

April 30, 2003

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

Dear Committee Members:

Attached is File No. 970230 being a substitute ordinance relating to notification requirements for board of zoning appeals hearings on special use requests for correctional facilities and community living arrangements and to restrictions on the issuance of special use permits for such facilities.

This ordinance provides that, whenever a special use permit is requested for a community living arrangement or a correctional facility, written notice of the board of zoning appeals hearing shall be mailed to all owners of property within a one-quarter-mile radius of the location of the proposed facility. It further provides that no special use permit for a community living arrangement of a correctional facility shall be granted whenever the board receives a written petition of opposition signed by owners of 20% or more of the land within 100 feet of the facility.

The Zoning Code Technical Committee reviewed this ordinance on January 29, 2003. The committee expressed legal concerns regarding the use of a written petition to dictate a board decision. It should also be noted that subsequent to this ordinance being initiated, the board expanded its notification process to be similar to the Plan Commission and Common Councils notification process for zoning changes.

Based on this information, the City Plan Commission, at its regular meeting of April 28, 2003 recommended that the attached substitute ordinance be placed on file.

Sincerely,

Julie A. Penman
Executive Secretary
City Plan Commission of Milwaukee

attachment
File
ZTXLTR.020309.doc