



Legislation Text

File #: 03205, Version: 2

**Fiscal Note**

The Building Inspection Unit anticipates that the extension provisions will not be used often. Therefore, the associated fees will have little impact on General Fund revenues.

**Title**

SUBSTITUTE - Amending Sections 28.07(6)(g)5. and (h) of the Madison General Ordinances to clarify the two provisions, make them consistent, and add six months to the time period for obtaining a permit. as well as to the ability to request an additional 24 months from the Plan Commission, and creating Section 28.12(12)(a)11, of the Madison General Ordinances to add a fee of \$500 for an application for an extension from the Plan Commission.

**Body**

DRAFTER'S ANALYSIS: Currently, an extension is available to the time period for recording a general development plan and specific implementation plan, but no extension is available for obtaining a building permit. These amendments clarify the provision providing for an extension to the time period for recording and add an extension for the time period during which a building permit must be obtained. The latter period is extended to thirty-six (36) months, with an additional twenty-four (24) months available if the Plan Commission finds that the general development plan is not inconsistent with conditions that may have changed in the area/neighborhood. Because a general development plan/specific implementation plan approval is a legislative decision, the Plan Commission may grant an extension for the time to obtain a building permit but may not change or add to the conditions of the rezoning. In addition, a fee of five hundred dollars (\$500) will be charged for an application for an extension.

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

1. Paragraph 5. entitled "Recording of Approved General or Specific Implementation Plan and Zoning Ordinance Amendments" of Subdivision (g) entitled "Procedure" of Subsection (6) entitled "Planned Unit Development District (PUD)" of Section 28.07 entitled "Special Districts" of the Madison General Ordinances is amended to read as follows:

5. Recording of Approved General Development Plan or Specific Implementation Plan and Zoning Ordinance Amendments. Whenever the Common Council adopts a zoning ordinance amendment designating a tract of land as a Planned Unit Development District, the owner of such development shall provide the Zoning Administrator, within twelve (12) months of the date of approval by the Common Council, a facsimile copy of the approved General or Specific Development Plan and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other action taken thereon by the Common Council. The cost for preparing a facsimile copy of the Plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Unit Development. Upon receipt of such plans, documents and fees and upon determination that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds office. ~~If the specific implementation either plan is not recorded as approved within twelve (12) months 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. Where the plans have not been altered from the Plan Commission's Common Council's approval, and the PUD has expired, the Director of Planning and Development may, after consultation with the Alderperson of the District, approve an extension according to Section 28.12(11)(h)2. for of up to twenty-four (24) months from the expiration date to record either plan.~~

2. Subdivision (h) entitled "Construction Required" of Subsection (6) entitled "Planned Unit Development District (PUD)" of Section 28.07 entitled " Special Districts" of the Madison General Ordinances is amended to read as follows:

"(h) Construction Required. Within ~~thirty-six (30)36~~ months of Common Council approval of the general development plan ~~or within eighteen (18) months of the recording of the specific implementation plan, whichever is less,~~ 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 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12(10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and

grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval."

3. Paragraph 11. of Subdivision (a) entitled "Amendments, Conditional Uses and Area Exceptions" of Subsection (12) entitled "Fees" of Section 28.12 entitled "Administration and Enforcement "of the Madison General Ordinances is created to read as follows:

"11. Any application for an extension to the time period for obtaining a building permit under Sec. 28.07(6)(h) shall be accompanied by a fee of five hundred dollars (\$500), which shall be paid to the City Treasurer."