

MOTION – Ald. Bauman

CC FILE #070231

(Item #9 on July 24, 2007, Zoning, Neighborhoods and Development
Committee agenda)

A substitute ordinance relating to board of zoning appeals and city plan
commission consideration of applications for approval of various zoning-
related matters.

I move for consideration of Proposed Substitute A in lieu of Substitute 1 for
File 070231.

Proposed Substitute A differs from Substitute 1 in the following ways:

- a. Rather than stating that BOZA or the CPC shall not consider a request for a zoning-related matter unless the applicant submits an affidavit, it simply requires each applicant for a zoning approval to submit an affidavit.
- b. It eliminates the criteria relating to foreclosed property and to the applicant being convicted of a felony. But it adds a requirement that the applicant shall state whether he or she has been billed for the cost of police services under the chronic nuisance premises ordinance.
- c. It provides that the applicant shall swear to whether the applicant meets any of the criteria and all appeals have been concluded or the time to appeal has expired.
- d. If the applicant is a corporation, partnership, limited liability company or nonstock corporation, it requires that the affidavit be submitted by one duly authorized officer, director, partner, member or manager, rather than by each officer, director, partner, member or manager.

Also, in an opinion dated June 26, 2007, the City Attorney indicated that Proposed Substitute A is legal and enforceable.

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