

July 16, 2004

To the Honorable Common Council
Zoning, Neighborhoods and
Development Committee
City of Milwaukee

Dear Committee Members:

Attached is File No. 040282 being a substitute relating to temporary certificates of occupancy, conditional certificates of occupancy and conditional construction permits. This ordinance provides that the Commissioners of the Department of City Development and the Department of Neighborhood Services may issue certain temporary permits good for up to 180 days and only when the following criteria have been met:

1. The applicant has applied for the permit and paid required fees.
2. If special approvals are required, the applicant has filed applications for a special use, a use variance or dimensional variance with the Board of Zoning Appeals or a zoning map amendment to the Common Council and paid all related fees.
3. All required inspections have been completed and passed.
4. The Commissioner determines that the temporary permit will not jeopardize life, health or property and will not adversely impact adjoining property or the surrounding neighborhood.
5. The applicant agrees to discontinue the use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.
6. The applicant agrees to hold the city harmless for any claims resulting from the use of the property during the period the conditional certificate for occupancy is in effect.

This ordinance will provide a method to review and grant, where appropriate, early and temporary use of property on projects that do not appear to have adverse impacts on their neighbors but would otherwise be delayed while special city approvals are sought. Before the Commissioners could grant such temporary permits, the applicant would have to agree to discontinue the use and to hold the city harmless if city approvals were not granted.

The Zoning Code Technical Committee reviewed this ordinance on July 7, 2004. The committee recommended certain amendments and found that the proposed substitute ordinance met the required standards for legality, enforceability, administrative efficiency and consistency with the zoning code.

Since this amendment will save time and provide a degree of flexibility in granting permits, staff recommends that the city plan commission recommend that common council approve the attached substitute ordinance.

Sincerely,

Martha L. Brown
Acting Executive Secretary
City Plan Commission of Milwaukee

File
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