

DRAFTER'S ANALYSIS: This proposed amendment amends MGO Sec. 28.183(9) concerning the Scope of Approval time limits for Conditional Uses. The proposed change extends the initial order granting a conditional use from two (2) years to three (3) years in MGO Sec. 28.183(9)(a). It continues the current practice of allowing the Director of Planning and Community and Development ("Director"), after consultation with the Alderperson of the District, to approve an extension for up to one (1) year from the expiration date. It amends MGO Sec. 28.183(9)(c) to allow an additional extension of up to one (1) year after the initial conditional use extension has expired. This extension may be approved by the Director after consultation with the Alderperson of the District. If the Alderperson and the Director do not agree that the request should be approved, then the request shall be decided by the Plan Commission. Subsequently, the change renumbers the current MGO Sec. 28.183(9)(c) ("Dormant Conditional Use") to MGO Sec. 28.183(9)(d) and MGO Sec. 28.183(9)(d) ("Continuing Jurisdiction") is then renumbered to the new MGO Sec. 28.183(9)(e). Finally, this change amends the Fee table in MGO Sec. 28.206 to include the fee amount of one hundred (\$100) dollars for conditional use extensions.

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

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

"(9) Scope of Approval.

- (a) An order granting a conditional use is valid for ~~two (2)~~ three (3) 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.
- (b) Where the conditional use has expired, the Director of Planning and Community and Development may, after consultation with the Alderperson of the District, approve an extension for up to one (1) year from the expiration date.
- (c) If the conditional use one (1) year extension has expired, an additional extension of up to one (1) year may be approved by the Director of Planning and Community and Development after consultation with the Alderperson of the district. If the Alderperson of the district and the Director of Planning and Community and Economic Development do not agree that the request should be approved, then the request shall be decided by the Plan Commission.
- (~~e~~d) Dormant Conditional Use. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason.
- (~~d~~e) Continuing Jurisdiction.
 - 1. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. This authority is in addition to the Zoning Administrator's authority under Sec. 28.202.
 - 2. Any person, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use permit have not been completed, or are being violated.

3. The Plan Commission shall initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of a condition of approval. If the Plan Commission determines there is a reasonable probability of a violation, it shall conduct a hearing after giving notice as provided in Subsection (4), above.
4. The Plan Commission may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Plan Commission, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards in Subsection (6), above, the Plan Commission may revoke the conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.
5. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subsection (5)(b), above.”

3. Section 28.206 entitled “Fees” of the Madison General Ordinances is amended by amending therein the following:

Type of Action	Fee
Minor alteration to a conditional use or a Planned Development General Development Plan or Specific Implementation Plan	\$100
<u>Conditional use extension</u>	<u>\$100</u>
Application for a demolition or removal permit	\$600, unless permit is issued in conjunction with a conditional use approval, in which case the fee for that application applies