..Number
160994
..Version
PROPOSED SUBSTITUTE A
..Reference

..Sponsor
ALD. BOHL
..Title
A substitute ordinance relating to board of zoning appeals findings with respect to special use permit applications.
..Sections
295-311-2-d-4 rp
295-311-2-j cr
..Analysis
This ordinance repeals the requirement that the board of zoning appeals, prior to the granting of a special use permit, make a finding that the special use will be designed, located and operated in a manner consistent with all applicable elements of the city's comprehensive plan.

This ordinance also creates a provision stating that the board shall, in deciding if a special use permit shall be granted, consider whether the special use will be designed, located and operated in a manner consistent with any applicable element of the city's comprehensive plan, to the extent that this consistency relates to the board's consideration of the 3 findings it is required to make when reviewing and granting a special use permit.
..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-311-2-d-4 of the code is repealed.

(Note: The provision being repealed reads as follows:

295-311. Appeals.

2. SPECIAL USE PERMITS.

d. Findings.

d-4. Consistency With Comprehensive Plan. The special use will be designed, located and operated in a manner consistent with all applicable elements of the city's comprehensive plan.)

Part 2. Section 295-311-2-e to i of the code is renumbered 295-311-2-f to j.

Part 3. Section 295-311-2-e of the code is created to read

e. Consistency With Comprehensive Plan. The board shall, in deciding if a special use permit shall be granted, consider whether the special use will be designed, located and operated in a manner consistent with any applicable element of the city's comprehensive plan, to the extent that this consistency relates to the board's consideration of the required findings of par. d.

..LRB

APPROVED AS TO FORM

_____

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE IS LEGAL AND ENFORCEABLE

_____

Office of the City Attorney

Date:_____

..Requestor

..Drafter

LRB166301-3

Jeff Osterman

12/11/2017