



Legislation Text

File #: 40613, **Version:** 1

Fiscal Note

No appropriation required.

Title

Creating Section 28.004(1) and renumbering Sections 28.004(1) through (6) to (2) through (7), respectively, of the Madison General Ordinances to state how a permissive zoning code, like Chapter 28, should be interpreted.

Body

DRAFTER'S ANALYSIS: The City of Madison has always considered its zoning code to be a "permissive" code. This means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. Uses and structures that are not specifically enumerated are prohibited. From time to time, this concept needs to be explained to the general public. Staff believes it will be easier for the public to understand if staff can point to a specific provision in the zoning code stating how the code is to be interpreted. Stating this concept in the code will also be helpful if it ever becomes an issue in future court litigation.

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

1. Subsection (1) of Section 28.004 entitled "Interpretation" of the Madison General Ordinances is created to read as follows:

"(1) This ordinance should be interpreted as a permissive zoning ordinance, which means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. In the absence of a variance or special exception, any uses or structures not specifically permitted by the ordinance are prohibited."

2. Current Subsections (1) through (6) of Section 28.004 entitled "Interpretation" of the Madison General Ordinances are hereby renumbered to Subsections (2) through (7).