



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes

### ZONING CODE TECHNICAL COMMITTEE

**TEODROS MEDHIN, CHAIR**

**Julie Wilson, Ed Richardson, and Michael Mannan**

**Staff Assistant, Chris Lee, 286-2232**

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**Legislative Liaison, Ted Medhin, 286-8680**

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Tuesday, March 24, 2020

2:00 PM

Room 301-B, Third Floor, City Hall

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Meeting convened at 2 p.m.

*Present 4 - Medhin, Wilson, Richardson, Mannan*

*Members Wilson, Richardson, and Mannan present via teleconference call.*

*Also present:*

*Ald. Robert Bauman, 4th Ald. Dist.*

*Additional participants via teleconference call:*

*Jeffrey Osterman, Legislative Reference Bureau*

*Erica Lewandowski, Dept. of Neighborhood Services*

1. [191576](#)

A substitute ordinance relating to zoning regulations for short-term rental facilities.

**Sponsors:** Ald. Bauman

*Ald. Bauman said that the proposed ordinance was intended to help regulate Airbnb rental properties in limited scope via the zoning code. Properties affected would be non-owner occupied one to two family properties in residential districts that were used wholly for short term rental purposes. Short term rentals may negatively impact the communities where they operate without facing consequences. Inspections by the police or Dept. of Neighborhood Services (DNS) may be too late due to a tenant having already ended their stay and having left the rental property. Enforcement would be through the complaint driven process. DNS would respond to complaints through its normal process, verify violations, and issue orders. Short term rentals would not be a prohibited use but rather a permitted use. They would have to go through the Board of Zoning Appeals (BOZA) process to obtain a special use permit, and BOZA would be a forum for neighbors to contest a short term rental use.*

*Member Richardson said that proposed ordinance would not meet the committee's criteria of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. Zoning regulates land use and not property ownership. Enforcement would be selective and result in unequal protection of the law. Determining nonconforming status would be difficult. DNS would have difficulty deciphering between long term and short term rentals with landlords and property owners. Properties may have both long term and short term rentals depending on the season. There is no record to justify for the zoning code change. Complaints about*

*Airbnb rentals have been few with DNS having received just two complaints. The zoning code change would add to the BOZA caseload, require additional variances, and make BOZA more administratively inefficient. There is estimated about 27,000 single and double family dwelling properties owned by absentee landlords. There would be no revenue to offset costs to enforce and administer the proposed ordinance. The definition of short term rental for the proposed ordinance differs and conflicts with the definition from the state. The ordinance does not address the duration of time to qualify as a short term rental. The ordinance's increase parking space requirement for one parking lot unit per sleeping room plus one additional space may not be feasible for short term rental establishments to adhere to. A goal is to reduce parking requirements in the zoning code and not to increase parking requirements.*

*Member Mannan said that enforcement would be an issue. Orders issued would not be enforceable due to the activity at a short term rental facility having been ceased already.*

*Member Wilson questioned why multi-family properties were not considered under the proposed ordinance, legal nonconformity use, and the grandfathering of current facilities due to property ownership rights.*

*Commissioner Lewandowski concurred with enforcement and investigations being difficult to conduct. Determining the proper time to do investigations would be challenging. The intent of the ordinance would be lost.*

*Ald. Bauman asked members and participants how else to better address the issues with short term rental facilities.*

*Member Mannan and Commissioner Lewandowski replied. The City of Madison allowed short term rentals in all their zoning districts and regulated them with stronger nuisance and licensing provisions. There are current regulations and provisions in place that could address or be improved upon to address the nuisance and negative activities stemming from short term rental facilities.*

*Member Richardson said that zoning cannot address the issues from these facilities.*

*Member Richardson moved that the proposed ordinance did not meet the standards of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. There was no objection.*

**Meeting adjourned at 2:25 p.m.**

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