85058 Body Version 2

DRAFTER'S ANALYSIS: This proposed change codifies existing policy on lakefront yard setbacks. The change also makes the code more user-friendly by adding details in table 28I-1 to help navigation to the referenced subsection.

This SUBSTITUTE ordinance makes four minor editorial changes to improve clarity and reader comprehension.

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

1. Table 28I-1 of Section (1) entitled "Permitted Setback Encroachments" of Section 28.132 entitled "Encroachments into Setback Areas" of the Madison General Ordinances is amended as follows:

"**Table 28I-1.**

Structure or Feature	**Front Yard Setback**	**Side Yard Setback**	**Rear Yard Setback**	**Lakefront Yard Setback**
Accessibility accommodations (see (2)(d) below)	✓	✓	✓	✓
Accessory sheds, tool rooms, doghouses, and similar buildings or structures		✓	✓	✓
Air conditioning condensing unit		✓	✓	✓
Arbors and trellises	✓	✓	✓	✓
Attached garage (see (2)(g) below)			✓	
Awnings	✓	✓	✓	✓
Basement storm doors providing access to below-grade stairs		✓	✓	✓
Balconies			6	
Bay windows, max. one story in height (see (2)(a) below)	3	2	3	3
Bicycle parking	✓	✓	✓	✓
Bicycle-sharing facility	✓	✓	✓	✓
Chimneys, flues	2	2	2	2
Cisterns, rain barrels		3	3	3
Compost bins (see (2)(b) below)		3 from prop. line or building	3 from prop. line or building	3 from prop. line or building

Decks, uncovered, atop a permitted setback encroachment	✓	✓	✓	✓
Eaves and gutters	3	2	3	3
Egress window wells (see (2)(f) below)	Minimum egress req.	Minimum egress req.	Minimum egress req.	Minimum egress req.
Decks, uncovered, elevated over 3 feet above adjacent ground level			6	
Decks, uncovered, elevated not more than 3 feet above adjacent ground level	✓	✓	✓	✓
Emergency electric generator		✓	✓	✓
Fences, walls, hedges	✓	✓	✓	✓
Fire escapes		⅓ width of yard; up to 3 ft.	6	
Flagpoles or garden ornaments	✓	✓	✓	✓
Garages, detached (see 28.131)		✓	✓	✓
Laundry drying equipment	✓	✓	✓	✓
Licensed radio towers <75 feet and receiving devices			✓	✓
Mission box	✓	✓	✓	✓
Open porches	7			
Porches, open or enclosed, attached to single-family or two-family dwelling (see (2)(e) below)			✓	
Recreational equipment	✓	✓	✓	✓
Recreational equipment, major			✓	✓
Solar energy systems	✓	✓	✓	✓
Platforms, uncovered, needed for building access (see (2)(c) below)	4	4	4	4
Steps	✓	Minimum egress req.	✓	✓

Storage locker (personal)	✓	✓	✓	✓
Swimming pools, hot tubs, whirlpools, or similar structures			3 from prop. line	3 from prop. line
Underground parking (see (2)(h) below)			✓	✓"

2. Subdivision (g) entitled “Rear Yard” of Subsection (2) entitled “Other Encroachment Requirements” of Section 28.132 entitled “Encroachments into Setback Areas” of the Madison General Ordinances is amended as follows:

(g) Attached Garage ~~Rear Yard~~. ~~Except for single-family attached,~~ For single-family or two-family dwellings, a one-story attached garage projection for garage purposes only may project up to thirty percent (30%) ~~of the least depth~~ into a required rear yard setback, provided the balance of the rear yard setback area shall remain unoccupied and unobstructed from the ground upward.

3. Subdivision (a) entitled “Lakefront Yard Setback” of Subsection (4) entitled “Lakefront Zoning Lots Where the Principal Use is One (1) or Two (2) Family Residential” of Section 28.138 entitled “Lakefront Development” of the Madison General Ordinances is amended as follows:

“(a) Lakefront Yard Setback. The yard that abuts the lake shall be referred to as the "lakefront 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 three (3) following methods, provided that in no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet.”

4. 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” of the Madison General Ordinances is amended as follows:

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