



Legislation Details (With Text)

File #: 240721 **Version:** 1
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File created: 9/3/2024 **In control:** COMMON COUNCIL
On agenda: **Final action:** 3/4/2025
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Title: A substitute ordinance relating to the membership of the board of zoning appeals.

Sponsors: ALD. PEREZ, ALD. JACKSON

Indexes: BOARD OF ZONING APPEALS, BOARDS AND COMMISSIONS

Attachments: 1. Ctity Attorney Opinion, 2. LRB Memo, 3. ZCTC Letter, 4. City Plan Commission Letter, 5. CPC Staff Report, 6. Hearing Notice List, 7. Legal and Enforceable, 8. BOZA Veto Letter.pdf, 9. BOZA Veto Letter.pdf, 10. Notice published 1/10 and 1/17/25, 11. VETO RESPONSE

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|---|--------------------------------------|--------|-------|
| 9/3/2024 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 9/6/2024 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | REFERRED TO | | |
| 9/6/2024 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | REFERRED TO | | |
| 9/13/2024 | 0 | CITY CLERK | PUBLISHED | | |
| 1/10/2025 | 0 | CITY CLERK | PUBLISHED | | |
| 1/27/2025 | 0 | CITY PLAN COMMISSION | RECOMMENDED FOR PASSAGE AND ASSIGNED | Pass | 7:0 |
| 2/4/2025 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | SUBSTITUTED | Pass | 5:0 |
| 2/4/2025 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 5:0 |
| 2/11/2025 | 1 | COMMON COUNCIL | PASSED | Pass | 13:0 |
| 2/19/2025 | 1 | MAYOR | VETOED | | |
| 3/4/2025 | 1 | COMMON COUNCIL | VETO OVERRIDDEN | Pass | 14:0 |
| 3/21/2025 | 1 | CITY CLERK | PUBLISHED | | |

240721
SUBSTITUTE 1

ALD. PEREZ AND JACKSON

A substitute ordinance relating to the membership of the board of zoning appeals.

295-311-1-b rc

This ordinance adds certain qualifications for appointed board members. It requires that the board include:

- 1) An attorney licensed to practice law in Wisconsin.
- 2) An architect or landscape architect licensed in Wisconsin.
- 3) An individual with a background in public safety.
- 4) An individual with a demonstrated interest in social welfare or housing issues.

Whereas, The effective functioning of a board of zoning appeals requires appointees to have sufficient ability and experience in fields related to zoning and redevelopment; now, therefore,

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-311-1-b of the code is repealed and recreated to read:

295-311. Appeals.

1. BOARD OF ZONING APPEALS.

b. Membership. b-1. The board shall consist of 5 members appointed by the mayor, subject to confirmation by the common council, for terms of 3 years.

b-2. Board members shall be residents of the city and hold no other public office or employment except that of notary public. At least one member shall be licensed to practice law in the state of Wisconsin. At least one member shall be an architect or a landscape architect licensed in the state of Wisconsin. At least one member shall be an individual with a background in public safety. At least one member shall be an individual with a demonstrated interest in social welfare or housing issues.

b-3. The mayor shall designate one of the members as chairperson.

b-4. The mayor shall appoint, for terms of 3 years, 2 alternate members of such board in addition to the 5 members already provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of conflict of interest or when a member is absent. The 2nd alternate shall act, with full power, only when the 1st alternate so refuses, is absent or defers to the 2nd alternate, or when more than one member of the board so refuses or is absent. The alternate members shall be entitled to the same compensation as is provided for other members of the board.

b-5. Board members, including alternates, shall be removable by the mayor for cause upon written charges and after public hearing.

b-6. Vacancies, including vacancies for alternate members, shall be filled for the unexpired terms of members whose terms become vacant.

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: January 28, 2025

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

Kathleen Brengosz
LRB180067-2
1/28/2025