

Glossary of Planning Terms

Milwaukee Department of City Development May 2006

Adult Family Home (AFH)

Licensed by the State of Wisconsin, an Adult Family Home is a facility housing three or four adults which provides care and treatment above the level of room and board but less than nursing home care. Anyone proposing to operate an AFH must receive licensing from the State of Wisconsin. To legally occupy a proposed AFH location in the City of Milwaukee, an occupancy permit must also be obtained from the Development Center.

Board of Zoning Appeals (BOZA)

The Board of Zoning Appeals hears appeals in matters relating to all zoning ordinances. If a proposed development requires a **special use** or **variance**, the Development Center cannot issue permits for work to proceed unless BOZA grants the special use or variance; in addition, an occupancy permit may not be issued by the Development Center until all conditions set by BOZA have been met. Appeals of BOZA decisions are heard at Circuit Court. BOZA consists of five regular members and one alternate appointed by the Mayor and confirmed by the Common Council.

Business Improvement District (BID)

Business Improvement Districts are special assessment districts in which property owners agree to have an additional charge placed on their tax bill in order to fund special activities such as capital improvements or business promotion. DCD economic development (ED) staff helps property owners draft their proposed operating plan, set district boundaries, and develop the special assessment formula. Following the creation of the BID, DCD ED staff helps

the BID Board, composed of BID property owners who are appointed by the Mayor and confirmed by the Common Council, become familiar with the procedures to be followed in preparing their annual plan. If the BID is undertaking a capital project, DCD ED staff assists the BID board in preparing a development and maintenance agreement.

Certificate of Appropriateness (COA)

Once a historic structure, historic site, or historic district designation has been locally designated and approved by the Common Council, the structure, site or district is under the protection of Milwaukee's Historic Preservation Ordinance. No changes which require exterior alteration, reconstruction or demolition may be made on a historic site or to a historic building unless the owner first obtains a "Certificate of Appropriateness" from the Historic Preservation Commission (HPC). This certificate is the Commission's written affirmation that a proposed change is sympathetic to the historic character of the property and is consistent with the intent of the ordinance. When a building permit is applied for, the Milwaukee Development Center will check to see if the property in question is a designated Historic Structure, Historic Site or within a Historic District. If it is, the Development Center will require the applicant to obtain a Certificate of Appropriateness from the HPC. Many certificates can be issued immediately by historic preservation staff, without Commission approval.

Certified Survey Map

Certified Survey Maps are minor subdivisions which split existing parcels of land into

not more than four lots, all of which meet the City's zoning and engineering standards.

City Plan Commission (CPC)

The City Plan Commission is the City's official planning body. Established under State statute, the CPC is responsible for master planning activities and advises the Milwaukee Common Council on a variety of land development issues. These issues include zoning map changes, revisions in the zoning ordinance, subdivision approvals, **Business Improvement Districts**, street and alley vacations, public land disposition and acquisition, new streets and the approval of development plans in certain overlay districts. The CPC is composed of seven members appointed by the Mayor and confirmed by the Common Council.

Community Living Arrangement (CLA)

Community Living Arrangements refer to three types of facilities licensed by the State of Wisconsin:

1. Residential Care Center (RCC): A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days in any consecutive 12 month period by persons other than a relative or guardian
2. Group Home or Group Foster Home (GH): A facility where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian
3. Community Based Residential Facility (CBRF): A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or ser-

vices above the level of room and board but less than nursing care

Anyone proposing to operate a CLA must receive licensing from the State of Wisconsin.

To legally occupy a proposed CLA location in the City of Milwaukee, an occupancy permit must also be obtained from the Development Center.

Development Incentive Zone (DIZ)

A Development Incentive Zone is a zoning overlay category that establishes site-oriented performance standards for selected development areas. A DIZ clearly identifies the City's planning and design standards for allowable land uses and for development features such as vehicular and pedestrian access, signage, landscaping, and façade treatments. These land use and planning conditions are determined in advance of the development process, usually before a developer has proposed a project.

Development Plans

Development Plans are documents submitted for review by Development Center staff to determine if proposed construction conforms with local zoning and building codes, state building codes, and local, MMSD, and state environmental regulations. Plans include construction drawings, calculations, plans of operation, and other information required to determine code conformance. Development plans are reviewed in the order in which they are received, and review may be delayed until all requested information is supplied by the applicant.

Historic Preservation Commission (HPC)

The Milwaukee Historic Preservation Commission is responsible for designating local

historic sites and districts and for approving applications for permission to alter historic buildings. The Commission assists in the preservation of the city's historic and cultural heritage by identifying buildings, sites, objects and districts that reflect elements of Milwaukee's cultural, social, economic, political and architectural history. The Commission safeguards this historic legacy by recommending that the Common Council designate eligible properties as local historic sites and local historic districts protected by special design review procedures. The nine members of the HPC are appointed by the Mayor and confirmed by the Common Council.

Local Historic Site and District Designation

Any individual or group may nominate a building or place for designation as a Historic Structure, Historic Site, or Historic District. The Historic Preservation Commission reviews the applications and makes a recommendation to the Common Council that a structure or site should be declared "Historic." The Council then acts upon the Commission's recommendation.

Any structure, site or district that possesses architectural, cultural or historical significance to the City of Milwaukee may be considered for designation. In general, a structure, site or district is considered to possess these qualities if it meets one or more of the following criteria:

- Exemplifies the development of the cultural, economic, social or historic heritage of the City of Milwaukee, State of Wisconsin or the United States
- Is the site of a significant historic event

- Is identified with a person or persons who significantly contributed to the culture and development of the City of Milwaukee

- Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style

- Embodies the distinguishing characteristics of an architectural type or specimen

- Is the work of an artist, architect, craftsman, or master builder whose individual works have influenced the development of the City of Milwaukee

- Embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation

- Is related to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif

- Is uniquely located as a singular structure, object or place which represents an established and familiar visual feature of a neighborhood, community, or the City of Milwaukee

National Register

The National Register of Historic Places is a federal program, operating under the auspices of the National Park Service branch of the US Department of the Interior, which designates the official list of the country's cultural properties worthy of preservation. To be eligible for listing in the National Reg-

ister of Historic Places, a site, structure or district must be of significance to American history, architecture, archeology or culture. The program has been in existence since 1966 and is administered in Wisconsin through the Historic Preservation Division of the State Historical Society. In contrast, the Milwaukee Historic Preservation Commission is a municipal program established by the Milwaukee Common Council.

Neighborhood Conservation Overlay Zone (NC)

The Neighborhood Conservation Overlay Zone is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. A Neighborhood Conservation Overlay Zone takes effect through adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots. Incompatible mixes of uses will be reduced or prohibited by adding limitations to the list of permitted, limited and special uses of the base zoning district.

Occupancy Certificate

An occupancy certificate verifies (1) that the use of a commercial property conforms to the City of Milwaukee Zoning Code or has received authorization for a **special use** or **variance** from the Board of Zoning Appeals and (2) that the property has been inspected and found to be free of building code violations. All businesses are required by City Ordinance to post their occupancy certificate.

Official Map

A map which contains both an inventory

of all *existing* public rights-of-way and an inventory of public rights-of-way *planned* for future street widenings or extensions. The primary purpose of the Official Map is to restrict building construction on private property where future streets are planned.

Overlay Zones

Overlay Zones are special zoning districts where new developments must follow design guidelines and, in some cases, use restrictions established by the City. A **Site Plan Overlay Zone** retains the regulations of the underlying zoning district and adds design standards, while both the **Development Incentive Zone** and the **Neighborhood Conservation Overlay Zone** replace the lot requirements of the underlying zoning district with performance standards and modify the range of permitted uses.

Planned Development

A Planned Development is a special zoning district where written project descriptions, development standards, use restrictions, and site plans become the zoning regulations which control how a specific parcel of land can be developed and used.

Redevelopment Authority of the City of Milwaukee (RACM)

The Redevelopment Authority of the City of Milwaukee (RACM) is an independent corporation which derives its power from State law. It is composed of seven members appointed by the Mayor and confirmed by the Common Council. The purpose of RACM is to eliminate blight and to foster and promote development. Towards that end, the Authority, staffed by DCD, prepares and implements redevelopment plans to guide land use and reinvestment; acquires and improves, clears, and/or sells real property in furtherance of blight elimination and housing and economic development objectives; is

empowered to borrow money, issue bonds, and make loans; and can condemn property through eminent domain to achieve public and private development objectives.

Renewal District

A Renewal District is an area, larger than a Spot Acquisition, which is designated by RACM as blighted and which is acquired by RACM for resale for the purpose of rehabilitation or development. DCD prepares a renewal plan for each district, including a proposed re-use plan. If any parcels are being resold for development, RACM may demolish buildings on the site before sale.

Site Plan Review Overlay District (SPROD) The Site Plan Review Overlay District adds design and building placement standards over and above those required by the base zoning district. These standards are intended to provide improved buffers, pedestrian and vehicular access, and neighborhood compatibility and transition.

Special Use

A special use, known in some communities as a special exception or conditional use, is a proposed use of a property which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case by case basis to determine whether it should be permitted, conditionally permitted, or denied. (In contrast, a **variance** is required when a proposed development *conflicts* with the City Zoning Code; see the description of variance in this glossary for more information.) An example of a special use is a carry-out restaurant in a district zoned for local business.

Property owners are informed by the Development Center when they need a special

use and are directed to apply at the **Board of Zoning Appeals (BOZA)**. Applicants must appear at the BOZA hearing and prove that:

- The proposed use is for the public convenience at this particular location.
- The proposed use is designed, located, and operated in a way that will protect the public health, safety, and welfare at this particular location.
- The proposed use will not have a negative affect on neighbors or the neighborhood.

Spot Acquisition Project

A Spot Acquisition Project is a small area that is designated by RACM as blighted; the Spot Acquisition area can be one parcel, a portion of a parcel, or a small number of parcels. RACM acquires the parcels for resale either for rehabilitation or development. If a parcel is being resold for development, RACM may demolish any buildings on the parcel before sale. Unlike Renewal Districts, no renewal plan is required.

Street or Alley Vacation

A street or alley vacation is the process of abandoning improved or unimproved public rights-of-way. In most instances, the abandoned right-of-way reverts back to the abutting owner if it was originally dedicated as part of a prior subdivision.

Subdivision Plat

A subdivision plat is an engineering map showing the subdivision of a tract of land into five or more lots for development and sale and showing the dedication of the public street rights-of-way for access to the lots. The subdivider is required to finance the required improvements, such as sewer, water,

and paving within the street right-of-way.

Variance (Building Code)

A variance to the State of Wisconsin building code allows construction that does not strictly adhere to the provisions of the code. Variances to the building code are granted by the Wisconsin Department of Commerce.

Variance (Zoning Code)

There are two kinds of zoning variances-- use and dimensional. In a use variance, the use proposed for a property is not allowed by the City's Zoning Code; an example is a grocery store in a residentially zoned district. In a dimensional variance, the proposed use is allowed by the Zoning Code, but the proposed development conflicts with the Zoning Code's setback, sideyard, and lot area requirements for the district. The Development Center determines when a zoning variance is needed. A variance must then be applied for at the Board of Zoning Appeals (BOZA). To be granted the variance, the applicant must prove that because of the physical nature of the land, it cannot be developed without violating the City's Zoning Code. A variance cannot be granted unless the property owner or a legal representative appears at the BOZA hearing considering the appeal and proves that the following conditions exist:

- **Unnecessary Hardship:** Without a variance, the owner cannot use the property because of the physical nature of the property and not because of the circumstances of the person making the appeal. The hardship must be unique to the parcel of land in question and not affect all of the properties in the zoning district. Loss of money or financial difficulty is not in itself grounds for a variance, and

a hardship created by the property owner is not grounds for a variance.

- **Unusual Property Limitations:** Property limitations are usually the cause for the "unnecessary hardship" that must be proven. Examples are the shape or size of the property or the steep slope of the property limiting reasonable use of the land.

- **Absence of Harm and Protection of the Public Interest:** The variance must not cause harm to neighbors or to the public.

Zoning Map Amendment

The City's Zoning Code divides the city into zoning districts, which establish various regulations, and standards for each district intended to regulate the use of property and control the size, location, and height of buildings. A Zoning Map Amendment is a change in a zoning district's boundary or the creation of a new zoning district boundary.

Zoning Text Amendment

A Zoning Text Amendment is a change in the written regulations governing zoning districts; this includes both the creation of a new district's zoning regulations or the modification of an existing district's regulations.