



Legislation Details (With Text)

File #: 02043 **Version:** 2 **Name:** state law changes to Zoning Board of Appeals
Type: Ordinance **Status:** Passed
File created: 9/14/2005 **In control:** COMMON COUNCIL
On agenda: 1/3/2006 **Final action:** 1/3/2006
Enactment date: 1/19/2006 **Enactment #:** ORD-05-00194
Title: SUBSTITUTE - Amending Sections 28.12(3)(a), (7)(d) and (8)(h) of the Madison General Ordinances to conform to recently enacted state legislation.
Sponsors: Paul J. Van Rooy
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
1/3/2006	2	COMMON COUNCIL	Adopt	Pass
12/27/2005	2	Attorney's Office/Approval Group	Approved As To Form	
12/27/2005	2	Attorney's Office	Fiscal Note Required / Approval	
12/27/2005	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
12/27/2005	2	Attorney's Office	Reconsider	
12/13/2005	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/21/2005	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
9/20/2005	1	COMMON COUNCIL	Refer For Public Hearing	
9/14/2005	1	Attorney's Office/Approval Group	Approved As To Form	
9/14/2005	1	Attorney's Office	Fiscal Note Required / Approval	
9/14/2005	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
9/14/2005	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No expenditure required.

Title

SUBSTITUTE - Amending Sections 28.12(3)(a), (7)(d) and (8)(h) of the Madison General Ordinances to conform to recently enacted state legislation.

Body

DRAFTER'S ANALYSIS: These amendments will make the ordinances conform with state law. This substitute includes a change to Section 28.12(8)(h), which was inadvertently omitted from the original ordinance.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) entitled "Creation and Membership" of Subsection (3) entitled "Zoning Board of Appeals" of Section 28.12 entitled "Administration And Enforcement" of the Madison General Ordinances is amended to read as follows:

"(a) Creation and Membership. A Zoning Board of Appeals is hereby created as authorized by applicable Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor subject to confirmation by the Common Council for terms of three (3) years, commencing from noon on the third Tuesday of April 1960, except that of those first appointed, one shall serve for one year, two for two years, and two for three years. The members of the board shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members as chairman. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor may shall appoint, for staggered terms of three years, two alternate members of such board in addition to the five members above provided for. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates."

2. Subdivision (d) entitled "Findings of the Zoning Board of Appeals" of Subsection (7) entitled "Appeals" of Section 28.12 entitled "Administration And Enforcement" of the Madison General Ordinances is amended to read as follows:

"(d) Findings of the Zoning Board of Appeals. The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of ~~four (4) members~~ a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office of the Zoning Administrator, and may issue or direct the issue of a permit.

For appeals concerning increases in regional flood elevation the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist."

3. Subdivision (h) entitled "Order of the Zoning Board of Appeals" of Subsection (8) entitled "Area Exceptions" of Section 28.12 entitled "Administration And Enforcement" of the Madison General Ordinances is amended to read as follows:

"(h) Order of the Zoning Board of Appeals. The concurring vote of ~~four (4) members~~ a majority of quorum of the Zoning Board of Appeals shall be necessary to grant an area exception. No order of the Zoning Board of Appeals granting an area exception shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period."