



City of West Allis

Legislation Text

File #: O-2007-0033, **Version:** 1

Ordinance to amend Section 12.13 and Section 12.16 of the Revised Municipal Code relative to a termination timeline of Plan Commission and Common Council approvals.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 12.13(7)(c) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

12.13 SITE, LANDSCAPING AND ARCHITECTURAL REVIEW PROCEDURES.

* * *

(7) Plan Commission decisions.

* * *

(c) Approval will expire one (1) year from the date of approval unless construction is underway or the application has been granted a valid building permit. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within 24 months of the Plan Commission decision.

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PART II. Subsection 12.13(7)(d) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.13 SITE, LANDSCAPING AND ARCHITECTURAL REVIEW PROCEDURES.

* * *

(7) Plan Commission decisions.

* * *

(d) An extension of time of the time limitations may be granted by the Plan Commission with the following criteria:

1. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a two hundred fifty dollars (\$250.00) extension fee. The Plan Commission may waive the fee if the size or complexity of the project reasonably caused the project to go beyond the allowed time period and the delay was not due to the errors or omissions of the owner, developer, or contractors.

2. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for

construction start.

3. The request for extension shall be submitted within sixty (60) days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.

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PART III. Subsection 12.16(11)(b) and 12.16(11)(b)(i) of the Revised Municipal Code of the City of West Allis are hereby amended to read:

12.16 SPECIAL USES.

* * *

(11) Limitation.

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(b) Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within 24 months of the granting of the Special Use Permit. The Common Council may grant an extension of these time limitations without a public hearing by resolution reauthorizing the special use in accordance with the following criteria:

(i) The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a two hundred fifty dollars (\$250.00) extension fee. The Plan Commission may waive the fee if the size or complexity of the project reasonably caused the project to go beyond the allowed time period and the delay was not due to the errors or omissions of the owner, developer, or contractors.

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PART IV. Subsection 12.16(13)(d) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.16 SPECIAL USES.

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(13) Termination of Special Use. The Common Council may terminate a special use after a public hearing, if any of the following determinations are made:

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(d) Construction is not underway or the application has not been granted for a valid building permit after one (1) year of Common Council approval. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within 24 months of the Common Council decision.

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PART V. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

PART VI. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development
City Attorney's Office
Department of Building Inspections

ZON-O-638-9-4-07