

CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511

MEMORANDUM

TO: City of Madison Common Council

FROM: John Strange, Assistant City Attorney

DATE: April 2, 2020

RE: Resolution Authorizing 12-month extension of conditional use and demolition approvals (Legistar File # 60115)

In her updated Emergency Order dated March 26, 2020, the Mayor temporarily suspended the enforcement of M.G.O. §§ 28.183(9)(b) and 28.185(9)(b) to allow the Director of the Department of Planning and Community and Economic Development (“DPCED”), after consultation with the Alderperson of the district, to approve extensions of conditional use and demolition approvals for an additional 12 months.

BACKGROUND

Both conditional use and demolition approvals are valid for one (1) year from the date of approval, during which time the applicant must either lawfully commence the use or obtain a building or raze permit and start constructing or destructing the building. See M.G.O. §§ 28.183(9)(a) (conditional use) and 28.185(9)(a) (demolition).

Further, M.G.O. §§ 28.183(9)(b)(conditional use) and 28.185(9)(b) (demolition) are similar in that they allow the Director of the DPCED, after consultation with the alderperson of the district, to extend the approvals for an additional twenty-four (24) months, provided that the original plans approve by the Plan Commission have not been altered.

Emergency Order Number 21 would allow the Director of DPCED, after consultation with the Alderperson, to extend approvals for up to a total of thirty-six 36 months instead of twenty-four (24) months, thus giving applicants an additional twelve (12) months to commence a use or begin construction or demolition of a building.

WHY THIS ORDER IS NECESSARY

In normal times, it is not uncommon for applicants to use the full thirty-six months to commence a use or begin construction or demolition of a building. Given the current health emergency and uncertain economic times to come, Staff has already heard from some applicants who desire an additional extension before commencing a use or

construction. In order to help the local economy as much as possible, providing these applicants with further extensions will help ensure the economic development associated with these projects will, hopefully, still occur in the City.

ACTIONS TAKEN THUS FAR PURSUANT TO THIS ORDER

So far, the Director of DCPED has not taken action pursuant to this Order. However, at least one applicant is in the process of applying for an extension and staff believes other applicants who have expressed hesitancy to proceed because of the current economy are likely to apply.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY OF MADISON, WISCONSIN

A RESOLUTION _____

PRESENTED
REFERRED

March 31, 2020
Adopt under
Suspension of the
Rules

Permitting Director Of Planning, with Alder input, to approve an extension of conditional use and demolition approvals for an additional 12 months under Madison General Ordinance Sections 28.183(9) & 28.185(9)(b)

Drafted by: Marci Paulsen

Date: March 25, 2020

SPONSORS: Mayor Satya Rhodes-Conway

WHEREAS, on March 23, 2020, pursuant to Madison General Ordinance Section 3.19, the Mayor issued an Emergency Proclamation, based on the increasing transmission of COVID-19 within the City of Madison; and

WHEREAS, on March 24, 2020, the Governor of Wisconsin issued Emergency Order #12 ordering individuals to remain home except for Essential Travel; and

WHEREAS, as part of the Governor's Order all Nonessential Businesses are required to close; and

WHEREAS, the closure of numerous businesses throughout the City has the potential to have significant negative financial impact on residents; and

WHEREAS, even some essential businesses, such as construction services, are attempting to navigate a unique and uncertain economy due to the global health pandemic; and

WHEREAS, some demolition and conditional use approvals are set to expire within the next three to four months and are ineligible for further extensions under Madison General Ordinance Sections 28.183(9)(b) and 28.185(9)(b); and

WHEREAS, allowing an extension of an additional 12-months may ensure such projects are able to commence prior to approval expiration.

NOW THEREFORE BE IT RESOLVED, that effective immediately, the City will temporarily suspend the enforcement of Madison General Ordinance Sections 28.183(9)(b) and 28.185(9)(b) to allow the Director of Planning and Community and Economic Development, after consultation with the Alderperson of the District, to approve an extension of conditional use and demolition approvals for up to thirty-six (36) months from the expiration date. This will allow developers an additional 12 months beyond what is currently allowed under the ordinance.