



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 – Project 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 Clean-up outdated code language and eliminate redundancies with the Zoning Code,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. Phase 1 is intended to clarify the roles and responsibilities of Commission, in many cases codifying long-standing practice, as well as aid the development community in navigating the Urban Design Commission (“UDC”) review and approval process.

The UDC reviewed the final draft text at the December 13, 2023, meeting, after which an ordinance was introduced at the April 16, 2024, Common Council meeting, which is attached in Legistar as **Attachment A, Draft UDC Phase 1 Ordinance**. The final draft ordinance can also be found under Legislative ID No. [82973](#).

Following introduction, as part of the ordinance review process, in addition to potential text clean-up items identified at the staff level, staff has also received feedback from interested alders as it relates to additional potential minor text clean-up items, as well as one larger item that is process-related pertaining to when UDC is an advisory body to the Plan Commission, especially as it relates to creating a more clear and expeditious development review process. The potential text changes are reflected in **Attachment B, Potential Text Changes to the Draft UDC Phase 1 Ordinance**. For reference, in both attachments the areas of impacted text are highlighted in yellow. Staff notes that further refinements to the potential text changes shown in Attachment B may be necessary following this discussion and in coordination with the City Attorney’s Office.

Staff requests UDC’s feedback on the potential text amendments, in particular those related to the UDC’s advisory recommendations.

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

- **Purpose and Intent Statement.** Update purpose and intent statement subsection (1) to generally refer to “*adopted plans*” to be consistent with the new planning framework goals of minimizing ancillary planning reference documents,

- **Commission Composition - Design Professional Members.** In subsection (e), there is a list of design-related professions related to the two design professional members. Currently the list does not include a member of the construction profession, which could be beneficial in evaluating and translating cost-benefit as well as best practices. This subsection has been updated to include “**Construction Professional**”.
- **Update UDC General Powers and Duties to add clarifying language related specific project types.** Section 33.24(6) provides a list of projects that the UDC shall review. Generally, and in summary, the potential text changes to this section include:
  - Replacement of the text “...including but not limited to...” with “...for example...” throughout the section, and
  - General Powers and Duties. Further clarification of the UDC’s review purview, by noting that the “...referring agency or person...” may provide specific design-related concerns to be reviewed by the Commission, and
  - Urban Design Districts. Further clarification of when the UDC may waive or modify district requirements or guidelines. The associated text changes primarily reflect the reorganization of the existing text and an outline format to highlight the specific findings the Commission shall make related to waivers and modifications of district requirements and guidelines.
- **Subsection 7 - “Procedures.”**
  - **Completeness Review.** Add text to note that the Secretary reserves the right to not accept incomplete applications and that applications will not be presented to the UDC until deemed complete, as well as noting that the Initial and Final Approval steps may be combined with approval from the Secretary, and
  - **Advisory Recommendations.** With regard to the potential text changes related to this item noted in **Attachment B**, the changes include modifications to the current process and procedures. First, this option allows for the existing Initial/Final framework to be maintained, but **only** in cases where the applicant is formally requesting such.

*In addition, the proposed text changes include language to clarify that the UDC must make an advisory recommendation to the Plan Commission and not refer items back to the Commission for Final Approval unless agreed to by the applicant. Otherwise, the Commission must provide findings (i.e. the UDC finds that the guidelines/requirements are/are not met or could be met if...) and a recommendation to the Plan Commission (i.e. the UDC recommends that the Plan Commission deny or approve...). The UDC would not be able to employ the current practice of a two-part “Initial/Final” Approval unless agreed to by the applicant and/or subsequently directed by the Plan Commission. (Note: As the approving body, the Plan Commission currently has the authority to modify the UDC’s recommendations to not require an item return to UDC for additional consideration.) To emphasize this change would only apply when the UDC is an advisory body to the Plan Commission, NOT when they are an approving body.*

*A table summarizing the potential text changes to the Draft UDC Phase 1 Ordinance is provided below for reference.*

	<b>Current Practice</b>	<b>Attached A Draft UDC Phase 1 Ordinance</b>	<b>Attachment B Potential Text Changes to the Draft UDC Phase 1 Ordinance</b>
Ability for applicants to request Initial Approval only	✓	✓	✓
Ability for applicants to request Initial/Final combined	✓	✓	✓
Ability for UDC to recommend that Plan Commission refer an application back to the UDC for Final Approval	✓	✓	Only in instances where the applicant agrees
Ability for UDC to move to refer an item if the Commission believes additional information is necessary or to seek changes opposed to recommending against a project	✓	✓	Only in instances where the applicant agrees
Ability for the UDC to provide specific findings and design-related conditions in their recommendation to the Plan Commission	✓	✓	✓
Ability for the Plan Commission to refer an application back to the UDC for Final Approval	✓	✓	✓

Staff requests UDC’s feedback on the potential text amendments noted above, in particular those related to the UDC’s advisory recommendations. Depending on the feedback provided by the UDC at this meeting, staff anticipates this item returning to the UDC for formal action at the July 17, 2024, meeting.