

September 22, 2009

To the Honorable Common Council
Zoning, Neighborhoods and
Development Committee
City of Milwaukee

Dear Committee Members:

File No. 090396 relates to zoning district boundary descriptions.

This file stipulates that zoning district boundaries shall follow property lines. A district boundary shall not follow a street, alley or railroad centerline, or a watercourse centerline unless the centerline is also a property line. These rules shall not apply to the boundaries of overlay zoning districts.

This file also provides that, if a land combination or division *as a result of a vacation or other change in right-of-way* will result in a lot being located in 2 zoning districts, the commissioner of city development shall assign a single zoning designation to the lot, that designation being the zoning district in which the majority of the lot is located.

The Zoning Code Technical Committee (ZCTC) met on September 16, 2009 and reviewed the original ordinance. ZCTC moved to make a minor change to part 3, which is noted in italics in the above text. The Assistant City Attorney expressed concerns about how the proposed ordinance would result in the lack of zoning on rights-of-way and bodies of water, citing restaurant patios on the sidewalk, closure of streets for parties and issues pertaining to riparian rights over waterways as examples. DCD staff stressed that rights-of-way are under DPW control, and there are no incidents of zoning issues over bodies of water that were recalled. Nancy Olsen of ITMD explained how the proposed ordinance will improve administrative efficiency by simplifying the zoning map and database process.

Since the proposed amendment meets the standards of legality, enforceability, administrative efficiency, and consistency with the zoning code, the City Plan Commission at its regular meeting on September 21, 2009, recommended approval of the file.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

c: E. Richardson