

## ZONING

### SUBCHAPTER 1 INTRODUCTION

**295-101. Title.** This chapter shall be known as the “City of Milwaukee Zoning Code” and may be referred to as the “zoning code.” The locations of the districts enumerated in this chapter, and boundaries of such districts, are established as shown on the zoning map located in the office of the city plan commission. The map referred to herein shall be known as the “City of Milwaukee Zoning Map,” and may be referred to as the “zoning map”.

**295-103. Purpose.** The purposes of this chapter are to:

1. Promote land uses and development that are consistent with the city's comprehensive plan.
2. Promote and protect the public health, safety and general welfare of the city.
3. Secure safety from fire, overcrowding and other dangers.
4. Maintain and promote safe pedestrian and vehicular circulation.
5. Provide adequate standards for light, air and open space.
6. Further the maintenance of safe and healthful water conditions.
7. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
8. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
9. Protect environmentally sensitive areas.
10. Encourage compatibility of adjacent land uses.
11. Maintain a compatible scale of development within an area.
12. Promote sound, attractive development within the city.
13. Classify property in a manner that reflects its suitability for specific uses.
14. Assure adequate provision of urban services, including transportation, water, utilities, sewers, schools, parks and other services.
15. Enhance the streetscape and pedestrian environment.
16. Encourage innovative project design in the city, including developments that incorporate mixed uses.
17. Provide for effective signage that is compatible with the surrounding urban environment.
18. Encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
19. Conserve historic resources.
20. Promote the construction of affordable housing in the city.
21. Establish procedures to increase citizen awareness of land use activities and their impacts, and to coordinate necessary review processes.
22. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

**295-105. Applicability.** The provisions of this chapter shall be applicable to all property within the corporate limits of the city.

**295-106. Comprehensive Plan. 1. PLAN ADOPTION.** The city's comprehensive plan shall be the 13 area comprehensive plans and the citywide policy plan that are contained in common council file no. 100247, passed July 27, 2010, as well as any amendments or updates to those plans that are adopted by ordinance. Copies of the plan, including any amendments or updates, shall be maintained and made available for public inspection by the department of city development and the city clerk.

**2. ZONING CODE CONSISTENCY WITH PLAN.** All provisions of this chapter shall be consistent with the adopted comprehensive plan, as required by s. 66.1001(3), Wis. Stats.

**295-107. Zoning Districts. 1. GENERAL.** The city is divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted city comprehensive plan and to achieve the purposes of this code.

## 295-107-2 Zoning

2. ESTABLISHMENT OF DISTRICTS. For the purposes of this code, all land and water areas in the city are divided into the zoning districts listed in Table 295-107-2. The purposes of the districts are described in ss. 295-501, 295-601, 295-701, 295-801, 295-901, 295-1001 and 295-1105.

TABLE 295-107-2 ZONING DISTRICTS			
District	Map Indicator	Most Similar District(s) Under the Previous Code	Subchapter Reference
<b>Residential Districts</b>			
Single-Family	RS1, RS2, RS3, RS4, RS5 and RS6	R/F-1/40, R/F-2/40, R/F-3/40, R/F-4/40 and R/F-5/40	5
Two-Family	RT1, RT2, RT3, RT4 and RT5	R/D-1/40, R/C-1/40 and R/E/40	5
Multi-Family	RM1	R/D/40	5
Multi-Family	RM2	R/C/40	5
Multi-Family	RM3	R/D/40, R/D/60 and R/D/85	5
Multi-Family	RM4	R/C/40, R/C/60, R/C/85 and R/C/125	5
Multi-Family	RM5	R/B/40	5
Multi-Family	RM6	R/B/60	5
Multi-Family	RM7	R/B/85, R/A/85 and R/A/125	5
Residential and Office	RO1, RO2	all O and RO districts	5
<b>Commercial Districts</b>			
Neighborhood Shopping	NS1, NS2	all S districts	6
Local Business	LB1, LB2 and LB3	all L districts	6
Commercial Service	CS	all CS districts	6
Regional Business	RB1, RB2	all RS districts	6
Central Business	C9A-C9H	C9A-C9H	7
<b>Industrial Districts</b>			
Industrial-Office	IO	M/D/40, M/C/60, I/D/40 and I/E/40	8
Industrial-Light	IL	M/B/85, M/A/125, I/C/60, I/D/40, I/D/60 and I/E/60	8
Industrial-Commercial	IC	none	8
Industrial-Mixed	IM	none	8
Industrial-Heavy	IH	I/A125 and I/B/85	8
<b>Special Districts and Overlay Zones</b>			
Parks	PK	none	9
Institutional	TL	all T districts	9
Planned Development	PD and DPD	GPD and DPD	9
Redevelopment	RED	none	9
Neighborhood Conservation	NC	none	10
Interim Study	IS	none	10
Development Incentive	DIZ	DIZ	10
Site Plan Review	SP	SPROD	10
Shoreland-Wetland	WL	Shoreland-Wetland	10
Lakefront	LF	LF/C/60	10
Master Sign Program	MSP	none	10
Floodplain	FW, FF, FSD and GF	FP1 and FP2	11

**295-109. Zoning Map. 1. GENERAL.** All land in the city is zoned in accordance with the zoning map available in the office of the city plan commission.

**2. NEW OR UNCLASSIFIED LAND.** Any land not currently shown on the zoning map or any land annexed to the city shall be classified as RS2 until a zoning amendment establishes a different zoning classification in accordance with the city's comprehensive plan.

**3. COMBINING OR DIVIDING PROPERTY.** To insure that the zoning of property reflects its suitability for specific uses, the combination or division of lots will only be permitted if the lot or lots created meet the requirements of this chapter and each lot is located wholly within one base zoning district. If a land combination or division resulting from a right-of-way vacation will result in a lot being located in 2 zoning districts, the commissioner shall assign a single zoning designation to the lot, that designation being the zoning district in which the majority of the lot is located.

**4. DISTRICT BOUNDARIES.** The following rules shall be used to establish the precise location of any zoning district boundary line shown on the zoning map:

a. Except as provided in par. c, every district boundary line shall coincide with a property line. The centerlines of streets, alleys, railroads and watercourses shall not be district boundary lines except that, in the case of a watercourse, if the centerline of the watercourse is a property line, the centerline may also be a district boundary line.

b. If a street, alley or other public right-of-way is vacated, the vacated land will assume the zoning of the adjoining parcel, as determined by the commissioner.

c. The boundaries of an overlay zone established pursuant to subch. 10 need not coincide with property lines.

**295-111. Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. It is not the intent of this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties, or to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of structures or premises. However, where this chapter imposes a greater restriction upon the use of land, the provisions of this chapter shall control.

**295-113. Uses Not Specifically Enumerated.** If a proposed land use is not specifically enumerated as a permitted use, limited use, special use or prohibited use in any of the zoning districts established in this chapter, the commissioner of city development shall determine whether the use in question is similar to a use already listed. If such a determination can be made, the proposed use shall be allowed only upon compliance with the standards and regulations applicable to the designated similar use. If such a determination cannot be made, the proposed use shall be referred to the board of zoning appeals for consideration at its next regularly scheduled meeting. The board shall, within 30 days of such meeting, determine whether the proposed use should be classified as a permitted use, limited use, special use or prohibited use in each of the various zoning districts. The departments of city development and neighborhood services shall provide reports and recommendations to assist the board in its deliberations.

**295-115. Basis for Discretionary Reviews.** The land use policies of this chapter or the relevant comprehensive plan component, as applicable, shall be considered in making all discretionary land use decisions in all zoning districts where reliance on the land use policies is specifically made a criterion for the decisions. The land use policies or comprehensive plan component shall also be considered by the commissioner of city development in the promulgation of administrative procedures, making a decision upon a request for an interpretation and, where authorized, making a determination of what constitutes a similar use.

## **295-117 Zoning**

**295-117. Relief from Other Provisions.** Nothing in the provisions of this chapter shall relieve any property owner from satisfying any condition or requirement associated with a previous approval, special use permit, variance, development permit or other permit issued under any zoning ordinance previously in effect, or any other local, state or federal ordinance or statute.

**295-119. Severability.** If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of this chapter to other property, uses or structures shall not be affected.

**295-121. Conflicting Requirements.** If any provision of this chapter conflicts with any other provision of this chapter, any other section of this code, or any applicable state or federal law, the more restrictive provision shall apply.

**295-123. Completion and Restoration of Existing Structures.** No amendment of this chapter shall require any change in the plans, construction or intended use of a structure for which a completed application for a permit was made prior to the effective date of the amendment, provided that construction or use of the structure was diligently undertaken and pursued in accordance with subch. 4 of ch. 200.

**295-125. Vesting.** Rights to a permit shall vest in applicants for approvals whose applications conform in all respects with zoning and building code requirements in effect at the time of the application. No applicant for a permit requiring discretionary approval can obtain a vested right. If construction or use is abandoned, the use shall no longer be permitted and a new permit conforming with this chapter shall be required. The applicant shall bear the burden of providing evidence that construction has commenced prior to permit expiration.

**295-127. Rules of Construction.** 1. TENSE; NUMBER. In this chapter, words used in the present tense include the future, the singular number includes the plural, and the plural the singular.

2. PARTS OF STRUCTURES. When used in this chapter, the term "building", "structure," or "premises," or any similar term, shall be deemed to include the phrase "or any part thereof" unless otherwise stated.

3. HEADINGS. Section, subsection, paragraph, and all other headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify or otherwise affect the scope, meaning or intent of any provision of this chapter.

4. ILLUSTRATION. In the case of any real or apparent conflict between the text of this chapter and any illustration explaining the text, the text shall control.

5. SHALL AND MAY. "Shall" is always mandatory; "may" is discretionary.

6. CONJUNCTIONS. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a. "And" indicates that all connected item or provisions apply.

b. "Or" indicates that the connected items and provisions may apply singly or in any combination.

c. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

**295-129. Statutory Authorization for Floodplain Regulations.** The provisions of this chapter relating to use and development of floodplain lands are adopted pursuant to ss. 62.23 and 87.30, Wis. Stats.

**[Pages 657 to 660 are blank.]**