



Legislation Text

File #: 33807, Version: 1

**Fiscal Note**

No appropriation is required.

**Title**

Amending Section 28.005(1)(b) of the Madison General Ordinances to create a shoreland zoning ordinance for county lands annexed after May 7 1982, as required by 2013 Wisconsin Act 80.

**Body**

DRAFTER'S ANALYSIS: 2013 Wisconsin Act 80 requires cities to create an ordinance regulating shorelands annexed by the city after May 7, 1982, which prior to annexation were subject to county shoreland zoning ordinances. Prior to Act 80, such annexed properties retained county shoreland zoning regulations even after annexation into the city.

“Shoreland” is defined in Sec. 28.211 as “Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.”

The city’s shoreland zoning ordinance must include a setback of 50 feet from the ordinary high water mark, with an exception for some principal buildings. In addition, it must include specific regulations related to vegetation preservation. The ordinance shall not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

This amendment creates the ordinance required by 2013 Wisconsin Act 80.

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

Subdivision (b) of Subsection (1) of Section 28.005 entitled “Zoning of Annexed Land” of the Madison General Ordinances is amended to read as follows:

- “(b) All lands annexed to the City of Madison after May 7, 1982 ~~shall be that prior to annexation were~~ subject to the Dane County Shoreland Zoning Ordinance in effect at the time of annexation shall be subject to the following regulations, which supersede any conflicting sections of Chapter 28, MGO:
  - 1. No building shall be constructed closer than fifty (50) feet from the ordinary high-water mark, except as provided in par. 2.
  - 2. Construction or placement of a principal building within the shoreland setback area established under par. 1. is allowed if all of the following apply:
    - a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
    - b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five (35) feet from the ordinary high-water mark, whichever distance is greater.
  - 3. A person who owns shoreland property that contains vegetation is required to maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) feet inland from the ordinary high-water mark of the navigable water, except as provided in sub. 3.a.
    - a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with

new vegetation.

4. A person who is required to maintain or establish a vegetative buffer zone under sub. 3. may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than thirty (30) feet wide for every one hundred (100) feet of shoreline frontage and that extends no more than thirty-five (35) feet inland from the ordinary high-water mark.
5. For the purposes of this section, "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
6. This ordinance does not apply to lands adjacent to an artificially constructed drainage ditch, pond or stormwater retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body."