



Legislation Details (With Text)

File #: 55056 **Version:** 1 **Name:** Terrace plantings
Type: Ordinance **Status:** Passed
File created: 3/12/2019 **In control:** BOARD OF PUBLIC WORKS
On agenda: 5/14/2019 **Final action:** 5/14/2019
Enactment date: 5/28/2019 **Enactment #:** ORD-19-00035

Title: Amending Section 10.25 of the Madison General Ordinances to expand permissible terrace planting and to allow for raised beds and amending Section 1.08(3)(a) to modify the bond schedule.

Sponsors: Keith Furman, Michael J. Tierney, Marsha A. Rummel

Indexes:

Code sections:

Attachments: 1. Body, 2. Terrace Treatment Policy.May.2019, 3. Terrace Trtmt Policy Redline.May 2019, 4. Terrace Treatment Policy.April.2019, 5. Terrace Trtmt Policy(Redline Version), 6. Legislative History Memo.4.30.19

Date	Ver.	Action By	Action	Result
5/14/2019	1	COMMON COUNCIL	Adopt	Pass
4/3/2019	1	MADISON FOOD POLICY COUNCIL	Return to Lead with the Recommendation for Approval	Pass
4/3/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/19/2019	1	BOARD OF PUBLIC WORKS	Referred	
3/19/2019	1	COMMON COUNCIL	Refer	Pass
3/12/2019	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No Appropriation Required

Title

Amending Section 10.25 of the Madison General Ordinances to expand permissible terrace planting and to allow for raised beds and amending Section 1.08(3)(a) to modify the bond schedule.

Body

DRAFTER'S ANALYSIS: This ordinance amends Sec. 10.25 to expand permissible terrace planting to all properties in the City and to allow for raised beds to be used in the terrace. Originally, when the terrace planting provisions were created in 2013 (file 29241), this ordinance was limited to residential properties since terrace planting has been more of a residential issue in neighborhoods, and non-residential properties were better able to obtain a privilege in street to make terrace plantings or to place landscaping features in the right-of-way. This ordinance would change this standard by treating non-residential properties the same as residential properties, with more extensive improvements, like concrete planters or irrigation systems, still requiring privileges. This ordinance change also specifically allows for raised planting beds. These beds have been utilized extensively but are not currently allowed and require a privilege in street. However, Wis. Stat. § 66.0425(1) does allow for obstructions beyond the lot line if done by a general ordinance affecting the whole public. This change, by expanding the ordinance to all properties, would have that effect and thereby allow for an exception to the privilege in street law for these common features. Because this ordinance would expand permissible terrace plantings to all types of properties, the terrace treatment policy may also be updated to address which terraces are now appropriate for such use, not to mention the standards that acceptable raised gardens must meet. This ordinance also makes it clear that landscaping features need to be removed at the

end of the growing season-which has been a problem since the original ordinance change. Finally, this ordinance would create a specific penalty for non-compliance with the requirements of this section, including the terrace treatment policy, to make enforcement more straightforward, while also updating the bond schedule to be more consistent with the rest of the chapter.

Contemporaneous with this ordinance, the Food Policy Council and the Board of Public Works will be considering an updated Terrace Treatment Policy that accounts for the changes to Sec. 10.25 being made by this ordinance.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Body" in Attachments.