

Legistar File No. 74680 Body (Substitute)

DRAFTER'S ANALYSIS: This ordinance amends several sections of Chapter 28 to extend scopes of approval for conditional uses, demolitions, variances and planned developments. Currently, conditional use permits and variances are valid for twelve (12) months with extensions of an additional twenty four (24) months. Staff regularly approve extensions for approvals for many reasons, among them supply chain disruptions, complicated land sales and financing deals that extend project construction start dates. This proposed change would increase the initial scope of approval to twenty four (24) months, for a total scope of approval of forty eight (48) months for conditional uses and variances. This ordinance also codifies a change to planned development recording timelines already practiced by staff. In 2018, state law changed to ban political subdivisions from establishing an expiration date for an approval related to a planned development district of less than five (5) years after the date of the last approval required for completion of the project. Since then, staff has abided by state law but this proposed ordinance amendment would codify existing practice.

The substitute decreases the extension period from twenty-four (24) to twelve (12) months, for a total scope of approval of thirty-six (36) months, as recommended by the Plan Commission.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) of Subsection (9) entitled "Scope of Approval" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances are amended as follows:

"(a) An order granting a conditional use is valid for ~~one (1) year~~ two (2) years from the date of the approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted."

2. Subdivision (b) of Subsection (9) entitled "Scope of Approval" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances are amended as follows:

"(b) Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to ~~twenty-four (24) months~~ two (2) years one (1) year from the expiration date."

3. Subsection (6) entitled "Scope of Approval" of Section 28.184 entitled "Variances" of the Madison General Ordinances is amended as follows:

"(6) Scope of Approval.

(a) An order granting a variance is valid for ~~one (1) year~~ two (2) years from the date of the order. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building.

(b) Where the plans have not been altered from those approved by the Zoning Board of Appeals, and the variance has expired, the Zoning Administrator may, after consulting with the Alderperson of the District, approve an extension up to ~~twenty-four (24) months~~ two (2) years one (1) year from the expiration date."

4. Subsection (11) entitled "Scope of Approval" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal" of the Madison General Ordinances is amended as follows:

"(11) Scope of Approval.

- (a) A demolition or removal permit approved under sub. (8) or (9) is valid for ~~one (1) year~~ two (2) years from the date of approval.
- (b) Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to two (2) years one (1) year from the expiration date.

5. Paragraph 4. of Subdivision (c) entitled "Decision on General Development Plan" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

"4. If the approved General Development Plan is not recorded as approved within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain General Development Plan approval."

6. Paragraph 5. of Subdivision (c) entitled "Decision on General Development Plan" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

"5. If the General Development Plan and Specific Implementation Plan are approved at the same time and not recorded as approved within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan."

7. Paragraph 7. of Subdivision (c) entitled "Decision on General Development Plan" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

"7. Any Planned Development not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission. ~~In considering extensions of approved General Development Plans for unconstructed components/ phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions.~~

8. Paragraph 3. of Subdivision (e) entitled "Decision on General Development Plan" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

3. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City, shall be recorded by the Zoning Administrator within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council in the Dane County Register of Deeds Office. If the Specific Implementation Plan is approved concurrent with the approval of a General Development Plan, the plans shall be recorded within ~~twelve (12) months~~ five (5) years of the Common Council approval. This shall be accomplished prior to the issuance of any building permit.

9. Paragraph 4. of Subdivision (e) entitled "Decision on General Development Plan" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

4. If the Specific Implementation Plan is not recorded as approved within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

10. Paragraph 1. of Subdivision (f) entitled "Recording of Approved Plans and Zoning Ordinance Amendments" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

- "1. Within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council, including conditions of approval."

11. Paragraph 3. of Subdivision (f) entitled "Recording of Approved Plans and Zoning Ordinance Amendments" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

- "3. If either the General Development Plan or Specific Implementation Plan is not recorded as approved within ~~twelve (12) months~~ five (5) years of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
 - a. ~~Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty four (24) months to record either plan.~~

12. Subdivision (g) entitled "Construction Required" of Subsection (5) entitled "Procedures" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

- "(g) Construction Required. Within ~~thirty-six (36) months~~ five (5) years of Common Council approval of the General Development Plan, the basic right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and

void unless a building permit is issued for the project, ~~or an extension is issued as specified below.~~ In the case of any major alteration to a General Development Plan approved by the Common Council pursuant to 28.098 (6)(c), the ~~thirty-six (36) month~~ five (5) year period shall apply to the date of Common Council approval of the major alteration for the purposes of this section.

1. ~~An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.~~
2. ~~If the Plan Commission, after a public hearing pursuant to Sec. 28.182(4), determines that no changes in the surrounding area or neighborhood since approval of the General Development Plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.~~
3. ~~An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the General Development Plan by the Common Council.~~
4. ~~If a new building permit is required pursuant to Sec. 29.06(4), MGO, a new petition and approval process shall be required to obtain General Development Plan approval and Specific Implementation Plan approval."~~

13. Subsection (6) entitled "Alterations to a Planned Development District" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended as follows:

"(6) Alterations to a Planned Development District.

Requests to alter a Planned Development District shall be made to the Director of Planning and Community and Economic Development. Upon receipt of the request, the Director shall determine if the request constitutes a major or minor alteration to the Planned Development District. Only major alterations approved by the Common Council shall establish a new approval date. The Director may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Alterations shall only be approved as specified below.

14. Table within Section 28.206 entitled "Fees" of the Madison General Ordinances is amended as follows:

Type of Action	Fee
Application for an extension to the time period for obtaining a building permit for a Planned Development under Sec. 28.097(6)	\$500