



Legislation Details (With Text)

**File #:** 44260      **Version:** 3      **Name:** Restricting certain spaces for useable open space requirements.  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/29/2016      **In control:** PLAN COMMISSION  
**On agenda:** 12/6/2016      **Final action:** 12/6/2016  
**Enactment date:** 12/15/2016      **Enactment #:** ORD-16-00107

**Title:** 2nd SUBSTITUTE Amending Section 28.140 of the Madison General Ordinances to further define when roof decks, porches, and balconies may be used as usable open space in the TR-U1, TR-U2, Mixed Use, Employment, Downtown, and Urban Districts.

**Sponsors:** Ledell Zellers, Sheri Carter

**Indexes:**

**Code sections:**

**Attachments:** 1. Version 2 - Substitute, 2. Version 1, 3. Zoning Text Memo\_11-21-16.pdf

Date	Ver.	Action By	Action	Result
12/6/2016	3	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/21/2016	2	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
11/1/2016	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
10/17/2016	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
9/6/2016	1	COMMON COUNCIL	Refer For Public Hearing	Pass
8/29/2016	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

The proposed ordinance has no fiscal impact.

**Title**

2nd SUBSTITUTE Amending Section 28.140 of the Madison General Ordinances to further define when roof decks, porches, and balconies may be used as usable open space in the TR-U1, TR-U2, Mixed Use, Employment, Downtown, and Urban Districts.

**Body**

This Second Substitute Ordinance amends Sec. 28.140(d), MGO to further define when roof decks and balconies may be counted toward the usable open space requirement in the TR-U1, TR-U2, Mixed Use, Employment, Downtown, and Urban Districts. It also adds that, like roof decks and balconies, porches may also be counted toward the usable open space requirement in those districts. Further, it provides that private porches, like private balconies, may be used to count toward the usable open space requirement. Finally, the ordinance provides that such structures must meet certain minimum dimensions before being counted toward the open space requirement.

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

Section 28.140 entitled "Usable Open Space" of the Madison General Ordinances is amended to read as follows:

**"28.140 USABLE OPEN SPACE.**

- (1) Usable open space shall be provided on each lot used in whole or in part for residential purposes, as set forth in each district.
  - (a) Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10).
    1. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.
  - (b) Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement designed for outdoor recreation only may be included as usable open space.
  - (c) Within the Central Area, as defined, where usable open space requirements cannot be met due to limited existing lot area, or building/parking placement, required landscaped areas may be used to meet the usable open space requirement, provided that said landscaped areas are a minimum of five (5) feet in width.
  - (d) Within the TR-U1 and TR-U2 Districts and within all Mixed-Use, Employment, Downtown and Urban Districts:
    1. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirements, provided that:
      - 2a. Roof decks shall have a minimum dimension of fifteen (15) feet and shall be free of any obstructions, improved and available for safe and convenient access to all occupants of the building.
      - b. Porches shall have a minimum width of fifteen (15) feet and minimum depth of six (6) feet and shall be free of any obstructions, improved, and available and be available to all occupants as a source of ingress and egress to the building.
      - c. Balconies shall have a minimum dimension of six (6) feet and shall be free of any obstructions, improved, and available for safe and convenient access to all occupants of the building.
      - 4d. Private balconies and private porches shall have a minimum dimension of four and one-half (4½) feet.
  - (e) Within the TSS and MXC Districts, roof decks and balconies may be used to meet up to one hundred percent (100%) of the minimum open space requirements, provided that the dimensions set forth in sub. (d) 1. and 2 are met.”