



**Department of Planning and Community and Economic Development
Planning Division**

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TO: Madison Plan Commission

FROM: Bradley J. Murphy, Planning Division Director

DATE: September 28, 2007

SUBJECT: Legistar 06956 Changing the Demolition Standards

In reviewing the proposed ordinance, staff generally believe that the changes being proposed will work to improve the demolition process and with a couple exceptions believe that the ordinance will result in a process which is clear and predictable for our customers. Staff would like to request that several changes be made to the ordinance to provide more flexibility for our customers and for the Plan Commission. These recommended changes are as follows.

First, in Section (22)(b)1. the ordinance requires the submittal of a recycling and reuse plan for the building as part of the application for a permit, prior to the demolition permit being approved by the Plan Commission. At the present time, it has been the Department's practice to require the approval of the recycling plan prior to the issuance of the demolition permit but subsequent to the decision by the Plan Commission. The recycling plans are approved administratively by the Recycling Coordinator. Staff believe this process has been working quite well and allows the applicant to receive a decision on the demolition prior to expending additional funds to prepare a recycling plan in advance of getting a decision.

Second, Section (22)(c)2. covers the procedures for handling demolition permit applications where no proposed use accompanies the application. In the past, some applications for demolition permits for buildings of various types have been submitted without having a detailed redevelopment plan for the site. Although this is not a common occurrence, these demolition permits have many times been approved. Examples include the demolition of some houses on the periphery, greenhouses, and salvage businesses (like Schmidt's Auto on Park Street). Staff recommend that this section be amended to add a provision to give the Plan Commission the flexibility to continue to approve a demolition permit when the Plan Commission concludes that the existing zoning on the property is adequate to ensure that the development of the property will occur in conformance with the City's adopted plans.

Thirdly, Section (22)(d)2. eliminates the provision which has allowed demolition permits to be issued for buildings owned by the City of Madison when the project necessitating the demolition has been recommended by the Plan Commission and approved by the Common Council. This provision has been in the ordinance since 1999. Staff are unaware of any problems that have resulted from having this provision in the ordinance. This provision has allowed projects to receive one approval by the Plan Commission and Common Council rather than requiring multiple approvals for what are essentially different phases of the same project. Examples include the acquisition of land for public right-of-way which necessitates the removal of a building, and acquisition of lands to expand City parks. Staff recommend that this provision not be eliminated from the current ordinance.

Fourth, staff recommend that the title of the demolition section be changed back to "Approval of Razing, Demolition, Removal or Wrecking," so that it is clear that removing the building from the site in any way requires

a “demolition permit.” If the removal of a building from a site does not require a “demolition permit” as it currently does, then there will be no Plan Commission review of buildings being moved from one site to another.

Lastly, it has been suggested by some that the alder and neighborhood notification occur 180 days prior (half a year) to submitting an application to the Plan Commission for any building over 50 years old. The current draft of the ordinance proposes 30 days, which is the same as the current requirement for conditional use permits and zoning map amendments. Although staff would not oppose extending this to 60 days (although we do not believe that it is necessary), anything more seems excessive, particularly given the fact that the Plan Commission may refer an individual request if it feels additional time is needed to resolve any outstanding issues.

The Planning Division recommends that the Commission forward a substitute ordinance to the Common Council for adoption which includes these changes.

c: Mayor David J. Cieslewicz
Common Council
Mark A. Olinger, Director, Department of Planning and Community & Economic Development