



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

ZONING CODE TECHNICAL COMMITTEE

TEODROS MEDHIN, CHAIR

Stuart Mukamal, Ed Richardson, Ronald Roberts

Staff Assistant, Chris Lee, 286-2232

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Legislative Liaison, Ted Medhin, 286-8680,

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Tuesday, May 23, 2017

2:30 PM

Room 301-B, Third Floor, City Hall

Meeting convened at 2:33 p.m.

Present - Medhin, Mukamal, Richardson, Roberts

Individual also present:

Jeff Osterman, Legislative Reference Bureau

1. [170152](#) An ordinance relating to the maximum permitted height of new non-industrial buildings in the industrial-mixed (IM) zoning district.

Sponsors: THE CHAIR

Member Richardson commented. The proposed ordinance restricts a newly-constructed non-industrial building in the industrial-mixed (IM) zoning district that is within 100 feet of a residentially-zoned parcel to have a maximum permitted height of the abutting residential zoning district. The rationale is to prevent very tall buildings in an area designed for residential with small pockets of IM parcels. The current zoning code building height restrictions in an IM zoning district for an industrial and non-industrial building are 85 feet and 75 feet, respectively. Some IM zoning districts are immediately adjacent to residential zoning districts with typically height restrictions of 45 feet and 65 feet in some cases.

Member Mukamal questioned the definition of an IM zoning district and the proposed ordinance being too restrictive.

Member Richardson replied. An IM zoning district is a transitional district transforming an industrial zoning district to more of a commercial and/or residential one and allows for flexibility. The proposed ordinance would only affect a few IM parcels adjacent to residential zoning districts with height restrictions of 45 feet or less.

Member Roberts inquired about manufacturing buildings being typically one story in IM zoning districts, large vacant lots next to IM parcels, and an increase in dimensional variances due to adopting the proposed ordinance.

Member Richardson replied. There are IM sites with one to two story buildings, but developers may come into those areas to construct new taller buildings. A map analysis done on IM zoning districts found no instances of large vacant lots next to

those districts. The intent of the proposed ordinance is to protect residential areas. Most IM zoning districts would not be affected by the new restriction, and there would be no substantial increase in dimensional variances.

Member Mukamal commented. He did not like the proposed ordinance on policy grounds as it adds to an already too restrictive zoning code. The proposed restriction change is not illegal. A proper record on the rationale for the legislation should be made to Common Council. A small volume of IM zoning districts affected would mean not much dimensional variances occurring. For consideration is balancing the right of property owner to develop.

Member Roberts said a proper record should include today's discussion regarding the impact on IM and residential districts and dimensional variances.

Member Roberts inquired about adherence to the comprehensive plan as a committee criterion in making its decision.

Member Mukamal commented. Consistency with the zoning code and not the comprehensive plan is a criterion that the committee would consider. His office recently submitted a proposed ordinance with regards to the Board of Zoning Appeal's consideration of comprehensive plans in granting special use permits. That proposed ordinance was approved by the committee but is being held in committee illegally, which would not be defensible if litigation would arise regarding the hold, in his opinion.

Member Richardson moved that the proposed ordinance meets the standards of legality and enforceability, consistency with the format of the zoning code, and administrative efficiency, subject to a proper record being made. There were no objections.

Meeting adjourned at 2:43 p.m.

**Chris Lee, Staff Assistant
Council Records Section
City Clerk's Office**