



## Legislation Details (With Text)

**File #:** 67751      **Version:** 1      **Name:** Landmarks Commission Approvals  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/7/2021      **In control:** Attorney's Office  
**On agenda:** 11/16/2021      **Final action:** 11/16/2021  
**Enactment date:** 11/27/2021      **Enactment #:** ORD-21-00080  
**Title:** Amending subsection (3) of Section 41.06 and subsection (5) of Section 41.17 and creating (8) of Section 41.17 to clarify the process for Landmarks Commission approval.  
**Sponsors:** Arvina Martin  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
11/16/2021	1	COMMON COUNCIL	Adopt	Pass
11/1/2021	1	LANDMARKS COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/19/2021	1	COMMON COUNCIL	Referred	
10/8/2021	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

No City appropriation required.

### Title

Amending subsection (3) of Section 41.06 and subsection (5) of Section 41.17 and creating (8) of Section 41.17 to clarify the process for Landmarks Commission approval.

### Body

DRAFTER'S ANALYSIS: MGO Section 41.06 is amended to clarify language related to public notices and specify that the Landmarks Commission can approve a Certificate of Appropriateness ("CoA") with condition. MGO 41.17(8) is added to create a period for applicants to comply with the conditions after project approval. This change addresses projects that reach the end of the year without completion. While CoAs expire after two years, commission approval does not. MGO 41.17(8) follows the Plan Commission model where applicants will have a year to meet the conditions and secure their CoA before the commission approval expires.

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

1. Subsection (3) entitled "Additional Notice; When Required" of Section 41.06 entitled "Public Hearing and Hearing Notices" of Subchapter 41B entitled "Landmarks Commission" of the Madison General Ordinances is amended by amending therein the following:

"(3) Additional Notice; When Required. In addition to notice provided under sub. (2) above, the Commission shall in the following cases provide mail additional notice to the following persons at least ten (10) days prior to the hearing date."

2. Subsection (5) entitled "Granting or Denying an Application" of Section 41.17 entitled "Obtaining a Certificate of Appropriateness" of Subchapter 41F entitled "Certificates of Appropriateness - Projects on Landmarks, Landmark Site and in Historic Districts" is amended by amending and creating the following:

"(5) Granting or Denying an Application. Within sixty (60) days of a completeness finding under Sec. 41.17 (2), the Preservation Planner or Landmarks Commission shall, based upon the applicable standards in Sec. 41.18, approve, approve with conditions, or deny the application for certificate of appropriateness. Failure to approve or deny an application within sixty (60) days of a completeness finding shall be deemed a denial of the application, effective on the last day of the determination period. The determination period may be extended an additional sixty (60) days with the applicant's written agreement."

3. Subsection (8) entitled "Meeting Conditions of Approval" of Section 41.17 entitled "Obtaining a Certificate of Appropriateness" of Subchapter 41F entitled "Certificates of Appropriateness - Projects on Landmarks, Landmark Site and in Historic Districts" is amended by creating the following:

"(8) Meeting Conditions of Approval. Upon conditional approval of a project by the Landmarks Commission, the applicant shall have one (1) year to meet the conditions of approval in order to secure the Certificate of Appropriateness."