April 20, 2005

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

Dear Committee Members:

Attached is File No. 041663 being a substitute ordinance relating to voting requirements for changing the zoning of parcels zoned industrial.

This substitute ordinance provides that whenever an area proposed for rezoning measures at least 3 acres and is presently zoned industrial, the zoning map amendment shall not become effective except by a favorable vote of at least two-thirds of the Common Council members voting on the proposed change.

The Zoning Code Technical Committee reviewed this ordinance on April 6, 2005. At the meeting, questions were raised concerning potential conflicts with Section 62.23(7)(d), Wisconsin Statutes, which specifies two conditions under which a supermajority vote of Council members is required for a zoning change. As a result, the committee requested that the City Attorney prepare a legal opinion as to the legality and enforceability of the proposed ordinance. The legal opinion has now been prepared and finds that this proposed ordinance is not precluded by State law and is therefore legal and enforceable.

Based on this finding and a further review of the proposed ordinance, staff recommended that a new substitute ordinance be prepared that clarifies that the extended voting requirement does not apply to zoning changes from one industrial zoning district to another.

Since this amendment will support City efforts to retain and fortify the tax base as well as industrial jobs, the City Plan Commission at its regular meeting of April 18, 2005, recommends that Common Council approve the attached substitute ordinance.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

Cc: Ald. D'Amato
File