



Legislation Details (With Text)

**File #:** 43644      **Version:** 1      **Name:** Clarifying & updating the Historic Preservation ordinance

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

**File created:** 7/6/2016      **In control:** LANDMARKS COMMISSION

**On agenda:** 9/6/2016      **Final action:** 9/6/2016

**Enactment date:** 9/16/2016      **Enactment #:** ORD-16-00082

**Title:** Creating Section 41.06(2)(e), amending Sections 41.18(2)(i), (3)(c) & (d), 41.20(4), 41.23(8) and 1.08(3)(a) of the Madison General Ordinances to clarify and update various sections of the Historic Preservation ordinance, and to establish bail amounts for certain violations of the ordinance.

**Sponsors:** Shiva Bidar, Steve King, Mark Clear

**Indexes:**

**Code sections:**

**Attachments:** 1. Body

Date	Ver.	Action By	Action	Result
9/6/2016	1	COMMON COUNCIL	Adopt	Pass
8/1/2016	1	LANDMARKS COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/19/2016	1	COMMON COUNCIL	Refer	Pass
7/6/2016	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No appropriation required.

**Title**

Creating Section 41.06(2)(e), amending Sections 41.18(2)(i), (3)(c) & (d), 41.20(4), 41.23(8) and 1.08(3)(a) of the Madison General Ordinances to clarify and update various sections of the Historic Preservation ordinance, and to establish bail amounts for certain violations of the ordinance.

**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.

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

    Please see "Body" in Attachments.