (Suppl. #360)

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
				v-vi	v-vi
200-42-3-d	am	260642	10/31/2026	51-52	51-52
295-201-183	am	"	"	667-668	667-668
295-203-1-j	am	"	"	685-686	685-686

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Abbreviations:

am=amended	ra=renumbered and amended	rn=renumbered
cr=created	rc=recreated	rp=repealed
corr=correction		

Revised 10/13/2026
Suppl. #361

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through October 13, 2026.

SUBCHAPTER 8
OCCUPANCY AND USE

200-42. Certificate of Occupancy.

1. DEFINITION. In this section, “offer” means to communicate a willingness, desire or intent.

2. WHEN REQUIRED. a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy has been issued by the commissioner, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295, including a commercial farming enterprise, or any other regulation of this code. A new certificate of occupancy shall be required each time there is a change in the operator or tenant of a non-residential premises.

b. It shall be unlawful to maintain, occupy or use, or offer to maintain, occupy or use, any building, structure, premises or part thereof that has been erected, constructed, altered or changed, occupied or used in violation of any regulation of this code or other laws or in violation of the code or other laws which were in effect and which applied to any existing building, structure, or premises, or part thereof at the time of its erection, construction, alteration, or change and designated occupancy or use.

c. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building, structure or premises or part thereof which is vacant under any of the following circumstances:

c-1. It has been found unfit for human habitation or use under any order issued in accordance with this code requiring the repair, alteration, vacation, removal or demolition.

c-2. It has been vacant for a period in excess of 6 months and has orders issued to the property owner by the department.

c-3. It is subject to orders regulating vacant buildings under s. 275-32-7 and the order specified that the internal conditions of the property do not comply with code requirements and that a certificate of occupancy shall be obtained.

d. Where any of the conditions described in pars. c-1 and 3 are found, the premises shall be placarded and shall not be occupied until a certificate of occupancy is first obtained.

e. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building or structure if it has been licensed as a rooming house, the license expires and is not renewed, or the license is revoked.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school, or a daycare or a rooming house, or a tavern, or a restaurant with drive-through facility, as defined under s. 295-201-499, or a restaurant without drive-through facility, as defined under s. 295-201-501, or where otherwise requested, the commissioner shall issue a certificate of occupancy:

a-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

a-2. After an inspection or reinspection of the building, structure, premises or part thereof by the commissioner of neighborhood services finds no violations of the regulations of this code applicable to the proposed use.

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, a daycare, a rooming house, a tavern, a restaurant with drive-through facility, as defined under s. 295-201-499, or a restaurant without drive-through facility, as defined under s. 295-201-501, or if otherwise requested, the commissioner of city development shall issue a certificate of occupancy indicating conformance with the use requirements set forth in ch. 295 and:

b-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

b-2. After investigation it is found that such building, structure, premises or part thereof complies with all zoning laws applicable to its use.

b-4. After a zoning inspection to determine that the building, structure, premises or part thereof complies with all applicable zoning regulations, if the proposed use is for light or heavy motor vehicle uses including sales, rental and repair facilities, body shops, outdoor storage, and parking lots where parking is the principal use of the premises.

c. If a building, structure, premises or part thereof has been vacant for more than 6 months, the inspection requirements set forth in par. a shall apply.

d. No certificate of occupancy for a family day care home shall be issued by the commissioner of neighborhood services unless the applicant for the certificate provides the commissioner with documentation indicating that the dwelling unit for which the certificate is sought is licensed as a family day care center by the Wisconsin department of children and families under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code, or certified as a day care center for not more than 12 children by Milwaukee county.

e. No certificate of occupancy shall be issued for any site for a change from an industrial occupancy to a residential occupancy without submittal of an American society of testing and materials E-1527-21, or current standard, phase I environmental site assessment and phase II environmental site assessment. If the site assessment identifies volatile organic compounds or other vapor intrusion contaminants specified in the state of Wisconsin's department of natural resources vapor intrusion guidance, the owner shall submit the results of, and Wisconsin department of natural resources-approved documents for, a complete site investigation, remedial action plan, vapor mitigation plan, and vapor system commissioning to the department of neighborhood services.

f. An application for a certificate of occupancy to change from an industrial occupancy to a residential occupancy shall be accompanied by a signed disclosure from the applicant indicating the presence or absence of environmental contamination on the site and certifying the existence or lack of orders prohibiting the requested occupancy by any state or federal agency.

4. REQUIRED INFORMATION.

a. Such certificates of occupancy shall indicate the edition of the building code under which the certificate is issued, the use of the building, structure or premises or part thereof, the type of construction of the building, whether an automatic system is provided, any special stipulations and conditions under which the certificate is issued and whether any variances were issued.

b. An application for a certificate of occupancy submitted by a tenant or prospective buyer shall be accompanied by a written statement by the applicant that the owner or owner's agent has granted permission for the necessary inspections of the premises.

5. CERTIFICATE TO BE POSTED. The certificate of occupancy shall be posted in a conspicuous place in the building, structure or on the premises except one-family and 2-family dwellings and accessory buildings or structures thereto.

6. PENALTY. Any person who violates any of the provisions of this section shall be subject to penalty pursuant to s. 200-19.

200-43. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the commissioner of neighborhood services for the temporary occupancy and use of any building, structure or premises or part thereof, prior to the completion of the same and the issuance of a final certificate of occupancy, provided that such occupancy or use would not jeopardize life, health or property. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a temporary certificate of occupancy.

200-44. Nonconforming Occupancy or Use of Building. Nothing in this code shall require the removal, alteration, or abandonment of, nor prevent the continuance of a legal nonconforming original or changed occupancy or use of a building, structure, or premises or part thereof, lawfully existing at the time of the adoption of this code, except as required by the provisions of s. 295-415. Legal nonconforming structures can be converted to less restrictive occupancies provided said occupancy complies with the regulations of ch. 295.

173. EXTENSION means an increase in the amount of floor area devoted to a use within a structure or an increase in the land area devoted to a use.

175. FAÇADE means all wall planes of a building which are visible from one side or perspective.

177. FAÇADE, FRONT means those portions of a façade which face and are most closely parallel to the front lot line.

179. FAÇADE, STREET means those portions of a façade which face and are most closely parallel to a street lot line.

181. FAMILY means a single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

183. FAMILY DAY CARE HOME means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code, or certified as a day care center by Milwaukee county, where care is provided for not more than 12 children at any given time. A family day care home is typically the primary residence of its operator.

185. FENCE means a structure composed of posts, boards, pickets or chain link which are fabricated from masonry, wood, metal or other rigid materials and intended to provide a visual screen or a separation of properties or uses.

187. FESTIVAL GROUNDS means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

189. FILLING STATION means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast-food/carry-out restaurant.

191. FIXED HOUSEBOAT means a floating structure which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

193. FLAG means an exhibit made of flexible material which is mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

213. FLOOR AREA. See s. 295-205.

215. FLOOR AREA, GROSS. See s. 295-205.

217. FLOOR AREA PREMIUM means additional floor area allowed as a bonus in certain zoning districts.

219. FLOOR AREA RATIO. See s. 295-205.

220. FOOD PROCESSING means the preparation, processing, or canning or other packaging of food products. This term does not include the processing or packaging of alcohol beverages or animal or poultry slaughter.

221. FORMER CODE means ch. 295 in existence as of the September 30, 2002.

223. FOSTER HOME means either of the following facilities, licensed by either the state of Wisconsin, a county agency or a child welfare agency, where children reside and are provided with care and maintenance by persons other than a relative or guardian:

a. Foster family home. A facility which houses from one to not more than 4 children and is the primary dwelling of a foster parent.

b. Small foster home. A facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation.

225. FRATERNITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

227. FREEWAY means a highway with full control of access and with all crossroads separated in grade from the lanes used for through traffic.

229. FUNERAL HOME means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary

231. FURNITURE AND APPLIANCE RENTAL AND LEASING means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

233. GAMING FACILITY means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

235. GARAGE, PRIVATE RESIDENTIAL means a structure which is accessory to a residential building and which is used for the parking or storage of light motor vehicles owned by a resident of the principal residential building, and which is not a separate commercial enterprise available to the general public.

237. GARDEN SUPPLY OR LANDSCAPING CENTER means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

687. WHOLESALE AND DISTRIBUTION FACILITY, INDOOR means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

689. WHOLESALE AND DISTRIBUTION FACILITY, OUTDOOR means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

690. WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by s. 66.0403(1)(m), Wis. Stats. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

691. YARD means all areas of a lot not covered by a principal building.

693. YARD, FRONT means the area extending the full lot width and situated between the front lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

695. YARD, REAR means the area extending the full lot width and situated between the rear lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

697. YARD, REAR STREET means the area extending the full lot width and situated between the rear street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear street lot line.

699. YARD, SIDE means the area extending between the front yard and rear yard or rear street yard and situated between the side lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

701. YARD, SIDE STREET means the area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

295-203. Use Definitions. This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables.

1. RESIDENTIAL USES. a. “Single-family dwelling” means a building containing one dwelling unit. A single-family dwelling may also contain an accessory dwelling unit that meets the use and design standards for accessory dwelling units found within this chapter or an accessory dwelling unit that has been approved by the board.

b. “Two-family dwelling” means a building containing 2 dwelling units.

c. “Multi-family dwelling” means a building containing more than 2 dwelling units.

d. “Permanent supportive housing” means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

e. “Transitional housing” means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, “temporarily” means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

f. “Attached single-family dwelling” means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

g. “Live-work unit” means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.

h. “Mobile home” means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

i. “Watchman/service quarters” means one dwelling unit designed for an employee who is employed on the premises.

j. “Family day care home” means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code, or certified as a day care center by Milwaukee county, where care is provided for not more than 12 children at any given time. A family day care home is typically the primary residence of its operator.

k. “Rooming house” means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

L. “Accessory dwelling unit” means a room or set of rooms with its own cooking, sleeping and sanitary facilities which is located on the same parcel as a single-family or 2-family dwelling and which is smaller in floor area than the largest dwelling unit to which it is accessory. On any property located in a district permitting a 2-family dwelling or multiple principal buildings on one parcel, a principal structure containing 2 dwelling units and meeting required lot area per dwelling unit standards shall be considered a 2-family dwelling and not an accessory dwelling unit for purposes of use classification. The 3 types of accessory dwelling units are:

L-1. Internal Accessory Dwelling Unit. This type is located within the walls of an existing or newly-constructed dwelling.

L-2. Attached Accessory Dwelling Unit. This type is located in a separate addition to an existing dwelling.

L-3. Detached Accessory Dwelling Unit. This type is a freestanding structure located on the same parcel containing a separate principal building.

2. GROUP RESIDENTIAL USES. a. “Convent, rectory or monastery” means a building used to house the staff of a church or members of a religious order.

b. “Dormitory” means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.

c. “Fraternity” means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

d. “Sorority” means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

e. “Adult family home” means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.

f. “Foster family home” means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children by persons other than a relative or guardian of the children.

g. “Small foster home” means a facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation licensed by the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children.

h. “Group home or group foster home” means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.