



Legislation Text

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File #: 070160, Version: 1

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070160  
Substitute 1

ALD. BOHL, MURPHY, DONOVAN, D'AMATO, HAMILTON, PUENTE, DUDZIK, BAUMAN,  
ZIELINSKI AND WADE

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

Currently, in order to approve a special use permit, the board of zoning appeals is required to make 4 findings, including findings that:

1. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected
2. 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.

This ordinance provides that the board of zoning appeals may consider geographic concentration of establishments of the same type as the proposed special use as evidence that either or both of these standards will not be met.

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 use will be designed, located and operated in a manner so that the public health, safety and welfare is protected. >>A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the public health, safety and welfare will not be protected.<<

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. >>A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the proposed use will substantially impair or diminish property values.<<

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: \_\_\_\_\_

LRB07243-2

JDO

06/04/2007