



## Legislation Details (With Text)

<b>File #:</b>	40614	<b>Version:</b>	1	<b>Name:</b>	Landscape & screening, single & two-family dwellings
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed		
<b>File created:</b>	10/26/2015	<b>In control:</b>	COMMON COUNCIL		
<b>On agenda:</b>	2/23/2016	<b>Final action:</b>	2/23/2016		
<b>Enactment date:</b>	3/8/2016	<b>Enactment #:</b>	ORD-16-00021		
<b>Title:</b>	Amending Section 28.142(2) of the Madison General Ordinances to clarify that the six-foot tall fence requirement applies to single- and two-family dwellings.				
<b>Sponsors:</b>	Ledell Zellers				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
2/23/2016	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
2/8/2016	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
11/3/2015	1	COMMON COUNCIL	Refer For Public Hearing	Pass
10/26/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No appropriation required.

### Title

Amending Section 28.142(2) of the Madison General Ordinances to clarify that the six-foot tall fence requirement applies to single- and two-family dwellings.

### Body

DRAFTER'S ANALYSIS: During the 2012 zoning code re-write, the section related to landscaping and screening requirements was re-written and re-organized. One error recently came to light regarding how Sec. 28.142, Applicability, was re-written. Specifically, the plain language of Sec. 28.142(2)(a) unintentionally exempted single- and two-family dwellings from all landscaping and screening requirements, including the requirement that fences be no higher than six feet tall. Thus, this ordinance clarifies that the screening requirements, including the requirement that fences be limited to six feet, apply to all exterior construction and development activity, including single- and two-family dwellings.

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

Subsection (2) entitled "Applicability" of Section 28.142 entitled "Landscaping and Screening Requirements" of the Madison General Ordinances is amended to read as follows:

"(2) Applicability.

(a) ~~The following standards~~ Subsections (3) through 10 apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures. The entire development site must be brought up to compliance with this section unless all of the following conditions apply, in which case only the affected areas need to be brought up to compliance:

(a)1. The area of site disturbance is less than ten percent (10%) of the entire development

- site during any ten-(10) year period.
- ~~(b)~~2. Floor area is only increased by ten percent (10%) during any ten-(10) year period.
- ~~(c)~~3. No demolition of a principal building is involved.
- ~~(d)~~4. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
- (b) Subsection (11) applies to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots and the construction of detached single-family and two-family dwellings and their accessory structures."