

# Regulatory foundation: Zoning

- Zoning: Public regulation of privately-owned property
- 1916: New York City adopts first citywide zoning ordinance in U.S.
- 1920: Milwaukee adopts citywide zoning ordinance
- 1920-2000: Incremental changes to ordinance
- 2000: New Milwaukee ordinance adopted



# Why zoning?

- Promote land uses and development consistent with comprehensive plan
  - Zoning implements comprehensive plan recommendations
- Promote public health, safety and welfare
- Maintain safe pedestrian and vehicle circulation
- Provide adequate standards for light, air, open space.
- Encourage compatibility of adjacent land uses.
- Protect neighborhood characteristics while encouraging reinvestment.

# Inside the zoning ordinance

- Zoning text: Establishes land use and design regulations that apply to each zoning district
- Zoning map: Sorts all properties into zoning districts
- Zoning district categories
  - Residential
  - Commercial
  - Downtown
  - Industrial
  - Special (parks, institutional)
  - Planned development (customized zoning for a particular site)

# Inside the zoning ordinance

- Zoning text defines 701 land uses
  - From “access drive” to “yard, side street”
- In each zoning district, a defined land use may be:
  - Permitted
  - Limited (permitted under certain conditions)
  - Special use (requires permission from Board of Zoning Appeals)
  - Prohibited (use may be established only if Board of Zoning Appeals issues a zoning variance)

# Design regulations

- Code regulates:
  - Building height
  - Placement of a new building or building addition on its lot
  - Density of residential units
  - Minimum and maximum number of parking spaces
  - Landscaping of parking lots
  - Windows
  - Placement of garage doors
  - Signs
  - Fence height
- If proposed building doesn't meet requirements, BOZA approval required for “design” or “dimensional” variance



N CASS ST

N MARSHALL ST

N ARLINGTON PL

E BRADY ST

E KEWAUNEE ST

N FRANKLIN PL

MARSHALL ST

NASTOR ST

N HUMBOLDT AV

N ARLINGTON PL

N WARREN AV

CASS STREET  
PLAYGROUND

PK

ARLINGTON COURT

230

LB2

RM6

IM

PD

LB2

LB2

PD

LB2

LB2

LB2

RT4

RM5

RM6

LB2

LB2

RT4

RT4

RM6

RM5

RM6

RT4

RM6

E HAMILTON ST

IM

RT4

RT4

LB2

RT4

RT4

LB2

LB2

RT4

RT4

72

33

RT4

RT4

LB2

RT4

LB2

RT4

RM6

RT4

RM5

RM6

RT4

RM6

RT4

RT4

LB2

LB2

RT4

RM6

RT4

RM6

RT4

E HAMILTON ST

RT4

LB2

LB2

RT4

RM6

RT4

RM6

RT4

PULASKI ST

# Dominant zoning near Brady St.

- Local Business 2 (LB2)
  - Provides a wide range of goods and services to consumer population
  - Access by motor vehicle and transit critical
  - Urban development pattern, with smaller lots and smaller building setbacks
- Residential Two-Family 4 (RT4)
  - Generally platted and developed in late 19<sup>th</sup>/early 20<sup>th</sup> centuries
  - Small lots, shallow setbacks, high lot coverage
  - “Promote, preserve and protect” neighborhoods of 2-family dwellings
  - Permits 1-family and small multi-family dwellings and corner stores

# Amending the zoning ordinance

Code change suggested by citizen input, planning studies, municipal needs, Council directive or land owner request

Dept. of City Development planning office proposes changes to text and map

City Plan Commission holds public hearing, makes recommendations re: proposed text and map changes

Council's Zoning, Neighborhoods and Development Committee holds public hearing, makes recommendation

Ordinance change approved or rejected by  
Common Council



# Planned development (GPD/DPD)

- Customized zoning in response to a specific development proposal
- PD zoning specifies:
  - Permitted uses
  - Building and site design and dimensional criteria
  - Permitted signage
- PD considered a zoning change, requiring:
  - City Plan Commission public hearing
    - Property owners within 200 feet get hearing notice
  - Zoning, Neighborhoods and Development Committee public hearing
  - Common Council approval
- PD amendments require same public hearings and Council approval

# Interpretation and enforcement

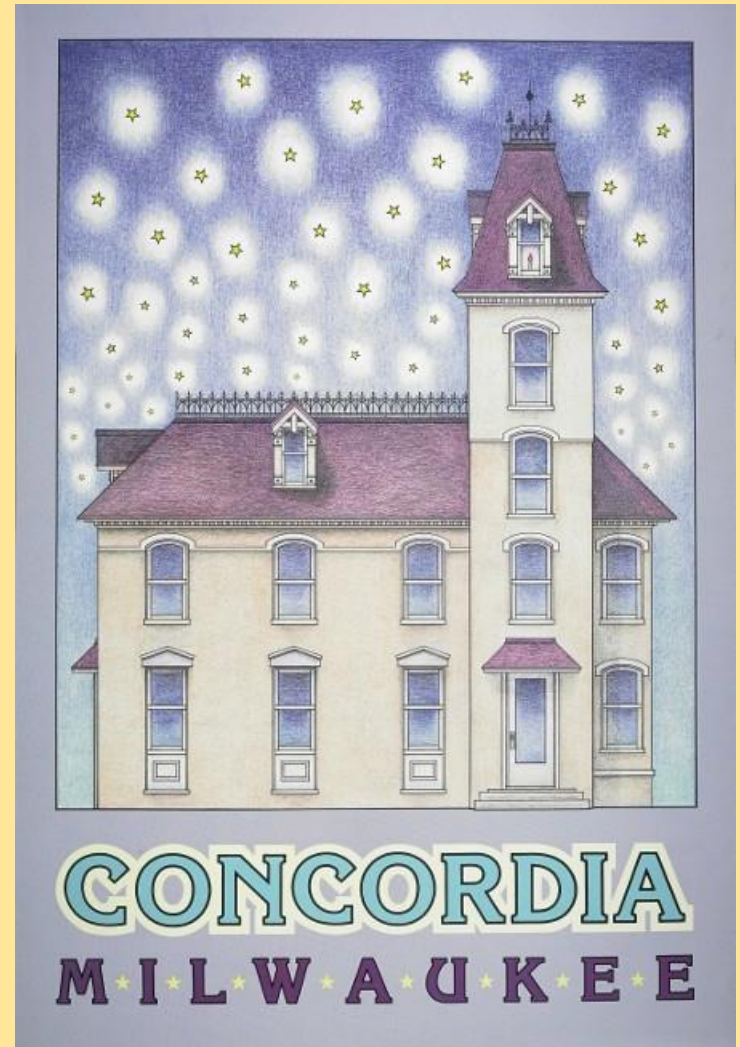
- Plan examiner
  - Determines whether proposed building or use meets zoning requirements
  - Determination made when customer:
    - Applies for a building permit
    - Applies for an occupancy certificate
  - If project does not comply, customer may:
    - Adjust plans
    - Apply to Board of Zoning Appeals
    - Apply for zoning change
- Zoning inspectors
  - Respond to complaints of non-compliance
  - Inspector may issue orders to correct non-compliant condition

# Board of Zoning Appeals

- Customer must apply to BOZA for a special use, use variance, or design/dimensional variance
- Nearby property owners notified of application
  - Variance: within 150 feet of subject property
  - Special use: within 200 feet of subject property
- BOZA decision influenced by:
  - State law, which prescribes required “findings”
  - Staff reports from City departments
  - Public testimony (oral or written)
- Applicant may appeal BOZA decision to Circuit Court

# Additional development regulations

- Local historic district
- Redevelopment district
- Overlay zones
  - Neighborhood conservation
  - Interim study
  - Site plan review
  - Floodplain
  - Lakefront
  - Milwaukee River
  - Development Incentive Zone



# How can citizens influence development regulation?

Scenario	Citizen input?	Point of influence
Use is permitted in the zoning district; building conforms to design regulations	No – development is permitted “as a matter of right.”	
Use requires special use permit, or is not permitted.	Yes	<b>Board of Zoning Appeals</b> (Written or oral testimony)
Building design does not conform to all design regulations.	Yes	<b>Board of Zoning Appeals</b> (Written or oral testimony)
Zoning change proposed, including creation or amendment of Planned Development.	Yes	<b>City Plan Commission</b> (Written or oral testimony) <b>Common Council Zoning, Neighborhoods and Development Committee</b> (Written or oral testimony)

# How can citizens influence development regulation?

Scenario	Citizen input?	Point of influence
Developer seeks to construct or alter building located in a local historic district	Yes	<b>Milwaukee Historic Preservation Commission</b> (Written or oral testimony)
Developer seeks to construct or alter building located within a redevelopment boundary.	Yes	<b>Redevelopment Authority</b> (Written or oral testimony)
Parties seek to establish or amend an overlay zone.	Yes	<b>City Plan Commission</b> (Written or oral testimony) <b>Zoning, Neighborhoods and Development Committee</b> (Written or oral testimony)

# Effective influence

- Make your voice heard
  - Attend neighborhood meetings about the project
  - Submit written comments via email or US mail
  - Provide oral testimony at public hearings
  - Contact local alderperson to express your opinion
- Frame testimony
  - Board of Zoning Appeals special use application
    - Protection of public health, safety and welfare
    - Protection of property
    - Traffic and pedestrian safety
    - Consistency with comprehensive plan
  - Zoning change
    - Conformance to the purpose of the zoning ordinance
    - Consistency with comprehensive plan
  - Development in a local historic district
    - Impact on historic character of the district or building

# Useful resources

- [city.Milwaukee.gov/enotify](http://city.Milwaukee.gov/enotify)
  - Sign up to get agendas of City Plan Commission, Zoning, Neighborhoods & Development Committee, BOZA
- [planadmin@Milwaukee.gov](mailto:planadmin@Milwaukee.gov)
  - Email comments about zoning change proposals
- [boza@Milwaukee.gov](mailto:boza@Milwaukee.gov)
  - Email comments about BOZA agenda items
- <http://city.Milwaukee.gov/mkemobile>
  - Download City's mobile services request app
- 414-286-CITY
  - Make a City services request by phone