



## Legislation Text

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011618

SUBSTITUTE 1

ALD. CAMERON

Substitute resolution relating to the process by which the Board of Zoning Appeals reviews requests for variance from distance requirements for community-based and other living arrangements.

This resolution urges the Board of Zoning Appeals (BOZA) to take into consideration the potentially deleterious effects of the over-concentration of community-living facilities when they consider proposals for these facilities to be located within 2,500 feet of other facilities of the same type. Provisions of both the City's Code of Ordinances (s. 295-14-1) and the state statutes (s. 62.23(7)(i)) prohibit a new facility from being opened within 2,500 feet of an existing one unless a variance is granted by the BOZA.

Whereas, Section 295-14-1 of the Milwaukee Code of Ordinances, in accord with s. 62.23(7)(i), Wis. Stats., prohibits the location of community-living facilities within 2,500 feet of another facility of the same type unless a variance is granted by the Board of Zoning Appeals (BOZA); and

Whereas, The Common Council is aware that recent court decisions have subjected the 2,500-foot distance provision to the requirements of both federal fair housing law and the provisions of the Americans with Disabilities Act and required that the decisions of the BOZA violate neither; and

Whereas, Despite this, the City must insist on its ability to place reasonable limits on the concentration of certain uses within its borders and ensure that the responsibility for housing such uses is shared equitably throughout the City; and

Whereas, An over-concentration of community-living facilities in one area can result in increased traffic and other disruptions, an undue burden on taxpayer-funded emergency services and an overall decline in the quality of life to which all residents are entitled; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council urges the Board of Zoning Appeals to take into consideration the deleterious effects an over-concentration of community-living facilities can have on an area as it reviews proposals to open these facilities located within 2,500 feet of other facilities of the same kind.

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