



Legislation Details (With Text)

File #: 02124 **Version:** 2 **Name:** calculating size of waterfront property
Type: Ordinance **Status:** Passed
File created: 10/4/2005 **In control:** PLAN COMMISSION
On agenda: 11/29/2005 **Final action:** 11/29/2005
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Title: SUBSTITUTE - Amending Section 28.04(19)(b) of the Madison General Ordinances to add a ten year time period to calculating the size of an addition to waterfront property.
Sponsors: Brenda K. Konkel

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/29/2005	2	COMMON COUNCIL	Adopt	Pass
11/15/2005	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
11/15/2005	2	Attorney's Office/Approval Group	Substitute Created	
11/14/2005	2	Attorney's Office/Approval Group	Approved As To Form	
11/14/2005	2	Attorney's Office	Fiscal Note Required / Approval	
11/7/2005	2	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
10/11/2005	1	COMMON COUNCIL	Refer For Public Hearing	
10/5/2005	1	Finance Dept/Approval Group	Fiscal Note Pending	
10/5/2005	1	Attorney's Office	Referred for Introduction	
10/4/2005	1	Attorney's Office/Approval Group	Approved As To Form	
10/4/2005	1	Attorney's Office	Fiscal Note Required / Approval	

Fiscal Note

No appropriation required.

Title

SUBSTITUTE - Amending Section 28.04(19)(b) of the Madison General Ordinances to add a ten year time period to calculating the size of an addition to waterfront property.

Body

DRAFTER'S ANALYSIS: The existing threshold for requiring a conditional use permit for additions to waterfront development is changed to calculate the threshold size of an addition or additions over a ten year period.

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

1. Subdivision (b) entitled "General Regulations" of Subsection (19) entitled "Waterfront Property" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"(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 or additions to an existing principal building totaling in excess of five hundred (500) square feet of floor area during any ten (10) year period, 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(11) 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 bike path 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."