



Conditional Certificate of Occupancy before discretionary approval is obtained

809 N. Broadway

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It is possible to request a Conditional Certificate of Occupancy while awaiting a discretionary approval such as Board of Zoning Appeals (BOZA), Planned Developments, Vacations, and Subdivisions or Certified Survey Maps. The certificate allows the applicant to conditionally use the premise for the proposed use, until the respective review entity has made its decision.

Conditional Certificates of Occupancy are granted at the discretion of the Department of City Development. The certificate is granted only when exceptional, extraordinary or unusual circumstances exist that pose a serious hardship if the applicant is required to wait for the respective review entity action. **The issuance of a Conditional Certificate of Occupancy is not a guarantee that the outcome is in favor of the applicant. The applicant assumes the risk of an unfavorable decision.**

A Conditional Permit cannot be issued without aldermanic support. **Prior to submitting an application for a Conditional Permit**, speak with the local Alderperson to seek assurance that he or she supports the issuance of a Conditional Permit. Ask the Alderperson's office to call the Development Center Manager, to convey his or her support.

The Alderman may also require letters of support from abutting property owners and, where relevant, merchant's groups. The alderman may also wish to convene a meeting of area stakeholders.

To be considered for Conditional Certificate of Occupancy, an applicant must:

- 1) Apply for a Certificate of Occupancy and pay the required fees.
- 2) Receive the denial letter from the Plan Examination section of the Department of City Development.

- 3) File a complete application for the approval being requested, and pay the appropriate fee.
- 4) Complete all required inspections for the occupancy application.
- 5) Make code repairs required by the inspection if needed, and have the repairs reinspected.
- 6) Submit a "Conditional Certificate of Occupancy Request" form to the Development Center. The form is available from the Development Center and on the website: www.mkedcd.org/build.

Each request for a Conditional Certificate of Occupancy is reviewed to determine that:

- All inspections required for the occupancy certificate have been completed, and the building complies with the building code.
- The local Alderperson supports the request.
- An application is on file.
- Occupancy and other fees are paid.
- Staff has identified no unresolved concerns about the impact of the use on the neighborhood.
- An extraordinary circumstance exists that requires the remedy of a Conditional Certificate of Occupancy.

If the Department agrees to issue a Conditional Certificate of Occupancy, the applicant is required to sign a "hold harmless" statement stating that, should the respective review entity deny the request, the applicant will cease the activity within 30 days of the written decision to deny.

The fee for a Conditional Certificate of Occupancy is \$157.10 payable upon submission of the application.