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# INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City Plan Commission.

This manual is somewhat general in nature, but includes helpful references to specific ordinances further describing the role of the Plan Commission.

The City Plan Commission is limited in its authority by both State Statutes (2011-2013) (particularly Section 62.23 and Chapter 236), as well as by Madison General Ordinances Chapter 16 (2013) which essentially places the Commission in an advisory role or specifies the criteria for actions by the Commission.

The City of Madison Plan Commission was created in 1931, and has been in continuous existence since that time. Among the Plan Commission's responsibilities is reviewing and making recommendations to the Common Council on rezoning requests, annexation of land, subdivision plats, certified survey maps, and zoning ordinance text amendments. It has final authority over building demolitions and conditional use permits.

The Plan Commission also makes recommendations to the Common Council on various plans, including the Comprehensive Plan, neighborhood development plans in peripheral areas, neighborhood, corridor, and special area plans among other activities. In addition, the Common Council refers questions concerning the location and design of public buildings, statues and memorials, and the location of and changes to public streets, parks, or other public lands within the City to the Plan Commission for its consideration and report before final action is taken by the Common Council. All plats or replats of lands within City limits or within three (3) miles of City limits are also submitted to the Plan Commission for its recommendation to the Common Council before they are approved by the Common Council.

The Plan Commission has nine (9) voting members comprising the Mayor or his/her designee, three (3) members of the Common Council, and five (5) citizens. The commission also includes two (2) alternate members. See Madison General Ordinances (MGO) [Section 16.01](#) for detailed information about the Plan Commission.

## Select Planning Milestones in Madison

Madison has a rich history of community planning. Historical plans played and continue to play a pivotal role in the growth and development of the City. Many recommendations of past planning efforts have been implemented, often with the direct involvement of the Plan Commission. The paragraphs below summarize historical and contemporary plans and related documents.

### a) James Doty's Original Plat (1836)

In April 1836, James Doty purchased land on the isthmus between Lakes Mendota and Monona, and prepared the original plat for Madison. The plat incorporates a baroque radial street network. The influence of Washington D.C. on Doty's plat is apparent in the Capitol Square, which radiates diagonal streets over a basic grid pattern of streets and blocks. Doty was

instrumental in convincing the Wisconsin legislature to designate Madison as the capital city of the Wisconsin Territory.

### **b) John Nolen's Madison: A Model City (1911)**

John Nolen, one of the nation's first City planners, was instrumental in creating a vision for the future growth of the City of Madison which still guides the urban character of the community. In March 1911, the Nolen plan was formally published under the title *Madison: A Model City*. Key recommendations of the plan were:

- Pass suitable laws for protection of the environs of the State Capitol.
- Acquire the property between Capitol Square and Lake Monona and adopt an appropriate plan for its development.
- Widen and improve State Street from the Capitol to the University.
- Establish, widen and improve the main thoroughfares in and near Madison.
- Secure for public use the most important lake frontages, with a view to the formation of a Four Lakes District.
- Inaugurate a plan for the redemption and use of all marsh lands within or near the limits of Madison.
- Forecast the future needs of the State University and more adequately provide for them.
- Secure the improvement of railroad approaches to the City and the gradual abolition of grade crossings.
- Adopt a better method of locating and improving streets and making subdivisions.
- Remove from public streets all wires, poles, and other obstructions.
- Pass a shade tree ordinance providing for the systematic public planting and maintenance of street trees.
- Organize park work of Madison under a new park law.
- Make the existing parks of Madison as a nucleus and by supplementing them with small open spaces, larger parks, and parkways as already outlined, secure a well-balanced park system of the City.
- Provide playgrounds and large school grounds in every residence section of the City.
- Adopt reasonable regulations for the control of all buildings so as to differentiate neighborhoods and protect real estate values.
- Consider methods of improving the housing of people of small means.
- Investigate and report upon City finances for Madison as regards bond issues, current taxes, and relation to state government.

Since its publication 100 years ago, many of Nolen's recommendations have been implemented. John Nolen's plan for Madison is still very influential, and many subsequent planning efforts, such as the *Comprehensive Plan (2006)* and the *Downtown Plan (2012)*, have built on his grand planning vision for the City.

### **c) City of Madison Comprehensive Plan (2006, 2018)**

In 1999, the Comprehensive Planning Law (sometimes referred to as the "Smart Growth Law") was enacted by the State of Wisconsin. The provisions of the law are found in Sections 66.1001

and 16.965 Wisconsin Statutes. The law authorizes the Plan Commission to prepare, amend and recommend adoption of a comprehensive plan to the Common Council.

The comprehensive plan is required to have the following elements:

- Issues and opportunities
- Housing
- Transportation
- Utilities and community facilities
- Agricultural, natural and cultural resources
- Economic development
- Intergovernmental cooperation
- Land use
- Implementation

Section 66.1001(3) Wisconsin Statutes requires official map ordinances, subdivision ordinances, zoning ordinances and shoreland/wetland zoning ordinances to be consistent with the comprehensive plan. “Consistent with” means “furthers or does not contradict” the objectives, goals, and policies contained in the comprehensive plan.

The first City of Madison *Comprehensive Plan* was adopted in January 2006, and the latest significant update was adopted on August 7, 2018. The Plan establishes an urban development strategy and policies to guide the future growth and development of the community over the next two decades. The Plan, which was a product of broad community input, assesses existing conditions and trends, and provides recommendations organized into the following six elements: Land Use and Transportation, Neighborhoods and Housing, Economy and Opportunity, Green and Resilient, Culture and Character, and Effective Government.

The *Comprehensive Plan* has a long-range perspective, and is a policy document that provides a coordinated approach to making many decisions regarding land use and the location of development, the extension of urban services and the placement of community facilities. As such, the *Comprehensive Plan* is one of the primary tools used by the Madison Plan Commission, the Common Council, and the City administration in making decisions that affect the future of the community.

The *Comprehensive Plan* provides the planning framework for more detailed plans often adopted as its supplements. The City currently has citywide plans focused on specific issues (such as transportation, historic preservation, and others), and subarea plans which cover parts of the City that are already developed, areas likely to redevelop, and future growth areas on the edge of the City.

The *Comprehensive Plan* also provides a framework and guidance for the budget, and for updating land development regulations, such as the zoning code. The primary role of the *Comprehensive Plan* is to focus the City on goals, strategies, and actions that will provide a framework for Madison to accommodate projected growth in ways that improve Madison’s racial equity, sustainability, health, and adaptability.

Since adoption of the *Comprehensive Plan* in 2018, several new subarea plans have been prepared and adopted as supplements to the *Comprehensive Plan*. A current version of the

Comprehensive Plan can be found at the following website:

[https://www.cityofmadison.com/dpced/planning/plans/440/#Citywide Plans](https://www.cityofmadison.com/dpced/planning/plans/440/#CitywidePlans)

#### d) City of Madison Zoning Code (2013)

The Zoning Code is one of the primary tools the City uses to implement plans and regulate development. All new development in the City must be consistent with the code's requirements. The code groups property within the City into different zoning districts, each with their own development requirements. These requirements include the types of uses allowed on a property, physical design parameters such as building setbacks from the street and adjacent properties, and the amount of parking and landscaping required on a site. The zoning ordinance itself includes two components: 1) The zoning text, which provides standards for each district, and 2) The zoning map, which shows which district's standards apply to each parcel of land in the City.

The current zoning code was adopted in 2011 and took effect in 2013 as a replacement to the previous zoning code, which had been originally adopted in 1966. While it had been amended many times over the decades, it did not reflect best zoning and community planning practices. The new zoning code was drafted to implement many of the recommendations of the City's adopted plans, including the Comprehensive Plan.

The new zoning code differs from the 1966 code in numerous ways. For example, several new residential districts have been created, better matching the varied types of neighborhoods that exist and that are planned throughout the City. The proposed commercial districts are intended to better foster mixed-use development and include new design standards and guidelines to promote attractive commercial development. New zoning districts specifically created for Downtown Madison will help to implement the recommendations of the City's *Downtown Plan*. Other changes include clearer standards for building design, provisions to promote sustainable development, and a new, more flexible approach to off-street parking standards. Finally, the new zoning code includes tables and illustrations to improve its usability.

The Zoning Code is frequently updated based on changes approved by the Common Council, following recommendations by the Plan Commission. A current version of the Zoning Code can be found on the City's Legislative Information Center website:

<http://www.cityofmadison.com/cityhall/legislativeinformation/>

Specific link to the City of Madison Zoning Code (MGO Chapter 28):

[https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances?nodeId=COORMAWIVOLLCH20--31\\_CH28ZOCOOR](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOLLCH20--31_CH28ZOCOOR)

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# RELATIONSHIP TO STAFF

Planning Division staff have many responsibilities within the realm of the preparation and maintenance of long-term plans for the city and its subareas, and coordination with other city agencies, public sector (including other units of government, school districts, University of Wisconsin, Madison College, etc.) and members of the public, and the private sector to support plan implementation. Among the primary duties of Planning Division staff is to provide sufficient information and recommendations to the Commission, including noting the applicable standards the Plan Commission should consider for agenda items, to assist in their decision-making at regularly scheduled meetings. For major initiatives involving significant plans or ordinance revisions, the Plan Commission may be asked to participate in special work sessions outside of their regularly scheduled meetings, in order to gain a full understanding of the issues at hand and provide frequent direction to staff.

The Commission must necessarily make informed decisions and recommendations about the adoption of plans, land use and development requests, and other matters, and should rely on staff to administer these processes both before and after they are brought before the Commission for a decision.

Staff is responsible for the preparation and maintenance of the Comprehensive Plan, neighborhood, corridor, and special area plans, all of which must be adopted by the Common Council following recommendation by the Plan Commission and other bodies. For most land use and development requests before the Plan Commission, staff is responsible for processing and reviewing applications, assisting with the public process prior to public hearings, authoring staff reports to the Plan Commission, noticing public hearings, and reviewing final submittals prior to the issuance of permits. Staff will be available to answer questions of Commissioners throughout these processes.

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# PLAN COMMISSION RULES OF PROCEDURE

The following rules of procedure were adopted by the Plan Commission (“the Commission”) on April 22, 2013, and amended on **DATE** to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances and Wisconsin Statutes.

## **a) Officers**

Annually, in May, following the election of the aldermanic members and the appointment of the citizen member(s), the Commission shall elect a Chair and a Vice-Chair. However, if the Mayor, rather than her or his designee, serves on the Commission, the Mayor shall be Chair. The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. In the absence of the Chair, the Vice-Chair shall be Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Director of the Department of Planning and Community and Economic Development, or her/his designee shall act as Secretary to the Commission. He/she shall execute documents in the name of the Commission, perform the duties hereinafter listed, and perform such other duties as the Commission may request. Unless changed by the Director of the Department of Planning and Community and Economic Development at any time, the Planning Division Director is designated to serve as Acting Secretary.

## **b) Orientation for New Commissioners**

As new Plan Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, samples of recent agendas and meeting minutes, and a copy of the Comprehensive Plan. Staff will schedule orientation meetings with new members to provide information and review policy and procedures; parking stickers may be requested if needed. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct.

## **c) Committee Assignments**

Members of the Plan Commission also serve on other standing city boards, committees, commissions, etc., including but not limited to the Transportation Policy and Planning Board and the Joint Campus Area Committee; they may also be appointed to ad hoc committees as needed.

## **d) Meetings**

### **1. Regular Meetings**

Meetings of the Commission generally are held at 5:30 p.m. two times per month in Room 201 of the City-County Building based on a schedule of regular meetings published annually by the Secretary of the Commission. When Room 201 is not available, the Secretary shall arrange for another room.

## 2. **Other Meetings**

Other meetings may be called at the request of the Chair, the Secretary, or four members of the Commission. Such meetings generally are devoted to the presentation of reports on long-range planning or planning discussions on issues that require Commission attention in addition to regularly scheduled meetings. Notice of other meetings shall be given by the Secretary to members of the Commission at least 24 hours prior to such meeting and shall state the business to be considered and the time and location of the meeting. No business shall be transacted but that for which the meeting shall have been called.

## e) **Quorum**

Five members shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting.

## f) **Parliamentary Procedure**

Roberts Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Plan Commission procedural rule shall take precedence over Roberts Rules of Order. The Plan Commission is required to utilize the Common Council's process for Reconsideration. See MGO [2.21](#).

## g) **Secretary**

### 1. **The Duties of the Secretary**

The Secretary is responsible for the preparation of an agenda and the minutes of each meeting. A copy of the draft minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Plan Commission minutes are kept in the Planning and Community and Economic Development Department Office. Agendas and approved minutes also appear on the City's [Legislative Information Center](#).

### 2. **Communications, Petitions, etc.**

All communications, petitions, and reports should be addressed to the Commission and delivered, mailed, or e-mailed to the Secretary for inclusion in the public record. Communications received by individual Commission members should be forwarded to the Secretary and included in the public record.

### 3. **Reports to the Common Council and Others**

The Secretary shall report the action of the Commission to the Common Council on all matters referred to it by the Council.

## **h) Order of Business - Agenda**

The Secretary shall prepare an agenda for each meeting. The order of business shall generally be as follows:

- I. Roll Call
- II. Public Comment
- III. Communications, Disclosures and Recusals
- IV. Minutes
- V. Scheduling of Meetings
- VI. New/Routine Business
- VII. Unfinished Business
- VIII. Public Hearings
- IX. Secretary's Report
- X. Business by Members
- XI. Announcements
- XII. Adjournment

Reviewing departments' comments are incorporated into staff reports for upcoming Plan Commission agenda items. If comments are not received in time, they are copied and distributed to the Plan Commission members at the beginning of the meeting. These comments normally pertain only to public hearing items. Members having questions on agenda items are encouraged to contact staff in advance of the meeting.

## **i) Conduct of Meetings**

### **1. Non-Public Hearing Items**

Testimony on non-public hearing items before the Plan Commission (including Routine or New Business Items and Special Items of Business) is limited to three (3) minutes.

### **2. Public Hearing Items**

The Commission may schedule a public hearing on any matter before it and shall hear any and all persons wishing to speak on any subject formally before the Commission. The Commission shall hold public hearings on all matters referred to it for public hearing by the Common Council. Persons wishing to speak must register before a public hearing item comes up for action.

### **3. Use of Consent Agenda**

At the beginning of the agenda, items may be considered in other than their order of appearance on the published agenda if the items have been placed on a consent agenda. Items on the consent agenda are typically routine, procedural decisions, and decisions that are likely to be non-controversial. Public hearing items may be included on the consent agenda when there is agreement with conditions listed in the staff report. Consent agenda items may be noted for the record by reading a shortened version of the item description into the record or by reading the full descriptive text of the item into the record.

The commissioners shall determine which, if any, items shall be considered on the consent agenda, and once items have been noted for the record, may take up these items and any agreed-upon referrals in a single vote. Any items removed by the Commission from the consent agenda will be considered in the order of the published agenda unless by Commission consensus an item is moved to a different order on the agenda due to such considerations as an item being likely to take a short amount time and so being moved ahead of an item likely to take a long time.

Because the consent agenda may affect the order in which public hearing items are heard, persons wishing to be heard on any public hearing item should register to speak by 5:30 p.m.

### **4. Procedure for Public Hearings**

- a. The Chair shall briefly identify the subject or subjects under consideration and explain the process that will be followed if necessary.
- b. The Secretary or staff may provide an oral report to the Commission summarizing the proposal and staff's recommendation.
- c. The Chair shall open the public hearing and may call for alternate appearances for and against the subject under consideration. The name and home address of each person

appearing shall be stated. Registrants representing an entity (e.g. organization, business, etc.) may list a relevant address related to that entity. Those persons who agree with the views of a prior speaker are requested to so indicate rather than repeating those views.

d. Registrants may speak for up to three (3) minutes. When considering complex items the Plan Commission may permit the applicant to speak for additional time to present the issues or may group several of the applicant project team to speak in succession; if there is organized opposition, the Plan Commission may permit several speakers the same amount of time to present their perspective. Such additional time and groupings shall not exceed a total of nine (9) minutes. Thereafter, the Chair may alternate appearance for and against.

e. The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting above reproach.

f. No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member or alternate may question a speaker on the facts presented or for clarification of a statement made.

g. Upon conclusion of the public statements, the Chair shall thank all for their interest and attendance and close the public hearing. Once the hearing is closed, no member of the public may speak unless the Commission votes to suspend its rules for this purpose.

h. Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

## 5. Adjourning Meeting

A Plan Commission meeting is adjourned following the conclusion of consideration of all agenda items. At such time an adjournment motion is made and if passed the meeting is adjourned. In addition, the chair may, at 10:30 p.m. ask for a motion to adjourn, referring remaining items to the following meeting. If such a motion is made and passed, the meeting will then adjourn. If such a motion is not made or does not pass, the meeting shall continue.

## j) Motions and Voting

Motions shall be restated by the chair or at the request of the chair, by the secretary, before a vote is taken. The name of the maker of a motion shall be recorded.

Alternate members may participate in discussion, questioning and debate regardless of whether they will vote. Members of the Common Council who are not serving on the Plan Commission likewise may participate in discussions, but may not make motions or vote on any matters. Likewise, alternate members of the Commission cannot make or second a motion unless they are eligible to vote on that item.

MGO § 33.01(8)(d) provides that any motion before the Plan Commission must be passed by an affirmative vote of not less than a majority of the members in attendance. Of course, this number must never be less than a majority of the quorum, since the Plan Commission cannot hold a meeting or take action on an item without quorum. The following chart details the

number of votes needed for a motion to pass depending on how many members are present (including the chair)..

# Attendees	# Votes Needed to Pass Motion
5 (bare quorum)	3
6	4
7	4
8	5
9	5

While some assume that the Chair will abstain from voting, unless needed to break a tie, MGO § 33.01(7)(c) provides that the Chair shall not vote “unless the chair’s vote would affect the outcome of the matter.” Certainly, breaking a tie would affect the outcome of a matter. But, in some cases, a Chair’s vote may affect the outcome even when there is not a tie because their vote may be the vote that allows the motion to pass. For example, if there are eight (8) Plan Commission members present (including the chair) and the vote on a motion is four (4) ayes and three (3) noes, the Chair could choose to vote aye, which would affect the outcome because it would result in the five (5) votes necessary for the motion to pass (see table above); or the Chair could choose not to vote at all, which would result in a final vote of four (4) ayes and three (3) noes and the motion failing because it did not garner enough votes for the motion to pass.

Voting shall be by voice and shall not be recorded by ‘yeas’ and ‘nays’ unless requested by a member of the Commission or needed to assure clarity of final vote and passage of the motion. Roll call votes shall be recorded.

If the Plan Commission does not approve an application, there may be limits on when the applicant can refile the application. For example, 28.182(7) (rezonings) and 28.183(7) (conditional uses) provide that where an application for conditional use is denied wholly or in part by the Plan Commission (or no motion is passed to approve or deny the proposal), the application may not be resubmitted for a period of one (1) year from the date of the final decision, unless, among other things, the decision expressly states that it is placed on file without prejudice.”

### **k) Reports**

The Commission may ask for reports and recommendations from the staff on any matters before it.

### **l) Suspension of Rules**

The Commission may suspend any of its procedural rules (except City and State Codes) by unanimous vote.

## m) Amendments

These rules may be amended at any regular or other meeting by a two-thirds vote of the members present.

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# CODE OF ETHICS

**Plan Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.**

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See MGO [Section 3.35](#).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.<sup>1</sup>

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# OPEN MEETING REQUIREMENTS

**Plan Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.**

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in MGO Section 3.71, and supplemented by Administrative Procedure Memorandum (APM) 3-13. The Plan Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.<sup>2</sup>

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# DECISION MAKING

**Plan Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.**

All parties who appear before the Plan Commission are entitled to a fair and impartial hearing. This includes:

**1. The appearance of fairness**

The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. *Keen v. Dane County Board of Supervisors*, 269 Wis.2d 488 (Ct. App 2003).

**2. Proper notice and hearing**

Notice is handled by City staff (e.g. publication, mailed notice, posting of placards). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members. Additional hearings are only required when "substantial" change in the ordinance has occurred e.g. when the fundamental character of a proposal changes, different landowners are affected or the same landowners are affected in a different way.

**3. Decisions based on the standards and the evidence before the body**

Where decision-making standards or criteria are listed in the ordinances, the Plan Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.<sup>3</sup>

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# DEVELOPMENT REVIEW PROCESS

## Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application state, the board and commission review stage, and the plan sign-off, permitting, and inspection stage. Staff has prepared flowcharts outlining the detailed steps involved throughout the development review process (see [Appendices](#)).

## Role of Reviewing Agencies

Materials for development projects are routinely circulated to approximately a dozen City agencies. In reviewing and preparing materials (including a staff report) for those projects, the Planning Division relies on the comments and proposed conditions of approval it receives from those agencies. A brief summary of the agencies that frequently provide the Plan Commission comments and conditions follows, which describes their primary focus when reviewing Plan Commission matters:

**City Engineering Division** – The City Engineering Division reviews most projects that come before the Plan Commission for a myriad of topics, including the adequacy of sanitary and storm sewers to serve a project, impacts on public infrastructure, the accuracy of project plans and surveys, and environmental concerns related to a site or proposal. The City Engineering Division works closely with applicants on the implementation of their project approvals, including overseeing the planning and permitting of any public improvements needed to serve a project, and the review and enforcement of stormwater management and erosion control plans (when required).

**Traffic Engineering Division** – The Traffic Engineering Division reviews development proposals for their potential impacts on the City’s traffic and parking infrastructure, including requiring and reviewing traffic impact analyses when required. Traffic Engineering staff also review the adequacy of proposed multi-modal access, parking and circulation infrastructure for conformance with City ordinances, and recommends whether certain residential projects are eligible for on-street parking permits.

**Zoning** – The Zoning Administrator is charged with reviewing development proposals for conformance with the Zoning Code. Following the approval of a project, Zoning staff oversee the final approval of project plans by reviewing agencies and ensures that the building permits issued for a project are consistent with the plans approved by the Plan Commission.

**Parks Division** – The Parks Division reviews residential development projects for their impact on the City’s park system and makes recommendations on the adequacy of public parkland dedications proposed on subdivision plats or Certified Survey Maps. They also review projects for their potential impacts on existing trees on public lands.

**Fire Department** – The Fire Marshal Division of the Madison Fire Department reviews development projects for conformance with various City and State fire and building

codes, including the proposed occupancy, the need for sprinklers, and the adequacy of proposed fire lanes and aerial apparatus access lanes.

**Water Utility** – The Madison Water Utility reviews any project in a Wellhead Protection zoning district to determine if a proposed use is permitted and reviews new development projects to determine if there is adequate water service to serve a project.

**Metro Transit** – Metro Transit reviews projects to determine if adequate transit service is available to serve certain proposed developments and may also request improvements to transit stops located adjacent to project sites.

## Summary of Public Hearing Notices

Prior to the Plan Commission holding public hearings on **zoning map amendments, conditional uses** and **demolition permits**, the Planning Division mails a postcard containing a brief summary of the request and the date, time and location of the public hearing(s) at which it will be heard to the owners and occupants of properties located within 200 feet of the subject property, as well as publishes a “Class 2” notice containing the same information in the City’s official newspaper once each in two consecutive weeks, the second notice not being published less than 7 days prior to the Plan Commission hearing. A sign prepared by the Zoning Administrator is also required to be posted on the site by the applicant prior to the scheduled Plan Commission hearing.

A Class 2 notice is also published for any **zoning text amendment** to be considered by the Plan Commission and Common Council. Mailed hearing notices to property owners and occupants may also be sent to the owners and occupants of properties located within 200 feet prior to the Plan Commission’s review of certain **Certified Survey Maps** referred to it for approval under the Subdivision Regulations at the discretion of the Secretary of the Commission.

## Making Decisions on Matters Before the Commission

For any **zoning map** or **text amendment** or **subdivision plat (preliminary or final)** where the Plan Commission makes a recommendation to the Common Council, or any **conditional use, demolition permit** or **Certified Survey Map** where the Plan Commission approval is required, the Commission may take one of the following actions:

- **Approve** (or **recommend Approval**) of a project if it determines that the request meets the applicable standards and criteria for approval, including due consideration of the request’s consistency with any adopted City plans. The Plan Commission may adopt or recommend conditions of approval for a project if it believes that those conditions will allow the project to meet the standards or criteria for approval and there is a reasonable relationship between the condition(s) and the impact created by the project.
- Conversely, the Plan Commission should **Reject/ Deny** (or recommend **Rejection/ Denial**) of any project it feels does not meet the applicable standards and criteria for approval. In doing so, the Plan Commission shall specifically state the standards and criteria that the request does not meet and the reasons why those standards and criteria are not met.

- In some cases, the Commission may **Place on File With** or **Without Prejudice** or recommend that the Common Council do so instead of rejecting or denying a request. A rejection, denial or placing on file with prejudice would prevent the same request from being made of the Commission for one calendar year. An application withdrawn by an applicant and placed on file without prejudice may be re-filed sooner than a year. Likewise, if the application is substantially altered as determined by staff and the Commission, it may be considered sooner than a year. A decision to place on file may be appealed in the same manner that a denial may be appealed.
- The Plan Commission may **Refer** the matter (or recommend that the Common Council **Re-Refer** it) to the Plan Commission if it does not believe that the request currently before it meets the applicable standards and criteria for approval but that it could with additional modification. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed (e.g. another reviewing body is required to make a recommendation before the Plan Commission may act). For any referral, the Commission should specify its reasons for referring the matter to a future meeting. If the Plan Commission refers or recommends re-referral to a specific meeting date, no new public hearing notices will be provided if the request is not substantially changed. If the date the Commission will next hear the request is not known, new notices are required.

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# THE ROLE OF THE PLAN COMMISSION

This Section of the Plan Commission Manual summarizes the Plan Commission’s role in various development-related activities, including planning, zoning, and subdividing of lands. In many instances, the Plan Commission is an advisory body, making recommendations to the Common Council. The Plan Commission makes final decisions on demolition permits and conditional uses, although its decision on conditional uses may be appealed to the Common Council.

## Land Use Approvals

**Conditional Uses** -The City is divided into zoning districts within which there are requirements for the use of land, and the bulk, design and location of buildings may be permitted as of right. However, there are certain uses that, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses without consideration of the impact there might be on neighboring land or public facilities, and of the public need for the particular use at a particular location. Nevertheless, such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to the location, development and operation of such uses. Such requests are reviewed on a case by case basis, taking into account the unique circumstances of each.

There is no right to a conditional use permit; the applicant has the burden to demonstrate that the standards for a conditional use can be met. The Plan Commission makes the final determination on such requests, may place conditions on its approval, and retains continuing jurisdiction over the conditional use. Continuing jurisdiction allows the Plan Commission upon the advice of the Zoning Administrator to determine if a complaint against a conditional use is valid, and if so, to hold a public hearing to reconsider, modify or revoke the use. Appeals of Plan Commission decisions on conditional uses may be taken to the Common Council.

Plan Commission Role: The Plan Commission holds a public hearing and grants or denies the request for a conditional use using the standards provided in the Zoning Code. The Plan Commission decision may be appealed to the Common Council.

For more information, see standards for review in MGO [Section 28.183](#).

**Demolition Permit** - The Plan Commission is required to review, and may grant approval of or reject, demolition permits for all principal structures in the City of Madison. Examples of principal structures include most single-family residences, multi-family buildings and large commercial structures. Accessory structures like residential garages and sheds are exempted and do not require Plan Commission approval. The purpose of the review of demolition requests is to aid in the implementation of adopted City plans, to protect neighborhood character, preserve historic buildings, and encourage the reuse and/or relocation of existing buildings. Demolition permit approval is also required in order for a principal building to be removed or relocated from its current property.

If the Director of the Building Inspection Division has determined that a principal building is structurally unsound, the Zoning Administrator may issue a demolition approval for a building if

it has not been used at any time as a single-family or multi-family residential dwelling and is not a landmark or in a local Historic District or a Neighborhood Conservation District.

The Landmarks Commission and Preservation Planner may submit comments on any proposed demolition. The Landmarks Commission is required to issue a Certificate of Appropriateness for any demolition or removal of a local landmark or improvement in a local historic district prior to Plan Commission consideration and approval. The Police Department, Fire Department and Building Inspection Division may also make recommendations in certain cases. Applicants may be asked to explore moving buildings to another location if possible, but are required to provide a plan for recycling or reusing building components and future use of the property if demolition is approved.

Plan Commission Role: The Plan Commission reviews requests for a demolition permit, holds a public hearing and acts on the request. If the building to be demolished is a local historic landmark or in a local historic district, approval from the Landmarks Commission is required prior to review by the Plan Commission.

For more information, see standards for review in MGO [Section 28.185](#).

**Planned Development Districts** - The Planned Development zoning district is established to provide a voluntary regulatory framework as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. Planned Developments are site-specific zoning solutions that typically have no predetermined requirements for land use, lot area, lot width, building height, floor area ratio, useable open space, or off-street parking. All of these items are instead included in an approved and recorded development plan as agreed upon by the owner and the City. Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for unique situations and where none of the base zoning districts address the type of development or site planning proposed. Approval of a Planned Development District requires a zoning map amendment, and results in the creation of a new site-specific zoning district, with specific requirements and standards that are unique to that planned development.

Plan Commission's Role: The Plan Commission reviews the proposed zoning map amendment (General Development Plan), holds a public hearing and recommends to the Common Council. The Plan Commission reviews the Specific Implementation Plan, holds a public hearing and recommends to the Common Council.

For more information, see MGO Sections [28.098](#) and [28.182](#).

**Subdividing and Combining Land** - In Wisconsin, parcels of land are commonly created by the approval and recording of either a final plat or a certified survey map (CSM). Prior to the approval of all final plats and prior to the approval of some CSMs, a preliminary plat is required to be approved that shows the generalized concept for how a subdivision will be laid out (street layouts, lot configurations, open spaces, etc.). In considering approval of a plat or CSM, the City must consider all the impacts the proposed subdivision or land combination will have on furthering the objectives of adopted City plans and the impacts the proposed subdivision will have on the City's ability to provide municipal services. In most cases, the subdivision of land by

final plat or CSM requires that the subject property be served with a full range of urban services, including public sanitary sewer and water.

In addition to reviewing and approving the subdivision of land within the City limits, the City of Madison may also review subdivision or CSM requests within its extraterritorial plat approval jurisdiction as provided for under Wisconsin Statutes. Madison is allowed to review extraterritorial subdivisions located up to three miles from its municipal limits. However, the City has adopted an extraterritorial plat approval jurisdiction map showing specific areas within three miles of the City limits where these reviews should occur.

Plan Commission Role: The Plan Commission reviews all preliminary plats and makes a recommendation to the Common Council. The Commission reviews any proposed final plat for consistency with the preliminary plat and makes a recommendation to the Common Council. The Commission reviews and acts on all certified survey maps referred to it by the Secretary of the Commission, including all CSMs in the extraterritorial jurisdiction. In the event of a dedication of public land and/or easement, a resolution approved by the Common Council is required prior to recording of the CSM.

For more information, see MGO [Section 16.23](#) and [Section 236 Wisconsin Statutes](#).

**Zoning Map and Text Amendments** - Each parcel of land in the City of Madison is zoned under the provisions of the Zoning Code. Each zoning district stipulates the regulations for the use of land and buildings and their spatial relationships (including building height, setbacks and open space) within that district. These zoning regulations exist to preserve the basic health, safety and welfare of the general public and to encourage the existence of complementary uses throughout the City. The Madison Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for the zoning code. Wisconsin Comprehensive Plan Law, also known as the Smart Growth law, requires the zoning code to be consistent with the Comprehensive Plan.

If a property owner proposes to use his/ her property in a way that is not permitted by their current zoning, they may request that the zoning of their property be changed to a different zoning district that would permit their proposed use. This process is referred to as a zoning map amendment, or more commonly, a rezoning. In order to rezone property, the Common Council must adopt an ordinance that changes the zoning district that applies to the property following a recommendation by the City's Plan Commission. In general, the requested rezoning must be found to be in conformance with adopted City plans.

From time to time, amendments to the zoning text may be proposed by the Common Council and/or any alderperson. In these instances the Plan Commission shall review the proposed amendment, hold a public hearing and make a recommendation to the Common Council.

Plan Commission Role: The Plan Commission reviews rezoning or text amendment request, holds a public hearing and makes a recommendation to the Common Council.

For more information, see MGO [Section 28.181](#).

# City Plans

**Comprehensive Plan** - The *Comprehensive Plan* is a policy document that provides a coordinated approach to making many decisions regarding land use and the location of development, the extension of urban services and the placement of community facilities. As such, the *Comprehensive Plan* is one of the primary tools used by the Madison Plan Commission, the Common Council, and the City administration in making decisions that affect the future of the community. Sections 66.1001 and 16.965 Wisconsin Statutes (2011-2013) authorize the Plan Commission to prepare, amend and recommend adoption of a comprehensive plan only by adopting a resolution by a majority vote of the entire Commission. The *Comprehensive Plan Law* requires that official map ordinances, subdivision ordinances, zoning ordinances and shoreland/wetland zoning ordinances be consistent with the *Comprehensive Plan*.

Plan Commission Role: Prepare, amend and recommend adoption of the *Comprehensive Plan* by adopting a resolution by a majority vote of the entire Commission. The Plan Commission holds a public hearing prior to making a recommendation to the Common Council.

**Neighborhood Plans, Neighborhood Development Plans and Special Area Plans** - The City of Madison has a long history of planning at the City-wide, neighborhood and small area scales. These plans are adopted as supplements to the *Comprehensive Plan* and provide guidance to the Plan Commission; Common Council; and boards and commissions as community development decisions are made. For example, the City's Zoning Code requires the Plan Commission to not approve a conditional use without due consideration of the recommendations in the City of Madison *Comprehensive Plan* and any applicable, neighborhood, neighborhood development or special area plan.

Plan Commission Role: The Plan Commission reviews the plan, holds a public hearing and recommends to the Common Council.

Following are descriptions of neighborhood plans, neighborhood development plans and special area plans, all of which are adopted as supplements to the *Comprehensive Plan*:

- **Neighborhood Plans** - Neighborhood plans include short-term strategies (3 to 5 years) to address specific challenges, issues and opportunities---primarily in Madison's older neighborhoods. These plans serve as a guide for actions and changes that will preserve and strengthen Madison's established neighborhoods. Neighborhood plans typically address some or all of the following issues: community services, economic development, housing development, land use, parks and open space, public infrastructure, safety, transportation, and zoning issues. Neighborhood plans also include concept plans for well-defined geographic areas of the City. These plans include goals, objectives and a conceptual development plan for the redevelopment and/or preservation of specific areas of the community.
- **Neighborhood Development Plans** - Neighborhood development plans are prepared by the Department of Planning and Development in cooperation with other City departments, affected local governmental units, area residents and landowners with the purpose of guiding the growth and development of largely undeveloped lands at the City's urban edge. These plans are intended to provide a framework for the growth and

development of the City's peripheral urban expansion areas where development is expected to occur in the foreseeable future. The City prepares detailed neighborhood development plans for all designated City growth areas prior to initiating requests to add the areas to the Central Urban Service Area, and before granting any development approvals on lands located within the planning areas.

- **Special Area Plans** - Special area plans vary greatly in the scope of issues considered and in geographic coverage. The *Downtown Plan (2012)* is a special area plan, as are the *Oscar Mayer Special Area Plan (2020)* and the *Milwaukee Street Special Area Plan (2018)*. Special area plans typically cover areas of the city that are not contiguous with established neighborhood boundaries, but share commonalities driving the need for the planning process.

**Redevelopment Plans** - A redevelopment plan is required before the Community Development Authority acquires property. The Plan Commission reviews the redevelopment plan and makes a recommendation to the Common Council as to whether the plan is consistent with the Comprehensive Plan. "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area. The redevelopment plan shall conform to the Comprehensive Plan of the City and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area.

Plan Commission Role: The Plan Commission reviews redevelopment plans and makes a recommendation to the Common Council about whether or not the plans are consistent with the Comprehensive Plan.

For more information, see MGO [Section 16.01\(10\)](#).

## Other Requests Before the Plan Commission

***Annexing or Attaching Property*** - The annexation process allows unincorporated township lands outside the corporate limits of the City of Madison to become part of the City. Annexation is required in most cases before a property can receive City services such as sanitary sewer and water and in many cases before a property can be subdivided and used for more intensive, urban forms of development. The annexed property may be zoned a “Temporary” zoning classification pending submittal of a request for zoning under the City’s Zoning Code.

Property owners interested in receiving City services and/or developing their property in the City should plan to annex their lands to the City well in advance of their requests for service and development proposals. In most cases, City service requests, subdivision proposals and land use applications cannot be submitted for consideration by the City until after the annexation process has been completed.

Note that in certain cases, the annexation process is referred to instead as an “attachment,” which is the term used to describe the addition of property to the City from townships with which the City has intergovernmental agreements and cooperative plans. While the materials for an attachment are identical to those required for an annexation, there are slight variations in the process. Currently, the City has agreements with the Towns of Burke, Blooming Grove, Middleton and Madison.

Plan Commission Role: The Plan Commission reviews the annexation petition, holds a public hearing and makes a recommendation to the Common Council. The Plan Commission is not required to review attachments of lands from towns if an intergovernmental agreement is in place for the location where the attachment is proposed.

For more information, see [Section 66.017 Wisconsin Statutes](#)

***Official Map*** - The official map, which is different than the zoning map, is intended to conserve and promote the public health, safety, convenience, economy, orderliness and general welfare of the community; to further the orderly layout in the use of land; to stabilize the location of real property boundary lines; to ensure proper legal description and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land. The official map enables the City to prevent development from occurring in areas designated for other uses, such as streets and parks.

Plan Commission Role: The Plan Commission reviews the official map and recommends to Common Council.

For more information, see MGO [Section 16.25](#) and [Section 62.23\(6\) Wisconsin Statutes \(2011-2013\)](#).

***Public Buildings, Parks and Streets*** - The following items are referred to the Plan Commission as required by MGO Section 16.01. The Madison General Ordinances generally state that the Common Council shall refer any question concerning the location of any public building, the location, extension or widening of any street, park or other public grounds within the City to the Plan Commission for its consideration and report before final action is taken thereon by the

Council. Further, the Plan Commission is required to provide a recommendation to the Council on the acquisition of public land for the establishment or enlarging of streets, parks, playgrounds, sites for public buildings, and reservations pertaining to the same, and the conveyance of any surplus real estate not needed for these purposes with reservations concerning the future use and occupation of such real estate, so as to protect the public works of the City, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare as recommended in adopted plans and policies.

Plan Commission Role: The Plan Commission provides a recommendation to the Board of Public Works, Board of Estimates and the Board of Park Commissioners who make a recommendation to the Common Council.

**Street Vacation** – The vacating of a street is the permanent closure of a public thoroughfare. The request is processed by the City Engineering Division, which coordinates the vacation request with other City agencies and the utility companies. The vacation is considered by the Common Council following a public hearing and recommendations by the Board of Public Works and Plan Commission. If approved, the vacated right-of-way is divided in compliance with the laws regarding reversion.

Plan Commission Role: The Plan Commission reviews the proposed street vacation and makes a recommendation to the Board of Public Works, which then makes a recommendation to the Common Council.

**Tax Incremental Financing** - Tax Incremental Financing (TIF) is a governmental finance tool that the City of Madison uses to provide funds to construct public infrastructure, promote development opportunities and expand the future tax base. TIF assistance in Madison is only used when the proposed development would not occur "but for" City assistance. The proposed development should be consistent with and reinforce all City plans, and lead to the consolidation and redevelopment of underutilized properties.

A City or village can designate a specific area within its boundaries as a Tax Incremental District (TID) and develop a plan to improve its property values. Taxes generated by the increased property values pay for land acquisition or needed public works.

Plan Commission Role: The Plan Commission holds a public hearing on the proposed creation of a Tax Increment District (TID) and the proposed boundaries of the district, and recommends the boundaries to the Common Council. The Commission prepares a project plan for each TID, holds a public hearing, adopts a project plan and submits the plan to the Common Council.

For more information, see [Section 66.1105 Wisconsin Statutes](#).

## Other Related Commissions

**Landmarks Commission** - The Landmarks Commission is a seven-member commission, appointed by the Mayor, to protect, enhance and perpetuate the improvements which represent elements of the City's cultural, social, economic, political and architectural history. The Landmarks Commission reviews compatibility of new buildings with historic resources, exterior alterations to designated landmarks, exterior alterations and new

construction in historic districts, and demolition of landmarks and structures in historic districts with appeals of the decisions going to the Common Council.

Plan Commission Role: The Plan Commission considers advisory recommendations of the Landmarks Commission on city-wide demolition permit requests and developments adjacent to landmark sites.

For more information, see MGO Section [33.19](#), Section [28.144](#), and Section [28.185\(7\)\(a\)3](#) and 4.

**Urban Design Commission (UDC)** - The Urban Design Commission is a nine-member commission, appointed by the Mayor, to review matters of aesthetics, design and appearance of specific building proposals. The Urban Design Commission has final authority on requests in Urban Design Districts and signage. The Urban Design Commission approves building design in Campus Master Plans, and design review in the Employment Campus District, Urban Mixed Use District, and the Downtown Core District, with appeals of its decisions going to the Plan Commission. The Urban Design Commission is advisory to the Plan Commission on Planned Developments. The Plan Commission may refer certain conditional uses and demolition requests to the Urban Design Commission for an advisory recommendation prior to taking action.

Plan Commission Role: The Plan Commission considers the recommendations of the Urban Design Commission. Some decisions of the Urban Design Commission may be appealed to the Plan Commission.

For more information, see MGO [Section 33.24](#).

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## RELATIONSHIPS AMONG CITY PLANS

The City of Madison has numerous plans that guide private development and public investment alike, and help to inform decisions made by city boards and commissions during the development review and approval process. Many plans implement the City's *Comprehensive Plan*. This Section of the Plan Commission Policy and Procedures Manual explains the relationships between City plans.

### Comprehensive Plan

The *Comprehensive Plan* provides general goals, objectives, policies and implementation recommendations to guide the future growth and development of the City, and includes the Generalized Future Land Use Plan Map with land use recommendations for areas within City limits and future growth areas. The land use categories mapped in the *Comprehensive Plan* are broad, and are applied to relatively large geographic areas. Each category encompasses a range of potential land uses and a range of densities to establish parameters for future development, and design characteristics.

The *Comprehensive Plan* recommends that all significant changes in land use from existing conditions be consistent with the recommendations of an adopted neighborhood,

neighborhood development, or special area plan (subarea plans). The land use and design recommendations of subarea plans should be consistent with the recommendations of the *Comprehensive Plan*, but provide more detail regarding recommended land uses, bulk characteristics, densities, and design guidelines.

This structure provides a degree of flexibility in the *Comprehensive Plan's* recommendations, and revisions to the City's adopted plans that may need to be considered in response to new policy initiatives, unanticipated development opportunities, or changed community objectives or conditions can often be addressed at the subarea plan level, so long as subarea plans remains generally consistent with the *Comprehensive Plan*.

Currently, there is considerable variation among subarea plans in the level of detail they include. This variation may continue, but it is intended that all subarea plans include recommendations specific enough to provide meaningful guidance to developers, neighborhoods, City agencies and policy makers, and others involved in the initiation or review of development projects.

## Status of Neighborhood and Special Area Plans Under Wisconsin Statutes

Wisconsin Statutes Section 62.23(3) sets parameters for "The Master Plan" within City Planning. Since 2006, the City of Madison Comprehensive Plan has served as the City's master plan, and consists of many supplements, including dozens of subarea plans, and other special issue plans described in more detail in Appendix B of the Comprehensive Plan, Land Use and Transportation Supplement.. Each of these plans was prepared and adopted separately as "an element of the City of Madison master plan," and has the same legal status as other elements of the master plan provided in Wisconsin Statutes, Section 62.23(3). However, while Wisconsin's Comprehensive Planning law largely leaves this Section intact, Section 66.1001(1) includes a definition that, a "comprehensive plan means . . . a master plan that is adopted or amended under 66.23(2) or (3)." Other Sections of the Comprehensive Planning law require that a Comprehensive Plan must be adopted as a single document all at one time, and must adhere to specific prescribed requirements regarding plan content and adoption procedure. Together, these changes mean that the individual plans adopted separately by the City at different times as a result of subarea planning activities should no longer be adopted as "elements of the Comprehensive Plan" or as "elements of the master plan," which now means the same thing.

Planning is an ongoing activity in the City of Madison, and the preparation and adoption of subarea plans is the practical way for sufficiently detailed community planning to be carried out. In a dynamic community the size of Madison, the *Comprehensive Plan* is too generalized to provide the necessary degree of guidance, and the State requirements for comprehensive plan amendments are too cumbersome to be a continuous activity. In order to establish the link between subarea plans and the *Comprehensive Plan*, it is recommended that subarea plans be adopted as supplements to the *Comprehensive Plan* to reflect their role to provide more detailed recommendations needed to effectively implement the *Comprehensive Plan*.

## Role of Plans in Land Use Decisions

As mentioned above, state law requires that zoning ordinances be consistent with the Comprehensive Plan. The City's zoning ordinances demonstrate that neighborhood, corridor, and special area plans are also intended to inform and guide many land use decisions.

For example, the standards for approval of a planned development district require that "the PD District Plan ... **facilitate the** development or redevelopment **goals** of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans."<sup>4</sup>

Additionally, the standards for approval of a demolition permit require that "the proposed use should be **compatible with** adopted neighborhood plans, the Comprehensive Plan, or with any applicable neighborhood conservation district requirements."<sup>5</sup>

Finally, the standards for a conditional use state, "The City Plan Commission shall not approve a conditional use without **due consideration of** the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans"<sup>6</sup> This choice of language recognizes that while it is generally intended that adopted plans be followed, strict adherence to the precise recommendations made in a plan may not always be appropriate.

Clearly the language allows for flexibility and differences of opinion. However, the applicable standard – consistency, compatibility, facilitation of goals, due consideration of – must be met for each type of land use approval.

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## LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

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# ENDNOTES

1. Ethics Code training materials can be found on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/ethics/index.cfm](http://www.cityofmadison.com/attorney/ethics/index.cfm)

(See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/opinions/2007Opinions.cfm](http://www.cityofmadison.com/attorney/opinions/2007Opinions.cfm))

2. Open Meetings training materials can be found on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/meetings/training.cfm](http://www.cityofmadison.com/attorney/meetings/training.cfm)

(See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/opinions/2004Opinions.cfm](http://www.cityofmadison.com/attorney/opinions/2004Opinions.cfm))

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/training/index.cfm](http://www.cityofmadison.com/attorney/training/index.cfm)

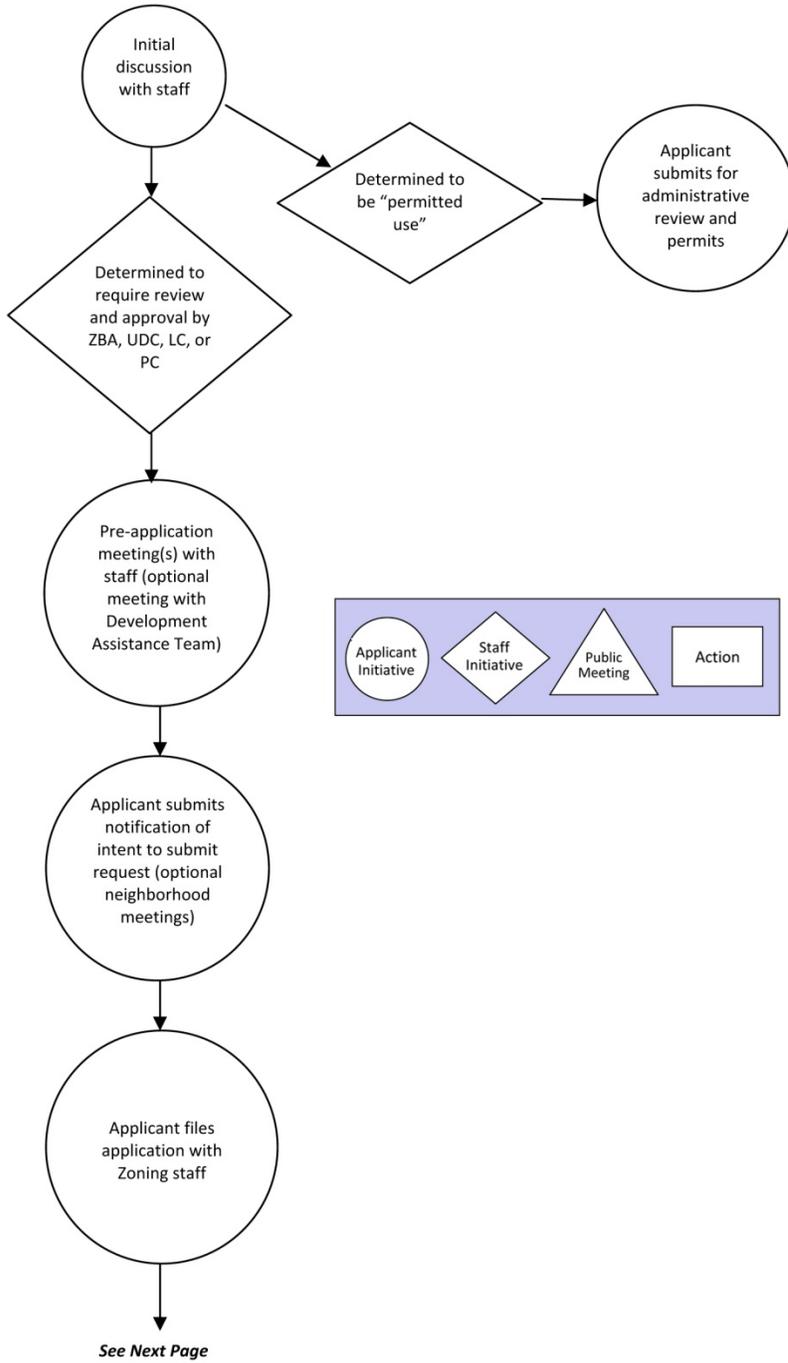
(See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at [www.cityofmadison.com/attorney/opinions/2007Opinions.cfm](http://www.cityofmadison.com/attorney/opinions/2007Opinions.cfm))

4. MGO [Section 28.098](#)(2)(b)
5. MGO [Section 28.185](#)(7)(a)2
6. MGO [Section 28.183](#)(6)(a)

*Note:* Madison General Ordinances are available on the [City of Madison's Legislative Center](#) on the [City's website](#).

# APPENDICES

## Pre-Application Process



## Application Review, Recommendations, and Decisions

