
28A. Introductory Provisions

28A-001 Title

This ordinance shall be known, cited and referred to as the Madison Zoning Code, or “this ordinance.” For purposes of this Section, the phrase “this ordinance” refers to this Chapter of the MGO or any condition imposed pursuant to this Chapter.

28A-002 Intent and Purpose

This ordinance is adopted for the following purposes:

- A. To promote land uses and development patterns that are consistent with the city’s comprehensive plan and and of adopted neighborhood, corridor or special area plans.
- B. To promote and protect the public health, safety and general welfare of the City.
- C. To secure safety from fire, flooding, pollution, contamination and other dangers.
- D. To maintain and promote safe pedestrian and vehicular circulation.
- E. To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage;
- F. To ensure the provision of adequate open space for light, air, fire safety and recreation.
- G. To protect environmentally sensitive areas.
- H. To address and mitigate the effects of climate change.
- I. To remove obstacles and provide incentives for energy conservation and renewable energy.
- J. To promote the conservation, protection, restoration and enhancement of historic resources.
- K. To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.
- L. To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment.
- M. To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
- N. To stabilize and protect property values.
- O. To preserve productive agricultural land and provide opportunities for local food production.
- P. To encourage innovative project design in the city, including developments that incorporate mixed uses.

28A-003 Relationship to Comprehensive Plan

The Madison Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning code. All regulations or

amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

28A-004 Interpretation

This ordinance applies to all land and land development within the jurisdictional limits of the City of Madison, Wisconsin.

- A. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare.
- B. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- C. This ordinance does not supersede any any easement, covenant or other private agreement. However, this ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.
- D. Any use, building, structure, or lot that is lawfully existing at the time of the adoption of this ordinance, or any subsequent amendment(s), may be continued, subject to the provisions in Section _____.
- E. A building, structure or use that was unlawful when this Chapter was adopted does not become lawful solely by reason of the adoption of this Chapter. To the extent that the unlawful building, structure or use conflicts with this Chapter, the building, structure or use remains unlawful under this Chapter.
- F. In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 116 or NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

28A-005 Zoning Of Annexed Land

Pursuant to Sec. 66.0217(8) Wis. Statutes, all property annexed to the City of Madison and previously not zoned under this ordinance shall be hereby declared to be in the temporary agriculture district until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to Sec. 28.12(10) of this ordinance. The following requirements also apply to annexed land:

- A. The Dane County floodplain zoning provisions in effect on the date lands are annexed to the City of Madison shall remain in effect and shall be enforced for all annexed lands until the City adopts and enforces an ordinance that meets the requirements of NR 116, Wis. Adm. Code and the National Flood Insurance Program. County floodplain provisions are incorporated by reference for the purpose of administering this subdivision and are on file in the office of the Zoning Administrator.
- B. All lands annexed to the City of Madison after May 7, 1982 shall be subject to the Dane County Shoreland Zoning Ordinance in effect at the time of annexation.

28A-006 Scope Of Regulations

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. [SEE TRANSITION RULES BELOW]

- A. All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance a building permit was issued and is still valid; and provided construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building may be:
 - 1. completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
 - 2. may upon completion be occupied as approved in the building permit by the use for which it was originally designated.
- B. Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this ordinance, the approval shall become null and void unless work thereon is substantially underway within six (6) months of the date of issuance of such approval.

28A-007 Separability

- A. In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.”
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

28A-008 Transition Rules

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

- A. Any application that has been filed with the Department of Planning and Community and Economic Development or Building Inspection Division and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this ordinance.
- B. Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.
- C. Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district unless rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance.
- D. Zoning districts, use lists and definitions applicable to previously approved documents, including rezonings, planned development districts, easements, deed restrictions and similar agreements, shall remain in force but shall be interpreted by the Zoning Administrator for consistency with the rules, definitions and other provisions of this ordinance.
- E. Any application before the Zoning Board of Appeals or any application that has been filed with the Department of Planning and Community and Economic Development or Inspections Division and is fully completed, prior to the effective date of this ordinance, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing.

28A-009 Repeal of Conflicting Ordinances and Effective Date

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective on _____.

