



Legislation Details (With Text)

File #: 35491 **Version:** 2 **Name:** Garver Feed Mill exception from Shoreline Parks Preservation Ordinance

Type: Ordinance **Status:** Passed

File created: 9/10/2014 **In control:** BOARD OF PARK COMMISSIONERS

On agenda: 9/16/2014 **Final action:** 10/21/2014

Enactment date: 10/30/2014 **Enactment #:** ORD-14-00164

Title: SUBSTITUTE Amending Sections 8.35(2) and (3) and repealing Section 8.35(7) of the Madison General Ordinances to exempt the legal transfer and redevelopment of the Garver Feed Mill from the Shoreline Parks Preservation Ordinance and to clarify that this is not a charter ordinance.

Sponsors: Marsha A. Rummel, David Ahrens

Indexes:

Code sections:

Attachments: 1. City Attorney Opinion dated 8/2/2004, 2. Version 1

Date	Ver.	Action By	Action	Result
10/21/2014	2	COMMON COUNCIL	Adopt	Pass
10/15/2014	2	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
9/16/2014	1	COMMON COUNCIL	Referred	
9/10/2014	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation required.

Title

SUBSTITUTE Amending Sections 8.35(2) and (3) and repealing Section 8.35(7) of the Madison General Ordinances to exempt the legal transfer and redevelopment of the Garver Feed Mill from the Shoreline Parks Preservation Ordinance and to clarify that this is not a charter ordinance.

Body

DRAFTER'S ANALYSIS: This ordinance reorganizes and expands the current exceptions from the shoreline parks preservation ordinance to clarify the existence of exceptions to the referendum requirements and to add an exception to the referendum requirement for any construction or change in the legal status of the lands containing and surrounding the Garver Feed Mill associated with the redevelopment of that property. In addition, this ordinance repeals subsection (7) of Section 8.35. As set forth in City Attorney Opinion #04-002, because Section 8.35 did not meet the requirements of a charter ordinance as set forth in Wis. Stat. Sec. 66.0101(2)(b) when enacted, this ordinance is not a charter ordinance. The inclusion of this erroneous language in the section is confusing to both City staff and the public, and its removal helps to clarify the status of this section.

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

1. Subsections (2) and (3) of Section 8.35 entitled "Preservation of Shoreline Parks" of the Madison General Ordinances are amended to read as follows:
 - "(2) The words major construction as used in this ordinance mean erecting a building or structure, changing land elevations or shore contours, and paving over land, but do not include:
 - (a) Replacing an existing building or structure with another building or structure of equivalent size and similar purpose.

- (b) Maintenance and repairs to an existing building or structure or to an existing paved area.
 - (c) Construction required to eliminate safety hazards or provide accessibility to the people with disabilities.
 - (d) Construction required for purposes of erosion control or to enhance the water quality of adjacent lakes or waterways.
 - (e) Construction with a total cost of less than \$500,000, if the construction is completed in calendar year 1992, or less than \$500,000 increased by 5% annually each year after calendar year 1992, if the construction is completed in a calendar year after 1992. For purposes of determining whether the \$500,000 limit applies, the cost of all construction completed in the same public park in the two preceding calendar years and not qualifying for exclusion under subdivisions (a) through (d) herein, shall be added to the cost of all construction in that public park not qualifying for exclusion under subdivisions (a) through (d) in the year the determination is made.
 - (f) Construction which when completed would result in both:
 - 1. A total including previously existing buildings, structures and paved areas, of less than three (3) acres of the public park in which the construction is occurring being covered by buildings, structures and pavement, and;
 - 2. A total, including previously existing boat docks, piers and buildings or structures extending out into or over the water, of less than 300 linear feet of the shoreline in the public park in which the construction is occurring, being occupied by boat docks, piers, buildings or structures.
 - (g) Construction which when completed would result in both:
 - 1. A total including previously existing buildings, structures and paved areas of less than five percent (5%) of the public park in which the construction is occurring being covered by buildings, structures and pavement, and;
 - 2. A total, including previously existing boat docks, piers and buildings or structures extending out into or over the water, of less than ten percent (10%) of the shoreline, in the public park in which the construction is occurring, being occupied by boat docks, piers, buildings or structures.
 - ~~(h) Construction within Olbrich Botanical Gardens.~~
 - ~~(i) Construction within Henry Vilas Zoo.~~
- (3) Exceptions. This ordinance shall not be applicable to the following:
- (a) Construction within Olbrich Botanical Gardens.
 - (b) Construction within Henry Vilas Zoo.
 - (c) Any change in the legal status of the properties located at 640, 646 and 704 East Gorham Street.
 - (d) Any construction or change in the legal status of that portion of Olbrich Park located northeast of the Union Pacific Railway and south and southwest of Starkweather Creek arising from the sale, lease or redevelopment of the Garver Feed Mill.
2. Subsection (7) of Section 8.35 entitled "Preservation of Shoreline Parks" of the Madison General Ordinances is hereby repealed.

EDITOR'S NOTE:

Section 8.35(7) currently reads as follows:

- "(7) This is a Charter Ordinance and shall not be effective until approved by a majority of the electors voting thereon at an election or until adopted by the Common Council subject to referendum under Wisconsin Statutes, Sections 9.20 and 66.01, and shall be effective upon its publication in the manner provided by law. This Charter Ordinance shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Section 66.0101(5), Wis. Stats."