

June 23, 2008

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

Dear Committee Members:

File No. 080195 is a file relating to storm water management regulations.

This ordinance creates a number of regulations and policies relating to storm water management, including the following zoning regulations that City Plan Commission has authority over:

1. The minimum off-street parking space requirement for single-family and 2-family dwellings (one per dwelling unit) is eliminated. A maximum number of off-street parking spaces per multi-family dwelling unit is also established.
2. The minimum parking space requirements for general office and general retail uses are reduced. A maximum of 3.5 spaces per 1,000 square feet of gross floor area is established for general retail establishments.
3. Every permit applicant for a development that will include off-street parking shall make an effort to use shared parking facilities and obtain the existing shared parking facility credit.

Following are the other regulations and policies that the Department of Public Works has jurisdiction over:

1. New street design standards (e.g. use of queuing lanes, permeable paving materials, cul-de-sac alternatives, etc.) shall apply to the design, construction or reconstruction of new or existing streets by the city or by subdivision developers.
2. The paved portion of a public street may be used for the temporary storage of storm water when deemed appropriate by the commissioner of public works. The portion of a street right-of-way between the sidewalk and the curb may be used for storm water treatment.
3. One of the stated purposes of the city's subdivision, storm water management and zoning regulations shall be the reduction of nonpoint source water pollution by minimizing impervious cover on development sites.
4. Subdivisions, storm water management facilities and erosion control facilities shall be designed to preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.
5. Trees shall be permitted in areas intended to perform storm water retention or

percolation functions.

6. After construction of storm water management facilities is completed, the person responsible for providing those facilities shall submit written certification from a registered professional engineer that the facilities have been constructed in accordance with the approved storm water management plan. Currently, post-construction inspection of storm water management facilities is performed by city staff.

7. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets certain conditions. Currently, only single-family and 2-family dwellings and their accessory buildings, and all types of buildings located in areas of the city served by combined sewers, may discharge to finished grade.

On June 5, 2008, the Zoning Code Technical Committee recommended several changes to the original ordinance and with these changes determined that the ordinance meet the intent of administrative efficiency, enforceability and consistency with the zoning code. These changes have been incorporated in the substitute ordinance. It should be noted that the original ordinance contained a provision requiring a one-time contribution to a dedicated green space fund of \$1,000 for each parking space for general retail establishment above the maximum number permitted by the zoning code. At the Zoning Code Technical Committee the City Attorney indicated that this provision was of questionably legality. This provision was consequently removed from the substitute ordinance, but with the recommendation that further study was needed and that this provision may be re-drafted by the City Attorney.

Note that, with regard to MMSD's technical comments for the Proposed Substitute B ordinance, DCD supports Part 4 regarding modifying Part 29, Section 295-403-2-e-1-a to state: 'The additional spaces are located in a parking structure.' The proposed language that ALL additional parking spaces be located in a parking structure is not sufficiently site sensitive and would be so costly as to render e-1-a infeasible.

A public hearing was held on June 23, 2008, and at that time nobody spoke in opposition to the subject file. Since the proposed ordinance meets the intent of the City's Green Initiative and that the ordinance will not impede development, the City Plan Commission at its regular meeting on June 23, 2008, recommended approval of the file conditioned on modifying Part 29, Section 295-403-2-e-1-a to include all five of MMSD's suggested technical corrections.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

c: E. Richardson