



Legislation Details (With Text)

**File #:** 090396      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 7/28/2009      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 10/13/2009

**Effective date:**

**Title:** A substitute ordinance relating to zoning district boundary descriptions.

**Sponsors:** THE CHAIR

**Indexes:** ZONING

**Attachments:** 1. City Plan Commission Letter, 2. Zoning Code Technical Committee Letter, 3. Minutes of the September 16th ZCTC Meeting, 4. Hearing Notice List, 5. Notice Published on 10-29-09

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/30/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/3/2009	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
10/1/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/6/2009	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/6/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
10/6/2009	1	CITY CLERK	DRAFT SUBMITTED		
10/13/2009	1	COMMON COUNCIL	PASSED	Pass	15:0
10/14/2009	1	MAYOR	SIGNED		
10/29/2009	1	CITY CLERK	PUBLISHED		

090396  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to zoning district boundary descriptions.

295-109-3 am

295-109-4 rc

This ordinance stipulates that zoning district boundaries shall follow property lines. A district boundary shall not follow a street, alley or railroad centerline, or a watercourse centerline unless the centerline is also a property line. These rules shall not apply to the boundaries of overlay zoning districts.

This ordinance also provides that, if a land combination or division resulting from a right-of-way vacation will result in a lot being located in 2 zoning districts, the commissioner of city development shall assign a single zoning designation to the lot, that designation being the zoning district in which

the majority of the lot is located.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-109-3 of the code is amended to read:

**295-109. Zoning Map.**

**3. COMBINING OR DIVIDING PROPERTY.** To insure that the zoning of property reflects its suitability for specific uses, the combination or division of lots will only be permitted if the lot or lots created meet the requirements of this chapter and each lot is located wholly within one base zoning district. >>If a land combination or division resulting from a right-of-way vacation will result in a lot being located in 2 zoning districts, the commissioner shall assign a single zoning designation to the lot, that designation being the zoning district in which the majority of the lot is located.<<

Part 2. Section 295-109-4 of the code is repealed and recreated to read:

**4. DISTRICT BOUNDARIES.** The following rules shall be used to establish the precise location of any zoning district boundary line shown on the zoning map:

a. Except as provided in par. c, every district boundary line shall coincide with a property line. The centerlines of streets, alleys, railroads and watercourses shall not be district boundary lines except that, in the case of a watercourse, if the centerline of the watercourse is a property line, the centerline may also be a district boundary line.

b. If a street, alley or other public right-of-way is vacated, the vacated land will assume the zoning of the adjoining parcel, as determined by the commissioner.

c. The boundaries of an overlay zone established pursuant to subch. 10 need not coincide with property lines.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

Department of City Development

LRB09284-2

JDO

09/16/2009