

## AGENDA # IV.C.

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

**PRESENTED:** April 6, 2005

**TITLE:** Ordinance File No. 00677, Creating New Section 10.18(13) of the Madison General Ordinances to Set Aside and Declare Unenforceable Covenants in Deeds and Various Other Agreements Which Govern the Storage, Placement, Location or Use Of Carts Required By the City for Recycling and Trash and Renumbering Current Sections 10.18(13) and (14) to Sections 10.18(14) and (15), Respectively.

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Alan J. Martin, Secretary

**ADOPTED:**

**POF:**

**DATED:** April 6, 2005

**ID NUMBER:**

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Members present were: Lou Host-Jablonski, acting as Chair, Todd Barnett, Robert March, Michael Barrett, Lisa Geer, Bruce Woods, and Ald. Steve Holtzman.

### **SUMMARY:**

At its meeting of April 6, 2005, the Urban Design Commission **RECOMMENDED REJECTION** of Ordinance File No. 00677 regarding the storage, placement, location or use of carts required by the City for recycling and trash. In order to provide for relevance as to the referral of the ordinance, Ald. Holtzman displayed to the Commission the three sizes of recycle carts to be provided to the public for use ranging in size from 42 gallons, 65 gallons, and 96 gallons. He noted to the Commission that the sizes of these containers were far in excess of the 36 gallon maximum currently allowed for refuse containers under the current collection system. The automated system for the collection of recyclables utilizing these containers would be initiated in the fall of 2005, with the automated collection of refuse (also utilizing these containers) to commence in the spring of 2007. The issue is not with the automated collection of recyclables and trash or with the containers; rather it is with the elimination of deed restrictions and covenants which regulate the location of these containers on private property outside of their scheduled pick-up day within the public right-of-way. Current private deed restrictions and covenants in many single-family subdivisions prohibit their display and use outside of an enclosure and/or building (garage) beyond the regularly scheduled pick-up day. He felt that the enactment of this ordinance would result in the allowance of storage of these containers within view at the front of the buildings resulting in an unsolicited and visually adverse change in the appearance of neighborhoods throughout the City with high visibility of these containers which would be allowed to be stored at the face of buildings within the front yard. The ordinance amendment needs to maintain and provide for storage elsewhere on the lot outside of the front yard adjacent to the public right-of-way. The Commission, in discussions on the ordinance amendment, asserted that the blanket withdrawal of deed restrictions and covenants provided with the ordinance amendment would provide for a significant negative aesthetic impact on the City and unfairly eliminate the ability of neighborhoods to maintain and enforce the visual aesthetics of their properties.

**ACTION:**

On a motion by Geer, seconded by March, the Urban Design Commission **RECOMMENDED REJECTION** of Ordinance File No. 00677. The motion was passed on a unanimous vote of (7-0). The Commission in its recommendation to reject the ordinance amendment stated its support for the establishment of the automated collection of recyclables and trash programs; at the same time felt that the ordinance amendment was unnecessary to facilitate these programs and results in significant negative aesthetic impacts on the City as a whole with the allowance of the storage of the recyclables and trash carts at the front of buildings. The Commission also noted that future consideration of an ordinance amendment to 7.36, Madison General Ordinances also involving standards for the location and storage of automated refuse containers should be referred to the Urban Design Commission for formal consideration.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall rating for this project is 1.

**URBAN DESIGN COMMISSION PROJECT RATING FOR:** Ordinance File No. 00677

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
<b>Member Ratings</b>	-	-	-	-	-	-	-	1
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General Comments:

- Whose idea was it to specifically promote trash and recycling containers in front yards?