



Legislation Text

File #: 39131, Version: 1

**Fiscal Note**

No fiscal impact.

**Title**

Amending Section 28.098(6) of the Madison General Ordinances to allow the Director of Planning and Economic Development to refer any request for alteration to the Urban Design Commission.

**Body**

DRAFTER'S ANALYSIS: This ordinance amends the provision providing for changes to a Planned Development District to clarify the procedure for obtaining minor and major alterations. Importantly, this ordinance also provides the Director of Planning and Economic Development may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Finally, the ordinance retains the language in the current ordinance pertaining to alterations involving Telecommunication towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities as required by state law.

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

Subsection (6) entitled "Changes to a Planned Development" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended to read as follows:

"(6) Changes to a Planned Development District.

~~No alteration of a Planned Development District shall be permitted unless approved by the Plan Commission. However, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development following consideration by the alderperson of the district that are consistent with the development approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.098(5) shall be required. Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013)~~

Requests to alter a Planned Development District shall be made to the Director of Planning and Community and Economic Development. Upon receipt of the request, the Director shall determine if the request constitutes a major or minor alteration to the Planned Development District. The Director may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Alterations shall only be approved as specified below.

- (a) Minor alterations may be approved the Director of Planning and Community and Economic Development or designee following consideration by the alderperson of the district if the requested alterations are consistent with the concept approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO.
- (b) Major alterations may be approved by the City Plan Commission if the requested alterations are consistent with the concept approved by the Common Council.
- (c) Major alterations that represent a substantial departure from the concept approved by the Common Council may be approved only after all of the procedures in Sec. 28.098(5) have been

- satisfied.
- (d) Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013)"