

ORDINANCE NO. O26-13

AN ORDINANCE CREATING SUBSECTION §15.18 F. OF THE SOUTH MILWAUKEE MUNICIPAL CODE IMPOSING ZONING LIMITATIONS ON NEW TAX EXEMPT USES WITHIN OPEN TAX INCREMENTAL FINANCING DISTRICTS

WHEREAS, the City of South Milwaukee is an urban community incorporated in 1897 in which numerous uses have been permitted or not effectively regulated by the zoning code; and

WHEREAS, the South Milwaukee Common Council recognized that the creation of new tax exempt uses within open tax incremental financing districts could cause financial harm to both the subject district and the city as a whole without special consideration; and

WHEREAS, it is in the community's best interest to promote the execution of duly noticed, debated, and adopted tax incremental district project plans as intended; and

WHEREAS, in order to protect the health and welfare of the City, a limitation on new tax exempt uses in tax incremental districts is appropriate; and

WHEREAS, the Plan Commission recommended this ordinance by majority vote at their regular meeting on July 28, 2026.

NOW, THEREFORE, at a regular meeting of the Common Council of the City of South Milwaukee, held on August 4, 2026, a quorum of the members of the Common Council being present and a majority voting in favor thereof, the Common Council does hereby ordain as follows:

Section I: Subsection §15.18 F. is hereby created to read as follows:

F. Tax Exempt Uses. To protect all City tax payers, reduce the likelihood of decrement, and maintain the ability to execute adopted project plans, the City prohibits the issuance of Certificates of Occupancy for uses which render a property tax exempt in open tax incremental financing districts unless approved by two-thirds of the members of the council, excluding the Mayor.

(1) This limitation applies only to applications submitted after the establishment of any tax incremental financing district. It does not affect existing uses established before the Joint Review Board establishes any district or for uses which § 15.20 applies.

(2) This prohibition expires for any subject property when it no longer lies within an open tax incremental financing district.

Section II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Section III. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section IV. This ordinance shall take effect on and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of South Milwaukee, Milwaukee County, Wisconsin this 4th day of August, 2026.

CITY OF SOUTH MILWAUKEE

ADOPTED: _____ DATE: _____
Steven Braatz, City Clerk

APPROVED: _____ DATE: _____
Brett Briesemeister, Mayor

