



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

ZONING CODE TECHNICAL COMMITTEE

TEODROS MEDHIN, CHAIR

Julie Wilson, Ed Richardson, and Michael Mannan

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Tuesday, February 5, 2019

2:30 PM

Room 301-B, Third Floor, City Hall

Meeting convened at 2:33 p.m.

Present 4 - Medhin, Wilson, Richardson, Mannan

Individual also present:

Jeff Osterman, Legislative Reference Bureau

1. [181429](#) A substitute ordinance relating to review and approval of site work within an overlay zone.

Sponsors: Ald. Bauman

Individuals appearing:

Kristin Connelly, Dept. of City Development

Ald. Robert Bauman, 4th Ald. Dist.

Mr. Osterman commented. The intent of the file from the sponsor is to give the Common Council the ability to review and approve any site work within a development incentive overlay zone or a site plan review overlay zone; any deviation from the performance or design standards of an established neighborhood conservation, development incentive, or site plan review overlay zone; and a master sign program for a property with in a master sign program overlay zone. To his knowledge the current draft of the ordinance is written for both the City Plan Commission and Common Council to have the ability to review and approve these matters. Currently, only the City Plan Commission has the ability to review and approve.

Member Richardson commented. DCD has concerns about the proposed ordinance relative to administrative efficiency, format of the zoning code, and possibly legality and enforceability. The current ordinance language is unclear on process and review authority. The overlay zone process should be a streamlined process, but the proposed ordinance would create a delay in the process.

Ms. Connelly commented. Based on the current ordinance language, there is ambiguity on the level of review authority of both the City Plan Commission and the Common Council, whether both entities would equally and simultaneously have review responsibility, or whether the intent was to mirror the process of Ch. 295-307 where the City Plan Commission review would be advisory and referable to the Common Council.

Having both entities have equal review would present the issue of these matters not moving forward if one body made a disapproval ruling. The delay created by the proposed ordinance could be up to 3 months, whereas the current processing timeline is 3 weeks. Questions remain over submitting these matters to the Common Council and retroactive enforcement if the proposed ordinance was passed.

Mr. Osterman said the proposed ordinance would not be retroactive, files would need to be introduced to the Common Council on these matters, and City Plan Commission action would be required prior to Common Council action.

Ald. Bauman commented. The intent is to mirror the process of Ch. 295-307 with City Plan Commission making advisory recommendations to the Common Council. The current ordinance language should be revised to reflect this intent. The ordinance would affect only new overlay zones, if passed. He has seriously been concerned with not seeing a dissenting decision made against staff recommendation by the City Plan Commission. The impetus of the ordinance was the inability for the Common Council to review the site work of the new Komatsu development and also the new 7-story commercial building on N. Plankinton Ave. An alternative to giving the Common Council the ability to review along with the City Plan Commission would be to eliminate the City Plan Commission entirely from review.

Member Wilson commented. She has legal concerns with the ordinance as drafted. Technical revisions to the ordinance for more clarity on the intent and process, as discussed, would alleviate those concerns.

Member Mannan moved that the proposed ordinance, subject to revisions to clarify and mirror the process of Ch. 295-307, meets the standards of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. There was no objection.

2. [181520](#)

A substitute ordinance relating to landscaping and screening requirements for various land uses.

Sponsors: Ald. Witkowski

Individuals appearing:

Kyle Gast, Dept. of City Development

Ald. Terry Witkowski, 13th Ald. Dist.

Ald. Witkowski commented. The proposed ordinance is a recommendation of the Local Business Action Team to simplify the zoning code's landscaping and screening requirements for various land uses, clarify material requirements, and clarify enforcement. The proposed ordinance is a substantial improvement over the current ordinance. The proposed ordinance should help enhance the overall appearance of the City, commercial corridors, and deter crime wherever there is an opportunity to apply the new ordinance.

Mr. Gast commented. The proposed ordinance has been a yearlong process. The current ordinance is overly complicated, not user-friendly, and prescriptive. There would be the development of a landscaping guidebook with illustrations. The proposed ordinance simplifies tables, separates details and categories into their own sections, allows for flexible options rather than types, and adds a new applicability section. Of note is the addition of applicable standards, especially for parking lot repaving and reconstructions, to mitigate street and ecological issues. There is no sunset clause.

The proposed ordinance should meet state law and reflect compromise recommendations often made by the Board of Zoning Appeals.

Member Gast questioned the number of vehicles on a site and the intensification of a current use on a site, which is a concern to him.

Mr. Gast replied. The proposed ordinance does not have standards based on the number of vehicles. The standards are based on the operability of vehicles. Intensification of a use would be based on the standards of that use or Ch. 120. Changes or additional uses on a site would require compliance with the new use if there is a higher standard with the new use. Expansion of a parking lot more than 25% of the entire site would require the entire site to be in compliance. The proposed ordinance gives discretion to the DCD Commissioner to reduce requirements as necessarily appropriate.

Member Wilson said that although the proposed ordinance was good at addressing anticipated issues, she would like more time to review the proposed ordinance for legality and enforceability, especially regarding the application standards and compliance with state law.

Member Richardson moved that the proposed ordinance meet standards of administrative efficiency, consistency with the format of the zoning code, and legality and enforceability subject to further review by the City Attorney's Office. Member Wilson seconded. There was no objection.

3. [181462](#) An ordinance relating to the zoning code definition of "general office".

Sponsors: THE CHAIR

Member Richardson commented. The proposed ordinance clarifies accessory uses to the definition of general office to allow for better understanding by inspectors and the public. The proposed ordinance also updates the types of accessory uses in the general office. Office functions have changed from the past.

Member Richardson moved that the proposed ordinance meet standards of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. There was no objection.

Meeting adjourned at 3:39 p.m.

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