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## PHASE 1, ADMINISTRATIVE UPDATES AND CLARIFICATIONS

### PROPOSED STAFF RECOMMENDATIONS – POTENTIAL DRAFT TEXT MAY 10, 2023

#### 33.24 URBAN DESIGN COMMISSION.

- (1) Title. This section shall be known, cited and referred to as the Madison Urban Design Commission ordinance and may be referred to herein as "this ordinance. (Am. by ORD-09-00091, 8-1-09)
- (2) Purpose And Intent. It is hereby declared a matter of public policy that the design, appearance, beauty and aesthetics of all public and private buildings, structures, landscaping and open areas are a matter of public concern and as such must be controlled so as to promote the general welfare of the community. The purpose of this section is:
  - (a) To assure the highest quality of design for all public and private projects in the City.
  - (b) To protect and to improve the general appearance of all buildings, structures, landscaping and open areas in the City; to encourage the protection of economic values and proper use of properties.
  - (c) To 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.
  - (d) To 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.
- (3) Commission Composition And Terms. An Urban Design Commission, advisory to the City Plan Commission, and vested with final decision-making authority as described elsewhere in this ordinance, in Chapter 31 (Sign Control Ordinance) and elsewhere in these ordinances, is hereby created, consisting of nine (9) voting members. Of the initial voting members appointed, three (3) shall serve terms of two (2) years each; three (3) shall serve terms of one (1) year each; and three (3) shall serve terms of three (3) years each; provided, however, that notwithstanding the provision of subdivision (j) below, the aldermanic member shall serve a two (2) year term and such term shall be concurrent with their term as a member of the Council. Thereafter, the term for each voting member shall be three (3) years. The voting members shall be appointed by the Mayor and approved by the Common Council as follows:
  - (a) One (1) member shall be an alderperson.
  - (b) Two (2) resident members.
  - (c) One member shall be a landscape architect licensed by the State of Wisconsin.
  - (d) Three (3) members shall be architects licensed by the State of Wisconsin.
  - (e) Two (2) members shall be design professionals to be selected from design-related professions including, but not limited to Urban Planning, Architecture, Landscape Architecture, Landscape Design, Structural Engineering, or Graphic Design.
  - (f) In addition to the members above-mentioned, the Mayor may appoint upon an annual basis a resident to be an alternate member of such Commission to act with full power when any other member of the Commission is absent or refuses to act because of conflict of interest. Alternate members may serve as the Urban Design Commission representative on other City committees.
  - (g) All members and nominees shall be residents of the City of Madison.

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- (h) All lists of nominees shall be submitted to the Mayor along with brief biographies of each, in accordance with these provisions, and all nominees and biographies shall be forwarded to the Common Council at such time as the respective appointments are submitted for approval.
- (i) The regular terms of office shall commence on July 1 of the respective years, and members shall serve until a replacement is approved.
- (j) Officers shall be nominated and elected by the Commission.
- (k) All Commission members shall be subject to Sec. 3.35 (Code of Ethics) and all other applicable laws regarding ethics and conflicts of interest. Additionally, no member of the Urban Design Commission who is employed by, or has any ownership interest in, an entity which has entered into a contract with the City of Madison for any work on a building being built or expanded by the City, or has any other private pecuniary interest, direct or indirect, in any such contract, shall be authorized to participate in any capacity in any official function in regard to that contract or to perform in regard to that contract any official function requiring the exercise of discretion on her/his part.
- (4) Powers And Duties .
- (a) General Powers and Duties . In addition to other duties specifically enumerated herein, in Chapter 31 (Sign Control Ordinance), and elsewhere in these ordinances, the Urban Design Commission shall make recommendations to the City Plan Commission, Common Council and any other concerned commission on all matters referred or assigned to it under the provisions of this ordinance and other City ordinances. Upon referral, the Commission shall provide an advisory recommendation to the concerning department, agency, commission or division on the design, appearance and aesthetics of each proposed project. Except where otherwise specified, the review authority of the UDC does not include improvements within the public right-of-way.
- (b) Planned Developments . The Urban Design Commission shall review and provide an advisory recommendation to the Plan Commission on the design of all planned developments under provisions of the Zoning Ordinance (i.e., Secs. 28.098 and 28.099). In exercising this power, the commission shall be bound by the provisions of Section 28.098(2) and shall report its findings to the City Plan Commission and Common Council. The UDC shall review sign packages in Planned Development Districts using the procedure in, Sec. 31.13(4).
- Where a Planned Development is also located in an Urban Design District, the Urban Design Commission shall only act in an advisory capacity, however the requirements and guidelines in the Urban Design District shall still be met.
- (c) Residential Building Complexes . The Urban Design Commission shall review and provide an advisory recommendation to the Plan Commission on the exterior design and appearance of all principal buildings or structures and the landscaping of all proposed residential building complexes under the provisions of the Zoning Ordinance (i.e. Sec. 28.183). It shall report its findings and recommendations to the City Plan Commission.
- (d) Development in the Downtown Core (DC) and Urban Mixed Use (UMX) Zoning Districts . The Urban Design Commission shall review and provide an advisory recommendation to the Plan Commission on plans for development within the DC and UMX zoning districts. The Urban Design Commission shall evaluate such project for consistency with the "Downtown Urban Design Guidelines" established by Resolution #12-00949.
- (e) Review of Public Projects . The Urban Design Commission shall review and approve plans for public projects, including but not limited to principal buildings or structures, site improvements, and landscaping, and the alteration thereof. Public projects are those proposed to be built or expanded in the City by the City of Madison, Dane County, Madison College, Madison
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Metropolitan School District, or any other local governmental entity which has the power to levy taxes on property located within the City. In order for the Urban Design Commission to approve a public project or an alteration thereof, the Urban Design Commission shall find that the following conditions are met:

- a. The design fosters a sense of civic pride through the use of high quality building materials, context appropriate massing, and positioning in order to accentuate vistas or terminal views, where appropriate.
- b. The design is consistent with relevant recommendations from the City's Comprehensive Plan, other adopted City plans, or other adopted design guidelines.

When review or approval of the public project is also required by the Common Council or the Plan Commission the Urban Design Commission shall only act in an advisory capacity. Where the public project is also located in an Urban Design District the district guidelines and requirements shall still be met. All public projects requiring Common Council approval shall be accompanied by the report of the commission on the project.

(f) Urban Design Districts.

1. Administration of Urban Design Districts . With the advice and assistance from the Urban Design Commission Secretary, the Urban Design Commission shall administer the adopted Urban Design Districts.
2. Establishment of Urban Design Districts . The Urban Design Commission, after analysis of an area and public meeting with property owners and residents, may propose geographically defined districts within the City of Madison as Urban Design Districts. Each proposal shall include a description of the district's boundaries, a design analysis, a statement of design objectives and methods, recommendations for future public and private improvements and developments and specific criteria to be employed in reviewing development proposals. Upon approval of such proposal by the Urban Design Commission, the proposal shall be submitted to the City Plan Commission and Common Council for review and adoption. Adoption of the proposal would include any rezonings and proposed ordinance amendments set forth in the proposal, thus requiring public hearings and procedures as set forth in MGO Sec. 28.12(9). Amendments to an Urban Design District may be proposed and shall be reviewed and adopted in the same manner.
3. All concerned City departments, commissions and agencies shall work with the Urban Design Commission in the development of a proposal for the designated district.
4. All plans for the major exterior remodeling of existing properties including but not limited to building additions, renovations, site improvements, painting of an unpainted exterior street-facing façades, or for new development within an Urban Design District shall be approved by the Urban Design Commission prior to the issuance of any building, demolition or excavation permits therefor.

(g) Large Retail Developments .

1. Statement of Purpose . The purpose for this section is to provide a regulatory framework to ensure that large-format retail development promotes the efficient use of land and preserves and enhances the urban fabric through a more urban site and building design. In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.

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2. Applicability. All new retail development that is on a single zoning lot and has a total floor area of forty thousand (40,000) square feet or more shall be subject to this ordinance total floor area shall be calculated by adding the floor area of all buildings on a zoning lot. When applying the requirements below, the Urban Design Commission, Plan Commission, and staff shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans.
- a. Any single retail business establishment that has a total floor area of forty-thousand (40,000) or more square feet shall be subject to Paragraphs 3. through 8. below.
  - b. All development on a single zoning lot shall be subject to Paragraphs 4. through 8. below.
  - c. The Plan Commission may waive one or more of the requirements in Par. 3. through 8. below, if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.
  - d. Proposals for additions, exterior building alterations, or site alterations to existing structures currently used for, or originally designed to accommodate, a retail development that has a floor area of forty thousand (40,000) or more square feet shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structures.
  - e. Proposals for alterations to existing developments that currently exceed or are proposed to exceed a one hundred thousand (100,000) building footprint, as described in Par. 3, below, shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structure.
  - f. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by other ordinances, the regulation which are more restrictive or which impose higher standards or requirements shall prevail.

(Am. by ORD-15-00033, 4-8-15)

3. Requirements for Buildings in Excess of 100,000 Square Feet. A single new retail business establishment may only exceed a building footprint of one hundred thousand (100,000) square feet as defined by the exterior walls, as provided below. Other separately-owned retail business establishments, entertainment, office, and residential uses not associated with the proposed business establishment shall not be counted towards the size of the building footprint.
- a. The Plan Commission may consider a single retail establishment exceeding one hundred thousand (100,000) square feet if the design includes one or more of the following elements:
    - i. Multi-story development.
    - ii. Mixed use development.
    - iii. Structured or underground parking facilities.
5. Site Design.
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- a. At least fifty percent (50%) of adjacent street frontage shall be occupied by building facades with a maximum setback of twenty (20) feet. This requirement may be met by using any combination of buildings on the zoning lot. No off street parking facilities shall be located between the façade(s) directly abutting the street and the adjacent street.
  - b. At least sixty percent (60%) if adjacent street frontage shall be occupied by building facades with a maximum setback of sixty-five (65) feet. This setback shall allow for a only a single drive aisle and one row of perpendicular parking with building entrance access and required landscaped buffer as stated in Par. 6.a., below. This setback may be extended to a maximum of seventy-five (75) feet, if traffic circulation, drainage and/or other site design issues are shown to require additional space.
6. Parking . The following requirements apply to the entire zoning lot.
- a. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer that includes trees, shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high quality materials.
7. Pedestrian Circulation . The following requirements apply to the entire zoning lot.
- a. Sidewalks shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.
  - b. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.
  - c. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any façade abutting parking areas and shall provide at least eight (8) feet in width clear from any merchandise, vending, or other obstructions. These sidewalks shall be located at least six (6) feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades, entryways, or community features, as defined in Par. 8., below, are part of the facade.
  - d. Internal pedestrian walkways provided in conformance with subparagraph b., above, shall have weather protection features, such as awnings or arcades within thirty (30) feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas.
  - e. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Walkway materials shall be of durable, low-maintenance surface materials, such as pavers, bricks, or scored concrete. Signs shall be installed to designate pedestrian walkways.
  - f. Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.
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8. Central Features and Community Spaces. The following requirements apply to the entire zoning lot.
- a. At least one (1) of the following central features and community spaces shall be provided for each forty thousand (40,000) floor area of building on the zoning lot. A minimum of two (2) is required and each central features and community space shall each occupy a minimum of four hundred (400) square feet in area.
    - i. Patio/seating area.
    - ii. Pedestrian plaza with benches.
    - iii. Transportation center.
    - iv. Window shopping walkway.
    - v. Outdoor playground area.
    - vi. Kiosk area.
    - vii. Water feature.
    - viii. Planter walls.
    - ix. Other deliberately shaped area and/or focal feature or amenity that adequately enhances the community and public spaces.
    - x. Outdoor employee amenities, such as a break area.
  - b. All of the above, except outdoor employee amenities, shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(h) Sign Review.

1. Sign Review Under Chapter 31. The Commission shall perform all duties required by Chapter 31, the Sign Control Ordinance, including but not limited to conducting Comprehensive Design Reviews under MGO Sec. 31.043, hearing requests for Modifications of Height, Area or Setback for signs, hearing requests for Additional Sign Code Approvals, hearing appeals from decisions of the Zoning Administrator (except those decisions related to structural or mechanical concerns heard by the Building Board of Appeals under MGO Sec. 31.04(3)(b)1.) and shall perform any other duties or functions as may be required of the Commission under Chapter 31.

The Commission shall use criteria for sign review described in MGO Sec. 33.24(7)(b). (Cr. by ORD-09-00091, 8-1-09). Criteria for Comprehensive Design Review or other sign approval duties assigned to the Urban Design Commission in Chapter 31, shall be as described in MGO Sec. 31.043 and elsewhere in Chapter 31.

2. Sign Review in Urban Design Districts. Criteria for reviewing signs in Urban Design Districts shall be as set forth in this ordinance. To the extent that requirements, guidelines or other provisions regarding signs in this ordinance conflict with Chapter 31 or any other ordinance, the more restrictive provision shall apply.

3. Other Sign Review. Criteria for the Urban Design Commission to review signs under other any other review procedures shall be as set forth by the applicable ordinance.

- (i) Other Duties. The Commission shall also:

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2. Recommend ordinance changes to the City Plan Commission and Common Council which will promote a visually and functionally improved City.
  3. Actively seek the adoption and implementation of **City** plans for urban beautification in Madison.
  4. Undertake the continuing education of the residents of Madison about the visual assets and liabilities of Madison and the mission and intent of the commission. (Am. by ORD-17-00030, 3-8-17)
- (j) Meeting and Rules . Meetings of the Urban Design Commission shall be held at the call of the chairperson and at such other times as such commission may determine. All meetings of said commission shall be open to the public. The commission shall keep minutes of its proceedings, shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes, and shall select or appoint such officers, including a chairperson, as it deems necessary. (Renumbered by Ord. 8516, 2-4-85 and ORD-05-00067, 4-16-05)
- (k) Duties of the Secretary of the Urban Design Commission . The Secretary of the Commission shall be a staff member of the Department of Planning and Community and Economic Development.
1. Administrative Approval .
    - a. Administrative Approvals in Urban Design Districts . **Except as noted in MGO Sec. 33.24(4)(f), the Secretary may administratively approve small building additions and minor building façade alterations, including but not limited to the installation of awnings, changes in fenestrations or openings, railing details, and minor site improvements, including changes in existing paving or landscaping within Urban Design Districts if found to be in compliance with the applicable design guidelines and requirements of the Urban Design District in question.**
    - b. **Minor Alteration to Approved Plans Reviewed under MGO Sec. 33.24(4)(a)-(e)** .  
**When, subsequent to the Urban Design Commission’s review as required under MGO Sec. 33.24(4)(a)-(e) or elsewhere in these ordinances, a request is made to alter the approved plans, the Secretary of the Urban Design Commission may review and/or approve such alteration(s) on behalf of the Urban Design Commission if in the exercise of their professional judgment, the change does not substantially alter the approved design.**
    - c. **Minor Façade Alterations in Downtown Core (DC) and Urban Mixed Use Districts (UMX)** . The Secretary shall perform the duties for review and approval of applications for minor building facade changes in the DC and UMX districts found in the "Downtown Urban Design Guidelines" established by Resolution #12-00949.
  2. Sign Permit Review
    - a. Urban Design Districts . The Secretary shall be authorized to review applications for sign permits in Urban Design Districts using the standards and criteria for each district as required by this ordinance, and shall report to the Zoning Administrator whether proposed signage is in compliance with such requirements, and may recommend approval or denial of the permit accordingly.
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- b. Downtown Core (DC) and Urban Mixed Use (UMX) Districts. The Secretary shall perform the duties for review and approval of applications for sign permits in the DC and UMX districts, as described in MGO Secs. 31.13(9), and shall apply the criteria therein, which includes the "Downtown Urban Design Guidelines."

**(6) Procedures**. This section applies to the those projects enumerated under MGO Sec. 33.24(4).

a. **Pre-Application Consultation**. Prior to making a formal application to the Urban Design Commission the applicant shall request a pre-application consultation with staff to review and discuss aspects of the proposal.

b. **Completeness Review**. Unless waived by the Urban Design Commission Secretary, application materials shall be submitted as specified on the Urban Design Commission Application form. The Urban Design Commission Secretary reserves the right to not accept incomplete applications.

**c. Application Types**

1. **Informational Presentation Application**. Informational Presentation applications are voluntary, with the exception of Planned Development rezoning requests where they are required. No formal action will be taken by the Urban Design Commission.

2. **Initial Approval Application**. The Urban Design Commission shall take formal action, including making findings, design recommendations, and/or adopting conditions of approval that should be addressed at the Final Approval stage. Initial Approval denotes acceptance of the general design intent, site layout, building footprint location, mass and scale, etc.

3. **Final Approval Application**. The UDC shall take formal action, including making findings, design recommendations, and adopting conditions of approval that will be addressed at the Site Plan Review stage. Final Approval denotes that the final design and construction details of a project are approved. Final Approval is required prior to issuance of building permits.

4. **Referrals and Advisory Recommendation Applications**. The Urban Design Commission shall make an advisory recommendation to the approving body on all items referred to the Commission under MGO Sec. 33.24(4)(a) and for those application requests where the Urban Design Commission is an advisory body pursuant to MGO Sec. 33.24(6)(e)(2). An advisory recommendation may include findings and design-related recommendations.

5. **Signage Applications**.

a. **Comprehensive Design Review for Signage** pursuant to MGO Sec. 31.043(4).

b. **Modifications to Height, Setbacks, and Area** pursuant to MGO Sec. 31.043(2).

c. **Other approvals** as noted in MGO Sec. 31.043.

**d. Public Notice, When Required**.

1. **Pre-Application Notification**. Written notification to the alder of the district in which the project is located is required prior to making a formal application to the Urban Design Commission.

2. **Public Hearing, when Required**.



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- a. The Urban Design Commission shall hold a public hearing for all Initial Approval application requests as listed below and for each matter for which a hearing is required under MGO Sec. 31.043, within thirty (30) days of the date of filing of said application. The UDC shall conduct hearings in accordance with the Urban Design Commission Policies and Procedures Manual.
1. Applications located within an Urban Design District that are not approved administratively.
  2. Modifications of Height, Area, and Setbacks for signage.
  3. Additional Sign Code Approvals pursuant to MGO Sec. 31.043.
  4. Comprehensive Design Review for Signage.
  5. Text and Map Amendments to Urban Design Districts.
  6. Establishment of Urban Design Districts.
- b. Notice of the time, place and purpose of such hearing shall be given by Class 1 notice under Wis. Stat. § 985.07 (2007-2008), and notice shall also be sent to the applicant, the Alderperson of the District in which the property affected is located and the owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- e. When review is also required by the Landmarks Commission, the Landmarks Commission shall act prior to the Urban Design Commission.
- f. Expiration of Urban Design Commission Approvals. Urban Design Commission approvals shall expire 24 months from the date of the Commission's final action. After consultation with the Alderperson of the District in which the project is located, the Secretary of the Urban Design Commission may approve an extension of up to 12 months from the expiration date. If the Urban Design Commission approval is in conjunction with Land Use application, the Urban Design Commission approval shall follow the expiration of the related Land Use approval.
- g. Appeals. An appeal of the decision of the Urban Design Commission required under MGO Sec. 33.24(4) or MGO Sec. 33.24(6)(e)(1), with the exception of signage reviews, may be taken to the Plan Commission by the applicant or by the alderperson of the district in which the project is located. Any appeal shall stay issuance of permits hereunder until the appeal has been acted upon by the Plan Commission.
- Appeals of Urban Design Commission actions regarding signage reviews made pursuant to MGO Sec. 31.043 shall be final administrative decisions. Appeals from decisions of the Urban Design Commission are as stated in MGO Sec. 31.043(5).

(7) Fees.

- (a) Any application for new construction or major exterior remodeling of existing properties in any Urban Design District, public projects pursuant to MGO Secs. 33.02(4)(c) and (d), unless built or expanded by the City of Madison, State of Wisconsin, University of Wisconsin or federal government shall be accompanied by a fee of three hundred fifty dollars (\$350), which shall be paid to the City Treasurer.

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- (b) Any application for minor exterior remodeling of existing properties in an Urban Design District or a DC District shall be accompanied by a fee of one hundred fifty dollars (\$150), which shall be paid to the City Treasurer.
  - (c) Application fees for Comprehensive Design Review or any other sign review by the UDC shall be as established in Chapter 31 of the Madison General Ordinances.

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