

LEGISTAR #44260 – Substitute Body

DRAFTER'S ANALYSIS: This amendment adds restrictions to the ability to count roof decks, porches, ground-level patios and balconies towards useable open space requirements. Any roof deck, porch, ground-level patio, or balcony counted against the useable open space requirement must be available for use by all occupants. Also, any porches counted toward the useable open space requirement must have a minimum width of 15 feet and minimum depth of 6 feet and be available for use by all residents as the main source of ingress and egress from the building. Finally, this amendment changes the minimum dimension requirement for balconies from 4½ to 6 feet.

This substitute was necessary to carve out limited circumstances under which private balconies and ground-level patios, not accessible by all residents, may be used to meet the open space requirement. Under this amendment, private balconies and ground-level patios may be used to meet the open space requirement as long as at least 75% of the required open space is met with common areas accessible to all occupants, provided that the private balcony or ground-level patio has a minimum dimension of 4½ feet.

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

Section 28.140 entitled "Usable Open Space" of the Madison General Ordinances is amended to read as follows:

"28.140 USABLE OPEN SPACE.

- (1) Usable open space shall be provided on each lot used in whole or in part for residential purposes, as set forth in each district.
 - (a) Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%), except that private ground-level patios of a smaller dimension may also be counted toward the usable open space requirement as provided in sub. (d)2. below.
 1. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.
 - (b) Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement designed for outdoor recreation only may be included as usable open space.
 - (c) Within the Central Area, as defined, where usable open space requirements cannot be met due to limited existing lot area, or building/parking placement, required landscaped areas may be used to meet the usable open space requirement, provided that said landscaped areas are a minimum of five (5) feet in width.
 - (d) Within the TR-U1 and TR-U2 Districts and within all Mixed-Use, Employment, Downtown and Urban Districts:
 1. Roof decks, porches, ground-level patios, and balconies that are available for use by all occupants may be used to meet up to seventy-five percent (75%) of the minimum open space requirements, provided that:

- 4a. Balconies and ground-level patios shall have a minimum dimension of ~~four and one-half~~ six (~~4½~~6) feet.
- 2b. Roof decks shall have a minimum dimension of fifteen (15) feet and shall be free of any obstructions, improved and available for safe and convenient access to all occupants of the building.
- c. Porches shall have a minimum width of fifteen (15) feet and minimum depth of six (6) feet and be available to all residents as a source of ingress and egress to the building.
- 2. Private balconies and ground-level patios may be used to meet the open space requirement as long as at least seventy-five (75%) of the required open space is met with common area accessible to all occupants, provided that the private balcony or ground-level patio has a minimum dimension of four and a half (4 ½) feet.
- (e) Within the TSS and MXC Districts, roof decks and balconies may be used to meet up to one hundred percent (100%) of the minimum open space requirements, provided that the dimensions set forth in sub. (d) 1. and 2 are met."