Legislation Details (With Text)

File #:	041663 **Version:** 2		
Type:	Ordinance	**Status:**	Placed On File
File created:	3/16/2005	**In control:**	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE
On agenda:		**Final action:**	5/20/2008
Effective date:			

Title: A substitute ordinance relating to the voting requirements for changing the zoning of parcels zoned industrial.

Sponsors: ALD. D'AMATO

Indexes: ZONING

Attachments: 1. Legal Opinion, 2. City Plan Commission letter.pdf, 3. Notice Published on April 4, and 11, 2005.PDF

Date	Ver.	Action By	Action	Result	Tally
3/16/2005	0	COMMON COUNCIL	ASSIGNED TO		
3/23/2005		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
3/23/2005		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE AND ASSIGNED		
4/4/2005	0	CITY CLERK	PUBLISHED		
4/19/2005	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/19/2005	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/21/2005	2	CITY CLERK	DRAFT SUBMITTED		
4/26/2005	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
5/13/2008	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
5/20/2008	2	COMMON COUNCIL	PLACED ON FILE	Pass	13:0

041663
SUBSTITUTE 2

ALD. D'AMATO
A substitute ordinance relating to the voting requirements for changing the zoning of parcels zoned industrial.
295-307-3-g cr
This ordinance provides that, whenever an area proposed for rezoning measures at least 3 acres and is presently zoned industrial, and the proposed designation is not an industrial zoning district, the zoning map amendment shall not become effective except by the favorable vote of at least two-thirds of the common council members voting on the proposed change.
Whereas, In 2004, real estate consultants S. B. Friedman and Company completed a report for the Milwaukee Economic Development Corporation titled “Milwaukee's Industrial Land Base: An Analysis of Demand and a Strategy for Future Development”; and

Whereas, This analysis found that there is demand for industrial land in the city of Milwaukee (an average of 32 acres per year were absorbed annually from 1995 to 2000) and that such demand is fairly elastic, “depending on the availability of clean, developable, appropriately located industrial parcels of suitable size” in the city; and

Whereas, The authors of the Friedman report note that the city of Milwaukee could potentially increase its share of total industrial space in the Milwaukee metropolitan area if it has an adequate supply of clean, developable parcels of land; and

Whereas, Two real estate market surveys released in March, 2005, indicate that the Milwaukee area's industrial real estate market is among the 10 strongest in the nation, based on industrial-space vacancy rates; and

Whereas, In recent years, the city of Milwaukee has witnessed the development of a number of industrially-zoned or previously industrially-zoned properties for non-industrial and often tax-exempt uses; and

Whereas, The Friedman study concludes that “Milwaukee will not capture its potential share of demand for new industrial or business service space unless it takes immediate and long term steps to ensure that appropriate sites are preserved, protected and made ready for development”, and that one of the immediate steps that should be taken is the establishment of guidelines that the City of Milwaukee can apply to all requests to rezone industrial land; and

Whereas, The Common Council finds that one technique for slowing the loss of industrial land to non-industrial uses is the use of a supermajority voting requirement for ordinances rezoning large parcels of industrial land; and

Whereas, The Common Council finds that preserving Milwaukee's industrial land base and encouraging new industrial development benefit the community by expanding the tax base, creating family-supporting jobs and having a strong multiplier effect on the local economy; now, therefore

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

Part 1. Section 295-307-3-g of the code is created to read:

295-307. Amendments to the Zoning Text or Map.

3. PROCEDURE FOR MAP AMENDMENT.

g. Change in Zoning of Industrial Land. Whenever the area to which a proposed zoning map amendment would apply measures at least 3 acres and is presently zoned IO, IL, IM or IH, and the proposed zoning is a designation other than IO, IL, IM or IH, the map amendment shall not become effective except by the favorable vote of at least two-thirds of the common council members voting on the proposed change.

APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date:_____

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IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date:_____

LRB05119-2
JDO
04/21/05