



Legislation Text

File #: 031506, Version: 1

031506
SUBSTITUTE 1

ALD. BOHL, NARDELLI, RICHARDS, JOHNSON-ODOM AND DAVIS

A substitute ordinance relating to required board of zoning appeals findings for the granting of special use permits.

295-311-2-d-1 am

295-311-2-d-2 am

This ordinance provides that the board of zoning appeals shall be required to take the following factors into account when determining whether public health, safety and welfare, as well as the use, value and enjoyment of surrounding properties, will be protected if a special use permit is granted:

The proposed use will not create or intensify an overconcentration of establishments of the same use type such that the concentration will have, or already has, an adverse impact upon property values or public health, safety and welfare in the neighborhood. Among factors to be considered in terms of impact are litter, noise and traffic, as well as changes in the appearance and character of the neighborhood.

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

Part 1. Section 295-311-2-d-1 and 2 of the code is amended to read:

295-311. Appeals.

2. SPECIAL USE PERMITS.

d. Findings.

d-1. Protection of Public Health, Safety and Welfare. The >>proposed<< use will be designed, located and operated in a manner so that the public health, safety and welfare is protected. >>The proposed use will not create or intensify an overconcentration of establishments of the same use type in the same neighborhood such that the concentration will have, or already has, an adverse impact upon public health, safety and welfare in the neighborhood. Among factors to be considered in terms of impact are litter, noise and traffic.<<

d-2. Protection of Property. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. >>The proposed use will not create or intensify an overconcentration of establishments of the same use type in the same neighborhood such that the concentration will have, or already has, an adverse impact upon property values in the neighborhood. Among factors to be considered in terms of impact are litter, noise and traffic, as well as changes in the appearance and character of the neighborhood.<<

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: _____

LRB04063-2

JDO

2/13/04