

DRAFTER'S ANALYSIS: This ordinance amends two sections of MGO Chapter 28. First, Table 28L-2 is amended to require applicants for zoning variances to notify via first-class mail the owners of record, as listed in the office of the City Assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected. Additionally, the row in Table 28L-2 reading "the owners of record, as listed in the office of the City Assessor, and occupants, of adjoining properties" is removed because it is made duplicative by adding a check mark to the variance column in the preceding row.

MGO Sec. 28.206 Fees is amended to increase some fees for applications in Chapter 28. First, the "application for a variance filed by, or on behalf of, the owner or owners of the property affected" is increased from three hundred (300) dollars to five hundred (500) dollars. The fee for this type of action was last increased in 2000, from one hundred and twenty (120) dollars to the current amount. The fee increase covers the current administrative costs of the request; including staff time, copying, publishing and posting notices and materials. The increased fee is comparable to the zoning appeal fee in other Wisconsin municipalities. Second, the types of actions that would require a request for a zoning certificate are clarified, and the fee increased from fifty (50) dollars to seventy-five (75) dollars. Third, a "Zoning office only review" of Site Plan Reviews fee of twenty-five (25) dollars is created. Finally, a category "request for zoning letter that includes the above information and any additional requested information" is created along with a fee of two-hundred (200) dollars.

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

1. Table 28L-2 entitled "Notice Requirements" of Subsection (5) entitled "Notice" of Section 28.181 entitled "In General" of Subchapter 28L entitled "Procedures" of the Madison General Ordinances is amended as follows:

"(5) Notice.

The type of notice required for certain applications is established in Table 28L-2 below.

Table 28L-2. Notice Requirements.

Type of Notice (Responsible Party)	Requirements	Map Amendmen	Text Amendmen	Conditional Use	Variance	Demolition
Preapplication (Applicant)	Applicant must notify the following persons at least thirty (30) days before filing an application. Notice shall be by U.S. mail or electronic mail, with a copy to the Department Director and the Zoning Administrator.					
	• neighborhood association registered with City that serves the area where the property is located	✓	✓	✓		✓

Type of Notice (Responsible Party)	Requirements	Map Amendmen	Text Amendmen	Conditional Use	Variance	Demolition
	• business association listed with City that serves the area where the property is located	✓	✓	✓		✓
	• any person registered with the Department of Department of Planning and Community and Economic Development to receive such notice					✓
	• the alderperson of the district in which the property is located.	✓	✓	✓		✓
	Failure to provide pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The neighborhood notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.					
Publication (City)	Class 1 notice in the official city paper (see ch. 985 WSA).				✓	
	Class 2 notice in the official city paper (see ch. 985 WSA).	✓	✓	✓		✓
First class mail (City)	Recipients:					
	• the applicant			✓	✓	✓
	• the alderperson of the district in which the property affected is located.	✓		✓	✓	✓
	• the owners of record, as listed in the office of the City Assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected.	✓		✓	<u>✓</u>	✓

Type of Notice (Responsible Party)	Requirements	Map Amendmen	Text Amendmen	Conditional Use	Variance	Demolition
	the owners of record, as listed in the office of the City Assessor, and occupants, of adjoining property.				✓	
Signage (Applicant)	Obtain the sign from the Department of Planning and Community and Economic Development, on <u>for</u> the property that is the subject of the application. The sign must list the times and locations of all public hearing(s) to consider the application. The sign shall be posted at least twenty-one (21) days prior to the public hearing and shall be located in a position on the property so that it can be read from the sidewalk or other public right-of-way. If a property abuts more than one (1) public right-of-way, a sign shall be placed facing each public right-of-way. The sign shall be removed within seven (7) days of the last hearing listed on the sign. Failure to post the sign shall not invalidate any action taken on the application by the Plan Commission, <u>Zoning Board of Appeals</u> , or Common Council.”	✓		✓	<u>✓</u>	✓

2. Table in Section 28.206 entitled “Fees” of Subchapter 28N entitled “Administration and Enforcement” of the Madison General Ordinances is amended as follows:

“28.206 - Fees.

The following fees are required for applications under this chapter. All fees shall be payable to the City Treasurer, except where specified below.

Type of Action	Fee
Request for a zoning certificate for, excluding a Floodplain Statement or a Certificate of Occupancy <ul style="list-style-type: none"> <u>Change of use which does not require a building plan review</u> <u>Change in use within a land use category</u> <u>Addition of an incidental use</u> <u>Lawful non-conforming use</u> 	\$50 <u>\$75</u>

Type of Action	Fee
Request for a zoning letter, i.e., written documentation, by the custodian of the records, as to property zoning, permitted and conditional uses of the property and property use status, <u>property floodplain status, and open enforcement cases</u> or the existence of any outstanding orders on the property	\$10 for each item requested <u>\$100</u>
<u>Request for zoning letter that includes the above information and any additional requested information</u>	<u>\$200</u>
Application for a variance filed by, or on behalf of, the owner or owners of the property affected	\$300 <u>\$500</u>
Site Plan Review fee	\$100 plus \$50 for each acre of land in excess of one acre, or fraction thereof, up to a maximum of 5 acres or \$300. Review of previously rejected site plan is 50% of original fee. \$50 maximum for governmental entities, schools, and non-profit, non-governmental organizations. <u>\$25 for Zoning office only review."</u>