



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes - Final ZONING CODE TECHNICAL COMMITTEE

TEODROS MEDHIN, CHAIR

Stuart Mukamal, Ed Richardson, Ronald Roberts

Staff Assistant: Tobie Black, 286-2231; tblack@milwaukee.gov

Wednesday, September 16, 2009

2:30 PM

Room 301-B, City Hall

Meeting commenced at 2:34 p.m.

Present 4 - Medhin, Mukamal, Richardson and Roberts

1. **090396** An ordinance relating to zoning district boundary descriptions.

Sponsors: THE CHAIR

Individuals also appearing:

*Jeff Osterman, Legislative Reference Bureau
Al Franitza, Department of City Development
Kristin Connelly, Department of City Development
Nancy Olson, Department of City Development*

Mr. Richardson stated that the ordinance is necessary due to a change in the mapping software that the city uses. The city now uses a parcel-based system linked to the city's Master Property File.

Atty. Mukamal said that there are issues of feasibility, not legality, in the ordinance. He addressed the issues brought up in an e-mail from Tom Gartner of the City Attorney's office, including the concern that the ordinance will result in some streets, with different zoning classifications on different sides, and some waterways not being zoned at all. Atty. Mukamal said that a street or waterway would not be under any zoning designation under the ordinance.

Mr. Franitza stated that prior to 2002, there was no consistency when it came to zoning lines and zoning lines would be drawn down the middle of a street or river. The city's system now has parcel-based capabilities. He said that zoning irregularities will be erased, and there will be a clean slate for zoning maps.

Atty. Mukamal asked if the term "majority of the lot" really means majority of the land area. Mr. Franitza said yes; Atty. Mukamal suggested that the ordinance be clarified to reflect that.

Mr. Franitza said that streets are zoned because they are public right-of-way. Therefore, no zoning issue is created if someone wants to block off a street for something such as a block-party.

Ms. Olson said that zoning information would be stored in the MPROP, which all city departments would use. This would eliminate any differences in available information

about zoning if the information is obtained through different sources by city departments or by the public.

Mr. Franitza said that a zoning map is only going to be as accurate as a base map. He said that the ordinance will reduce the work of maintaining two different zoning maps.

Mr. Roberts said that he is concerned about whether or not a non-conforming use is allowed if a property owner buys adjacent land with a different zoning applied to it. Mr. Franitza said that would only occur if the properties were combined. Mr. Roberts said that based on the ordinance, if purchased, those parcels would be come part of the larger lot. Ms. Connelly said that a certified survey map would be required to combine the small lot and the larger lot and that the combination of two different parcels with two different zoning designations would be prohibited.

Atty. Mukamal said the text of the ordinance should reflect the fact that ordinance does not apply to abutting lot line adjustments.

Ms. Olson said that there are rules with regard to combining lots. She asked if the rules about combining two lots would prevent that encroachment. Mr. Roberts said that if a large property owner sees the ordinance and assumes that the smaller lot that was purchased would assume the zoning of the larger lot, what would prevent this from happening?

Ms. Connelly said that the city ordinance allows for a sale to an abutting land owner of a portion of land as long as it doesn't create a new parcel and as long as nothing conflicts with underlying zoning regulations. If a land owner does not know about the underlying zoning and believes that he can just purchase from his neighbor and buys the land, and the Department of City Development receives the deed and it shows a split zoning, the city could technically correct it. She said that the purpose of the ordinance is to do just that.

The committee agreed that the text in the ordinance regarding abutting line adjustments is not necessary.

Mr. Richardson moved, seconded by Atty. Mukamal, that the ordinance as proposed meets the three standards the Committee is required to use and recommended adoption of a substitute that clarifies that the new language regarding land combination or division applies only to combination or division resulting from a right-of-way vacation. Prevailed 4-0.

Mr. Osterman will draft a propped substitute consistent with the Committee's motion.

Meeting adjourned at 3:19 p.m.