

BODY – LEGISTAR #34588

DRAFTER'S ANALYSIS: Since the adoption of the new Zoning Code, City staff and the Plan Commission have compiled a working list of ordinance changes responding to practical realities of working with the code. This ordinance amends the code to clarify and clean up various portions of the Zoning Code.

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

1. Subdivision (a) of Subsection (2) entitled "Sidewall Offset" of Section 28.031 entitled "General Provisions for Residential Districts" of the Madison General Ordinances is hereby repealed.

2. Current Subdivisions (b) through (d) of Subsection (2) entitled "Sidewall Offset" of Section 28.031 entitled "General Provisions for Residential Districts" of the Madison General Ordinances are hereby renumbered to Subdivisions (a) through (c), respectively.

3. The Table of Subdivision (2) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.037 entitled "SR-C3 District" of the Madison General Ordinances is amended by amending therein the following:

"SR-C3 District				
	Single-family detached	Two-family Two unit	Two-family - Twin	Nonresidential
Rear Yard Setback	<u>30% lot depth but at least 35 Lesser or 30% lot depth or 35</u> See (b) below	<u>30% lot depth but at least 35 Lesser or 30% lot depth or 35</u> See (b) below	<u>30% lot depth but at least 35 Lesser or 30% lot depth or 35</u> See (b) below	Equal to building height but at least 35 See (b) below"

4. Table 28D-2 of Section 28.061 entitled "Mixed-Use and Commercial Districts Uses" of the Madison General Ordinances is amended by amending therein the following:

"Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Retail Sales and Services							
Farmers' market	P/G	P/C	P	P	P	P	Y"

5. The Table of Subdivision (2) entitled "Dimensional Standards" of Section 28.078 entitled "Downtown Residential District" of the Madison General Ordinances is amended by amending therein the following:

"Downtown Residential 1 District	
Rear yard setback	<u>20% of lot depth, but at least 30 Lesser of 20% lot depth or 30</u> See (b) below"

6. The Table of Subdivision (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.084 entitled “Traditional Employment District” of the Madison General Ordinances is amended by amending therein the following:

“Traditional Employment District	
Rear yard setback	<u>Lesser of 20% lot depth or 20”</u>

7. Subdivision (f) 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 by amending therein the following:

“(f) Rear Yard. The rear yard shall be the lesser of thirty-five percent (35%) of the lot depth or thirty-five (35) feet. A one-story garage projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward.”

8. Subparagraph (b) of Paragraph 3. of Subdivision (c) entitled “Residential Parking Locations” of Subsection (8) entitled “Parking Design and Location” of Section 28.141 entitled “Parking and Loading Standards” of the Madison General Ordinances is amended to read as follows:

“b. a rear yard setback, ~~with a minimum separation of three (3) feet from a street right-of-way (on a corner or reversed corner lot)~~ except as in sub, 1 above.”

9. Subsection entitled “Schools, Public and Private” of Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended by repealing therein the following:

~~“(c) In the Conservancy District, there shall be no setback requirements for elementary, middle, and high schools.”~~

10. Subdivision (c) entitled “Dormant Conditional Use” of Subsection (9) entitled “Scope of Approval” of Section 28.183 entitled “Conditional Uses” of the Madison General Ordinances is created to read as follows:

“(c) Dormant Conditional Use. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason.”

11. Current Subdivision (c) entitled “Continuing Jurisdiction” of Subsection (9) entitled “Scope of Approval” of Section 28.183 entitled “Conditional Uses” of the Madison General Ordinances is hereby renumbered to Subdivision (d).

12. Subdivision (a) of Subsection (9) entitled “Scope of Approval” of Section 28.185 entitled “Approval of Demolition (Razing, Wrecking) and Removal” of the Madison General Ordinances is amended to read as follows:

“(a) A demolition or removal permit is valid for one (1) year from the date of ~~the~~ Plan Commission approval/action. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted.”

EDITOR’S NOTE:

Section 28.031(2)(a) currently reads:

“(a) Within the TR-P, TR-C3 and TR-C4 districts, alley-loaded residential buildings are exempt from this requirement as it applies to building side walls within interior side yards.”