

URBAN DESIGN COMMISSION - POLICY & PROCEDURE MANUAL

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URBAN DESIGN COMMISSION - POLICY & PROCEDURE MANUAL

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 of Madison Urban Design Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Urban Design Commission (UDC).

The Urban Design Commission is given authority by Madison General Ordinances Chapters 33, 31, and 28 which specifies the criteria for actions by the Commission or places the Commission in an advisory and approving role.

In compliance with Chapter 33.24(6)(b) Powers and Duties, the Urban Design Commission shall "Adopt policies and procedures, as necessary, to carry out its responsibilities." These policies and procedures are enumerated in this document.

MISSION

To assure the highest quality of design for all public and private projects in the city; protect and improve the general appearance of all buildings, structures, landscaping and open areas in the city; encourage the protection of economic values and proper use of properties; encourage and promote a high quality in the design of new buildings, developments, remodeling and additions so as to maintain and improve the established standards of property values within the city; foster civic pride in the beauty and nobler assets of the city and, in all other ways possible, assure a functionally efficient and visually attractive city in the future.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Urban Design Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Urban Design Planner or her/his designee shall act as Secretary to the Commission.

b) Orientation for New Commissioners

As new 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, and maps of local Urban Design Districts (UDD). Staff will schedule orientation meetings with new members to provide information and review policy and procedures. 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) 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. Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Roberts Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Roberts Rules of Order. The Urban Design Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

e) Secretary

The Urban Design Planner is a staff member of the Department of Planning and Community and Economic Development. The Urban Design Planner shall be the Secretary of the Urban Design Commission and carry out the duties that the Urban Design Commission properly delegates to the Urban Design Planner under chapter 33.24. In carrying out those duties, the Urban Design Planner shall exercise his or her own professional judgment and expertise, consistent with chapter 33.24 and subject to general oversight by the Urban Design Commission.

f) Records

1. Agendas

The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

The order of business will be as follows:

- Roll Call
- Minutes
- Public Comment
- Disclosures and Recusals
- Secretary's Report/Agenda Overview
- Public Hearing Items

Unfinished Business
New Business
Business By Members
Adjournment

All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether or not the submissions are complete and in proper form.

2. Minutes and Action Reports

The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website. A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office. The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the Façade Grant program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and delivered or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive. Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies

The Secretary shall report the action of the Commission to the Plan Commission and Common Council on all matters as appropriate.

The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

g) Conduct of Meetings

1. Members of the public who wish to speak on agenda items shall register to speak by completing a registration form. Sign in shall be allowed up to the time of discussion for each agenda item.

2. Testimony on non-public hearing items before the Commission is limited to three (3) minutes and on public hearing items is limited to five (5) minutes; additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.
3. The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.
4. 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 may question a speaker on the facts presented or for clarification of a statement made.
5. For the purposes of a public hearing, the Chair shall open the public hearing and call for alternate registrants for and against the subject under consideration. The name and address of each person appearing shall be stated. Once the public hearing is complete, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.
6. Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

h) Motions and Voting

Motions can be restated when necessary by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie or if doing so will affect the outcome of the vote. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by majority vote with not less than a majority of the Commission in attendance. Any member of the Commission can request a roll call vote.

This chart details how many votes are needed for a motion to pass based on UDC members in attendance:

Members in attendance	Votes needed to pass a motion
5 (min. needed for quorum)	3
6	4
7	4
8	5
9	5

i) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Urban Design Planner.

j) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

k) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present.

l) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Urban Design Commission (“the Commission”) to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) 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 stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Urban Design Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission.

b) Actions on Matters Before the Commission

1. *Comprehensive Design Review (Signage)*
2. *Informational Presentation*
3. *Initial Approval*
4. *Final Approval*
5. *Advisory Recommendation*

c) Ruling

1. *Initial Approval*
 - a. *General Site Plan Layout & Building Massing (must return for final approval)*
 - b. *UDC Still needs architectural detail or material revisions*
2. *Final Approval*
 - a. *Approval of final details*
3. *Advisory Recommendation*
4. *Referral (to a date specified by commission, not a decision)*

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) New Alder Orientation

In June of each odd-numbered year, the Secretary will conduct a new Alder orientation. This orientation will introduce new Alders to Urban Design Commission, Urban Design Districts, and the Criteria for Sign Review.

b) Education Series

Any UDD updates will include UDC/UDD public education and outreach program . This may include a series of public meetings and distribution of information packets for property owners located in an Urban Design District.

c) Annual Review of Policy and Procedure Manual

The Urban Design Commission shall review the adopted policy and procedure document and make revisions as needed.

CODE OF ETHICS

Urban Design Commission members are recommended 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 Section 3.35 of the Madison General Ordinances (MGO).

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.

OPEN MEETING REQUIREMENTS

"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 Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13. The Urban Design 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.

DECISION MAKING

Urban Design 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 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, noting on agenda). 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.

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

Where decision-making standards are listed in the ordinances, the 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.

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.