




Department of Planning and Community and Economic Development
Building Inspection Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TDD 608 266 4747
FAX 608 266 6377
PH 608 266 4551

TO: Plan Commission
FROM: Matt Tucker, Zoning Administrator 
DATE: December 12, 2008
SUBJECT: Demolition Definition

At its December 1st meeting, the Plan Commission identified a number of questions in regard to the demolition definition ordinance. Responses to those questions follow:

1. Clarification on the term “previous condition” in regard to buildings being demolished and reconstructed due to damage by fire or other natural disaster. A question was asked as to how staff would determine the “previous condition” of a structure described above. The Zoning Ordinance defines the term “Bulk” as a measurement or quantification tool. Bulk is further defined as follows:

Bulk. Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);
4. All open spaces allocated to buildings; and
5. Amount of lot area provided per dwelling unit or lodging room.

The following proposed change (identified in bold typeset) will clarify how “previous condition” will be measured by staff, when reviewing demolition exemption requests under the subsection.

Paragraph 2. of Subdivision (d) entitled “Exemptions” of Subsection (12) entitled “Approval of Demolition (Razing, Wrecking) and Removal” of Section 28.12 entitled “Administration and Enforcement” of the Madison General Ordinances is created to read as follows: “2. Demolition or removal permits may be issued without the approval required in Subdivision (c) above whenever the subject building is being demolished due to damage by fire or other natural disaster and reconstructed to its previous **or lesser bulk** condition.”

2. Proposal to add a sunset clause for a definition. Staff does not believe it is necessary to add a sunset clause to the definition. Should staff or the Plan Commission find that the definition is not effectively defining what is commonly considered a demolition, the ordinance can be amended again.

Since the December 1st meeting, staff has received additional information from interested parties, who have identified concerns with the draft definition. These communications have been forwarded to the Plan Commission, and copies are attached to this document.

In response, staff would suggest that the Plan Commission consider the following:

1. A lower percentage of exterior building wall removal be considered, with the percentage to be determined by the Plan Commission, likely something less than 75% removal, but preferably not less than around 50% removal.
2. Consideration of the establishment of a timeframe during which wall removal projects may occur, to address incremental demolition through subsequent remodeling or addition projects over an number of years, similar to an existing provision in the Zoning Ordinance regulating building additions on waterfront lots.

To implement the recommendations above, the following amendment is recommended:

Demolition. Demolition is an act or process that removes, pulls down, tears down, razes, or destroys ***To Be Determined percentage (??%)*** or more of the area of the exterior walls **during any ten (10) year period**, or more than fifty percent (50%) of the area of the exterior walls if more than fifty percent (50%) of the existing square footage of the building will be added **during any ten (10) year period.**"

If the Plan Commission is comfortable with these proposals, an alternate or substitute ordinance should be forwarded to the Common Council. In the alternative, if the Plan Commission would like to consider other changes, than it may be appropriate to refer the ordinance to a future meeting.

Tucker, Matthew

From: Ledell Zellers [lzellers@mailbag.com]
Sent: Monday, December 08, 2008 7:07 PM
To: Tucker, Matthew
Subject: FW: Demolition definition

Hello Matt,

I hope this ordinance definition of demolition isn't really going anywhere. What can you tell me about it?

Thanks.
 Ledell

From: Ledell Zellers [mailto:lzellers@mailbag.com]
Sent: Monday, December 08, 2008 7:06 PM
To: 'Brad Murphy'
Cc: Nan Fey (nanfey@earthlink.net)
Subject: Demolition definition

Please share this with the Plan Commission members:

Attached is the draft definition of "demolition". My understanding is per Bill Fruhling it will be heard at the next Plan Commission meeting.

I disagree with the definition as written. It should read something closer to 10% or more of the area of the walls. 75% is way too much of the building being demolished without any review. The way I understand it, this would allow buildings listed as worthy of preservation in the Downtown Preservation Plan to be demolished... except for the back wall. All the owner would need is a building permit for remodeling. That doesn't make sense.

In Davis CA the city's demolition review procedures apply to "the destruction, removal, or relocation of a structure not classified as an 'incidental structure,' or the permanent or temporary removal of more than twenty-five percent (25%) of the perimeter walls of a structure."

In Boulder demolition includes the act of either demolishing or removing—

- Fifty percent or more of the roof area as measured in plan view (defined as the view of a building from directly above which reveals the outer perimeter of the building roof areas to be measured across a horizontal plane); or
- Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage"; or
- Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an ally.

To meet the exterior wall retention standard,

- The wall shall retain studs or other structural elements, the exterior wall finish and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
- The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- Each part of the retained exterior walls shall be connected contiguously⁶ and without interruption to

Tucker, Matthew

From: mkbridgeman@tds.net
Sent: Monday, December 08, 2008 9:37 PM
To: Tucker, Matthew
Cc: Zellers, Ledell
Subject: Demolition definiton

Matt,

I must agree with Ledell that the proposed definition of demolition is much too generous in the percentage of exterior walls allowed to be removed. To cite another example, here's the definition in Davis, Cal. which allows only 25% removal of perimeter walls:

"Demolition" means the destruction, removal, or relocation of a structure not classified as an "incidental structure", or the permanent or temporary removal of more than twenty-five percent (25%) of the perimeter walls of the structure.

Michel Bridgeman
106 S. Franklin St.

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From: Ledell Zellers [mailto:lzellers@mailbag.com]
Sent: Monday, December 08, 2008 7:07 PM
To: 'mtucker@cityofmadison.com'
Subject: FW: Demolition definition

Hello Matt,

I hope this ordinance definition of demolition isn't really going anywhere. What can you tell me about it?

Thanks.

Ledell

Parks, Timothy

Subject: RE: Demolition definition

From: Ledell Zellers [mailto:lzellers@mailbag.com]

Sent: Monday, December 08, 2008 7:06 PM

To: Murphy, Brad

Cc: Nan Fey

Subject: Demolition definition

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- The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- Each part of the retained exterior walls shall be connected contiguously⁶ and without interruption to every other part of the retained exterior walls.

Please send this draft back to be rewritten. Thanks.

Ledell Zellers
510 N Carroll Street, Madison, WI., 53703

12/9/2008

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Department of Planning & Community & Economic Development

Planning Division

Website: www.cityofmadison.com

Madison Municipal Building, Suite LL100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TTY/TEXTNET 866 704 2318
FAX 608 267 8739
PH 608 266 4635

TO: Madison Plan Commission
FROM: Bradley J. Murphy, Planning Division Director
DATE: March 26, 2008
SUBJECT: Definition of Demolition

The Plan Commission requested staff to bring back a definition of “demolition” for possible inclusion in the zoning ordinance. Zoning, Inspection, Planning and Attorney’s Office staff discussed the request and can provide the following information for the Plan Commission’s consideration. The simple definition of the word “demolition” as defined by various dictionaries and as it would be applied to buildings is “any act or process that pulls down, tears down, razes or destroys an entire building or structure.”

In reviewing zoning ordinances from several other communities, and in discussing the establishment of a definition for possible inclusion in the City’s zoning ordinance, staff believe that some additional qualifiers may need to be included if the Plan Commission wishes to trigger the review of partial demolitions. Some communities have included a percentage threshold within the ordinances that allow demolitions of portions of buildings by right, but beyond which would require additional review and approval by the Plan Commission. For example, the City of Madison could include a standard that defined demolition for the purpose of the City’s ordinance as “any act or process that destroys, pulls down, tears down or removes exterior walls and roof(s) that constitute 75% or more of the volume of a building or structure.”

Because there are many examples of partial demolitions of buildings which occur within the City, the Plan Commission should carefully consider where to set the standard which will trigger the required review by the Plan Commission.

The Plan Commission may wish to schedule this matter for discussion at an upcoming meeting with staff.