


# Kenosha



# County

## BOARD OF SUPERVISORS

ORDINANCE NO. \_\_\_\_\_

Subject: Proposed amendment to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance in accordance with Section 59.694(2) (a) of the Wisconsin State Statutes to reduce the membership of the Board of Adjustments			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: September 18, 2018		Date Resubmitted:	
Submitted By: Planning, Development & Extension Education Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Andy M Buehler, Director Division of Planning Operations		Signature: 	

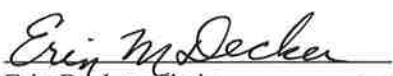

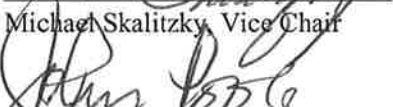
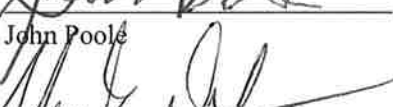
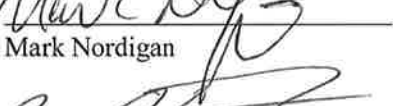
WHEREAS, Kenosha County proposes to amend Chapter 12 Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance to change the language regarding Board Membership and Origination of the Kenosha County Board of Adjustments; and,

WHEREAS, the Kenosha County Planning, Development and Extension Education Committee held a public hearing on the request on September 12, 2018, and recommended approval of the request.

NOW, THEREFORE BE IT RESOLVED that pursuant to the authority granted by Sections 59.69 and 59.594(2)(a) of the Wisconsin State Statutes, the Kenosha County Board of Supervisors does hereby ordain that Chapter 12 of the **Municipal Code of Kenosha County** entitled "**Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance**" be and hereby is changed by the following additions, deletions and amendments and is amended to read as set forth in the attached Exhibit A, pertaining to text changes to Sections 12.36-3.

Approved by:

PLANNING, DEVELOPMENT  
& EXTENSION EDUCATION  
COMMITTEE

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Erin Decker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Skalitzyk, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark Nordigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Zach Rodriguez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

~~Strikethrough~~ = Text Removed

Green Font = New Text

## EXHIBIT "A"

Proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance in accordance with Section 59.694 (2)(a) of the Wisconsin State Statutes, in order to amend ordinance language relative to the number of Board of Adjustment members.

### LIST OF AMENDED SECTIONS

#### **12.36-3 BOARD MEMBERSHIP AND ORGANIZATION**

- (a) The Board of Adjustments shall consist of ~~five~~<sup>three</sup> members and two (2) alternates appointed by the county executive and approved by the county board of supervisors. The county executive shall make his nominations at least one month prior to their appointment. The incumbent member of the Board of Adjustments whose term of office has expired shall remain in office only until such time as permitted by state statute.
- (b) Terms for board members shall be for a period of three (3) years. Incumbent members shall continue to serve until their terms expire. The county executive shall annually designate one of the alternate members as the 1<sup>st</sup> alternate and the other the 2<sup>nd</sup> alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refused to vote because of a conflict of interest or when a member is absent. The 2<sup>nd</sup> alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.
- (c) Members of the Board of Adjustment shall be eligible for such position only in the event that they reside within the County of Kenosha and outside the limits of incorporated areas providing, however, that no two members shall reside in the same town. In making appointments to the Board of Adjustments, the county executive and the county board of supervisors shall attempt to make appointments to the Board of Adjustments of individuals having a background in land use planning, geography, urban affairs, or such other prior experience in related areas whenever feasible. Prior membership on the Board of Adjustments or on a Town Planning Commission shall constitute prior experience. Attempts should be made to insure that individuals appointed to the Board of Adjustments have no conflict of interest with said appointment.
- (d) The Board of Adjustments shall choose its own chairman every year.
- (e) Office room shall be provided by the County Board and the actual and necessary expenses incurred by the Board of Adjustments in the performance of its duties shall be paid and allowed as in cases of other claims against the county. The County Board may likewise compensate the members of said Board and such assistants as may be authorized by said County Board. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant in the same manner as appointments for a full term.
- (f) Official oaths shall be taken by all members in accordance with section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments. The Department of Planning and Development shall be represented at all meetings for the purpose of providing technical assistance when requested by the Board of Adjustments.

## EXECUTIVE SUMMARY

Wisconsin State Statute 59.694 sets forth minimum requirements regarding the size of Board of Adjustments and residency requirement for its membership.

Wis. Stat. 59.694(2)(a) states that in counties with a population of less than 500,000, the board of adjustment shall consist of not more than 5 members as determined by resolution of the county board. Stat. 59.694(2)(c) goes on to state that the members of the board of adjustment, including alternate members, shall all reside within the county and outside of the limits of incorporated cities and villages; provided, however, that no 2 members shall reside in the same town.

The Kenosha County Board of Adjustments historically has consisted of five members. Since 2014 we have been unable to fill all five seats.

Prior to 2009 there were seven unincorporated townships within Kenosha County.

In 2009 Bristol Township incorporated a portion of their township to village status and shortly thereafter annexed the remaining township lands into the village. These two actions eliminated the entirety of Bristol Township, thus eliminating one township from the potential personnel pool.

In 2015 the Town of Somers incorporated a portion of their township to village status and shortly thereafter annexed the majority of the remaining township lands into the village, leaving only a small area to remain in the township. These actions forced **the Board's Chairperson** into retirement.

In 2017 the Town of Salem and the Village of Silver Lake merged into village status. This action eliminated the entirety of Salem Township, forcing another Board member into retirement.

As is currently stands, there are five unincorporated townships within Kenosha County. One of which, the Town of Somers, is substantially small in terms of area/population and will cease to exist in 2035 when the City of Kenosha/Town of Somers Cooperative Plan expires. This is also the one township not represented on The Board of Adjustments.

With a reduced number of unincorporated townships from which to fill seats, compounded by the fact that without full Board, there are no alternates to make use of in the event of an absence, reducing the Board of Adjustments from 5 members and 2 alternates to 3 members and 2 alternates is a change that makes sense given the math of our political geography.

Adoption of this text amendment will allow the Kenosha County Board of Adjustments to conduct business with a full Board membership, make use of alternates in the event of absences and reduce the chances that a meeting which is only held once a month would need to be cancelled due to failure to reach a quorum.