



Legislation Details (With Text)

**File #:** 140840      **Version:** 0  
**Type:** Ordinance      **Status:** Placed On File  
**File created:** 9/23/2014      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 10/14/2014

**Effective date:**

**Title:** An ordinance relating to the scheduling of matters for public hearings before the board of zoning appeals.

**Sponsors:** ALD. BOHL

**Indexes:** BOARD OF ZONING APPEALS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
9/23/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/24/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/24/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/25/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
9/25/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
9/25/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
9/30/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/30/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/30/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/1/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
10/1/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
10/7/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
10/14/2014	0	COMMON COUNCIL	PLACED ON FILE	Pass	14:0

140840  
ORIGINAL

ALD. BOHL

An ordinance relating to the scheduling of matters for public hearings before the board of zoning appeals.

295-311-2-b      am

295-311-3-b      am

295-311-5-e am

295-311-6-f am

This ordinance provides that no public hearing on an application for a special use permit, variance or appeal shall be scheduled for a public hearing by the board of zoning appeals or board staff until a complete application and all other required forms and documents have been filed with the board secretary.

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

Part 1. Section 295-311-2-b 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, 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 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. ~~[[Such]]~~ >>The<< 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. >>No public hearing shall be scheduled by the board or board staff until a complete application and all other required forms and documents have been filed with the board secretary.<<

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, 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 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. ~~[[Such]]~~ >>The<< 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 of abutting properties, to the owner of the property determined by the department to be directly across the street from the premises, and to owners of properties on each corner opposite the premises if the property to which the variance would apply is a corner lot. >>No public hearing shall be scheduled by the board or board staff until a complete application and all other required forms and documents have been filed with the board secretary.<<

Part 3. Section 295-311-5-e of the code is amended to read:

### **5. APPEALS OF ADMINISTRATIVE DECISIONS.**

e. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties. >>No public hearing shall be scheduled by the board or board staff until a complete application and all other required forms and documents have been filed with the board secretary.<<

Part 4. Section 295-311-6-f of the code is amended to read:

**6. APPEALS OF ORDERS.**

f. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties. >>No public hearing shall be scheduled by the board or board staff until a complete application and all other required forms and documents have been filed with the board secretary.<<

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB155237-1  
Jeff Osterman  
09/17/2014