



Legislation Details (With Text)

File #: 44602 **Version:** 1 **Name:** Remove Land management Plan Requirement for Certain Types of Natural Lawn

Type: Ordinance **Status:** Passed

File created: 9/27/2016 **In control:** COMMITTEE ON THE ENVIRONMENT (ended 6/2020)

On agenda: 10/4/2016 **Final action:** 1/3/2017

Enactment date: 1/13/2017 **Enactment #:** ORD-17-00003

Title: Amending Sections 27.05(2)(f), and creating 27.05(2)(f)7 of the Madison General Ordinances to remove the Land Management Plan requirement for certain types of natural lawn and landscaping areas.

Sponsors: Ledell Zellers

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|---|---|--------|
| 1/3/2017 | 1 | COMMON COUNCIL | Adopt | Pass |
| 12/7/2016 | 1 | MADISON FOOD POLICY COUNCIL | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 11/21/2016 | 1 | COMMITTEE ON THE ENVIRONMENT (ended 6/2020) | Return to Lead with the Recommendation for Approval | Pass |
| 10/17/2016 | 1 | COMMITTEE ON THE ENVIRONMENT (ended 6/2020) | Refer | Pass |
| 10/4/2016 | 1 | MADISON FOOD POLICY COUNCIL | Refer | |
| 10/4/2016 | 1 | COMMON COUNCIL | Refer | Pass |
| 9/27/2016 | 1 | Attorney's Office | Referred for Introduction | |

Fiscal Note

The proposed resolution has no fiscal impact.

Title

Amending Sections 27.05(2)(f), and creating 27.05(2)(f)7 of the Madison General Ordinances to remove the Land Management Plan requirement for certain types of natural lawn and landscaping areas.

Body

DRAFTER'S ANALYSIS: Section 27.05(2)(f)7. has been created to provide an option for owners to have part of their yard maintained as a "natural landscape area" without having to go through the application, permitting and approval process previously established. This section provides owners with more flexibility to landscape their lawn with ecologically beneficial grasses, while the strict limitations as to size, placement and content of the natural landscape area addresses aesthetic concerns. The permitting process remains for owners who wish to have a natural landscape area comprised of grasses that may differ from the restrictions laid out in this new subsection. The remainder of the amendments are for the purpose of consistent terminology, shifting the nomenclature of "Natural lawn" to "Natural Landscape area."

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

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

1. Subdivision (f) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"(f) Landscaping, plantings and other decorative surface treatments, including but not limited to common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Except with prior application to and approval of a Land Management Plan for a Natural Lawn from the Department of Planning and Community and Economic Development of the City of Madison, or as allowed by Sec. 27.05(2)(f)7, MGO and except for natural areas in City parks, all lawns, and lawn areas, and natural landscape areas comprised of grasses ~~or other primarily herbaceous vegetation that forms a ground cover, or both~~ shall be maintained to a height not to exceed eight (8) inches in length. All vegetation shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and City."

2. Paragraph 1. of Subdivision (f) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"1. Failure to Maintain Lawn or Lawn Areas on Improved Abandoned Property.

Upon default of any person ordered to maintain a lawn, or lawn area, or natural landscape area comprised of grasses on an improved property to a length of eight (8) inches or less, after notice and opportunity to correct has been given to the last-known property owner, and the property reasonably appears to be abandoned, the Director of the Building Inspection Division or designee may enter onto the property and cause portions of the lawn, or lawn area, or natural landscape area comprised of grasses to be cut to conform with the ordinance, and the cost for such service shall be charged to the owner of the real property in question, as follows:"

3. Subparagraph c. of Paragraph 1. of Subdivision (f) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"c. Abatement, Cost. If the violation remains after the due date in Sec. 27.05(2)(f)2.b.ii. above, the Director of the Building Inspection Division or designee is authorized to enter onto the property and cause portions of the lawn, or lawn area, or natural landscape area to be cut or mowed to conform with the requirements of this Ordinance. The Director of the Building Inspection Division shall keep an accurate account of the expenses of such cutting or mowing and report the same to the Finance Director, who shall not less than annually prepare a statement of the expense so incurred for the real property in question and report the same to the City Clerk, and the amount therein charged shall be entered in the tax roll as a special charge against said lot or parcel of land, and shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)"

4. Paragraph 2. of Subdivision (f) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"2. Application for Natural Lawn. Any owner or operator of land in the City of Madison may apply for approval of a land management plan for a natural lawn or natural landscape area, one where the grasses exceed eight (8) inches in height, with the Department of Planning and Community and Economic Development."

5. Paragraph 3. of Subdivision (f) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

“3. "Land Management Plan" means a written plan relating to management of the lawn or natural landscape area which contains a legal description of the lawn or natural landscape area upon which the grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn or natural landscape area, a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting at a length not greater than eight (8) inches the terrace area, that portion between the sidewalk and the street or a strip not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three (3) foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected. All lawn, natural landscape areas, and grass areas shall be cut between June 30 and October 15 when the Fire Chief, in her/his discretion, so orders consistent with his powers as granted in Chapter 34 of the Madison General Ordinances.”

6. Paragraph 7. of Subdivision (f) of Subsection (2) of Section 27.05 entitled “Safe and Sanitary Maintenance of Property” of the Madison General Ordinances is created to read as follows:

- “7. Any owner or operator of land in the City of Madison may maintain a natural lawn (hereinafter referred to in this paragraph as “natural landscape area”) without going through the Land Management plan, application and approval process described in Secs. 27.05(2)(f)2.-6., provided the natural landscape area meets all of the following criteria:
- a. The natural landscape area located in the front and/or side yard(s) is limited in size to less than twenty-five percent (25%) of the total square footage of the front and side yards.
 - b. The natural landscape area located in the backyard or setback behind the rear plane of the principal building is limited in size to less than fifty percent (50%) of the backyard and the street side yard setback behind the rear plane of the principal building.
 - c. The natural landscape area must be setback at least five (5) feet away from all property lines, sidewalks, shared driveways or other public right of way areas.
 - d. All natural landscape areas shall comply with the vision clearance triangle requirements of Sec. 27.05(2)(bb).
 - e. Only the following native grasses may be used: Sideoats Grama Grass (*Bouteloua curtipendula*), Tufted Hairgrass (*Deschampsia caespitosa*), Purple Lovegrass (*Eragrostis spectabilis*), Junegrass (*Koeleria macrantha*), Switchgrass (*Panicum virgatum*), Little Bluestem (*Schizachyrium scoparium*), Indiangrass (*Sorghastrum nutans*), Prairie Dropseed (*Sporobolus heterolepis*), Pennsylvania Sedge (*Carex pensylvanica*), Running Marsh Sedge (*Carex sartwellii*), Common Bur Sedge (*Carex grayi*), and Silky wild rye (*Elymus villosus*).”