



## Legislation Details (With Text)

**File #:** 150375 **Version:** 1

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

**File created:** 6/23/2015 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 9/22/2015

**Effective date:**

**Title:** A substitute ordinance relating to the change in zoning from Residential-Office to a Detailed Planned Development known as 2040 West Wisconsin Avenue, located on the north side of West Wisconsin Avenue, east of North 21st Street, in the 4th Aldermanic District.

**Sponsors:** ALD. BAUMAN

**Indexes:** PLANNED DEVELOPMENT DISTRICTS, ZONING

**Attachments:** 1. City Plan Commission Letter, 2. Exhibit A as of 8-4-15, 3. Zoning Change Boundary Map, 4. Affidavit for Zoning Change, 5. PowerPoint Presentation, 6. Hearing Notice List, 7. Notice Published on 8-28-15 and 9-4-15, 8. Notice Published on 10-8-15

Date	Ver.	Action By	Action	Result	Tally
6/23/2015	0	COMMON COUNCIL	ASSIGNED TO		
6/25/2015	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
8/17/2015	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
8/25/2015	1	CITY CLERK	DRAFT SUBMITTED		
8/28/2015	1	CITY CLERK	PUBLISHED		
9/9/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/10/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/15/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
9/22/2015	1	COMMON COUNCIL	PASSED	Pass	15:0
9/29/2015	1	MAYOR	SIGNED		
10/8/2015	1	CITY CLERK	PUBLISHED		

150375  
SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance relating to the change in zoning from Residential-Office to a Detailed Planned Development known as 2040 West Wisconsin Avenue, located on the north side of West Wisconsin Avenue, east of North 21st Street, in the 4th Aldermanic District. This zoning change was requested by C150 2040 West Wisconsin Avenue LLC. There are two existing, mixed-use buildings, with a total of 231 units that are utilized as private housing marketed toward university housing, as well as first floor commercial space and accessory parking on the site. Approximately 60 of the 231 units have more than 3 unrelated persons per unit. Previously, residential units with more than 3 unrelated persons are categorized as rooming houses and have received Special Use approval from the Board of Zoning Appeals. This zoning change will make rooming house a permitted use,

thereby removing the necessity to apply for an additional Special Use in the future. The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section to read as follows:

Section 295-907(2)(c).0215.

(1) In accordance with the provisions of Section 295-907 of the Code relating to the establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the property at 2040 West Wisconsin Avenue, Tax Key No. 389-1981-000, from Residential-Office (R02) to Detailed Planned Development (DPD).

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

DCD:Vanessa.Koster:kdc

08/20/15