

LEGISTAR #43644 - Body

DRAFTER'S ANALYSIS: First, this ordinance clarifies under Section 41.06, MGO, that a public hearing is required on any Notice of alleged Demolition by Neglect. It also clarifies under Sec. 41.17 that a public hearing is required on any application for a certificate of appropriateness regarding the proposed construction, including new construction or the construction of an addition to an existing structure, of a principal or accessory structure on a landmark site. Staff feels these clarifications will resolve any confusion over whether a public hearing is required for either of these actions.

Second, this ordinance removes Sec. 41.18(2)(i) as an enumerated standard because it is not a standard; rather, it is an administrative requirement that may apply during the pendency of an application. This change will alleviate any confusion as to whether it is a standard.

Third, this ordinance makes necessary changes to Sec. 41.20(4) as a result of the enactment of Wis. Stat. § 62.23(7)(em)3., which now specifies that vote required for the common council to reverse or modify the landmarks commission. This ordinance therefore changes Sec. 41.20, Appeal, to require a simple majority vote instead of a two-thirds majority vote.

Fourth, this ordinance amends Sec. 41.23, Third Lake Ridge Historic District, to replace the reference to "commercial use" with reference to "residential use". Given that Sec. 41.23(8) is a standard applicable to uses in residential districts the ordinance should have referred to residential uses all along.

Finally, this ordinance provides bail deposits for violations of Sec. 41.14 (failure to maintain) and Sec. 41.21 (Failure to Obtain Certificate of Appropriateness). This will allow the building inspection division to issue citations to anyone who violates either of those sections. This should assist Building Inspection achieve more timely compliance in such cases.

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

1. Subdivision (e) of Subsection (2) entitled "Hearing Notices, General" of Section 41.06 entitled "Public Hearings and Hearing Notices" of the Madison General Ordinances is created to read as follows:

"(e) Any hearing on a Notice of Demolition by Neglect under Sec. 41.15."

2. Subdivisions (c) and (d) of Subsection (3) entitled "Public Hearing; When Required" of Section 41.17 entitled "Obtaining a Certificate of Appropriateness" of the Madison General Ordinances are amended to read as follows:

"(c) Construction of a new principal structure in a historic district or on a landmark site.

(d) Construction of an accessory structure with a footprint larger than one hundred (100) square feet, not including decks and open porches, in a historic district or on a landmark site."

3. Subdivision (i) of Subsection (2) entitled "Demolition or Removal" of Section 41.18 entitled "Standards for Granting a Certificate of Appropriateness" of the Madison General Ordinances is amended to read as follows:

~~(i)~~ Prior to approving a certificate of appropriateness for demolition, the Landmarks Commission may require the applicant to provide documentation of the structure. Documentation shall be in the form required by the Commission."

4. Subsection (4) of Section 41.20 entitled "Appeal to Common Council" of the Madison General Ordinances is amended to read as follows:

"(4) After a public hearing, the Common Council may, by favorable vote of ~~two-thirds (2/3)~~ a majority of its members, reverse or modify the decision of the Landmarks Commission with or without conditions, or refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to the applicable standards under Secs. 41.18, 41.19, or any district-specific standards contained in Subchapter G."

5. The introductory paragraph of Subsection (8) entitled "Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use" of Section 41.23 entitled "Third Lake Ridge Historic District" of the Madison General Ordinances is amended to read as follows:

"(8) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use. Any new structures on parcels zoned for mixed-use and ~~commercial residential~~ use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:"

6. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Failure to maintain. subs.	41.14	\$250, 1 st \$500, 2 nd \$1000, 3 rd &
Failure to obtain Certificate of Appropriateness. subs."	41.21	\$250, 1 st \$500, 2 nd \$1000, 3 rd &

EDITOR'S NOTES:

New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.