

March 12, 2004

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

Dear Committee Members:

Attached is File No. 031242 being a substitute ordinance relating to zoning regulations for the filling of land.

This ordinance provides that whenever the filling or grading of land will result in an increase in an elevation above the existing finished grade, at any location on a lot, that exceeds the maximum fence height allowed in the relevant zoning district at that particular location of the lot, the filling or grading may only be permitted upon the granting of a special use permit by the board. This ordinance further specifies the items that are required to be included in the plan submitted to the board of zoning appeals along with an application for a filling or grading special use permit.

The city has received numerous complaints regarding the filling or re-grading of lots where the end result are hills or piles of dirt or other similar material that are out of scale with the topography of surrounding lots. This ordinance provides that when the filling or re-grading of lots exceeds the height of permitted fences, the owner must apply for a Special Use permit from the Board of Zoning Appeals and present plans for such filling or grading at a public hearing.

A substitute ordinance has been prepared to clarify that the maximum height of filled land is the permitted height of any wholly opaque fence at that particular location on the lot. This clarification was needed because the code now permits fences of up to six feet in height in front and side yards if they are of an open type construction. The substitute would limit fill heights in these two areas to a maximum of 4 feet.

The Zoning Code Technical Committee reviewed this ordinance on January 7, 2004. The committee found that the proposed ordinance met the required standards for legality, enforceability, administrative efficiency and consistency with the zoning code.

Based on this information, the City Plan Commission, at it regular meeting of March 8, 2004 recommended the approval of the attached substitute ordinance.

Sincerely,

Patricia S. Algiers
Executive Secretary
City Plan Commission of Milwaukee

Attachment
File