

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

October 1, 2013
Plan Commission; Public
Hearings: PC 11/4/13
CC 11/19/13

Amending Sections 28.138(4)(a) and (5)(a) of the Madison General Ordinances to clarify the term lakefront side of a building in the Zoning Code.

LEGISTAR # 31718

Drafted by: Maureen O'Brien

Date: November 4, 2013

SPONSORS: Aids. Resnick & Zellers

DRAFTER'S ANALYSIS: This amendment clarifies the lakefront yard/ front yard rule in Sec. 28.138. The current language appears to require that the front yard of a lot be located opposite the lakefront yard. However, Sec. 28. 135 requires that front yards abut public streets. Where streets run perpendicular to a lake, as opposed to parallel, these rules are in direct conflict with one another.

It is the opinion of the drafter that the language in Sec. 28.138 was only meant to illustrate that the lakefront side of a house or building is not considered the front yard by the zoning code. This amendment attempts to better illustrate that intent.

In addition, the Substitute provides an additional method to calculate the lakefront setback for a property that only abuts one other developed lot. Previously, the only option for such a property was to use the median setback of buildings within 5 lots or 300 feet. This change allows such a property to match the setback of the neighboring residential property. This treatment is similar to the option allowed under Subdivision (a)1., which allows a property with two neighboring lots to use the average of the two setbacks. The Substitute also provides a clearer graphic to illustrate the calculation under Subdivision (a)3.

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

1. Subdivision (a) entitled "Lakefront Yard Setback" of (4) entitled "Lakefront Zoning Lots Where the Principal Use is One (1) or Two (2) Family Residential" of Section 28.138 entitled "Lakefront Development" is amended to read as follows:

"(a) Lakefront Yard Setback. The yard that abuts the lake, ~~typically the rear yard,~~ shall be referred to as the "lakefront yard." ~~The yard opposite the lakefront yard shall be treated as the front yard. The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code.~~ The minimum depth of the lakefront yard setback from the Ordinary High Water Mark shall be calculated using one of the ~~two (2)~~ three (3) following methods, provided that in no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet.

1. The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or
2. If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot; or
23. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater (see illustration)."

Approved as to form:

(New Figure I4)

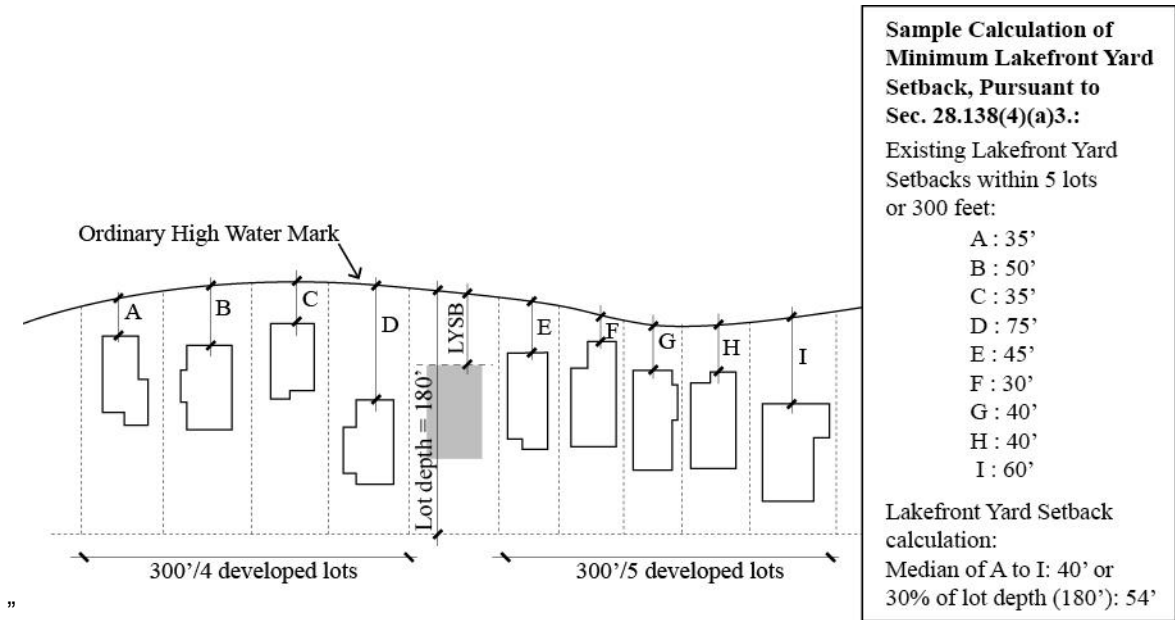


Figure I4: Lakefront Yard Setback.

2. Subdivision (a) entitled “Lakefront Yard Setback” of Subsection (5) entitled “Lakefront Zoning Lots Where the Principal Use is Other Than One (1) or Two (2) Family Residential or Public Park Land” of Section 28.138 entitled “Lakefront Development” is amended to read as follows:

“(a) Lakefront Yard Setback. The yard that abuts the lake, typically the rear yard, shall be referred to as the “lakefront yard.” ~~The yard opposite the lakefront yard shall be treated as the front yard.~~ The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code.”

EDITOR’S NOTE: Below is the current Figure I4:

