



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

ZONING CODE TECHNICAL COMMITTEE

JEFF OSTERMAN, CHAIR

Joseph M. Dobbs, Jezamil Arroyo-Vega and Ed Richardson

Staff Assistant, Chris Lee, 286-2232

Fax: 286-3456, clee@milwaukee.gov

Wednesday, February 5, 2025

2:00 PM

Room 301-B, City Hall

Meeting convened at 2:00 p.m.

Present 4 - Osterman, Richardson, Arroyo-Vega and Dobbs

Also present:

Ald. Robert Bauman, 4th Ald. Dist.

Sam Leichtling, Dept. of City Development

Chair Osterman gave opening remarks. The committee's purview is confined and limited to technical review of proposed changes to the City's zoning code relating to the criteria of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. The committee does not go beyond to consider policy and/or broader aspects beyond its criteria. The committee will allow for brief public testimony relating to the committee's criteria. There is opportunity for public testimony on matters beyond the purview of the committee through the City Plan Commission and Common Council review process.

1. [240997](#) A substitute ordinance relating to creation of the RT5 zoning district.

Sponsors: Ald. Perez and Ald. Bauman

Ald. Bauman commented. The intent of the file is to create a more dense two-family residential zoning district. A new RT5 zoning classification for a parcel will be subject to control and review by the City Plan Commission, Common Council, and public input. Conversely, expanding the number of permitted uses under an existing residential zoning classification requires no public input hearings and review by the Common Council. This file gives more power to neighborhoods over proposals to allow more dwelling units beyond RT1 through RT4 zoning districts.

Mr. Leichtling commented. His office, the Dept. of City Development (DCD), conducted internal review of both the proposed ordinances. They found that both the proposed ordinances, as written, do not meet the criteria of the committee and require various technical corrections and other changes, based on their recommendations, in order to meet the committee's criteria. They did not have the opportunity to meet with the sponsors and drafter to discuss these suggested changes but did send out a document with their recommendations recently. Some recommendations pertain to policy that they wanted the sponsors to consider at a future date. They believe that the policy changes will better align with urban design and comprehensive planning goals. The changes that they are seeking for the RT5 zoning district file are more

minor and pertains to changing the purpose statement concerning the sponsors' intent, adding a separate line for design standards, and having some of the design standards criteria not match the designs standards criteria of RT4. Their department has been working on amending the City's Comprehensive Plan for the last 18 months, as directed by the Common Council, via the proposed Growing MKE Plan. They are still updating the propose plan and making significant adjustments based on ongoing public input and engagement. Once finished, they will present the proposed plan again to the Common Council. Despite the preference to advance the Growing MKE Plan, they acknowledge the attempt to alternatively advance zoning code updates, such as the case with today's two proposed ordinances, separately from the Growing MKE Plan process.

Elizabeth Ramirez, resident, testified and read her letter in opposition. The proposed ordinances lack community engagement and notification, especially for south side Spanish speaking residents and underserved residents who are not aware of the City's decision-making processes. There should be comprehensive study on the financial feasibility of ADUs, protections against displacement, and how RT5 zoning will impact affordability in local homeownership. Long-time homeowners are concerned with issues that come when density and complexes are admitted in areas that are historically single-family and duplexes, especially at the corner of Muskego Ave. and Historic Mitchell St. She advocated for more homeownership opportunities instead of more rental developments owned by outside investors, accountability from rental developers and property management firms, neighborhood-specific zoning updates unique to each area, focus on repairing past harm to neighborhoods, firm protections for current residents ensuring affordability and homeownership, and better notification to familiarize residents of City processes. The error to not broadcast the meeting today, although remedied, was unacceptable. She wanted her letter and the letters of others to be confirmed as included in the files as part of the record.

Chair Osterman said that all letters received are contained and can be found within both files.

Mark Foley, resident, testified in opposition. He and his wife own a single-family home in a historic district. He and his neighborhood is opposed to the change in single-family housing being proposed with this file and the Growing MKE Plan. The proposed ordinance fails to fulfill the criteria of legality and enforceability. The proposed ordinance fails to clarify the standards to implement changing a parcel's zoning to RT5 without causing adverse impacts to previous zoning and/or adjacent zoning areas surrounding it. Parcels given greater uses or zoning almost never revert to their original use or zoning. His neighborhood has instances of bad multi-residential developments, which had replaced single-family homes, still existing today and being in noncompliance.

Member Richardson moved that based on committee testimony and testimony by the Dept. of City Development, the proposed ordinance, as written, does not meet the criteria of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. Member Dobbs seconded.

Ald. Bauman asked for more specificity on aspects of the proposed ordinance that do not meet the committee's criteria.

Member Dobbs said that he has legal and enforceability concerns with there being a discrepancy regarding the lot size, setback, and lot coverage listed in the purpose

statement (section 295-501-2-d) versus the table establishing what those are in the RT5 district.

The committee discussed there being insufficient time to review DCD's recommended corrections beforehand, corrections being minor and not fatal, and whether or not to move forward with a recommendation based on an amended version with corrections made or to be made.

Member Richardson said that he believes an amended version could not be achieved today.

A roll call vote was taken on member Richardson's motion.

*Ayes – Richardson, Dobbs
Noes – Arroyo-Vega, Osterman*

The motion failed with 2 ayes and 2 noes.

There was no subsequent motion.

2. [240999](#)

A substitute ordinance relating to zoning regulations for accessory dwelling units.

Sponsors: Ald. Perez and Ald. Bauman

S. Winston, resident, testified and read his letter in opposition. The proposed ordinance will not protect residential neighborhoods but rather harm them. More information to the public is needed. There is a lack of data and documentation supporting the change, showing the need for the change, and showing who will benefit. Developers will only benefit and not the residents. Focus should be on repair of existing housing stock and not on rental expansion, which will result in tenant victimization. There is lacking a harm analysis on different communities.

Mark Foley, resident, testified in opposition. He is an owner of a single-family historic home. Allowing an accessory dwelling unit as a limited use will have a broad negative impact and destroy the character of single-family housing neighborhoods. The terminology of owner occupancy is not clearly defined in the proposed ordinance to distinguish between a person, family, or entity.

Chair Osterman said that an accessory dwelling use case will require Board of Zoning Appeals review should the standards of the limited use not be met.

Mr. Leichtling commented. His office, DCD, had legal and enforceability concerns regarding interpretation of the proposed ordinance text. They conducted an internal review and have several substantive corrections to the proposed ordinance, which were handed out to committee members. Their policy changes pertain to design standards based on other peer city ordinances. Their substantive corrections include providing further clarity on the language "The creation of an accessory dwelling unit shall not result in the creation of a separate tax parcel.", tying the owner occupancy requirement to the applicant pulling permits, and minor terminology changes (i.e. parcel vs. lot, principal vs. accessory). The table creating design standards for an accessory dwelling unit has discretionary terminology that can cause code interpretation issues. They found the proposed ordinance, as written and without their corrections, do not meet the committee's criteria; however, they are supportive of accessory dwelling units

and are open to work with the sponsors further on making revisions.

Fatima Laster, resident and business owner, testified and read her letter of opposition. The proposed ordinance along with the RT5 district zoning file are poorly disguised versions of the Growing MKE Plan that lack evidence-based research and are not supported by community residents. The proposed ordinances benefit developers and outside investors giving them more control and rights over development without having accountability. The proposed ordinances do not address current housing infrastructure of communities of color, especially the black community, but rather disrupts them. The proposed ordinances will exacerbate the issues of oversaturating the rental housing market, increasing rental prices, increasing evictions, increasing slumlords, and increasing gentrification among other things. There is ample inventory of homeownership opportunities with all the vacant homes within the City. She advocated for home ownership, community inclusiveness and collaboration, and neighborhood-centric plans.

Dynasty Ceasar, resident, concurred with earlier testimony in opposition and testified. Both proposed ordinances lacked sufficient community engagement, evidence based data, and harm analysis to support them and show that there will not be gentrification and affordability impacts. Such data should be unique to Milwaukee. The proposed changes are opinions and not backed by facts.

Dr. Nicole Robinson, on behalf of 5 Points Neighborhood Association, testified and read a letter of opposition. The association would like to offer various recommendations to the proposed ordinance to increase community protections. Recommendations include prohibiting short-term rentals less than 6 months (except for persons released from incarcerations), precluding hourly or weekly rental rates, requiring this restriction be recorded in the property deed, and more precise language for the person residing in the property. There were additional recommendations from the association concerning the RT5 district file. Recommendations include requiring an accessory dwelling unit to allocate 80% of the units affordable for the next 100 years and enter into an agreement with the City to perform green restoration within 1 year of the permit pulled or be subject to forfeiture and transfer into a community land trust. In total, the association has 175 clauses to be considered. Although remedied, they were concern with the lack of transparency and inclusion regarding the broadcasting of today's meeting. They had additional concerns with the lack of a harm-benefits analysis and that these proposals were advancing parts of the Growing MKE Plan, which they were in objection to. The association is open to partner with the City to combat disinvestment, displacement, gentrification, and the housing crisis in Black neighborhoods.

Member Dobbs said he had legal and enforceability concerns on the owner occupancy portion or more specifically the provision referencing "The property owner shall reside in either the main dwelling or the accessory dwelling unit. This restriction shall be recorded on the deed for the property." A related litigation issue in the City of Neenah may change the state of the law concerning a city's authority to require some form of owner occupancy for short-term rentals. He has not had an opportunity to review DCD's revisions in-depth. The language "The property owner shall reside" may be overly broad to enforce and may not be properly applicable to entities like LLCs and trusts. A court may find that the proposed ordinance may be inadequately vetted or interpret it differently from the original intent. There is no good authority to record the restriction on a property deed, and that provision should be removed if the intent is not impacted. Phrasing of the provision in the passive voice also creates vagueness on

who should do the deed recording.

Ald. Bauman questioned if an accessory dwelling unit is a prohibited or special use presently in residential zoning districts.

Member Richardson said that an accessory dwelling unit is not presently defined in the zoning code and can possibly fall under a unit used in accessory fashion on a multiple principal building lot.

Ald. Bauman commented that it would be against what the community wants if the law is changed to not require owner occupancy for short-term rentals and that he will not want to move forward with this proposed ordinance if there is no owner occupancy requirement in place. Possibly, the proposed ordinance can be tweaked to make an accessory dwelling unit a special use subject to Board of Zoning Appeals review and neighborhood input. An owner occupancy requirement is fundamental to the proposed ordinance. Lack of such a requirement resembles the Growing MKE Plan, which he opposes.

Member Richardson moved that based on committee and aldermanic testimony, the proposed ordinance, as written, does not meet the criteria of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. Member Dobbs seconded. There were no objections.

A roll call vote was taken on member Richardson's motion.

*Ayes – Richardson, Dobbs, Arroyo-Vega,
Abstaining –Osterman*

The motion prevailed with 3 ayes, 0 noes, and 1 abstention.

Meeting adjourned at 3:03 p.m.

**Chris Lee, Staff Assistant
Council Records Section
City Clerk's Office**

This meeting can be viewed in its entirety through the City's Legislative Research Center at <http://milwaukee.legistar.com/calendar>.