



PREPARED FOR THE URBAN DESIGN COMMISSION

**Project:** MGO 33.24 Urban Design Commission Ordinance and Policies & Procedures Manual Discussion Item

**Legistar File ID #** [71257](#) (earlier discussions [61918](#) and [63203](#))

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## **MGO 33.24 Updates – Background Information**

The proposed MGO 33.24 ordinance updates are intended to:

1. Clean-up outdated code language and eliminate redundancies with the Zoning Code,
2. Clarify procedural and process related items,
3. Review district boundaries for consistency with adopted plans,
4. Revamp design-based elements within the Urban Design Districts that are better aligned with current construction and design practices, as well as the intent of each district,
5. Clean-up sign design guidelines and requirements to be consistent with the Sign Code, current legal framework, and current best practices, and
6. Evaluate and creation of new urban design district for “Mifflandia” area.

Recognizing that objectives outlined above will vary in their complexity and the time anticipated to complete them, staff proposes that the code amendments be grouped into multiple phases beginning with Phase 1, Administrative Updates and Clarifications, which is the subject of this discussion. The text amendments proposed in Phase 1 are intended to clarify the roles and responsibilities of Commission, in many cases codifying long-standing practices. Additionally, these amendments will be intended to aid the development community in navigating the Urban Design Commission (“UDC”) review and approval process.

Staff has identified the following items as part of the Phase 1, Administrative Updates and Clarifications:

- Modernizing the Commission’s purpose and intent statement,
- Clarifying Commission composition,
- Clarifying the powers and duties of the Commission as it relates to specific project types,
- Outlining the duties of the Secretary to the Urban Design Commission, especially as it relates to administrative applications,
- Outlining the application, and review and approval process, and
- Clarifying public notice and fee requirements specific to application types.

The UDC reviewed an initial draft text at the May 10, 2023, meeting, which is attached to this memo as Attachment A with the proposed text changes **highlighted in green**. In addition, for reference, a web link to the May 10, 2023, UDC Report can be found [here](#). Since the Commission’s initial review of the potential text changes, staff has made further refinements that include incorporating the Commission’s comments, updating references, incorporating the purpose and intent statement, as well as others as noted by the **yellow highlighting** below.

Staff requests UDC’s feedback on the proposed staff recommendations for amending MGO Section 33.24 as outlined below. For the Commission’s review and consideration, the updated potential draft text is attached to this memo, Attachment B, with the proposed text changes **highlighted in yellow**. Please note that the highlighted sections of text denote changes or new text since the Commission’s May 10 review. Depending on the feedback provided by the UDC at this meeting, staff anticipates a formal ordinance introduction to Common Council in the coming month(s).

## MGO 33.24 Updates – Phase 1, Administrative Updates and Clarifications

- **General Administrative Updates.** With the goal of aligning MGO 33.24 with other chapters of the Madison General Ordinances, staff recommends the following general administrative updates, which will add consistency and clarity with the applicability of other code sections, as well as the overarching purpose and intent of the UDC.

- Update general purpose and intent statement to be more reflective of current general practice, policies and procedures,
- Add definitions section and reference to Zoning Code definitions, and
- Add clarification in the event of conflicting regulations which regulatory requirements prevail.

- **Commission Composition.**

- **Landscape Architect and Architect Member.** As noted in Section 33.24(3)(c) and (e), MGO, the qualifiers for a landscape architect and architect appointee include nominees from the Wisconsin Chapter of the American Society of Landscape Architects and the Southwest Chapter of the Wisconsin Society of Architects, respectively. Architects are required to be 'registered' with the state, while landscape architects shall be 'graduate.'

**Staff Recommendation:** *Due to frequent changes in organizations, membership requirements, and the status of professional societies, staff recommends that both landscape architect and architect members "shall be licensed with the State of Wisconsin." The proposed change is intended to add clarity to those membership roles and expectation while also eliminating equity issues related to cost burden of professional dues and memberships, as well as limitations of professional status (i.e. "practicing professional" vs. "retired professional").*

- **Design Professional Members.** Also, in subsection (f), there is a list of design-related professions related to the two design professional members. Currently this list includes "Interior Designer," which by definition is a profession that focuses on the design of interior spaces and furnishings, which does not fall within the Commission's design purview.

**Staff Recommendation:** *Staff recommends updating this list remove "Interior Designer" and add "Landscape Designer," as well as the language "including but not limited to" to allow for a landscape design professional that is not currently licensed to become a member of the commission, and to create a list that is no all-inclusive, but reflective of potential member backgrounds.*

- **Update UDC General Powers and Duties to add clarifying language related specific project types.** Section 33.24(4) provides a list of projects that the UDC shall review, however it does not clarify the standards for which the UDC is to utilize in their review of certain projects nor the review authority (approving or advisory) for each project type.

**Staff Recommendation:** *Staff proposes to update this section to provide the necessary clarifying language related to each project type, including as it pertains to:*

- *Referrals to UDC. Clarify the parties that have authority to refer items to the UDC and the review purview of the Commission,*

- *Planned Developments. Clarify the review purview of the UDC, including when the Planned Development is located within a UDD (approving vs. advisory),*
  - *Residential Building Complexes. Clarify the review purview of the UDC (approving vs. advisory) and clarify general basis for the Commission’s review,*
  - *Add “Development in the Downtown Core and Urban Mixed Use Zoning Districts” to the list of projects reviewed by UDC,*
  - *Public Projects. Clarify the review purview of the UDC (approving vs. advisory), outline review and approval standards, and clarify review purview when projects are located with UDDs (approving vs. advisory),*
  - *Urban Design Districts. Add an “Administration” subsection to clearly state that the administration of Urban Design Districts is the responsibility of the UDC, outline current practices as it relates to painting of an unpainted exterior façade, add language to afford the Commission flexibility in their application and evaluation of district guidelines and requirements (i.e. allowing flexibility or creativity in design in exchange for an enhanced design aesthetic), and*
  - *Clean-up “Large Retail Developments” to be consistent with recently adopted ordinances, including the Zoning Code, Transit Oriented Development Overlay, and Transportation Demand Management Plan.*
  - *Add “Sign Review” to the list of projects reviewed by UDC.*
- **Duties of the Secretary of the Urban Design Commission.** Section 33.24(g), MGO outlines the duties of the Secretary. In this section, administrative approvals within Urban Design Districts, minor alterations in the Downtown Core District, as well as sign permit review are outlined. As currently written there is ambiguity with regard to what may fall within the Secretary’s purview versus what triggers referral to the Commission. In addition, this code section does not mention the Urban Mixed-Use (UMX) District with regard to minor alterations although it has been a long time practice for the Secretary to review minor façade changes within both the DC and UMX zoning districts, as noted in [Section 28.076, MGO](#).

**Staff Recommendation:** *To add clarity to the administrative review process, staff recommends that this section be updated to clearly define all types of administrative reviews. In addition, to maintain consistency with other code sections, staff also recommends adding the UMX zone to the districts listed in the “Minor Façade Alterations” subsections.*

- **Create a new code section to codify UDC review and approval process - “Procedures.”** While generally outlined in the UDC Policy and Procedure Manual, the UDC submittal and review procedures and processes are not codified. Staff believes that creating a “Procedures” section will better align this section with similar sections of Madison General Ordinances and will help to provide additional clarity and transparency to the UDC review and approval process, not only for staff in their administration and for the Commission in practice, but also for those doing business in the City. As a basis for the creation of this section, staff has referenced the Plan Commission and Landmarks Commission procedures (subsection [28L](#) and [41.17](#), MGO).

**Staff Recommendation:** *Staff recommends creating a new “Procedures” code section that clearly outlines:*

- *The UDC submittal requirements and review procedures (Pre-Application, Alder Notification, Completeness Review, etc.),*
- *The types of UDC applications (Informational, Initial, Final, Referrals, and Signage applications),*
- *When a public hearing is required and proper public notice requirements,*
- *Timing and relationship to other approvals when review and approval is required by other boards and commissions (i.e. Landmarks Commission action is required prior to UDC),*

- *Expiration of UDC approvals and approval extensions (i.e. one year from the Commission’s final action, administrative extensions of up to thirty-six (36) months with Alder recommendation, and in the case of combined applications, UDC approval shall follow the expiration of the Land Use approval), and*
- *Application fees for specific application types.*

**Staff requests any additional comments on the above alterations so that the City Attorney’s Office can finalize drafting the specific ordinance amendments for formal consideration and Alder sponsors can be identified. Depending on the feedback provided by the UDC at this meeting, staff anticipates a formal ordinance introduction to Common Council in the coming month(s).**