



Department of Planning & Community & Economic Development

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TO: Plan Commission
FROM: Planning and Zoning Staff
DATE: October 22, 2014
SUBJECT: Proposed Zoning Text Changes

The following staff discussion and general recommendations relate to zoning text items prioritized by the Plan Commission at a March, 2014 Plan Commission Work Session. Please note that for some of the items, staff is seeking input from the Plan Commission before recommending a specific set of text changes. A status update to the list of priority text changes will also be provided to Commissioners.

Revisions to the Planned Development (PD) zoning district (Section 28.098)

In addition to the many items that have been identified by staff, the Plan Commission and others in the March 17 and September 4, 2014 "Issues" memos, Planning and Zoning staff have identified the need to further refine the Planned Development (PD) zoning district.

Attached to the end of this memo, the Commission will find the PD section of the ordinance with the language that staff proposes be added, modified or removed. Highlights of the proposed refinements include:

- Increased emphasis on the importance of design in the statement of purpose and the addition of language to standard (2)(e) that mirrors the design standard for conditional uses, which staff feels will provide the Urban Design Commission, Plan Commission and Common Council clearer guidance in determining the sufficiency of the design of a planned development;
- Clarification that there are no predetermined bulk requirements in the PD district using similar language from the PUD district in the 1966 Code, and clarification of how the General Regulations and Supplemental Regulations apply to planned developments;
- Clarification that the standards for approval apply to major alterations to General Development Plans the same way as they do to new rezonings to the PD district;
- Removal of the 20% open space requirement under the "General Requirements" section in favor of a standard for approval that requires open space "suitable to the type and character of development proposed." Staff feels this revision will eliminate confusion between the "open space" and "usable open space" provisions in the code while affording greater flexibility in how open space is provided appropriate to the development proposed versus compliance with a potentially arbitrary percentage;
- Clarification of the submittal requirements for the PD district.

Staff believes that these proposed revisions include more specific submittal requirements and standards that better reflect the expectations for developments in PD zoning, where the high quality of design of buildings and spaces is emphasized in exchange for the high degree of regulatory flexibility.

Item 2.5 – Create new, more limited district with similar bulk requirements as UMX

The UOR (Urban Office Residential) District was conceived as a successor zoning district for primarily non-residential uses located outside the downtown core in predominantly residential areas that were formerly zoned R6 or R6H under the 1966 Code. Buildings in UOR zoning range from the large National Guardian Life Insurance and “Verex” office buildings located on E. Gilman Street to a half-dozen smaller scale uses and parcels located within a block of N. Hamilton Street. The bulk regulations in the UOR district most closely mirror the DR-2 (Downtown Residential 2 District), with a use list that allows offices and medical facilities (other than hospitals) as well as higher-density residential uses.

UMX (Urban Mixed-Use District) is a transitional high-density mixed-use zoning district that replaced many sites around the downtown that were primarily zoned C2 under the former code. The use list and bulk requirements in the UMX and DC (Downtown Core) districts are very similar. The one exception between the districts is that UMX requires a 10-foot rear yard, whereas no rear yard is required in DC. (Heights through the downtown are regulated by the Downtown Height Map.)

During the discussion of a mixed-use building at 425 W. Washington Avenue, staff, members of the public, and members of the Plan Commission expressed concerns about the introduction of UMX in the middle of that predominantly residentially zoned block. While the project generally enjoyed broad support other than the proposed zoning, the permissiveness of the UMX district vis a vis the potential future uses of the non-residential spaces in the mixed-use building was a concern. The discussion of this building gave rise to the potential need to create another downtown mixed-use zoning district for lower-intensity areas away from the downtown core, and also to the need to revisit the use list in UOR to make that district more broadly applicable.

Staff feels that it would be best to create lower intensity and higher intensity variations on the UMX district. These districts would primarily be differentiated by bulk regulations and by statements of purpose that could emphasize where the districts would be most appropriately mapped and the character of development anticipated in each. Some of the uses allowed in the higher intensity district may not be allowed in the lower intensity district, or only be allowed as conditional uses, and buildings in the lower intensity district may be required to transition to purely residential buildings differently than those in the higher intensity district. As part of the discussion about the creation of a second (non-DC) mixed-use zoning district, refinements to the bulk and use regulations in the UOR district may also be considered.

Areas where staff feels that the lower intensity mixed-use district would be appropriate include in the Bassett and Mifflin districts west of Broom Street, in the James Madison Park district, and in the First Settlement district north of E. Wilson Street. The higher density district would be most appropriate on the non-residential and mixed-use parcels surrounding the DC district and along Wilson Street from Henry Street to Blair Street.

Items 2.8-2.11 – Definitions of lot lines, setbacks, and yards

The determination of front, side, and rear lot lines and the impact of those determinations on building envelope has caused some confusion, particularly on corner lots, full-block properties, and irregularly shaped lots. Staff has taken time to review definitions in our own ordinance, as well as those of a few other cities (LaCrosse, WI, Milwaukee, WI, Minneapolis, MN, Chicago, IL, Portland, OR, and Denver, CO). In reviewing the application of these definitions, staff believes that the most critical set of definitions to examine are the definitions for front, rear, and side lot lines, (particularly front and rear lot lines) and the ways they are applied to irregularly shaped lots. The definitions for setbacks and yards will then flow from the lot line definition. For reference, this memorandum includes relevant excerpts from the City of Madison, City of Portland, and City of Chicago ordinances.

At the October 22 work session, staff will provide the Plan Commission with scenarios on familiar and hypothetical lots in order to make sure that; 1) we have a shared understanding of how our ordinance currently works; and 2) determine what, if any, changes would work well to bring forward as zoning text amendments.

Current City of Madison Definitions (MGO Section 28.211)

Lot Lines (p. 266b)

Lot Line, Front. The boundary of a lot which abuts an existing, dedicated, or officially mapped street or a park per Sec. 28.135(2). In the case of a lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of the Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.

Lot Line, Rear. That lot line which is opposite and most distance from the front lot line.

Lot Line, Side. Any lot line that is not a front lot line or a rear lot line

Lots (p. 266b)

Lot, Corner. A lot of which at least two (2) adjacent sides abuts for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty five (135) degrees.

Lot, Reversed Corner. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear

Setbacks (p. 271-272)

Setback, Maximum. The maximum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark.

Setback, Minimum. The minimum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark.

Setback (Maximum or Minimum), Front Yard. The maximum or minimum distance by which any building or structure may be separated from the front lot line.

Setback (Maximum or Minimum), Rear Yard. The maximum or minimum distance by which any building or structure may be separated from the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.

Setback (Maximum or Minimum), Side Yard. The maximum or minimum distance by which any building or structure may be separated from the side lot line.

Setback (Maximum or Minimum), Street Yard. The maximum or minimum distance by which any building or structure may be separated from the front, side, or rear lot line when such a lot line abuts a street right-of-way.

Yards (p. 275)

Yard. Open space on a zoning lot between the principal building and the adjoining lot lines.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side. A yard extending along the full length of the rear lot line between the side lot lines.

City of Portland, OR Definitions

Lot Lines

Lot Lines. The property lines along the edge of a lot, lot of record, lot remnant, or site.

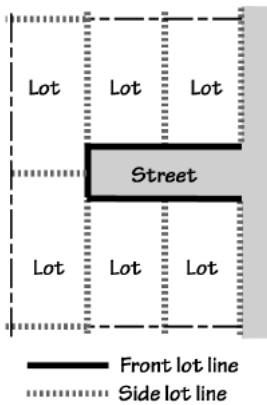
Front Lot Line. A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

Rear Lot Line. A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

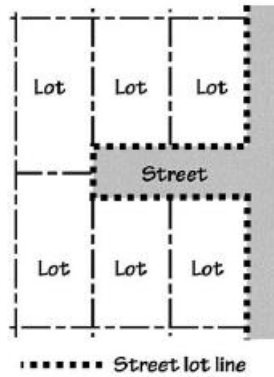
Side Lot Line. A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line.

Street Lot Line. A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines.

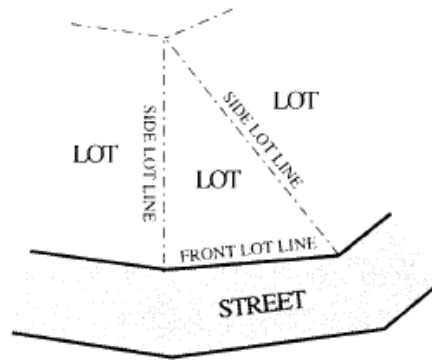
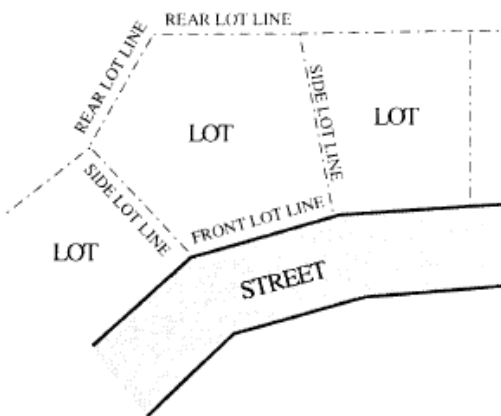
**Figure 910-6
Front and Side Lot Lines**



**Figure 910-7
Street Lot Lines**



**Figure 910-8
Lot Lines on Irregular Lots**

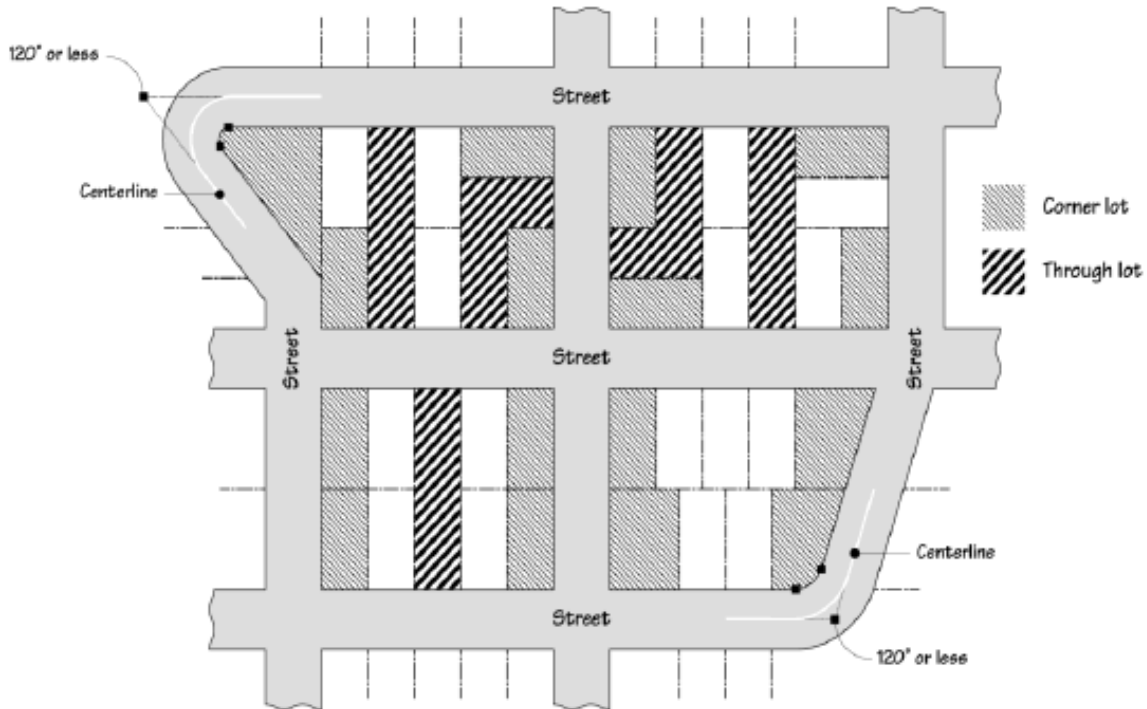


Lots

Corner Lot. A lot that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot.

Through Lot. A lot that has frontage on two streets, and where the lot frontages do not intersect.

**Figure 910-4
Corner and Through Lots**



Setbacks

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from.

Front Setback. A setback that is measured from a front lot line.

Rear Setback. A setback that is measured from a rear lot line.

Side Setback. A setback that is measured from a side lot line.

Street Setback. A setback that is measured from a side lot line.

City of Chicago, IL Definitions

Lot Lines

Front Property Line. That property line that abuts or is along an existing or dedicated public street, or when no public street exists, is along a public way. On lots with multiple street frontages, the property owner may select either street property line as the front property line.

Interior Side Property Line. A side property line that does not abut a street or alley

Rear Property Line. That property line that is most distant from and most parallel to the front property line.

Side Property Line. Any property line that is not a front property line or a rear property line.

Lots

Corner Lot. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Through Lot. A lot having a pair of opposite property lines along two more or less parallel public streets, and that is not a corner lot.

Setbacks

Front Setback. The setback required between a building and the front property line of the lot on which the building is located, extending along the full length of the front property line between the side property lines.

Rear Setback. The setback required between a building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line between the side property lines.

Side Setback. The setback required between a building and the side property line of the lot on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback.

Yards

Front Yard. The actual area that exists between a building and the front property line of the lot on which the building is located, extending along the full length of the front property line between the side property lines.

Rear Yard. The actual area that exists between a building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line between the side property lines.

Side Yard. The actual area that exists between a building and the side property line of the lot on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback

28.098 PLANNED DEVELOPMENT DISTRICT.

(1) Statement of Purpose.

The Planned Development (PD) 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 well-designed development that is sensitive to environmental, cultural, and economic considerations, and features exceptional architecture befitting the flexibility afforded by this district. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.
- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
- (f) Facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

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. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting.

Approval of a Planned Development District requires a zoning map amendment, ~~and which~~ shall result in the creation of a new site-specific zoning district, with specific requirements ~~and standards~~ that are unique to that planned development. In the Planned Development District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map ~~change-amendment~~ to ~~a-the~~ PD District, or any major alteration to an approved General Development Plan, are as follows:

- (a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be

approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:

1. Site conditions such as steep topography or other unusual physical features; or
 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.
- (b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.~~The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed, including the cost of municipal services.~~
- (d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.
- (e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD district.
- ~~(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors to the extent practical. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.~~
- (g) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.
- (h) When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.
4. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

(3) Relationship to Other Applicable Regulations.

- (a) In General. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.
- (b) Subdivision Requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.

(4) General Requirements.

The Planned Development ~~agreement~~-District shall identify the following information:

- (a) All proposed land uses; these shall become permitted or conditional uses upon the approval of the Planned Development by the Common Council.
- (b) Placement of buildings and structures.
- (c) Density, height, floor area, and dimensional requirements for lots or building sites.
- (d) Street layout, including connections to external streets, paths and trails. The Planned Development should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible.
- ~~(e) Open Space and Recreational Facilities. At least twenty percent (20%) of the project area not within street rights of way shall be preserved as protected open space. This requirement may be reduced or waived by the Common Council in cases where the physical location or configuration of the site or proximity to existing parks and open space makes the~~

~~requirement impractical or superfluous. Protected open space shall meet the following requirements:~~

- ~~1. Open space shall be available to the residents, tenants, or customers of the PD for recreational purposes or similar benefits. Land reserved for stormwater management and other required site improvements shall not be credited to this requirement, unless designed as open space that will meet resident needs.~~
- ~~2. Open space shall be designed to meet the needs of residents of the PD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.~~
- ~~3. Land dedicated for any public purpose may be credited towards the open space requirement at the discretion of the Common Council.~~
- ~~4. Where a PD is to be developed in phases, a portion of the required open space shall be provided in each phase.~~
- ~~5. Maintenance of the open space shall be provided for in the PD's restrictive covenants and/or the Specific Implementation Plan (SIP) recorded as part of the project.~~

(5) Procedures.

The procedure for rezoning to a planned development district shall be as required for any other zoning map amendment in this chapter, with the additional requirements specified below.

- (a) Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:
 1. Pre-Design Conference. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.
 2. Concept Presentation. The concept shall be submitted for review by the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission will review the concept in reference to the objectives listed in Subsection 28.098(1) and the other requirements of this Subchapter. The Commission may request that additional materials be submitted to assist in communicating the nature of the site and its context.
- (b) General Development Plan Requirements. The applicants shall file the following with the City Plan Commission:
 1. A letter of intent describing the general character of the intended development.
 2. Proposed zoning text, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
 3. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.

4. A plan of the proposed project showing sufficient detail to make possible the evaluation of the standards for approval as set forth in Subsection 2. The General Development Plan shall include a plan showing building placement, the general location of parking facilities to serve the development, and the general bulk, mass and orientation of the buildings within the PD district.
5. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
6. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.
7. When requested, a general outline of intended organizational structure related to property owner’s association, deed restrictions and private provision of common services.
8. A schedule or phasing plan indicating the approximate dates when construction of the Planned Development can be expected to begin and be completed.

(c) Decision on General Development Plan. The decision process for approval of a General Development Plan, including any major alteration to an approved General Development Plan,~~including recommendation by the City Plan Commission and action by the Common Council,~~ shall be as specified in Section 28.182, including a recommendation by the City Plan Commission and action by the Common Council, with the following additional requirements:

1. The Urban Design Commission shall review the General Development Plan prior to the Plan Commission, and shall make a recommendation or conditional recommendation to the Plan Commission, based on consideration of the design objectives listed in Subsections 28.098(1) and (2)~~—~~and the other requirements of this Subchapter.
2. Approval of the rezoning and related General Development Plan, including any major alteration to an approved General Development Plan, shall establish the basic right of use for the area ~~when in conformity with the plan as approved, which~~and shall be recorded ~~as an integral component of the district regulations against the PD-zoned property.~~ However, the plan shall be conditioned upon approval of a ~~specific implementation plan~~Specific Implementation Plan, and shall not allow any of the uses as proposed until a ~~specific implementation plan~~Specific Implementation Plan is submitted and approved for all or a portion of the ~~general development plan~~General Development Plan.
3. Approval of the ~~general development plan~~General Development Plan shall establish interim zoning authority for continuation and maintenance of existing uses, buildings and structures on the property until the ~~specific implementation plan~~Specific Implementation Plan is approved.
4. If the approved ~~general development plan~~General Development Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall

be null and void and a new petition and approval process shall be required to obtain ~~general development plan~~General Development Plan approval.

5. If the ~~general development plan~~General Development Plan and Specific Implementation Plan are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan.

(d) Specific Implementation Plan Requirements. The following information shall be submitted to the City Plan Commission, unless specific documents are waived by the Secretary of the Commission:

1. An accurate map of the area covered by the Specific Implementation Plan including the relationship to the ~~total overall~~ General Development Plan if developed in phases.
2. The pattern of public and private roads, driveways, walkways and parking facilities; traffic projections and mitigation measures.
3. Detailed lot layout and subdivision plat where required.
4. The specific design and complete architectural character of the building or buildings included on the Specific Implementation Plan~~arrangement of building groups~~, other than single-family residences, ~~and their architectural character~~. In order to satisfy this requirement, detailed floorplans, exterior elevations and building materials are required.
5. The utilities serving the project, including sanitary sewer and water mains.
6. Grading plan and storm drainage system.
7. The location and treatment of open space areas and recreational or other special amenities.
8. The location and description of any areas to be dedicated to the public.
9. Landscape plan and plant list.
10. Proof of financing capability.
11. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
12. A specific zoning text for the portion of the PD District to be developed under the Specific Implementation Plan, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards, which shall be consistent with the zoning text approved with the General Development Plan.
13. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.

(e) Decision on Specific Implementation Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section 28.182 with the following additional requirements:

1. [A Specific Implementation Plan containing all of the information required in section \(d\) may be reviewed concurrent with a rezoning to PD and related approval of a General Development Plan or a major alteration to an approved General Development Plan.](#)
 2. The Urban Design Commission shall review the Specific Implementation Plan prior to the Plan Commission, and shall make a recommendation or conditional recommendation to the Plan Commission, based on consideration of the design objectives listed in Subsections [\(1\) and \(2\)](#) and the other requirements of this Subchapter.
 3. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City, ~~it~~ shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. [If the Specific Implementation Plan is approved concurrent with the approval of a General Development Plan, the plans shall be recorded within twelve \(12\) months of the Common Council approval.](#) This shall be accomplished prior to the issuance of any building permit.
 4. If the Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain Specific Implementation Plan approval.
- (f) Recording of Approved Plans and Zoning Ordinance Amendments.
1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council, [including the conditions of approval.](#)
 2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.
 3. If either [the General Development Plan or Specific Implementation Plan](#) is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
 - a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve

an extension of up to twenty-four (24) months to record either plan.

(g) Construction Required. Within thirty-six (36) months of Common Council approval of the General Development Plan, the basic right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below. In the case of any major alteration to a General Development Plan, the thirty-six (36) month period shall apply to the date of Common Council approval of the major alteration for the purposes of this section.

1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.

2. If the Plan Commission, after a public hearing pursuant to Sec. 28.181182(4)(5), determines that no changes in the surrounding area or neighborhood since approval of the ~~general development plan~~ General Development Plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.

3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the ~~general development plan~~ General Development Plan by the Common Council.

4. If a new building permit is required pursuant to Sec. 29.06(4), MGO, a new petition and approval process shall be required to obtain ~~general development plan~~ General Development Plan approval and ~~specific implementation plan~~ Specific Implementation Plan approval.

(6) Changes to a Planned Development.

No alteration of a Planned Development District shall be permitted unless approved by the ~~City-Plan Commission, provided h.~~ However, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the ~~concept development~~ approved by the Common Council. 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) (Am. by ORD-13-00189, 11-26-13)