



Legislation Text

File #: 28068, Version: 1

Fiscal Note

No appropriation is required.

Title

Amending Sections 28.12(10)(g)1., 28.12(11)(i), and 28.183(5)(b)2.c. of the Madison General Ordinances to correct outdated or incorrect references, being an additional Attorney's Revisor's Ordinance.

Body

DRAFTER'S ANALYSIS: This is an additional Attorney's Revisor's Ordinance that includes text amendments to Chapter 28, which must be referred to the Plan Commission. In current Chapter 28, Sec. 28.12(10)(g) is amended to correct an outdated reference. Sec. 28.12(11)(i) is amended to clarify those who may appeal Plan Commission conditional use decisions. The current ordinance states that 20% of the neighboring owners "notified" may file an appeal. This has created some confusion when city staff provided notice to persons not entitled to notice. This amendment makes it clear that the appeal may be taken by 20% of those owners "entitled to receive notice under Sec. 29.12(11)(f), MGO." In newly adopted Chapter 28, Sec. 28.183(5)(b)2.c. will reflect a similar amendment.

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

1. Paragraph 1. entitled "Action by Common Council" of Subdivision (g) of Subsection (10) entitled "Map and Text Amendments" of Section 28.12 entitled "Administration and Enforcement" of the Madison General Ordinances is amended to read as follows:

"(g) 1. Action by Common Council. The Common Council shall not act upon a proposed amendment to this ordinance as initiated or as modified under (910)(f) above until it shall have received a recommendation from the City Plan Commission under (910)(f) above. In the event that a written protest against the proposed map amendment as initiated or as modified under (910)(f) above is filed with the City Clerk and is duly signed and acknowledged by the owners of twenty percent (20%) or more of either of the areas of the land included in such proposed map amendment or modification, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such map amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change. Furthermore, in the event that a written protest against the proposed map amendment is initiated or as modified under (910)(f) above is filed with the City Clerk and is duly signed and acknowledged by either twenty percent (20%) of the registered electors residing in the areas of the land included in such proposed map amendment or modification, or by twenty percent (20%) of the registered electors residing within all buildings any part of which is on land immediately adjacent extending one hundred (100) feet therefrom, or by twenty percent (20%) of the registered electors residing within all buildings any part of which is on land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such map amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change."

2. Subdivision (i) of Subsection (11) entitled "Conditional Uses" of Section 28.12 entitled "Administration and Enforcement" of the Madison General Ordinances is amended to read as follows:

"(i) Appeal From Action By City Plan Commission. An appeal from the decision of the City Plan Commission may be taken to the Common Council by the applicant of the conditional use, by the

Alderman of the district in which the use is located or by twenty percent (20%) or more of the property owners ~~notified~~ entitled to notice under Sec. 28.12(11)(f), MGO, objecting to the establishment of such conditional use. Such appeal must specify the grounds thereof in respect to the findings of the City Plan Commission and must be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the City Plan Commission. Final action may be either initial action on a conditional use or action following reconsideration of the said initial action under the Commission's rules of procedure. However, reconsideration shall only occur following written notification of intent to reconsider by a Commission member to the Commission Secretary no later than ten (10) days after said initial action. Thereupon, the notice requirements of Section 28.12(11)(f) shall be complied with before the Commission reconsiders such initial action, except that the notice by publication shall be a Class 1 Notice. The taking of an appeal prior to the third day after said initial action shall not preclude or invalidate reconsideration by the Commission as herein provided.

The Secretary of the Plan Commission or his/her designee shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the City Plan Commission shall be deemed just and equitable unless the Common Council, by a favorable vote of two-thirds (2/3) of the members of the Common Council, reverses or modifies the action of the City Plan Commission. Any person aggrieved by the decision of the Common Council or any alderperson, officer, department, board or bureau of the City, may, within thirty (30) days after the filing of the decision in the office of the City Clerk, commence an action seeking the remedy available by certiorari."

2. Subparagraph c. of Paragraph 2. of Subdivision (b) entitled "Appeal From Action by Plan Commission" of Subsection (5) entitled "Decision" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances is amended to read as follows:

"c. Twenty percent (20%) or more of the property owners ~~notified~~ entitled to notice who object to the establishment of the conditional use."