



Legislation Details (With Text)

**File #:** 06949      **Version:** 1      **Name:** 9/4 size of accessory buildings for conditional use  
**Type:** Ordinance      **Status:** Filed  
**File created:** 7/9/2007      **In control:** PLAN COMMISSION  
**On agenda:** 9/4/2007      **Final action:** 9/4/2007  
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**Title:** Amending Sections 28.03(2), 28.04(5)(b)7. and 28.08(2)(c)18. of the Madison General Ordinances to increase the total square footage of floor area in accessory buildings that require conditional use approval.

**Sponsors:** David J. Cieslewicz, Tim Gruber

**Indexes:**

**Code sections:**

**Attachments:** 1. Memos.pdf

Date	Ver.	Action By	Action	Result
9/4/2007	1	COMMON COUNCIL	Place On File	Pass
8/20/2007	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO PLACE ON FILE - PUBLIC HEARING	Pass
7/17/2007	1	COMMON COUNCIL	Refer For Public Hearing	
7/11/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
7/11/2007	1	Attorney's Office	Referred for Introduction	
7/9/2007	1	Attorney's Office/Approval Group	Approved As To Form	
7/9/2007	1	Attorney's Office	Fiscal Note Required / Approval	

**Fiscal Note**

The Planning Department estimates that this and several other proposed amendments to move conditional uses to permitted uses may eliminate an estimated 15 conditional uses per year, resulting in reduced conditional use application fees of \$7,500. However, City costs for publishing newspaper notices, mailing and staff costs for processing the applications will also be reduced, such that the realized efficiencies should equal or exceed the reduction in revenue.

**Title**

Amending Sections 28.03(2), 28.04(5)(b)7. and 28.08(2)(c)18. of the Madison General Ordinances to increase the total square footage of floor area in accessory buildings that require conditional use approval.

**Body**

DRAFTER'S ANALYSIS: This amendment makes fewer accessory buildings require conditional use approval by making the permitted square footage of accessory buildings vary with the size of the lot. Regardless of lot size, however, the total square footage of floor area of accessory buildings shall not exceed one thousand (1,000) square feet without conditional use approval. Changes to provisions regarding secondary dwelling units are to clarify that they are not considered in the calculation of accessory structure size.

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

1. Subsection (2) entitled "Definitions" of Section 28.03 entitled "Rules and Definitions" of the Madison General Ordinances is amended by amending therein the following:

"Accessory Building Or Use. An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use;
2. Serves exclusively the principal building or principal use;
3. Is subordinate in floor area, extent or purpose to the principal building or principal use served or is a secondary dwelling unit;
4. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
5. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

An accessory building or use includes, but is not limited to, the following:

1. A children's playhouse, garden house or private greenhouse;
2. A garage, carport, compost bin, shed or building for storage incidental to a permitted use;
3. Incinerators incidental to a permitted use;
4. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
5. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
6. Off-street motor vehicle parking areas and loading facilities; and
7. Signs, as permitted and regulated in each district incorporated in this ordinance.
8. Keeping of chickens, as permitted and regulated in each district incorporated in this ordinance.
9. ~~Secondary dwelling units.~~
10. Yard sales."

"Secondary Dwelling Unit. An attached or detached dwelling unit with a maximum size of six-hundred forty (640) square feet that is located on the same lot as a principal single-family dwelling and is identified on a subdivision plat approved after August 1, 2004."

2. Paragraph 7. entitled "Size of Accessory Buildings" of Subdivision (b) entitled "Location In Special And Residence Districts" of Subsection (t) entitled "Accessory Buildings" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

~~"7. Size of Accessory Buildings. An accessory building in an R1 District that exceeds four (4) automobile stalls or 800 square feet of floor area shall first obtain a conditional use permit. In an R1-R District, a detached garage that replaces a detached garage existing on January 1, 1989, and up to eight hundred (800) square feet in floor area, but no greater than the size of the principal building on the lot, shall first obtain a conditional use permit. An accessory building in an R2 District that exceeds five hundred seventy six (576) square feet in floor area shall first obtain a conditional use permit, except for a shared garage where no more than five hundred seventy six (576) square feet of floor area is located on any lot. The total square feet of floor area of all accessory buildings on a lot in the R1 and R2 Districts shall not exceed ten percent (10%) of the lot area, up to one thousand (1,000) square feet, unless a conditional use permit is obtained."~~

3. Paragraph 18. of Subdivision (c) entitled "Conditional Uses" of Subsection (2) entitled "R1 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

~~"18. Accessory buildings, when the total square footage of floor space for all such buildings exceeds ten percent (10%) of the lot area, up to one thousand (1,000) square feet, which exceed four (4) automobile stalls or 800 square feet."~~