

From: Susanne Voeltz [mailto:susi@mailbag.com]
Sent: Thursday, January 14, 2010 12:58 PM
To: ALL ALDERS
Cc: Murphy, Brad; Mayor; Falk
Subject: Waterfront Setback Amendment

Hello,

I understand that an initiative to adopt language regarding the DRAFT Zoning Code pertaining to an exemption for waterfront setbacks for non-residential development will be introduced by Mr. Mark Clear at the next City Council Meeting.

Clearly, this has an extremely significant impact on protections in place for the preservation of our shoreline and an undeniable environmental impact on our lakes. (Please note statement of purpose in the current city ordinance noted in blue below)

We understand a "rush" to move this forward appears to be to facilitate the "special needs" of the Edgewater redevelopment proposal but this potentially has a very dramatic and devastating impact on our primary community assets --our shoreline and beautiful lakes ---and at the very least deserves thorough due diligence, extensive community input and genuine public vetting before it is adopted.

Since Dane County has some pretty aggressive policies regarding protections of its waterfront and the lakes, will the "City" be interfacing with them, the DNR and other governmental agencies locally and state-wide about the ramifications this zoning could have on their efforts to preserve the integrity of our shorelines and the quality of our lakes?

Madison has had a history of inspired urban planning with visionaries like John Nolen shaping our public policy. But while other communities are taking pro-active measures to foster and steward their precious waterfronts for future generations, Mr. Clear's amendment to the waterfront setback ordinance appears to be leading us into stagnant waters--hardly a nurturing environment to spawn the fresh thinking---let alone creative development that is deserving of a city that is so blessed with natural beauty.

Hopefully, we can look forward to a very transparent process and extensive public input before this element of the zoning code is adopted. Sacrificing thoughtful stewardship of our greatest community assets for the benefit of a single project does not seem to be forward thinking public policy.

Thank you for your time,
Susanne Voeltz

Please see below the City of Madison's regulations regarding

WATERFRONT DEVELOPMENT

In addition to the conditional use standards, Zoning Code Sec. 28.04(19) includes the following provisions applicable to waterfront development:

- (a) **Statement of Purpose.** This subsection is established to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development.
- (b) **General Regulations.** The following regulations shall apply to all new development except a Civic Auditorium Complex. No building permit shall be issued for any new development of a waterfront or

shoreland zoning lot without first obtaining a conditional use permit therefore. For purposes of this section, new development shall be a new principal building, an addition in excess of five hundred (500) square feet of floor area to an existing principal building, or an accessory building. The conditional use permit shall be issued pursuant to the procedure set forth in Section 28.12(10) of this ordinance. In addition to the review standards set forth in Subdivision (g) therein all waterfront development shall be subject to the following standards.

1. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern.
2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading, or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
3. Any building development for habitation shall be served with public sanitary sewer.
4. Filling, grading, and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation, and impairment of fish and aquatic life has been assured.
5. Where the City's adopted Master Plan includes a pedestrian walkway or bikepath along the shoreline, the proposed development shall not interfere with its proposed location.
6. Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

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Susanne Voeltz Public Relations
One Langdon Street
Madison, WI 53703
608/284-0848
susi@mailbag.com