# PROOF OF PUBLICATION

STATE OF WISCONSIN }SS
MILWAUKEE COUNTY

ANN E. RICHMOND, being the first duly sworn on oath, says that she is the publisher as of January 1, 2004, of THE DAILY REPORTER - that the notice of which the printed one attached is a true copy, which copy was clipped from said newspaper, was inserted and published in said newspaper on

07/02/2004 07/09/2004

Ann E. Richmond

Subscribed and sworn to before me

July 9 , 2004

Carey W. Cox

Notary Public, Milwaukee County, Wisconsin
My Commission Expires April 15, 2007

CAREY W. COX NOTARY PUBLIC STATE OF WISCONSIN

**C. NO. 17**
**FILE NUMBER 040282**

**OFFICIAL NOTICE**
**Published by Authority of the Common Council of the City of Milwaukee Office of the City Clerk**

Notice is hereby given that an ordinance (passage of which is now pending) was introduced at the June 15, 2004 meeting of the Milwaukee Common Council, the essence of which is as follows:

An ordinance relating to temporary certificates of occupancy, conditional certificates of occupancy and conditional construction permits.

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

Part 1. Section 200-42-1-a of the code is amended to read:

**200-42. Certificate of Occupancy.**

1. WHEN REQUIRED.

a. It shall be unlawful to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy or certificate of zoning has been issued by the commissioner of city development, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295 or any other regulation of this code.

Part 2. Section 200-43 of the code is amended to read:

200-43. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the commissioner of neighborhood services for the temporary occupancy and use of any building, structure or premises or part thereof, prior to the completion of the same and the issuance of a final certificate of occupancy, provided that such occupancy or use would not jeopardize life, health or property. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures over and above any code requirements to safeguard the public as condition of the issuance of a temporary certificate of occupancy.

Part 3. Section 295-303 of the code is repealed and recreated to read:

295-303. Occupancy. Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy or certificate of zoning has been issued by the commissioner of city development. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of city development for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. The commissioner of city development is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

1. The applicant has applied for a certificate of occupancy and paid the required fees.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, the amendment has been recommended for approval by the commission and a common council file number has been established.

3. The applicant demonstrates neighborhood support for the proposed special use permit, variance or zoning map amendment.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to discontinue the use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

6. The applicant agrees to hold the city harmless for any claims resulting from the use of the property during the period the conditional certificate of occupancy is in effect.

Part 4. Section 295-304 of the code is created to read:

295-304. Conditional Construction Permits. A conditional construction permit may be issued by the commissioner for the development of land or the erection, alteration, relocation, extension or substantial improvement of a structure, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. A conditional construction permit may be issued only when the following criteria have been met:

1. The department has determined that plans for the proposed construction are in compliance with the building code and with all aspects of the zoning code except those provisions for which a permit denial letter has been sent to the applicant.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, the amendment has been recommended for approval by the commission and a common council file number has been established.

3. The applicant demonstrates neighborhood support for the proposed special use permit, variance or zoning map amendment.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

Notice is hereby further given that the foregoing matter will be given a public hearing by the Committee on Zoning, Neighborhoods and Development in Room 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, on Tuesday, July 20, 2004 at 9:00 A.M., pursuant to the provision of Sub-Section (7)(d) of Section 62.23 of the Revised Statutes of the State of Wisconsin.

PLEASE NOTE: a) Members of the Common Council, and members of its Standing Committees who are not members of this Committee, may attend this meeting to participate or to gather information. Therefore, notice is given that this meeting may constitute a meeting of the Common Council or any of its Standing Committees, and must be noticed as such, although they will not take any formal action at this meeting.

b) If you have difficulty with the English language, you may bring an interpreter with you, at your own expense, so that you can answer questions and participate in the hearing.

c) Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2232, (FAX) 286-3456, (TDD) 286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

d) Limited parking for persons attending meetings in City Hall is avail-