



Legislation Details (With Text)

**File #:** 39528      **Version:** 1      **Name:** Exempting single-family dwellings from the demolition process after fire or natural disaster

**Type:** Ordinance      **Status:** Passed

**File created:** 7/29/2015      **In control:** PLAN COMMISSION

**On agenda:** 10/6/2015      **Final action:** 10/6/2015

**Enactment date:** 10/16/2015      **Enactment #:** ORD-15-00101

**Title:** Amending Section 28.185(6) of the Madison General Ordinances to exempt from the demolition approval process single-family dwellings destroyed by fire where the bulk and placement of the replacement building meets certain requirements.

**Sponsors:** PLAN COMMISSION

**Indexes:**

**Code sections:**

**Attachments:** 1. Zoning Text Memo 092115.pdf

Date	Ver.	Action By	Action	Result
10/6/2015	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
9/21/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
8/4/2015	1	COMMON COUNCIL	Refer For Public Hearing	Pass
7/29/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No fiscal impact.

**Title**

Amending Section 28.185(6) of the Madison General Ordinances to exempt from the demolition approval process single-family dwellings destroyed by fire where the bulk and placement of the replacement building meets certain requirements.

**Body**

DRAFTER'S ANALYSIS: This amendment restores part of a provision from the old zoning code, and will allow a homeowner whose single-family home is destroyed by fire or natural disaster to demolish their home without going through the demolition approval process as long as the homeowner meets certain specific requirements relating to the size, location, and timing of the reconstruction of the replacement structure. This will ensure that homeowners impacted by fire or natural disaster will be able to demolish and reconstruct their home as it existed before the disaster without having to go through the entire demolition process.

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

Subsection (6) entitled "Exemptions" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal of the Madison General Ordinances is amended to read as follows:

"(6) Exemptions.

(a) Demolition or removal permits may be issued without the approval required in Subdivision (5) above whenever any one (1) of the following conditions is present, provided that: the subject building has not been used at any time as a single-family or multiple-family dwelling in whole or in part, is not a landmark, and is not located in an Historic District or Neighborhood Conservation District:

(a)1. The Director of the Building Inspection Division finds that the building proposed to be

demolished or removed is structurally unsound, subject to an appeal as provided in Sec. 29.18, MGO. The applicant may support the request with the report of a licensed architect or engineer certifying and providing reasons that the building is structurally unsound.

(b)2. The Director of the Building Inspection Division determines that the building proposed to be demolished or removed is an accessory building as defined in Sec. 28.211.

~~Demolition or removal permits that are exempt from Plan Commission approval, as required in Subdivision (5) above shall be issued, denied or deemed denied by failure to issue within seven (7) business days of the date of submission of a complete application.~~

(b) Demolition or removal permits may be issued without the approval required in sub. (5) above whenever the subject building is a single-family dwelling being demolished due to damage by fire or other natural disaster and reconstructed to a similar bulk condition, at a similar location on the zoning lot, utilizing existing setbacks, as follows:

1. Neither the length, width, or height of the replacement building shall be more than two (2) feet greater than the length, width, or height of the building to be demolished;
2. The location of the replacement structure shall be placed in a similar location to the existing structure. If the damaged structure has a non-conforming setback, no side of the enlarged structure may be moved closer to any lot line with which there is a non-conforming setback; and
3. Demolition and building permits shall be issued within one (1) year of the incident of loss."