



Legislation Details (With Text)

File #: 37125 **Version:** 1 **Name:** Amend Section 28.131 MGO regulating accessory buildings

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Title: Amending Section 28.131 of the Madison General Ordinances regulating accessory buildings and structures on lots used exclusively for residential and mixed-use purposes.

Sponsors: Chris Schmidt

Indexes:

Code sections:

Attachments: 1. ZText Staff Comment.pdf

Date	Ver.	Action By	Action	Result
5/5/2015	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
4/20/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
2/24/2015	1	COMMON COUNCIL	Referred	
2/3/2015	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending Section 28.131 of the Madison General Ordinances regulating accessory buildings and structures on lots used exclusively for residential and mixed-use purposes.

Body

DRAFTER'S ANALYSIS: This ordinance amends MGO 28.131 to apply exclusively to accessory buildings used exclusively for residential purposes. This will clarify the rules for these structures, which constitute the vast majority of structures built under this ordinance. Accessory buildings and structures use for purposes other than residential will continue to be governed by the requirements in whatever district the building exists.

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

1. Section 28.131 entitled "Accessory Buildings and Structures" of the Madison General Ordinances is amended to read as follows:

"28.131 ACCESSORY BUILDINGS AND STRUCTURES ON LOTS USED EXCLUSIVELY FOR RESIDENTIAL AND MIXED-USE PURPOSES."

(1) In All Districts:

- (a) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (b) Maximum Percentage of Rear Yard Setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.
- (c) Maximum Height. The height of the principal building or fifteen (15) feet,

whichever is lower. The following are exempt from this requirement:

1. Accessory dwelling units are exempt from this requirement; maximum height shall be determined by the district requirements for zoning districts where such units are allowed.
2. Carriage houses within historic districts may be replaced at their original height.

(21) ~~In Residential Districts.~~ All accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall comply with the following requirements:

- (a) Maximum Area Per Lot. Total area of accessory buildings measured at ground floor: ten percent (10%) of lot area but no more than one thousand (1,000) square feet. A larger total building area may be allowed by conditional use approval.
- (b) Maximum Size of Accessory Building. No individual structure shall exceed five hundred seventy-six (576) square feet in TR districts and eight hundred (800) square feet in other districts at ground level except by conditional use approval. Accessory buildings shall not exceed the size of the principal building.
- (c) Maximum Height. The height of the principle building or fifteen (15) feet, whichever is lower. The following are exempt from this requirement:
 1. The maximum height of accessory dwelling units shall be determined by the district requirements for zoning districts where such units are allowed.
 2. The maximum height of carriage houses within historic district may be the same as the original height.
- (d) Maximum Percentage of Rear Yard Setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.
- (ee) Placement. Accessory buildings may be located in the following locations:
 1. Within the building envelope.
 2. In a rear yard setback, a minimum of three (3) feet from any property line.
 3. In a side yard setback, if located behind the rear plane of the principal building at the time of construction, a minimum of three (3) feet from any property line.
 4. In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback required for a principal building in the district.
 5. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.
 6. A minimum of three (3) feet from any principal building and any other accessory building.”