

..Number
240371
..Version
SUBSTITUTE 1
..Reference

..Sponsor
ALD. SPIKER

..Title
A substitute ordinance relating to the notification requirements for matters appearing before the board of zoning appeals.

..Section
295-311-2-b am
295-311-3-b am

..Analysis
This ordinance provides that written (mail) notice of a board of zoning appeals public hearing on a special use permit or variance request shall be provided at least 7 days prior to the hearing. No timeframe is currently specified in the code.

The ordinance also provides that this notice shall be provided to all property owners in the area within 250 feet of the property for which the special use permit or variance is requested. The code currently specifies distances of 200 feet (for special use permits) or 150 feet (for variances).

Finally, this ordinance adds a requirement that notice be provided to all mailing addresses within the 250-foot area.

..Body

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

Part 1. Section 295-311-2-b of the code is amended to read:

295-311. Appeals.

2. SPECIAL USE PERMITS.

b. Public Hearing. Prior to making a determination with respect to a special use permit request, the board shall hold a public hearing and provide, by mail >>and at least 7 days prior to the hearing<< , written notice of the hearing to the petitioner, at the address provided on the special use permit application, and to owners of property under consideration and owners of property immediately surrounding and within at least ~~[[200]]~~ >>250<< feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor >>, as well as to all mailing addresses in the same area<< . Such notice shall state that the board will be considering and conducting a public hearing on a request for a special use permit, and shall otherwise be in accordance with s. 19.84, Wis. Stats.

Part 2. Section 295-311-3-b of the code is amended to read:

3. VARIANCES.

b. Public Hearing. Prior to making a determination with respect to a variance request, the board shall hold a public hearing and provide, by mail >>and at least 7 days prior to the hearing<< , written notice of the hearing to the petitioner, at the address provided on the variance application, and to owners of property immediately surrounding and within at least ~~[[150]]~~ >>250<< feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor >>, as well as to all mailing addresses in the same area<< . Such notice shall state that the board will be considering and conducting a public hearing on a request for a variance, and shall otherwise be in accordance with s. 19.84, Wis. Stats. In the case of a fence variance, written notice of the hearing need only be provided to owners >>and occupants<< of abutting properties, to the owner >>and occupants<< of the property determined by the department to be directly across the street from the premises, and to owners >>and occupants<< of properties on each corner opposite the premises if the property to which the variance would apply is a corner lot.

..LRB

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: 11.11.2024

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB180009-1

Jeff Osterman

11/11/2024