



## Legislation Details (With Text)

**File #:** 81966      **Version:** 2      **Name:** Approval of Demolition and Removal  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/6/2024      **In control:** Attorney's Office  
**On agenda:** 3/19/2024      **Final action:** 3/19/2024  
**Enactment date:** 4/23/2024      **Enactment #:** ORD-24-00019  
**Title:** SUBSTITUTE: Amending Section 28.185 of the Madison General Ordinances related to Approval of Demolition and Removal to expand considerations for properties with historic value or significance.  
**Sponsors:** Yannette Figueroa Cole, Juliana R. Bennett, John W. Duncan  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Zoning Text Memo 3-11-24 Drive Throughs & Nonconforming Site Conditions, Demo Stnd.pdf, 2. Public Comment 03-11-24

Date	Ver.	Action By	Action	Result
3/19/2024	2	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
3/11/2024	2	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
3/11/2024	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	
2/13/2024	1	COMMON COUNCIL	Referred for Public Hearing	
2/6/2024	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

No City appropriation required.

### Title

SUBSTITUTE: Amending Section 28.185 of the Madison General Ordinances related to Approval of Demolition and Removal to expand considerations for properties with historic value or significance.

### Body

DRAFTER'S ANALYSIS: This proposed ordinance amends MGO Sec. 28.185 (Approval of Demolition and Removal) in response to a request by the Plan Commission. In order to best weigh demolition requests of buildings or sites with historic significance or value (as determined by the Landmarks Commission), the Plan Commission would like to include a wider discussion of how the proposal relates to the implementation of the City's adopted plans.

The Substitute corrects a typo.

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

1. Subdivision (b) of Subsection (7) entitled "Review for Historic Value" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal" of the Madison General Ordinances is amended as follows:

"(b) If the Landmarks Commission determines that the property with the proposed demolition or the

structure proposed for removal has historic value, then the Plan Commission shall approve consider the demolition or removal under sub. (9) below, after ~~considering~~ reviewing input from the Landmarks Commission."

2. Subdivision (a) of Subsection (8) entitled "Administrative Approval" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal" of the Madison General Ordinances is amended as follows:

- "(a) Accessory Buildings: If the Director of Building Inspection determines the building proposed to be demolished or removed is an accessory building, as defined in MGO Sec. 28.211, ~~than~~ then the approval shall be administratively reviewed."

3. Subdivision (a) entitled "Public Hearing Required" of Subsection (9) entitled "Plan Commission Approval" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal" of the Madison General Ordinances is amended as follows:

- "(a) Public Hearing Required. The Plan Commission shall hold a public hearing on any demolition or removal application that is not approved administratively under sec. (8) above. If the applicant for a demolition or removal permit requests an amendment to the Zoning Map pursuant to MGO Sec. 28.182(10) or a conditional use approval pursuant to Sec. MGO 28.183, the demolition or removal permit application shall may be considered at the same time the Plan Commission considers the amendment to the zoning map or conditional use. The public hearing for a demolition or removal application shall meet the requirements of MGO Sec. 28.183(5)(a)1., except that a demolition or removal application considered with a zoning map amendment shall also meet the public hearing requirements in MGO Sec. 28.182(4)."

4. Subdivision (c) entitled "Standards of Approval" of Subsection (9) entitled "Plan Commission Approval" of Section 28.185 entitled "Approval of Demolition (Razing, Wrecking) and Removal" of the Madison General Ordinances is amended as follows:

- "(c) Standards of Approval. The Plan Commission shall not approve an application for demolition or removal unless it finds that each of the following standards are met:
1. The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.
  2. The applicant has received a Certificate of Appropriateness from the Landmarks Commission under MGO Secs. 41.09(1)(c) and 41.12(3), if applicable.
  3. The applicant has received an approved reuse and recycling plan from the City Recycling Coordinator.
  4. The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.
    - a. For properties determined by the Landmarks Commission to have any historic value or significance, the Plan Commission may consider how demolition and redevelopment of the property relates to the implementation of the City's adopted plans.
  5. The Plan Commission has received and considered the report of the City Forester

- regarding the impact a proposed building relocation could have on City terrace trees, if applicable.
6. The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.
  7. The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.”