



## Legislation Details (With Text)

<b>File #:</b>	160994	<b>Version:</b>	0
<b>Type:</b>	Ordinance	<b>Status:</b>	Placed On File
<b>File created:</b>	11/22/2016	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	6/16/2020
<b>Effective date:</b>			
<b>Title:</b>	An ordinance relating to board of zoning appeals findings with respect to special use permit applications.		
<b>Sponsors:</b>	ALD. BOHL		
<b>Indexes:</b>	ZONING		
<b>Attachments:</b>	1. Proposed Substitute A, 2. City Attorney Opinion 12-01-17, 3. City Attorney Letter 9-14-16, 4. Zoning Code Technical Committee Letter, 5. Professor Brian Ohm Letter, 6. Brian Ohm Article on WI Act 391, 7. Brian Ohm Email on WI Act 391, 8. City Plan Commission Letter, 9. CPC Letter-Attachment A, 10. CPC Letter-Attachment B, 11. CPC Letter-Attachment C, 12. CPC Letter-Attachment D, 13. CPC Letter-Attachment E, 14. CPC Letter-Attachment F, 15. CPC Letter-Attachment G, 16. Hearing Notice List, 17. Notice published on 1-5-18 and 1-12-18, 18. Brian Ohm Letter 1-30-18		

Date	Ver.	Action By	Action	Result	Tally
11/22/2016	0	COMMON COUNCIL	ASSIGNED TO		
11/28/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/28/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/30/2016	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
11/30/2016	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
1/5/2018	0	CITY CLERK	PUBLISHED		
1/22/2018	0	CITY PLAN COMMISSION	REFERRED WITHOUT RECOMMENDATION AND ASSIGNED TO	Pass	5:0
1/25/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/25/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/25/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/25/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/25/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/30/2018	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
6/9/2020	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
6/16/2020	0	COMMON COUNCIL	PLACED ON FILE	Pass	15:0

160994  
ORIGINAL

ALD. BOHL

An ordinance relating to board of zoning appeals findings with respect to special use permit applications.

295-311-2-d-4          rp

295-311-2-j    cr

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 may, in its sole discretion, consider the applicable elements of the city's comprehensive plan in making its determination with respect to a special use permit application, but is not required to do so.

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-j of the code is created to read:

j. Effect of Comprehensive Plan. The board may, in its sole discretion, consider the applicable elements of the city's comprehensive plan in making its determination with respect to a special use permit application, but is not required to do so.

APPROVED AS TO FORM

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Legislative Reference Bureau

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

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

City Attorney

LRB166301-1

Jeff Osterman  
09/13/2016