



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

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Ald. Jose Perez, Vice Chair and the Honorable Members
of the Zoning, Neighborhoods and Development Committee
City of Milwaukee
City Hall, Room 205

Dear Ald. Perez and Committee Members:

This responds to your letter regarding Common Council File No. 991763, relating to the revision of the city zoning ordinance and provides responses to the four questions you raised. As background, a multi-pronged approach was undertaken to improve and streamline customer service for zoning approvals and issuance of building permits. In 1998, the Board of Zoning Appeals (BOZA) was reformed to reduce the amount of time it took to consider dimensional variances and special uses. While that process was underway, the Development Center was opened in 1999 to provide a "one stop shop" for customers to obtain building permits. The rigorous process used to draft the new zoning code in 2002 involved a consultant team, city staff, and a special zoning code task force. It was designed to produce a code that met the following goals:

- 1) The code would have consistent language throughout.
- 2) The code would have a user-friendly format.
- 3) The number of cases sent to BOZA would be reduced.
- 4) The code would encourage high quality development.
- 5) The code would reinforce the existing urban character of the city and its neighborhoods.

Department of City Development Planning staff met with Department of Neighborhood Services Development Center staff and the Board of Zoning Appeals Secretary to provide the following responses to your specific questions:

- 1). "Has the Department of City Development (DCD) evaluated the extent to which the "new" zoning code (now over 11 years old) meets the goals set for it? If so, how did, or does this evaluation occur?"

After the effective date of the new code in 2002, a first year review was conducted based on the original goals set forth. Based on staff and customer input, additional modifications were made to address any inconsistencies and provide clarification. The department continues with an annual evaluation of the zoning code based on comprehensive area plan recommendations and city policies. A group of DCD, DNS and BOZA staff convene to identify issues concerning the interpretation and administration of the code and recommend proposed changes. More substantive changes are introduced on an as-needed basis, or directed by Common Council, to approve proposed new land use definitions, or create new zoning districts. The amendment process ensures that the zoning ordinance is a dynamic, continually evolving code.

2). "Is it the position of DCD that the goals for the new zoning code have been achieved?"

DCD believes that the original goals of the new zoning code have been achieved. The re-organization of the 2002 zoning code allows for easier use for both staff and customers. The prior zoning code required users to refer to various other sections of the code, instead of organizing requirements by zoning district. The addition of tables and diagrams, and having the zoning ordinance available online, are additional benefits. Due to some limitations with the format of the code of ordinances, the number of diagrams is limited. The Department would like to research the options for adding more diagrams to supplement the code text with helpful visual references.

The 2002 code revision reduced the number of zoning districts from 99 to 54 in an effort to better reflect the existing built environment, reduce the number of existing non-conforming uses, and simplify code administration. The dimensional setback requirements were adjusted to better reflect the existing residential character so that infill residential development was similar to the existing massing and placement of existing single-family and duplex homes. The new code also added design standards to promote high quality building in commercial districts. The addition of design standards requires new commercial construction to provide glazing (windows), rather than blank facades, on street-facing walls. The number of cases requiring dimensional variances has decreased since 2007.

In addition to the existing overlay zones, new overlay district types were created, including the Interim Study Overlay Zone (IS). The addition of the IS zone allows for additional community involvement and discussion before a permanent Neighborhood Conservation (NC) overlay zone is approved. The IS has been successfully used in the Bay View neighborhood to study how to protect the existing character of the neighborhood housing. The IS tool also has been used along the upper reaches of the Milwaukee River to the city limits to determine the boundary and design standards for the Site Plan Review Overlay zone.

3). "Based on the effectiveness of the zoning code in meeting these goals, do you believe further revisions to the zoning code are necessary?"

Further revisions to the zoning code will be necessary to address changes in land use policy, comprehensive plan recommendations and new uses that have evolved since 2002. For example, in 2008, new storm water management regulations and policies were approved since the zoning code was approved in 2002, triggering changes to the zoning code to add maximum parking requirements for surface parking lots for commercial uses to address storm water management runoff and reduce impervious space.

There have been modernized or new uses that have evolved since the new code has been adopted in 2002. For example, community gardens, large scale urban farming, solar panels and permanent supportive housing, are now addressed in subsequent zoning code text amendments.

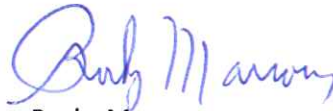
The code has been updated to include a new Local Business district (LB3) to promote increased density along transit oriented corridors and major nodes of activity. Sustainability policy and recommendations in ReFresh Milwaukee will likely include text amendments.

4). "How has the creation and implementation of the limited use standards affected the BOZA caseload?"

A limited use is defined as a use that is permitted if certain criteria are met. If the requirements are not met, the use would require a special use permit from the Board of Zoning Appeals. While there was a slight increase in case load in 2004 and 2005 it is believed to be due to some house cleaning. There has been a slight decrease in appeals cases at BOZA since 2006, likely attributed in part to the addition of the limited use standards. Special use appeals make up most of the total cases filed, with "continued" special uses leading "new" special use cases. It may be worth further exploration of specific special use cases, noting trends and adding more limited uses to further reduce BOZA special use cases.

We appreciate the opportunity to respond to your inquiry and would be happy to discuss in further detail, or address any additional questions. Please contact Vanessa Koster, Planning Manager, directly at ext. 5716, to schedule a meeting. We look forward to working with you, and Committee members, on future zoning code text and map amendments.

Sincerely,



Rocky Marcoux
Commissioner

c: Chris Rute, Development Center Manager
Lindsey St. Arnold, Board of Zoning Appeals Secretary

