

4.095 - URBAN FORESTRY SPECIAL CHARGE.

(1) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. The City, through its urban forestry program, provides a service to all real property in the City by maintaining, protecting and growing the City's urban forest.
2. The City's urban forestry program leads to increases in property value, greater commercial activity, increased livability of the City's neighborhoods, reduction in energy usage, cleaner air, better storm water management and other tangible and intangible benefits. Every \$1 spent on City trees yields an estimated \$3.35 in benefits for the City of Madison. In addition, every street tree, a component of the City maintained portion of the urban forest, provides \$122 in annual benefits, while collectively intercepting an estimated 115 million gallons of rainfall each year and removing over 175,000 pounds of pollutants from the environment.
3. Invasive species and fungal diseases known and unknown, currently threaten our urban forest and have a history of causing significant harm to the urban forest. The City is currently facing the loss of approximately 20% of the urban forest due to arrival of the emerald ash borer in 2013. According to the adopted Emerald Ash Borer Taskforce Report (RES-12-00729, File ID # 26893), the projected cost to remove and replace the approximately 22,000 terrace ash trees will be around \$13 million over five years, and the cost to treat suitable trees would carry an annual cost of over \$437,000. Removal, replacement and/or treatment of infested and healthy ash trees is necessary to prevent property damage, personal injury, and to reestablish the urban forest. These costs are significant and may fluctuate over time. Future infestations and diseases may cause similar harm in the future.
4. By creating this special charge, the City will be able to better perform its urban forestry obligations moving forward without sacrificing the level of service needed to adequately maintain, protect and grow the urban forest.

- (b) This ordinance is adopted pursuant to those powers set forth in Wis. Stat. § 66.0627 and Sec. 4.09(13), MGO, in order to recover the costs to the City to maintain and manage the City's urban forest through its urban forestry program, which program provides a service to all real property in the City.

(2) Definitions.

- (a) Urban Forest. The urban forest consists of all the trees located on public and private lands within the City.
- (b) Urban Forestry Program. City operations on public lands that include, but are not limited to, the following services: planting, pruning, maintenance, treatment, integrated pest management, and the removal and stump grubbing of trees that are part of the Urban Forest.
- (c) Program Costs. The Urban Forestry Program Costs shall include the costs to the City to perform the activities associated with the Urban Forestry Program. They do not include any costs incurred by the City that are reimbursed from other sources such as federal or state funding, grants, insurance proceeds, restitution, donations, endowments, or other third party sources, including, specifically, public nuisance abatement costs recovered under Sec. 23.40, MGO.
- (3) Urban Forestry Charge. There is hereby imposed upon all real property in the City an annual urban forestry special charge pursuant to Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627, which charge shall recover the City's annual urban forestry program costs.
- (4) Administering the Charge. The urban forestry charge shall be administered by the City Forester and the Finance Department. The proceeds from the charge shall be used to pay for the services

provided by the City's urban forestry program. The City Forester shall prepare an urban forestry special charge policy that establishes the method of calculating and apportioning the charge. This policy shall be submitted to the Common Council for approval, and shall be updated as necessary to ensure that the charge is properly applied.

- (5) Determining the Urban Forestry Special Charge. The Common Council shall annually approve the urban forestry charge. As part of this approval process, the Forestry Section shall prepare a report to the Common Council of the City's urban forestry program costs. The report shall detail the past and future anticipated expenditures for the program. If, after approving the charge, the actual urban forestry program costs are found to vary materially from the approved amount, the Forestry Section shall submit an updated report to the Common Council for consideration to account for the actual costs of the urban forestry program.
- (6) Payment. Upon the Common Council's approval by resolution of the special charge or updated special charge under Subsection (5), the special charge shall be due by October 31. Payment may be made before that date, and any amount not paid to the City by that date will be considered delinquent and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges.
- (7) Notice. Notwithstanding the provisions of Sec. 4.09(13) regarding notice, no notice or billing is required for the urban forestry special charge except for a Class I notice under Wis. Stat. ch. 985 within twenty (20) days of the Common Council's approval by resolution of the special charge or updated special charged under Subsection (5).
- (8) Appeal. Within ten (10) days of the notice provided for under Subsection (7), a property owner may appeal the application of the urban forestry special charge policy to his or her property. A property owner may not appeal the total amount of the charge approved by the Common Council under Subsection (5) or the policy itself. This appeal shall be in writing to the City Forester and shall state the specific reasons why the property owner feels that the application of the policy to the property was erroneous and the relief being sought. If, upon review, the City Forester determines that all or part of the charge imposed is erroneous, unjust or unreasonable, the City Forester shall adjust the amount of the charge against the property. The property owner may appeal the City Forester's decision to the Administrative Review Board by providing written notice to the City Clerk within ten (10) days of the mailing of the City Forester's written decision on the appeal to the property owner. Upon the filing of the notice with the City Clerk, the appeal of the City Forester's decision shall follow the rules and procedures set forth in Sec. 9.49, MGO.
- (9) Sunset. No urban forestry charge shall be imposed under this section for services performed by the City after December 31, 2018.

(Cr. by ORD-14-00162, 10-29-14)

10.10 INSTALLATION OF STREET TREES.

- (1) It shall be the policy of the City of Madison to promote and enhance the beauty and general welfare of the City through the planting and maintenance of trees or shrubs within the public right-of-way of any street, alley or highway. The City Forester shall direct, regulate and control the planting, care and removal of all public trees and shrubs within the City subject to the direction of the Superintendent of Parks and the Board of Public Works and the Board of Park Commissioners.
- (2) Diseased or destroyed street trees shall be replaced by the City, provided that adequate space for tree growth is available and subject to availability of funds. The replacement of diseased or destroyed trees shall not be assessed to the abutting property owner.
- (3) The full cost, including inspection and supervision, of the initial installation of street trees shall be assessed to the abutting properties providing that the abutting properties have not been denied access to the right-of-way in which the street trees are installed. Assessment for street trees shall be in accordance with Wis. Stat. § 66.0701 and this ordinance, except where street trees are installed as a part of a street improvement district in which case Wis. Stat. § 66.0703 shall govern. The maintenance of street trees shall be the responsibility of the City.
- (4) When the City Forester proposes the installation of street trees assessed to abutting properties he shall prepare a report listing the street trees to be planted, their location and a schedule of assessments.
- (5) A notice shall be published in the official newspaper stating that the City Forester proposes to plant and assess street trees to each of the benefited properties and that the Street Tree Review Committee will hold public hearings on the selection, planting and assessments. The Street Tree Review Committee shall be made up of a member of the Park Commission designated by the President of the Park Commission, the Parks Superintendent and another City employee who is not the City Forester. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10), and not more than forty (40) days after such publication. (Am. by ORD-10-00114, 12-8-10)
- (6) The Street Tree Review Committee shall hold a public hearing on the planting of trees and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Forester's report.
- (7) A notice shall be published in the official newspaper stating that the Street Tree Review Committee has prepared a report on the City Forester's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the City and a copy of such notice shall be mailed at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication.

- (8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove or modify, or it may re-refer the report to the Street Tree Review Committee with such directions as it deems necessary to change the plans for the tree planting and to accomplish a fair and equitable assessment.

Upon adoption by the Common Council, the assessments shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date.

(Am. by Ord. 8798, 2-27-86)

- (9) After the project is completed and all costs have been charged to the project, the City Forester shall modify each special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (7) and after a public hearing, amend, cancel, or confirm any such prior assessment.

If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

- (10) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Wis. Stat. § 66.0703(12), within forty (40) days of the day of the final determination of the governing body.
- (11) The Council may, without any notice or hearing provided in Subsections (5), (6), (7) and (8), levy and assess the whole or any part of the cost of installation of street trees as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. The form of such waiver shall advise property owners of the availability of the procedures of this section and that waiver of such notice of hearing provisions does not preclude the Common Council from acting according to Subsection (9) nor the property owner's right of appeal contained in Subsection (10).
- (12) Special assessments for the installation of street trees shall be payable in installments as provided by Section 4.08 of the Madison General Ordinances. (Cr. by Ord. 6224, 4-27-78)

10.25 MERCHANDISE, ETC., NOT TO BE PLACED ON SIDEWALK OR TERRACE.

- (1) Unlawful to place articles on sidewalk . Except as permitted in other provisions of these ordinances, no person shall place or deposit on any sidewalk or terrace or in any roadway any cask, box, crate, wood, stone, plank, boards, goods, wares, merchandise, ashes, bottles, cans or other substances or materials

(Am. by Ord. 12,522, Adopted 1-4-00)
- (2) Merchandise not to be left on side walk. It shall be lawful, however, for any person to place and leave for a period not exceeding two (2) hours of the twenty-four (24) on the outer edge of the sidewalk in front of his store or building, dry goods, wares or merchandise for purposes of loading and unloading, such exception to be applicable only to premises in business districts, in actual use for merchandizing purposes.
- (3) Planting of shrubbery on terraces prohibited . No person shall plant or maintain or cause to be planted or maintained on any terrace between the sidewalk and curb on any street in the City of Madison any plant or shrub in excess of twenty-four (24) inches in height or within a distance of twenty-four (24) inches from the back of the curb unless necessary to control erosion of the soil. Any plants or shrubbery planted or maintained on any terrace contrary to the provisions of this ordinance shall be removed. The enforcement of this ordinance shall be under the supervision of the Police Department and the Inspection Unit of the Department of Planning and Development.

Upon default of any person ordered to remove said plants or shrubbery, the Department of Planning and Development may cause said plants or shrubbery to be removed. The cost of removal shall be assessed against the lot adjoining the terrace upon which the plants or shrubbery were located as provided in Section 28.04(12)(e)4. of the Madison General Ordinances. Prosecution under this section shall not bar the City from causing the plants or shrubbery to be removed, nor shall the City's removal of the plants or shrubbery bar prosecution hereunder.

(Am. by Ord. 8473, 12-10-84)

10.101 REGULATION OF TREE TRIMMING, PRUNING AND REMOVAL WITHIN THE PUBLIC RIGHT-OF-WAY OF ANY STREET, ALLEY OR HIGHWAY.

(1) Intent and Purpose. The intent of this ordinance is to regulate the trimming, pruning and removal of trees in an effort to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning and removal that is unnecessarily disfiguring and/or destructive, and to give property owners notice of, and an opportunity to contest, proposed tree trimming, pruning and/or removal operations.

(a) Tree Subcommittee. There is hereby authorized a Madison Tree Subcommittee as a subcommittee of the Madison Park Commission. The Tree Subcommittee shall consist of three (3) members appointed by the Park Commission President. Meetings of the Tree Subcommittee shall be held at the call of the chairperson and at such other times as the Tree Subcommittee may determine.

(Cr. by Ord. 12,807, 4-23-01; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(b) Exemptions. This ordinance is not intended to apply to the trimming, pruning or removal of trees under the following circumstances:

1. When the trees in the public street, alley, highway, or greenway are encroaching on an abutting property owner's property;
2. When the trimming or pruning is being performed by the City of Madison Departments of Public Works or Transportation or employees of those departments as those departments work under the direction of the City Forester who has established policies and procedures for trimming, pruning and removal;
3. When the trimming or pruning is in relation to routine installation (e.g. cable television, telephone, etc.), the installer shall not be required to obtain a permit, but must meet the standards in this ordinance and the standards of the city Forester in performing such work.
4. When the trimming, pruning or removal is by an individual property owner, the City Forester retains his or her discretion to issue individual permits for trimming, pruning or removal in the public right of way when such trimming meets the guidelines and standards of this ordinance and the City Forester.

(2) Definitions.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Greenway. As defined in Madison General Ordinances, sec. 16.23(2).

Madison Tree Subcommittee. Subcommittee of the Madison Park Commission consisting of three (3) members appointed by the Park Commission President. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

Tree Trimming Plan. Tree Trimming Plan applies to trimming, pruning and removal of trees and includes any trimming and/or pruning of roots.

(3) Permit Required for Trimming, Pruning, and Removal of Trees within the Public Right-of-Way of any Street, Alley, Highway or Greenway.

(a) No person shall trim, prune, or remove any tree that is in a public street, alley, highway or greenway or cause such work to be done by others, without first obtaining a permit from the City Forester. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

(b) Any person seeking a permit to trim, prune, or remove a tree in a public street, alley, highway or greenway shall submit a written proposed trimming, pruning or removal plan to the City Forester, setting forth the following:

1. Clear and specific identification of the trees in a public street, alley, highway or greenway which the person is targeting for trimming, pruning, or removal. The identification shall include the name and block number(s) of the street(s) on which the trees are located

2. A clear and specific statement identifying the dates on which the trimming, pruning, or removal will begin and end.

3. Detail regarding the general nature and character of the proposed trimming, pruning or removal.

The Madison Tree Subcommittee will hold a hearing regarding the proposed Tree Trimming Plan at its first meeting after submission of the plan. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(c) Notification. Upon submission of the Tree Trimming Plan to the City Forester, the party submitting the plan shall notify residents within the proposed tree trimming, pruning or removal area, via United States Mail or personal delivery.

The notice shall inform the resident(s) of the proposed date for trimming, pruning or removal, the date on which the Tree Subcommittee will consider the proposed Tree Trimming Plan, and inform the resident that he/she has the opportunity to appear and testify at the meeting of the Tree Subcommittee.

Whichever method is used to effect notification, the party shall submit proof to the Madison Tree Subcommittee that notification was mailed or delivered to the affected residents.

All meetings of the Tree Subcommittee, including all deliberations on a proposed tree trimming plan shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Park Commission and shall be a public record.

The Tree Subcommittee, upon its findings, shall make a recommendation, including the reasons therefore, to the City Forester after the hearing. The recommendation shall be provided to the applicant. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(d) If the City Forester determines that the Tree Trimming Plan is in accordance with the intent and purpose of this ordinance, it will, within 10 days of the hearing at which the plan was considered, authorize the City Clerk to issue a permit to the person submitting the plan. The City Clerk will issue the permit upon submission of the permit fee of fifty dollars (\$50.00.) (Am. by Ord. 13,601, 5-11-04)

(e) The permit shall indicate the streets affected by the Tree Trimming Plan and the dates on which the trimming, pruning or removal will occur. The permit will be valid for the streets and dates appearing on the permit, except as provided in subdivision (e)1. below. Any person trimming, pruning or removing trees outside of the streets or dates specified on the permit will be in violation of this ordinance and subject to penalty.

1. Public utilities and contractors may apply for and obtain, in accordance with this ordinance, an annual forestry permit which will be valid for a period of one (1) year from the date of issue, subject to the following additional conditions:

a. Provide the City Forester fifteen (15) days advance written notice of work to be performed;

b. Perform work in conformance with this ordinance and the written guidelines and directives of the City Forester;

c. Pay an annual forester permit fee of fifty dollars (\$50) to the City Clerk's office.j

2. The annual forestry permit will be subject to renewal upon reapplication to the City Forester and re-hearing before the Madison Tree Subcommittee. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

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(4) Administration and Enforcement.

(a) The purpose of this section is to provide for the administration and enforcement of this ordinance.

(b) This section shall be administered and enforced by the City Forester and designees thereof and in conformity with Madison General Ordinances Sec. 10.101(1).

(c) Violations of this section shall be brought to the attention of the City Forester.

(5) Emergency Trimming, Pruning or Removal. The above specified notice procedure does not apply when circumstances arise which require immediate action to protect the public from imminent harm, such as sickness, disease, personal injury or property damage. In determining imminent harm, there must be a balancing of the rights of the abutting property owner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action.

(6) Appeals. Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section may appeal to the Board of Park Commissioners by filing a notice of appeal, stating the grounds therefore, with the President of the Park Commission. The Board of Park Commissioners may, after a hearing, with notice to the appellant, reverse, affirm or modify, in whole or in part, the decision or determination of the Madison Tree Subcommittee or the City Forester. The decision of the Board of Park Commissioners shall be a final administrative determination, subject to judicial review as may be provided by law. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(7) Penalty.

(a) Any person who violates the provisions of this section shall, upon conviction, pay a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day during which any violation of the provisions of this section shall occur or continue shall constitute a separate offense.

(b) If, as the result of a violation of any provision of this section, the injury, mutilation, or death of a tree located within the public right-of-way of any street, alley, highway or greenway is caused, the cost of repair and replacement of such tree shall be the responsibility of the person in violation. The replacement value of trees shall be determined in accordance with the most recent edition of A Guide to Plant Appraisal published by the International Society of Arboriculture.

(8) Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

(Sec. 10.101 Cr. by Ord. 12,106, 4-20-98; Am. by Ord. 12,253, 11-17-98)

CHAPTER 16

GENERAL PLANNING

Section

- 16.01 City Plan Commission.
- 16.02 Reserved For Future Use.
- 16.03 Reserved For Future Use.
- 16.04 Reserved For Future Use. (Rep. & Recr. by ORD-07-00048, 4-12-07)
- 16.05 - 16.22 Reserved For Future Use.
- 16.23 Land Subdivision Regulations.
- 16.24 Condominium Instrument Review. (Cr. by ORD-08-00036, 4-4-08)
- 16.25 Official Map. (Renum. by ORD-08-00036, 4-4-08)
- 16.26 Setback Lines Established. (Renum. by ORD-08-00036, 4-4-08)

16.01 CITY PLAN COMMISSION.

- (1) Created. There is hereby created a City Plan Commission, with the powers, duties and qualifications as set forth in this chapter and in Wis. Stat. § 62.23.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). (R. & Re-Cr. by Charter Ord. 58, 6-11-87)

- (2) Composition. The City Plan Commission shall consist of nine (9) voting members. The Mayor or his/her designee shall serve as a member of the commission. The other members shall be three (3) members of the Common Council and five (5) citizens. The Mayor, at the annual organizational meeting each year, shall indicate to the Common Council whether he/she will serve as chairperson of the Plan Commission or inform the Common Council of the name of his/her designee. The Mayor may elect to assume membership on the commission at any time. In the event the Mayor names a designee, the commission shall elect one (1) of its members to be chairperson. Two (2) of the members of the Plan Commission shall also be members of the Long-Range Transportation Planning Committee.

This is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, except as said effective date is extended herein, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). The effective date of this ordinance shall be the day after the second regular Common Council meeting of May 1997 provided that all appointments to the Transit and Parking Commission, the Pedestrian/Bicycle/Motor Vehicle Commission and the Long Range Transportation Planning Committee have been made by the Mayor and approved by the Common Council, but in no case shall the effective date be later than the day after the first regular meeting of the Common Council of June 1997.

(Am. by Charter Ord. 70, Adopted 2-18-97; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; CHA-13-00001, Pub. 1-15-13, Eff. 3-16-13)

- (3) Appointment and Terms of Alderperson Members. The Mayor shall appoint three (3) members of the Common Council to be members of such commission; and, at its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) vote of its members confirm any such mayoral appointments of three of its number as members of the City Plan Commission for terms to coincide with their terms on the Common Council.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). (R. & Re-Cr. by Charter Ord. 58, 6-11-87; Am. by Charter Ord. 76, Adopted 2-18-03 Am. by CHA-12-00001, Adopted 10-16-12)

(d) Land Divisions (Certified Surveys).

1. The land division shall comply with the provisions of this ordinance relating to general requirements, design standards, the preliminary plat data requirements of subsection (7)(a), and required improvements for subdivisions under this ordinance. For lands subject to a condominium plat, a lot or lots may be created from a lot in said plat provided that no part of a lot or lots to be created shall be part of a condominium and shall be capable of being served by City water and sewer. Service from a private water or sewer system shall not be permitted. The lot or lots created may share cross access, parking, and stormwater management facilities if such sharing was required by any zoning approval for the property and if adequate easements and/or agreements are provided, subject to the approval of the City Engineer, City Traffic Engineer, and Planning Director. The beginning point of survey shall meet the requirements of Wis. Stat. § 236.34(1)(d). (Am. by Ord. 10,258, 5-21-91; ORD-12-00014, 1-24-12)
2. The survey shall be performed and the map prepared by a registered land surveyor, and the map shall comply with the requirements of Wis. Stat. § 236.34, which is hereby adopted by reference. In addition, the map shall show all existing buildings, structures, watercourses, drainage ditches and other features pertinent to proper division. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
3. The certificate of approval by the secretary of the Plan Commission shall be typed, lettered or otherwise reproduced legibly on the face of the map with nonfading ink.
4. (R. by ORD-08-00094, 8-23-08)
5. Restrictions For Public Benefit. Any restriction placed on the face of the map, whether covenant, easement, or any other restriction, which is required by the provisions of this ordinance and which names a public body or public utility as grantee, promisee or beneficiary, is hereby deemed accepted and vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement. (Cr. by ORD-08-00094, 8-23-08)

(8) Design Standards.(a) Streets and Alleys.

1. General. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, master plan or component neighborhood unit development plan. In areas for which such plans have not been completed the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The use of narrower, performance-based streets in new subdivisions and in the reconstruction of local streets may accomplish some or all of the following objectives: improved neighborhood livability from a more pedestrian-friendly environment; more compact development patterns that use less land, increase in land available for residential and commercial activities; more extensive streetscape vegetation and preservation of existing streetscape vegetation; reduction in the cost of street construction and maintenance, as well as development costs; reduction in traffic

speed and non-local traffic; and reduction in stormwater runoff. Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a sidewalk, connecting path or multi-use path shall be provided to connect to another public right of way unless topography or other unique physical features make this connection impossible. The subdivision shall be such as to provide each lot by means of a public street satisfactory access to any existing public street. The subdivision shall further maximize the use of street orientations which provide solar access to lots and contemplated buildings. (Am. by Ord. 8128, 10-17-83; ORD-06-00054, 5-4-06; Am. by ORD-07-00042, 4-5-07)

2.

Arrangement.

- a. Arterial streets and highways shall be properly integrated with the existing and proposed system of arterial streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned and platted streets with which they are to connect.
- b. Collector streets shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers, to concentrations of population and to major streets into which they feed.
- c. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- d. Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands. Temporary turnarounds adjacent to the boundary of the subdivision being subdivided may be required at street ends.
- e. Street patterns and lot lines generally determine building orientation. To facilitate solar access, streets shall be oriented in an east-west direction to the maximum extent possible or to within 20 degrees of such orientation. This requirement shall not apply to preliminary plats approved prior to the effective date of this ordinance, provided the final plat of the preliminary plat is submitted within six (6) months, or to final plats submitted within six (6) months of preliminary plat approval or to portions of the subdivision where the applicant demonstrates that:
 - i. There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements.
 - ii. Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable.
 - iii. The shape and size of the property being subdivided make such orientation unreasonable.
 - iv. Adopted storm water management plans or policies indicate a different street orientation.
 - v. Existing or approved future development contiguous to the subject property precludes adequate solar access to the portion in question.

- vi. Existing street patterns contiguous to the subject property make such orientation unreasonable.
- vii. Specific adverse environmental impacts would occur on the site if such orientation were achieved.
- viii. Desirable street circulation patterns require some streets to be in a more north-south direction.
- ix. The final platting of only a portion of an approved preliminary plat precludes changes in remaining portions of the preliminary plat which are necessary to provide adequate solar access to the portion in question.

(Cr. by Ord. 8128, 10-17-83)

3. Treatment Of Railroad Rights-Of-Way And Limited Access Arterial Streets.
Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access arterial street, the subdivision shall provide the following treatment:

- a. In residential districts a buffer strip at least thirty (30) feet in depth in addition to the normal lot depth required shall be provided adjacent to a railroad right-of-way or a state or U.S. highway. The subdivider shall install in the buffer strip, noise abatement facilities per the Wisconsin Administrative Code, Department of Transportation, Chapter Trans 405, "Siting Noise Barriers". For the above lots, the strip shall be a part of the lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner."

For all other lots adjacent to a state or U.S. highway or railroad right-of-way such buffer strip shall be a part of the platted lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is the responsibility of the lot owner."

(Sec. 16.23(8)(a)3.a. Am. by Ord. 10,258, Adopted 5-21-91)

- b. In commercial and industrial districts, provision shall be made on each side of the railroad right-of-way or limited access arterial street for streets approximately parallel to and at a distance from such right-of-way or highway suitable for the appropriate use of the land between such streets and right-of-way, but not less than one hundred fifty (150) feet distant from said right-of-way. The Secretary of the Plan Commission or her/his designee shall evaluate and determine the need for these provisions. (Am. by Ord. 10,258, Adopted 5-21-91)
- c. Streets parallel to a railroad right-of-way or arterial street or highway shall, when intersecting an arterial street, highway or a collector street, be located at a minimum distance of two hundred fifty (250) feet from said right-of-way, arterial street or highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- d. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

4. Protection Of Arterial Streets And Highways. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and the separation of through and local traffic shall be provided by:
 - a. Reversed frontage with screen planing contained in a nonaccess reservation along the rear property line.
 - b. Marginal access street.
5. Alleys. Alleys shall be required in mixed-use and commercial and employment districts for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved; and alleys shall not have their points of connection on a major thoroughfare. (Am. by ORD-12-00134, 1-2-13)
6. Reserve Strips. There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the City under conditions approved by the Plan Commission.
7. Intersections.
 - a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The point of curve of the center line of a curved street intersecting another street shall be not less than fifteen (15) feet, on the property side, of the property line of the street being intersected.
 - b. The number of streets converging at one intersection shall be not more than two.
 - c. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.
 - d. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet except that at all intersections along collector and arterial streets the radius shall be increased to twenty-five (25) feet. The Plan Commission may require a larger radius where desirable.
 - e. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides thereof within three hundred (300) feet of each other, measured along the center line of the arterial or collector street, their location shall be adjusted so that the alignment across the arterial or collector street is continuous and a jog is avoided.
 - f. Local street intersections, wherever practicable, shall be spaced no closer than two hundred fifty (250) feet between center lines.
 - g. Cul-de-sac streets designed to have one end permanently closed shall not exceed six hundred (600) feet in length. (Am. by ORD-07-00042, 4-5-07)
8. Widths Of Streets And Pavements, Parkways And Drainageways.
 - a. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by the Comprehensive Plan, master plan, functional classification map, official map or neighborhood development study; or if no width is specified therein the minimum widths shall be as follows:
 - i. Principal and primary arterials streets shall have a minimum ROW width of one hundred twenty (120) feet.
 - ii. Standard arterial and connector collector streets shall have a minimum ROW width of eighty (80) feet.
 - iii. Distributor collector streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width (from curb face to curb face) of thirty-two (32) feet, subject to approval by the Common Council.

- iv. Local streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width of thirty-two (32) feet except in the following situations:
- A. A minimum ROW width of fifty-four (54) feet and a minimum pavement width (from curb face to curb face) of twenty-six (26) feet shall be permitted when the net density of abutting property is less than three (3) dwelling units per acre.
 - B. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted when the net density of the abutting property is less than 5.44 dwelling units per acre.
 - C. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted if:
 - 1) The net density of abutting property is between 5.44 and 8.71 dwelling units per acre;
 - 2) Front loaded garages have driveways at least twenty (20) feet in length;
 - 3) At least seventy-five percent (75%) of dwelling units in the subdivision have two (2) car garages; and
 - 4) A minimum of two (2) parking spaces are provided in front of the two (2) car garages that have access to a street.
 - 5) Where alleys exist, at least seventy-five percent (75%) of the houses must have garages accommodating at least two (2) cars, as well as at least three (3) off-street parking spaces, and a minimum garage setback of ten (10) feet or a parking space adjacent to the garage.
 - D. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet may be permitted if:
 - 1) The net density of abutting property is between 8.72 and 12.44 dwelling units per acre.
 - 2) The requirements of Subsubsubparagraph C. are met; and
 - 3) The Common Council approves such minimum widths after consideration of factors, including but not limited to:
 - a) Area street connectivity among relevant local, collector, and arterial streets.
 - b) The number of off-street parking spaces provided per dwelling unit.
 - c) Parking regulations applicable to the street.
 - d) The proximity and number or percentage of streets in a subdivision proposed to have a minimum ROW width of fifty-six (56) feet and a

minimum pavement width of twenty-eight (28) feet shall be sufficient to support potential overflow on-street parking in the areas of higher density development.

- e) The recommendations of the Traffic Engineer, City Engineer, and the Director of the Department of Planning and Community and Economic Development.
- v. For all of the above, when there exist special on-street parking generators, such as parks, schools, churches, commercial businesses, sports and entertainment venues, or large multi-family dwellings, the minimum ROW width shall be sixty-six (66) feet and the minimum pavement width shall be thirty-six (36) feet.
- vi. For all the above, when the street is designated as or anticipated to be a bicycle route that may have marked bicycle lanes, the minimum widths shall be as follows:
 - A. If no parking is on either side of the street, the minimum ROW width shall be sixty-two (62) feet and the minimum pavement width shall be thirty-four (34) feet.
 - B. If parking is permitted on only one side of the street, the minimum ROW width shall be sixty-eight (68) feet and the minimum pavement width shall be forty-two (42) feet.
 - C. If parking is permitted on both sides of the street, the minimum ROW width shall be seventy-four (74) feet and the minimum pavement width shall be forty-eight (48) feet.
- vii. Alleys shall have a minimum ROW width of twenty-six (26) feet.
- viii. At the time of application, the applicant shall provide a plan that overlays the plat or certified survey map and that demonstrates that the requirements for building streets of a particular width are met.

(Am. by ORD-06-00054, 5-4-06)

- b. All cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred twenty (120) feet and a minimum outside curb diameter of ninety-two (92) feet in commercial and industrial areas and a minimum right-of-way diameter of one hundred (100) feet and minimum outside curb diameter of seventy-two (72) feet in residential areas. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.
- c. If parkways or drainageways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be deemed necessary to preserve such features. Generally parkways and drainageways shall have a minimum width of two hundred (200) feet, but they shall not in any case be less than one hundred (100) feet in width.

19.16 - UNDERGROUND UTILITY ENTRANCE FACILITIES.

- (1) Purpose. The Common Council of the City of Madison does hereby declare it to be the public policy of the City of Madison to favor underground electrical and communications facilities. The exercise of police power to implement this public policy is based on the public benefit received including (but not limited to) the following reasons:
 - (a) Clearing scenic views;
 - (b) Improving civic appearance;
 - (c) Removing safety hazards which are a danger to pedestrians and motorists;
 - (d) Overcoming the threat of temporary loss of service due to high winds and ice conditions;
 - (e) Eliminating damage to overhead equipment by wildlife;
 - (f) Eliminating damage to wildlife by overhead equipment;
 - (g) Eliminating trimming of street trees required to prevent damage to overhead wires.

This ordinance is adopted to facilitate the orderly replacement and/or transfer from overhead facilities consistent with desirable aesthetic goals and sound economic practices. The Common Council of the City of Madison finds the utilities and other entities furnishing major utility services and other services transmitted by wire or coaxial cable have previously adopted policies of converting from overhead service to underground service.

- (2) Definitions. In this section the following definitions shall apply:
 - (a) The term "underground entrance facilities" shall mean the conductors, cable, conduit and/or equipment necessary to transmit electrical or communications energy from the aerial or underground distribution system of the supplier to the main disconnect, junction or protector panel in or on the customer's premises and shall include all electric, communications, signal and CATV facilities.
 - (b) The term "electrical services" as used in this section shall mean the conductors and equipment for delivering energy from the electrical supply system to the wiring system of the premises served.
 - (c) The term "permanent electrical service" as used in this section shall mean electrical services which are anticipated to remain in place or actually remain in place for more than a 90-day period of time, provided however that the term "permanent electrical service" shall not include overhead services of a temporary nature which are installed to provide electrical service during construction, remodeling, renovation, repair or demolition of bridges, structures, equipment or similar activities, or during emergencies or for tests or experiments relating to the public safety.

(Sec. 19.16(2) Am. by Ord. 8187, 12-15-83)

- (3) Areas of Application.
 - (a) Central City Area. The requirements of Subsection (4) shall apply in that part of the City of Madison lying between Lake Monona and Lake Mendota bounded by the Yahara River on the northeast, and the line comprising the intersecting centerlines of Drake Street, Garfield Street, Monroe Street, Breese Terrace, University Avenue and Babcock Drive on the southwest. The reason for such application is because it is recognized that within this area the present overhead electric distribution system and telephone system are old by comparison with most of the rest of the distribution systems. Such systems are inadequate in capacity to supply new buildings which will ultimately replace old existing buildings and, because it is further recognized that the buildings in this area are the oldest in the City and are being replaced by new buildings on a gradual basis.

- (b) Major Street Area. The provisions of this section shall also apply to buildings situated on property fronting on the following major streets, excepting those properties receiving utility or communication services from rear or side streets:

1. John Nolen Drive - Blair Street to Beltline;
2. Gammon Road - Mineral Point Road to Old Sauk Road;
3. Milwaukee Street - Walter Street to Stoughton Road;
4. Milwaukee Street - Stoughton Road to I-90;
5. Old Sauk Road - Old Middleton Road to Gammon Road;
6. University Avenue - Bassett Street to westerly city limits;
7. South Gammon Road - Seybold Road to Park Ridge Drive;
8. Fish Hatchery Road - Wingra Drive to Greenway Cross;
9. Mineral Point Road - Racine Road to West Beltline Highway;
10. Raymond Road - McKenna Boulevard to westerly city limits.

(Sec. 19.16(3)(b) Am. by Ord. 8187, 12-15-83)

- (c) Underground Utility Districts. The requirements of Subsection (4) shall apply to properties located in Underground Utility Districts, as determined under Subsection (6).

(4) General.

- (a) Any new building, sign, signal or structure requiring a separate permanent electrical service constructed in the areas described in Subsection (3) above after the effective date of this section shall be constructed with underground entrance facilities. (Am. by Ord. 8187, 12-15-83)
 - (b) Every existing building, sign, signal or structure requiring permanent electrical service in the area described in Subsection (3) above, which is being remodeled, and where the cost of such remodeling is estimated to exceed or actually exceeds fifty percent (50%) of the Assessor's full market value of said building, shall be constructed with underground entrance facilities. Except for properties located in an Underground Utility District, where the utilities' verified estimated costs to the customer of installing underground entrance facilities exceeds five percent (5%) of the total remodeling cost, the underground entrance facilities requirement of this subdivision (b) will be waived upon request to and the furnishing of written proof of qualification to the Building Inspection Division of the Department of Planning and Community and Economic Development. Said estimated customer costs must be verified with written estimates from the utilities which have been furnished to the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8187, 12-15-83; ORD-08-00109, 10-7-08)
 - (c) Every existing building, sign, signal or structure in the area described in Subsection (3) above requiring permanent electric service, which has received or is eligible to receive a subdivision (b) waiver or in which electrical remodeling includes replacement of the entrance equipment, shall be constructed or reconstructed with entrance equipment sufficient to enable said building, sign, signal or structure to be connected with underground entrance facilities without further modification. (Cr. by Ord. 8187, 12-15-83)
 - (d) Installation of underground entrance facilities for all other services transmitted by wires, coaxial cable, or any other conductors shall be made at the same time as any required electrical service modifications made pursuant to this Section. (Cr. by Ord. 8187, 12-15-83)
- (5) Throughout the City of Madison, when the total estimated electrical demand exceeds fifty (50) kw in any new building or any building which is being remodeled, and when the cost of

remodeling is estimated, or exceeds fifty percent (50%) of the Assessor's full market value of said building, the owner shall provide vault space or space for pad-mounted transformers in accordance with applicable provisions of the Wisconsin Electrical Code and all applicable service rules of the electric utility providing service for such building.

(6) Underground Utility Districts.

(a) Declaration of Policy. Pursuant to the adopted Policy for Funding the Undergrounding of Overhead Utility Lines (RES-11-00256), or said policy as it is amended from time-to-time, the City may pursue the undergrounding of utility services in designated districts in combination with other capital improvement projects. While some properties in a district may already be served underground or have the facilities needed to accept underground service, some buildings in a district that are being served overhead will not be ready for underground service without a modification of the entrance facilities or internal wiring of the building. The purpose of this Subsection is to establish a mechanism that will give property owners sufficient time to ensure that their property can accept underground service, and provide these property owners with a portion of the funding for the necessary service modifications. The establishment of Underground Utility Districts under this Subsection represents an exercise of the police power of the City of Madison.

(b) Establishment of Underground Utility District.

1. To establish an Underground Utility District, the Common Council shall adopt a resolution declaring the boundaries of the District and its intention to place overhead utility services underground in the District. This resolution shall describe the undergrounding project, the limits of the proposed District, a list of all the properties affected by the undergrounding project, and the estimated number of affected properties that are served overhead and are not ready to receive underground service.
2. Before adopting this resolution, a notice shall be published in the official newspaper stating that the Board of Public Works will hold a public hearing on the creation of the Underground Utility District. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, and mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence, along with a summary of the requirements of property owners in Underground Utility Districts under this Subsection. The hearing shall commence not less than ten (10) days and not more than forty (40) days after such publication and mailing.
3. The Board of Public Works shall hold a public hearing on the resolution and at the conclusion of the public hearing shall make a recommendation to the Common Council to take an action on the resolution.
4. Upon adoption of the resolution by the Common Council, the Underground Utility District shall be deemed established. A copy of the resolution adopted by the Common Council shall be mailed to every interested person whose post office box is known or can be ascertained with reasonable diligence, along with a summary of the requirements of property owners in Underground Utility Districts under this Subsection.

(c) Requirement to Modify Service. Every property owner in an Underground Utility District must modify the property's electrical services to accept underground service within twenty-four (24) months of the establishment of the District, unless the property owner is granted a modification deadline extension by the City Engineer under Subdivision (d), in which case the property owner has until the deadline established by the City Engineer to modify the property's electrical service. Any person who fails to modify the property's electrical service to accept underground service within this time period shall be subject to a forfeiture of not less than twenty-five (\$25) dollars and no more than one-hundred dollars (\$100). Each day a violation continues shall be considered a separate offense.

- (d) Modification Deadline Extension. A property owner may apply to the City Engineer for an extension of the time in which to modify electrical service as required under Subdivision (c). This application must be made within the twenty-four (24) month period and no extension will be granted if the application is made after this period. The City Engineer may grant an extension of time for compliance with the requirements of this Subsection if either of the following conditions are met:
1. The property owner meets the criteria for eligibility for loans for payment of special assessments or special charges as set forth in Subdivisions 4.082(2)(a)-(c) and (e), MGO.
 2. The cost of service modification is greater than three (3) times the maximum amount that the City will reimburse the property owner under Subdivision (e).
- (e) Reimbursement for Undergrounding Service Modifications.
1. Reimbursement. The City will reimburse an eligible property owner for fifty percent (50%) of all costs incurred by the property owner to modify the entrance facilities or internal wiring of the building to comply with the requirements of this Subsection, up to one-thousand dollars (\$1,000) adjusted annually on January 1 in accordance with the Construction Cost Index as published by the Engineering News Record or a similar index if the Engineering News Record index does not exist. The City Engineer shall maintain the annual maximum reimbursement amount.
 2. Eligibility. All properties in the Underground Utility District that, upon creation of the District, are served by overhead electrical service and are not ready to accept underground service without a modification of the entrance facilities or internal wiring of the building are eligible for reimbursement of the service modification costs under Paragraph 1, provided the modifications are made and completed, and an approved inspection is made, within twenty-four (24) months of the creation of the District, unless the City Engineer grants an extension under Subdivision (d), in which case the property owner has until the end of the extension period to make and complete the service modifications to be eligible for reimbursement under Paragraph 1.
 3. Application Requirements. An application for reimbursement under Paragraph 1 must include, as documentation of replacement and cost, a payment receipt from a licensed electrician for modifying the entrance facilities or internal wiring of the building to comply with the requirements of this Subsection, as well as documentation of an approved inspection by a City Electrical Inspector. Disputes regarding eligibility for a reimbursement may be appealed to the Board of Public Works.

(Sec. 19.16 Cr. by Ord. 5405, 3-5-76; Am. by ORD-11-00081, Pub. 6-16-11, Eff. 11-1-11)

23.02 ADVERTISEMENTS ON PUBLIC OR PRIVATE PROPERTY PROHIBITED.

- (1) No person, firm, corporation or organization shall place or cause to be placed in any manner any commercial, political or promotional advertising material upon any public property or public telephone booth in any street, alley or public grounds, or upon the exterior of any private property situated and fixed in or adjacent to any street, alley or public ground, unless proper sign permits, permission from the lawful owner or occupant of the premises where such material is to be displayed provided such signs are not otherwise prohibited by ordinance, or Council approval therefore is obtained. This prohibition shall include but not be limited to the placement in any manner of any advertising material upon trees. The placement prohibition shall not apply to placement of posters on kiosks, bulletin boards or other designated locations designed for said activity which are located upon public or private property. (Am. by Ord. 5572, 8-25-76 and Ord. 5573, 9-3-76)
- (2) No person, firm, corporation or organization shall place any commercial advertising material upon any private property except in compliance with the following:
 - (a) Any plastic bag used in distribution shall be a minimum of 1mm in thickness and shall have a minimum of twenty (20) holes, each at least one-fourth (1/4) inch in diameter;
 - (b) No toxic material or material injurious to health shall be distributed;
 - (c) All unclaimed material shall be collected by the distributor or her/his agent by 6:00 p.m. on the day following the day of distribution;
 - (d) No distribution of such material shall be made to any private dwelling if the owner or occupant thereof gives notice in any reasonable manner that s/he does not wish to receive such material;
 - (e) Every distribution of commercial advertising material shall include the name, address, and telephone number of person, firm, corporation or organization responsible for such distribution.
- (3) This section shall not apply to the posting of notices required by law nor to materials distributed through the mail.
- (4) The provisions of this ordinance shall be severable and if any part of the ordinance shall be held in contravention of the Constitution and laws of the State of Wisconsin and the United States by a court of competent jurisdiction, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful portion, if any, not been included herein. (Cr. by Ord. 5512, 6-19-76)
- (5) Any person who violates any provision of this section, or fails to comply with any of its requirements shall upon conviction thereof, be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). (Am. by Ord. 5557, 8-13-76; Ord. 13,760, Adopted 12-14-04)

23.21 PRUNING OR REMOVING TREES IN PUBLIC HIGHWAYS OR PUBLIC PLACES.

- (1) No person, corporation, or association shall plant, cut, prune, or remove any living tree or shrub in a public highway in the City of Madison, or cut, disturb or interfere in any way with the roots of any tree, to the extent of causing serious injury to such tree, in such public highway, or spray any such trees or shrubs with any chemical or insecticides without written permit of the Board of Park Commissioners.
- (2) Nothing herein shall be construed as preventing the City Engineer or Superintendent of Streets, Sewers, and Sanitation (Superintendent of Sanitation) from trimming trees so as to prevent interference with street illumination, provided that before trimming the trees said City Engineer or Superintendent of Streets, Sewers, and Sanitation (Superintendent of Sanitation) shall obtain the suggestion of the City Forester, and if the trimming suggested by him shall be sufficient to accomplish the purpose the tree shall be trimmed accordingly.

23.22 PLANTING OF THESE TREES IN PUBLIC HIGHWAY.

No shade or ornamental tree or shrub shall be planted in any of the public streets of the City of Madison until such tree and the place where it is to be planted shall first have been approved by the Board of Park Commissioners, and a permit granted by said Board therefore.

23.23 DEPOSITING MATERIALS NEAR TREES.

No person shall place or maintain upon the ground, in a public highway of the City of Madison, stone, cement, lumber, or other substance or material which may impede the free passage of water and air to any tree or shrub in such highway without leaving an open space of ground outside the trunk of said tree or the base of said shrub, of an area not less than sixteen (16) square feet. Before depositing any material in any highway of the City of Madison near to trees therein, the person so depositing said materials shall place such guards around the trees as shall effectively prevent injury to them.

23.24 BREAKING OR INJURING TREES, SHRUBS.

(1) No person shall break or injure any tree planted in any highway in the City of Madison, nor shall

he pour salt water on any such public highway in such places as to injure any tree or shrub planted or growing therein.

(2) No person shall occupy any flower bed or area of plantings nor shall any person injure, destroy or

damage in any way any tree, shrub, flower or planting in any public park or public place within the city of Madison. For purposes of this subsection, public place means a place which is in public ownership or a place to which the public has access, distinguished from a private place.

(Am. by Ord. 11,938, 9-26-97)

(3) No person, during the course of performing or causing to be performed public or private work on

or immediately adjacent to property that the City of Madison has an ownership interest in, including, without limitation, highways and highway right-of-ways, public walkways and bike paths, parks, and greenways, shall intentionally or negligently cause damage to any tree planted on said City of Madison property such that the tree must be removed. In performing or causing to be performed such work, persons are expected to exercise ordinary care to prevent unnecessary damage to the tree and root structure so that the tree remains viable after the work is performed.

It shall not be a violation of this provision if the City Engineer or City Forester, or their designees, authorize the damage to the tree prior to the damage, or within a reasonable time thereafter. Each tree damaged shall be a separate violation, and any person violating this provision shall be subject to the following forfeitures: if the tree damaged has a diameter of three (3) inches or less (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of two hundred and fifty dollars (\$250) plus thirty dollars (\$30) per diameter inch; if OFFENSES AGAINST PUBLIC POLICY Sec. 23.24(3)

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the tree damaged has a diameter of more than three (3) inches (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of one hundred and fifty-five dollars (\$155) per diameter inch. However, no person shall be subject to a forfeiture under this subsection if that person has already reimbursed the City for the damage to the tree through the provisions of a public works contract. (Cr. by ORD-10-00071, 7-27-10)

23.25 ATTACHING ELECTRIC WIRES, ETC., TO TREES.

No person, corporation, or association, shall attach any electric insulator, or any device for holding of electric wire, to any tree growing or planted upon any public highway of the City of Madison. Every person, corporation, or association having any wire or wires charged with electricity running through a public highway shall securely fasten such wire or wires to a post or other structure so that they shall not come in contact with any tree therein and every such person, corporation, or association shall, when and if the Board of Park Commissioners shall determine it to be necessary in order to prune or cut down any tree growing on a public highway of the City of Madison, temporarily remove any such wire or wires or cut off the electricity within twenty-four (24) hours after service upon the owner of said wire or wires or his or its agents, of a written notice signed by the president of the Board of Park Commissioners to remove said wire or wires or cut off said electricity.

23.26 TALL BARBERRY AND PURPLE BARBERRY PROHIBITED.

No person shall hereafter sell or plant, within the City of Madison, the “berberis bulgaris”, commonly known as the tall barberry or the “berberis purpurea”, commonly known as the purple barberry.

23.27 COTTON BEARING POPLAR TREES RESTRICTED.

No person shall sell or plant any female cotton bearing tree of the poplar family commonly called the Eastern Cottonwood, *Populus deltoides*, and the White Poplar, *Populus alba*, within the boundaries of the City of Madison. (R. & Recr. by Ord. 4667, 8-5-74)

23.28 SEED BEARING BOX ELDER TREES RESTRICTED. No person shall sell or plant any seed bearing box elder tree, *Acer negundo*, within the boundaries of the City of Madison. (R. & Recr. by Ord. 4666, 8-5-74)

23.40 ELM TREES INFECTED WITH DUTCH ELM DISEASE OR OAK TREES INFECTED WITH OAK WILT DISEASE OR ASH TREES INFESTED WITH EMERALD ASH BORER A NUISANCE. (Title Am. by ORD-09-00115, 8-11-09)

(1) Public Nuisances Declared.

(a) The Common Council of the City of Madison having determined that the health of the elm trees within the City of Madison is threatened by a fatal disease known as Dutch elm disease *Ceratocystis Ulmi* (Buisman) hereby declares the following to be a public nuisance:

1. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles *Scolytus mulistriatus* (Marsh.) or *Hylargophinus rufipes* (Eichh.).
2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

(b) The Common Council of the City of Madison having determined that the health of oak trees within the City of Madison is threatened by a fatal disease known as oak wilt disease (*Ceratocystis fagacearum*) hereby declares the following to be a public nuisance:

1. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus.
2. Any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(c) The Common Council of the City of Madison having determined that the health of the ash trees within the City of Madison is threatened by Emerald Ash Borer (*Agrilus planipennis*), an exotic wood boring beetle that only feeds on ash trees, hereby declares the following to be a public nuisance:

1. Any living or standing ash tree or part thereof infected with or which harbors any of the beetles Emerald Ash Borer (*Agrilus planipennis*).
2. Any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned.

(2) Nuisances Prohibited. No person, firm, or corporation shall permit any public nuisances as defined in Subsection (1) of this ordinance to remain on any premises owned or controlled by him, her or it within the City of Madison.

(3) Inspection. Following receipt of a complaint, the City Forester, or designee, shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (1) of this ordinance exists thereon and shall also inspect or cause to be inspected any elm tree, oak tree or ash tree reported or suspected to be infected with the diseases or insects defined in Subsection (1) of this ordinance or any elm bark, oak bark or ash bark bearing material reported or suspected to be infested with the diseases or vectors listed in Subsection (1) of this ordinance.

(Am. by Ord. 13,640, 6-23-04)

(4) Abatement of Nuisances.

(a) If the City Forester, or designee, upon inspection or examination in person or by some qualified person acting for her/him, shall determine that any public nuisance as herein defined exists in or upon any public street, alley, park or other public place, including the terrace strip between curb and lot line within the City of Madison, s/he shall:

1. Immediately cause it to be removed and the wood to be debarked, covered or chipped, or

2. Otherwise abate the nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus, or the spread of oak wilt disease, or the spread of Emerald Ash Borer beetles.

(Am. by Ord. 13,640, 6-23-04)

- (b) If the City Forester, or designee, shall determine within reasonable certainty that any public nuisance as herein defined in Subsection 1 exists in or upon private premises, s/he shall report the existence of such nuisance to the Board of Park Commissioners; the Board shall, if it determines that such nuisance exists, cause notice to be issued to the owner of the lot or parcel of land on which such tree(s) stand or her/his agent, or if neither is known and there is a tenant or operator, occupying said property then to such tenant or operator, that the Board of Park Commissioners proposes ordering the removal and destruction of such tree(s) as nuisances under this ordinance. The notice shall specify the general location and number of such tree(s) on the lot or parcel of land, and inform that a hearing will be held before said Board of Park Commissioners for the purpose of ordering the removal and destruction of such tree(s). The notice to the owner, agent or tenant of the property shall be issued at least two (2) weeks prior to the hearing and shall indicate the date, time, and location where the hearing will be held before the Board of Park Commissioners. The notice shall be mailed via first class mail to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises. After such hearing the City Forester, or designee, subject to the direction of the Board, shall abandon the work or proceed with it as s/he believes the best interests of the public require. Once the Board of Park Commissioners has ordered the removal and destruction of such tree(s) as nuisances under this ordinance, in lieu of such removal by the City Forester, or designee, the City Forester, or designee, shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable period of time as specified in the notice. The notice shall include the method(s) by which the property owner, agent, tenant or operator shall abate the nuisance and the proper method(s) of disposal of such trees, and that failure to abate the nuisance as so ordered will result in the City abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises. (Am. by Ord. 9305, 10-29-87; Ord. 12,684, 9-25-00; Ord. 13,640, 6-23-04)
- (c) If such owner, agent or tenant or operator does not abate said nuisance within the time limited, the City Forester, or designee, may cause the same to be abated. No damages shall be awarded to the owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood or any part thereof pursuant to this section. (Cr. by ORD-09-00115, 8-11-09)

(5) Assessment of Costs of Abatement.

- (a) The entire costs of abating any public nuisance as defined in Subsection (1) of this ordinance may be chargeable to and imposed as a special charge against the parcel or lot upon which such tree stands. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the City.
- (b) The City Forester, or designee, shall keep strict account of the costs of work done under this ordinance for which special charges are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amount chargeable to each. The City Forester, or designee, shall include in her/his report to the Common Council the aggregate amounts chargeable to each lot or parcel as recorded by her/him and such amounts shall be imposed as special charges against such parcels or lots pursuant to Sec. 4.09(13), MGO.

(Am. by Ord. 13,640, 6-23-04)

- (6) Transporting of Wood Prohibited. No person, firm or corporation shall transport within the City of Madison any bark bearing diseased elm wood or diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the City Forester, or designee. (Am. by Ord. 13,640, 6-23-04)

- (7) Removal or Pruning of Oak Trees Prohibited. No person, firm or corporation shall remove, trim or prune any oak tree or portion thereof between April 1 and October 15 without first securing the written permission of the City Forester, or designee. (Am. by Ord. 11,012, 10-12-94; Ord. 13,640, 6-23-04; ORD-08-00071, 7-04-08)

- (8) Interference With City Forester Prohibited. No person, firm or corporation shall prevent, delay or interfere with the City Forester, or designee, or any of her/his agents or employees while they are engaged in the performance of duties imposed by this ordinance. (Am. by Ord. 13,640, 6-23-04)

- (9) Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction thereof be subject to a forfeiture of not more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense. (Am. by Ord. 13,760, 12-14-04)

(Sec. 23.40 Am. by Ord. 9001, 11-14-86; ORD-09-00115, 8-11-09)

23.41 USE OF DDT SPRAY PROHIBITED.

It shall be unlawful for any person to place DDT spray on any tree in the City of Madison.

29.12 MOVING OF BUILDINGS. No building shall be moved within, through, or into the City of Madison without first obtaining a permit. Permission shall be granted only as follows:

(1) All buildings .

- (a) No building shall be moved within, through, or into the City of Madison if deemed by the Director of the Inspection Unit to be unsafe or unfit and unreasonable to repair.
- (b) No person shall apply for a permit to move a building unless the Plan Commission has found that the proposed use of the land from which the building is being moved is compatible with the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. When making this finding, the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the purposes set out in Sec. 28.04(22)(a) of the Madison General Ordinances, as well as effects the proposed use of the property would have on the normal and orderly development and improvement of surrounding properties, after giving due consideration to the adopted master plan.

(Am. by Ord. 12,760, 2-27-01)

(2) Buildings to be moved upon or along a public street .

- (a) An application for a permit shall be made to the Director of the Inspection Unit and shall be accompanied by a schematic drawing showing the axle and wheel layout that will support the building during the move and the distribution of weight on each wheel. Accurate dimensions for the building as loaded and prepared for moving shall be provided. The application shall include a description of the route the building will travel. The route along which the building will travel and the time the move will take place shall be approved by the City Engineer, Streets Superintendent, Traffic Engineer, Water Utility Manager, Chief of Police, and the City Forester.
- (b) A Certificate of Insurance shall be provided to the Director of the Inspection Unit on a form provided by the City showing general public liability and property damage insurance in minimum limits of one million dollars (\$1,000,000) per occurrence.
- (c) An indemnification agreement approved by the Director of the Inspection Unit.
- (d) A surety bond or letter of credit in an amount established by the Director of the Inspection Unit but not to exceed fifty thousand dollars (\$50,000) guaranteeing that the applicant will remove the building from the City street, property or right of way upon receiving notice to do so from the Director of the Inspection Unit, and that the bills for damage to public property will be promptly paid. If the applicant fails to remove the building from the City street, property, or right of way upon such notice, the City of Madison shall seek payment under the surety bond or letter of credit for removal of the building. (Am. by Ord. 12,892, 9-21-01)

- (e) The applicant's mover shall be prequalified as a public works contractor by the City Engineer. Upon completion of the move, the City Engineer shall inspect the public property over which the building was moved. If any damage to public property is noted, the amount of damage shall be determined and if the applicant fails to pay promptly all bills for such damages, the City of Madison shall seek payment under the surety bond/letter of credit given by the applicant responsible for the payment of the same.
 - (f) No buildings shall be allowed to remain over night upon any street, nor shall any trees or shrubs be trimmed or otherwise disturbed without the approval of the City Forester and the owner.
 - (g) The owner of the property being moved is responsible for the cost of City services resulting directly from the moving project as described in the moving permit.
- (3) Buildings to be moved onto a zoning lot within the City of Madison. In addition to meeting the requirements of (2) above, the following conditions must be met:
- (a) The building to be moved shall conform with the existing buildings in the area in which it is to be moved, as determined by the Zoning Administrator, with the approval of the Director of the Building Inspection Unit.
 - (b) A surety bond or letter of credit, in such sum as shall be determined by the Director of the Inspection Unit, shall be filed with the Director of the Building Inspection Unit to assure that the exterior of the building will be finished in a workmanlike manner, including painting and final grading. This requirement may be combined with the requirements in Sec. 29.12(2) (d), in which case, the surety bond or letter of credit may exceed fifty thousand dollars (\$50,000). The work shall be completed within six (6) months of the date of the building permit or the City of Madison shall seek payment under the surety bond, or letter of credit and shall cause completion of the building and grading. (Am. by Ord. 12,892, 9-21-01)
 - (c) All bulk requirements for the location of the building on the new lot must be met unless a variance or area exception is obtained from the Zoning Board of Appeals prior to applying for a moving permit. Fees are separate for a moving permit and a variance or area exception.
 - (d) A site plan with accurate dimensions drawn to scale showing the proposed new location of the building and a specific description of the proposed building use must be submitted to the Director of the Building Inspection Unit.

31.04 ADMINISTRATION AND GENERAL PROVISIONS.

(6) Unsafe and Unlawful Street Graphics and Structures .

- (e) Public Right-of-Ways . No street graphic, advertisement, cabinet or obstruction, or any other object shall be placed upon, over, or in any public highway right-of-way, including the sidewalk, street, alley or public ground, or upon posts, trees or other supports in any public street or public ground, except that this section shall not be construed to prohibit the erection or placing of official traffic control devices, signs, signals or markers or other signs authorized by law or this ordinance, or of any other object specifically authorized by law of the State of Wisconsin or by these ordinances. This section shall not prohibit carrying of portable hand-held signs on the sidewalk or other pedestrian ways, when done so in compliance with Sec. 31.04(6)(k)5. (Am. by ORD-05-00193, 12-20-05)

31.04 ADMINISTRATION AND GENERAL PROVISIONS.

(8) Exemptions

- (j) Election Campaign Graphics . Street graphics containing a “political message” during an “election campaign period”, pursuant to Section 12.04, Wis. Stats., provided that such graphics shall not exceed twelve (12) square feet in area, shall not have any electrical, mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public way and, if affixed to a permanent structure, shall not extend beyond the perimeter of the structure or obstruct any window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed. (R. and Re-Cr. by Ord. 8947, 8-29-86)

33.01 - BOARDS, COMMISSIONS, AND COMMITTEES PROCEDURES.

- (1) Purpose and Intent . The purpose of Chapter 33 is to compile in one location the ordinances establishing and regulating City boards, commissions, and committees. In some cases, however, it has been deemed advantageous to maintain these regulations with the ordinance related to the subject matter of the board, commission, or committee. Furthermore, those boards, commissions, and committees that are created by resolution of the Common Council are not included in the Madison General Ordinances. Please refer to the MGO Index for a listing of standing City boards, commissions and committees.
- (2) Applicability . Except as set forth elsewhere in these ordinances, in state law, or in the document establishing a given board, commission or committee, this section shall apply to all such bodies, regardless of how established or whether termed a board, commission, committee, work group, task force, or similar name or whether standing or ad hoc.
- (3) Definitions . As used in this section:
 - (a) "Ad hoc" means a Sub-unit that is to have temporary existence to meet a specific purpose or project and does not have ongoing annual requirements. The action creating the Ad hoc Sub-unit should reference the time or action which, when accomplished, means the Ad hoc Sub-unit expires.
 - (b) "Authority or District" means an entity that is a separate political body from the City of Madison.
 - (c) "Board or Commission" means a Sub-unit of the City that is given some independent power to make determinations on behalf of the City of Madison. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)
 - (d) "Committee" means any Sub-unit other than a board or commission, and generally is limited to making recommendations or reports to the Mayor or Common Council or some other body, unless explicitly empowered otherwise. Any Sub-unit called task force, work group or similar name is a Committee.
 - (e) "Standing" means a Sub-unit that is intended to have permanent existence, or until such time as the entity creating the Sub-unit terminates its authority.
 - (f) "Subcommittee" means a Sub-unit made up of members of the parent Sub-unit or as authorized in Sec. 33.01(4)(d), MGO.
 - (g) "Sub-unit" means any board, commission, committee or subcommittee.
- (4) Creation and Dissolution .
 - (a) Sub-units may be created and dissolved by ordinance, resolution, order of the Mayor, order of the President of Common Council, or, in the case of subcommittees, by action of the parent Sub-unit.
 - (b) Standing Sub-units shall be created and dissolved by ordinance. To the extent some standing Sub-units exist as of the date of passage of this ordinance without authorization by ordinance, the City Attorney shall draft and introduce ordinances to reflect such standing Sub-units.
 - (c) Ad hoc Sub-units may be created and dissolved by written order or resolution.
 - (d) Any board, committee or commission may create and dissolve subcommittees and may appoint any of its members to serve on such subcommittees. No board, committee or commission may appoint to any of its subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes subcommittees created or authorized by the Common Council, the

members of such subcommittees may serve as members of other subcommittees created by the parent body.

- (e) Notwithstanding Subdivision (d) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.
- (5) Appointments . Except as otherwise provided by ordinance, all appointments shall be made as follows:
- (a) Appointments to Standing Sub-units (except subcommittees) and non-City committees shall be made by the mayor and confirmed by the Common Council.
 - (b) Appointments to subcommittees shall be made by the parent Sub-unit or as authorized under Sec. 33.01(4)(d), MGO.
 - (c) Appointments to Ad Hoc Sub-units shall be subject to the rules set forth in the resolution or order establishing the Sub-unit. If not otherwise provided, appointments shall be made by the Mayor and confirmed by the Common Council.
 - (d) Vacancies . Vacancies shall be filled in the same manner as other appointments.
 - (e) Action on Appointment . The Common Council may confirm a Mayoral appointment, refer the appointment to another meeting, refer the appointment to the Mayor's office or reject an appointment by placing it on file. If an appointment is rejected, the same person may not be nominated for the same position for a period of six (6) months.
 - (f) Alternates . If the Sub-unit is authorized to have Alternate members, the Alternates shall be given numerical appointments (First Alternate, Second Alternate, etc.). When a member or members of the Sub-unit are absent, the Alternates shall act as full members of the Sub-unit in their numerical order, that is, the First Alternate shall first act as a full member; the Second Alternate shall be the next to so act, etc.
- (6) Terms of Appointment .
- (a) All appointments to Sub-units shall be for a term of three (3) years, except for Alders, which shall be concurrent with the respective Aldermanic term. No Mayoral appointment shall commence after the Mayoral term of office.
 - (b) Term Limits . No person, other than Alders, shall serve on any Sub-unit for a period in excess of twelve (12) years, unless authorized by a two-thirds ($\frac{2}{3}$) majority vote of the Common Council. Time served prior to July 1, 2009, shall not be included in any calculation of term limits.
 - (c) Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any effect upon the remainder of any terms of office nor upon the appointment of any member of a Sub-unit in existence on the date said ordinance amendment or resolution becomes effective.
 - (d) Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term, whichever is less. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.
- (7) Officers; Chairperson Restriction .
- (a) Sub-units shall, except as otherwise provided, choose their Chair, Vice-chair and any other officers. Elections for officers shall be conducted at least every two (2) years, following election of Alders but may be held more often. Officers shall be chosen by secret ballot if requested by any member of the Sub-unit.
 - (b) No alderperson shall be the chairperson, co-chairperson, or vice-chairperson of any Sub-unit authorized to have more than two resident members appointed by the Mayor and

confirmed by the Common Council. In the event the resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such Sub-unit for more than two (2) consecutive meetings.

(Cr. by Ord. 13,383, 8-23-03; Am. by ORD-17-00030, 3-8-17)

- (c) Unless modified by a rule of a sub-unit or as otherwise required by ordinance, the chair shall set the agenda for meetings, with the assistance of city staff as needed. (Cr. by ORD-16-00105, 12-2-16)

(8) Attendance, Quorum and Voting .

- (a) If at any board, commission or committee meeting, a quorum is not secured within fifteen (15) minutes of the officially scheduled meeting time, the Sub-unit shall adjourn without taking any action, except that it may set a date and time for its next meeting.
- (b) The chair of each board, commission, and committee (or staff if delegated by the Chair) shall report to the Mayor and Common Council Office each instance in which a member is absent from three consecutive meetings or five (5) meetings out of twelve (12). For purposes of this reporting only, a called meeting that is not held due to lack of a quorum shall count toward a missed meeting by any member not present. The Mayor shall take appropriate action to secure the attendance of such members including, in the Mayor's discretion, requesting their resignation or requesting that the Council remove the person from the Sub-unit.
- (c) In the absence of any statute or ordinance that establishes the quorum for any Sub-unit, quorum is a majority of the number of members fixed by law. Vacant positions shall be counted in determining the quorum of such a body. (Cr. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00012, 1-14-14)
- (d) In the absence of any statute or ordinance to the contrary, motions before any Sub-unit shall be passed by an affirmative vote of not less than a majority of the Sub-unit in attendance so long as such majority vote is not less than a majority of the quorum of Sub-unit. (Cr. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07)
- (e) If a Sub-unit commences a meeting with a quorum, and at any time thereafter loses quorum, the Sub-unit may only take the following actions in the absence of a quorum: fix a time to adjourn, adjourn, recess, or institute actions such as a Call of the House to obtain a quorum. The chair of any Sub-unit is charged with monitoring the absence of quorum. (Cr. by ORD-14-00048, 3-6-14)

(9) Minutes and Rules of Procedures .

- (a) Every Sub-unit shall keep minutes of its proceedings. After the minutes have been approved by the board, committee or commission, a copy shall be filed with the City Clerk within five (5) business days.
- (b) Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council. In case the Sub-unit does not adopt rules of procedure, it shall be governed by Robert's Rules of Order, insofar as Robert's Rules of Order does not conflict with ordinances or resolutions of the Common Council. Sub-units shall follow the procedure set forth in Sec. 2.21, MGO, on motions for reconsideration, and shall not modify this rule. A motion to reconsider shall not be in order before any sub-unit when the matter approved has been partially or fully carried out, including actions by City employees, or by the Council or another sub-unit of the City, by acting upon a recommendation made to the body. Sub-units shall review and make any changes in rules of procedure every two (2) years, which shall be filed with the City Clerk by July 1 of even-numbered years. (Cr. by Ord. 11,233, 4-13-95; Am. by ORD-06-00077, 6-30-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00062, 6-15-10)

- (c) Unless authorized by the rules adopted under subdivision (b) above, the chair of a Sub-unit shall not vote unless the chair's vote would affect the outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon.
- (d) Council Participation . Every Sub-unit, whether created by ordinance, resolution, or order shall permit any member of the Common Council to take part in its deliberations and to speak on any agenda item. This includes closed sessions of Sub-units except as provided herein or if the individual member's exclusion is necessary for the purpose of the closed session. Nevertheless, Council members who are not members of the Sub-unit shall not vote, shall not be counted in determining whether or not there is a quorum, and may not make or second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b), nor to personnel matters.
- (e) Public Comment . Every Sub-unit, including subcommittees created under Subsection (4)(d), above, shall establish a period for public comment at or near the beginning of each meeting. The public comment section of the meeting allows comments on any matter on the agenda, or matters not on the agenda, provided, however, that the Sub-unit shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. The Sub-unit may allow public comment on any agenda item at the time that item is taken up. Members of the public who comply with applicable rules, including registering to speak prior to the Sub-unit beginning discussion on any agenda item, on registration forms established by the City, shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b). (Cr. by Ord. 13,129, 8-28-02; Renum. by Ord. 13,267, 3-11-03; ORD-05-00015, 2-15-05; Renum. by ORD-07-00048, 4-12-07)

- (f) Disclosures and Recusals . Every sub-unit shall include an agenda item related to disclosures or recusals under the City's Ethics Code, Sec. 3.35(5)(f), MGO. Members of the sub-unit shall, at the time such agenda item is taken up, state any matters on the agenda for which they will abstain, or for which they believe a disclosure is required under the Ethics Code. (Cr. by ORD-10-00104, 11-17-10)

(10) Meetings Not to Be Held .

- (a) Budget Meetings . Sub-units shall not schedule meetings on the same nights that the Finance Committee or the Common Council is considering the annual Operating and Capital budgets. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)
- (b) No Meetings Election Day . No Sub-unit shall meet on any general or primary election day for local, state or national offices, or referenda. (Cr. by Ord. 13,308, 4-30-03; Renum. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00162, 12-5-09)

(11) Reports .

- (a) Every Sub-unit, whether created by ordinance, resolution, or order shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission. Any Sub-unit, which fails to act upon any matter referred to it by the Common Council,

within the deadline for such action as may be set by the Common Council, shall have been deemed to have waived the opportunity to report to the Common Council on the matter referred. The Common Council may then take up the referred item notwithstanding the board, committee or commissions failure to file a report. (Am. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07)

- (b) In January and June of each year, the City Clerk shall notify the chair of each Standing Sub-unit of the requirements contained in Subsection 33.01(8)(b) and shall send to the department or division head responsible for providing staff services to the Sub-unit a copy of the notification.

(Sec. 33.01 Am. by ORD-09-00051, Pub. 4-2-09, Eff. 8-1-09)

CHAPTER 33 - BOARDS, COMMISSIONS, AND COMMITTEES

33.24(15)

Urban Design District No. 8 .

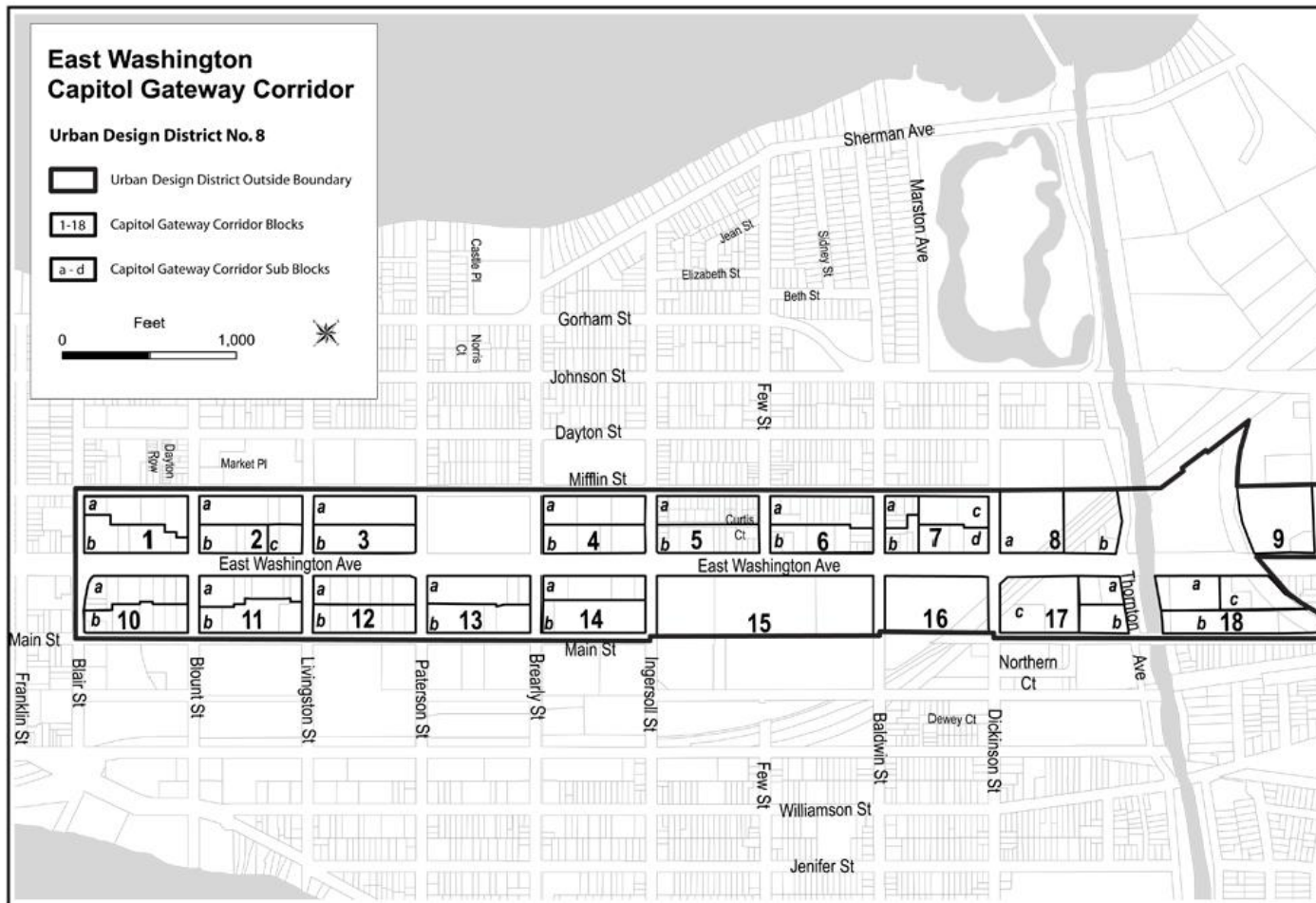
(a) Statement of Purpose . Urban Design District No. 8 is hereby established to improve the appearance and function of the District. It is intended to be the key implementation mechanism to further the four Core Development Principles set out in the adopted East Washington Avenue Capitol Gateway Corridor Plan. These principles are 1) to protect the iconic view of the Capitol, 2) to respect and strengthen existing neighborhoods, 3) to establish a transit-oriented employment corridor, and 4) to create a vibrant boulevard along East Washington Avenue. The Capitol Gateway Corridor is the major gateway corridor to Madison's Downtown, and is a critical street for the vitality of adjoining neighborhoods. The purpose of these design requirements and guidelines is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of the District. When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional effects of uncoordinated design decisions. These requirements and guidelines are intended to preserve and enhance the property values in the District, and avoid substantial depreciation of the property values and help to ensure long-term economic vitality. The goal is not to create a uniform "style" or character for the street, but rather to allow the Capitol Gateway Corridor to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and neighborhoods. This ordinance and the Plan will guide all new development and redevelopment in the District.

(b)

Property Included in the District . The District shall include all properties shown in (c). If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c)

Map of the District .



(Am. by ORD-12-00053, 4-25-12; ORD-14-00080, 4-16-14)

(d)

Design Review Required . All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities), except residential buildings containing four (4) or fewer dwelling units, shall require approval of the Urban Design Commission and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The Director of the Department of Planning and Community and Economic Development may approve minor alterations to existing and/or approved buildings or structures and site pursuant to Sec. 33.24(4)(g). The Director of the Department of Planning and Community and Economic Development may also approve the design of street graphics that are permissible under the Sign Ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. If this ordinance conflicts with other City regulations, however, the regulations

which are more restrictive or which impose higher standards or requirements shall govern.

(e)

Basis for Design Review . In reviewing plans for development in the District, the Urban Design Commission shall apply the following requirements and guidelines as may be appropriate in order to implement the Core Development Principles of the East Washington Avenue Capitol Gateway Corridor Plan. The development shall meet the requirements and conform as much as possible to the guidelines. Both the requirements and guidelines apply to new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities unless stated otherwise for a specific item. The overall design of each development shall be of high quality.

1.

Building Height .

a.

Requirements .

i.

The height of new buildings shall be as shown in 3. below.

ii.

New buildings shall incorporate a front facade stepback as shown in 3. below.

iii.

Any non-habitable space from architectural features shall not be included in the height calculation.

b.

Guidelines .

i.

The Urban Design Commission may, on a case-by-case basis, reduce the minimum building height requirement provided the buildings incorporate elements such as extended parapet or tower features to convey the appearance of a taller building. Such elements shall be substantially integrated into the design of the building so they do not read as false facades.

ii.

Additions to existing buildings are expected to comply with the applicable minimum height requirements unless the applicant can demonstrate that the site, function, use, or layout of the new addition would pose structural or operational hardships due to its relationship with the existing building, in which case the Urban Design Commission may waive said requirements.

2.

Building Location and Orientation .

a.

Requirements .

i.

The setback for new buildings shall be as shown in 3. below. The Urban Design Commission, however, may allow greater setbacks to allow for the articulation of long building facades or for the development of additional usable public open spaces, such as

pedestrian plazas, as long as design elements are included to maintain a uniform character in the District. (Am. by ORD-14-00081, 4-16-14)

b.

Guidelines .

i.

The building location should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.

ii.

In areas with sidewalk/terrace width of nine (9) feet or less, the setback should include additional pavement to expand the sidewalk/terrace to a width of at least nine (9) feet.

iii.

Walkways should be provided to connect the building entrance to the public sidewalk.

iv.

The front facade of the building and the primary entrance should face the primary street. If the public entrance is allowed on the side of the building, it should be positioned close to the primary street and preferably as a corner feature of the building.

v.

Additions to existing buildings should help bring the building closer to the street and minimize any "gap" in the street wall.

3.

Building Height, Location (Distance from Property Line) and Stepback .

Block	Maximum Bldg. Height 1 (stories)	Minimum & Maximum Street Level Facade Height (stories) 2	Minimum Stepback East-West Streets (feet or angle) 3	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East-West Streets (feet) 4	Minimum & Maximum Setback North-South Streets (feet) 4
1.a.	3 + 30*		2-3	30°	155-20	5-10
1.b.	8		3-5	15	1515	5-10
2.a.	3 + 30*		2-3	30°	155-20	5-10
2.b.	8**		3-5	15	1515	5-10
2.c.	10**		3-5	15	1515	5-10
3.a.	3 + 30*		2-3	30°	155-20	5-10
3.b.	10**		3-5	15	1515	5-10

Block	Maximum Bldg. Height 1 (stories)	Minimum & Maximum Street Level Facade Height (stories) 2	Minimum Stepback East-West Streets (feet or angle) 3	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East-West Streets (feet) 4	Minimum & Maximum Setback North-South Streets (feet) 4
4.a.	3 + 30*		2-3	30°	15 5-20	5-10
4.b.	8**		3-5	15	15 15	5-10
5.a.	3		2-3	-	- 5-20	5-10
5.b.	3		2-3	-	- 15	5-10
6.a.	3		2-3	-	- 5-20	5-10
6.b.	3		2-3	-	- 15	5-10
7.a.	3		2-3	-	- 5-20	5-10
7.b.	8		3-5	15	15 15	5-10
7.c.	3		2-3	-	- 5-20	5-10
7.d.	8		3-5	15	15 15	5-10
8.a.	8		3-5	45°	15 15	5-10
8.b.	4		2-3	15	15 15	5-10
9	8		3-5	15	15 15	5-10
10.a.	12**		3-5	15	15 15	0-10
10.b.	12**		3-5	15	15 15	0-10
11.a.	12**		3-5	15	15 15	0-10
11.b.	12**		3-5	15	15 15	0-10
12.a.	12**		3-5	15	15 15	0-10
12.b.	8**		3-5	15	15 15	0-10
13.a.	12**		3-5	15	15 15	0-10
13.b.	8**		3-5	15	15 15	0-10
14.a.	8**		3-5	15	15 15	0-10
14.b.	6**		3-5	15	15 15	0-10
15	8**		3-5	15	15 15	0-10
16	8**		3-5	15	15 15	0-10
17.a.	4		3-4	-	- 15	0-10

Block	Maximum Bldg. Height 1 (stories)	Minimum & Maximum Street Level Facade Height (stories) 2	Minimum Stepback East-West Streets (feet or angle) 3	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East-West Streets (feet) 4	Minimum & Maximum Setback North-South Streets (feet) 4
17.b.	4		2-4	-	15	0-10
17.c.	6**		3-5	15	15	0-10
18.a.	4		2-4		15	0-10
18.b.	4		2-3		15	0-10
18.c.	6**		3-5	15	15	0-10

Height is based on an average story height of 9-12' (11-15' for the ground floor).

Buildings with greater floor heights shall have fewer stories accordingly.

"*" - represents the required stepback angle

"**" - represents the maximum height in stories allowed without any bonus stories.

Bonus stories require the provision of elements in (e)12.

2 In cases of exceptional design, the Urban Design Commission may waive the minimum street level facade height requirement for elements comprising up to twenty percent (20%) of a building's length along a street.

3 The angle is measured at a point at the top of the face of the street level facade wall between a horizontal line (0°) and a line (stepback height line) that is extended until the maximum permitted building height on the block is reached. Between the street level facade wall and the point at which the maximum building height is reached, buildings may be built up to the stepback height of the 30° line but may not exceed it.

4 Includes the eastern and western boundaries of the Yahara River Parkway and Burr Jones Field.

(Am. by ORD-12-00053, 4-25-12; ORD-14-00080 & ORD-14-00081, 4-16-14; ORD-16-00089, 10-26-16)

4.

Parking and Service Areas .

a.

Requirements .

i.

Off-street parking facilities for new buildings shall be located behind or on the sides of the building and the distance from the property line shall be the same as for buildings, as shown in 3. Additional access points off of East Washington shall not be permitted.

ii.

At least one (1) tree island, sized and landscaped pursuant to the Zoning Code, shall be provided for each twelve (12) parking spaces. This requirement is in addition to any other landscaping requirements of the Zoning Code.

iii.

All trash areas shall be screened from public view.

b.

Guidelines .

i.

For existing properties, parking in the front should be relocated, if possible, to the side and/or rear of the building. When not possible, walkways, landscaping, architectural features, and lighting should be provided to make these areas more attractive and inviting. Decorative fences, walls and/or landscaped edges should screen front parking areas from the public sidewalk. Screening should not exceed three and one-half (3½) feet in height.

ii.

All parking areas should be well landscaped and appropriately lighted.

iii.

All parking areas should include walkways to allow safe pedestrian access to the building entrance.

iv.

Shared parking areas are encouraged. Whenever possible, adjoining parking lots should be linked to provide internal traffic circulation.

v.

Driveways along the District should be minimized to improve traffic flow and reduce pedestrian conflicts.

vi.

Pedestrian areas and customer parking areas should be separated from loading service, and drive-through areas.

vii.

If possible, trash areas should be located inside buildings.

viii.

Any new parking ramps fronting on East Washington Avenue should include ground-floor commercial uses with attractive commercial facade design. The facade design for the upper stories should obscure the parking ramp and present an attractive building face for the District. The design of parking ramps should also complement the quality and design of the buildings they serve.

ix.

Entryways to parking ramps should be accessed from side streets whenever possible. Entryways/exits onto East Mifflin Street and East Main Street shall not be permitted unless no other option exists.

x.

Bicycle parking should be distributed throughout a development site. Some short-term visitor bicycle parking should be located near the building entrance.

5.

Landscaping and Open Space .

a.

Requirements .

i.

Landscaping within the East Washington Avenue setbacks and terraces and medians shall follow the approved palette and design concept.

ii.

The street face shall be dominated by canopy trees in both the building setback and the public right of way.

iii.

The type, number, and location of canopy trees in the building setback shall be coordinated with the type, number, and location of canopy trees in the public right of way.

iv.

When planted, canopy trees shall have a caliper and height relationship consistent with the provisions of Table 1 in Section 1.2.1 of the American Standard for Nursery Stock (ANSI Z 60.1-2004).

v.

Terraces shall have a minimum width of ten (10) feet to accommodate growth of canopy trees.

vi.

If a public sidewalk is within six (6) feet of the public street, canopy trees shall be planted on the building side of the sidewalk.

vii.

Unless existing infrastructure interferes, canopy trees shall be planted at a spacing of no greater than forty (40) feet on center.

viii.

Unless existing infrastructure interferes, canopy trees planted along street faces, in parking lots, and parking lot islands shall have a mature height of at least sixty (60) feet.

ix.

Screen fences and/or landscaped buffers shall be provided at property edges. Where a commercial property adjoins residential properties, this separation shall be provided pursuant to the Zoning Code.

b.

Guidelines .

i.

Property owners are encouraged to provide well-designed landscaped outdoor spaces for the use and enjoyment of employees and customers.

ii.

Landscaping and fencing should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.

iii.

The use of attractive landscaping is encouraged to establish continuity between buildings and to define the block face where there are no buildings.

iv.

The use of rain gardens and bio-retention basins to collect runoff and filter pollutants is encouraged, where practical.

v.

Landscape islands, open spaces, and porous pavements should be provided, where practical, for additional stormwater infiltration.

vi.

Canopy trees should be located in all terraces and medians.

vii.

When space permits, canopy trees should be located on both sides of the public sidewalk.

• (15)

Urban Design District No. 8.

(a)

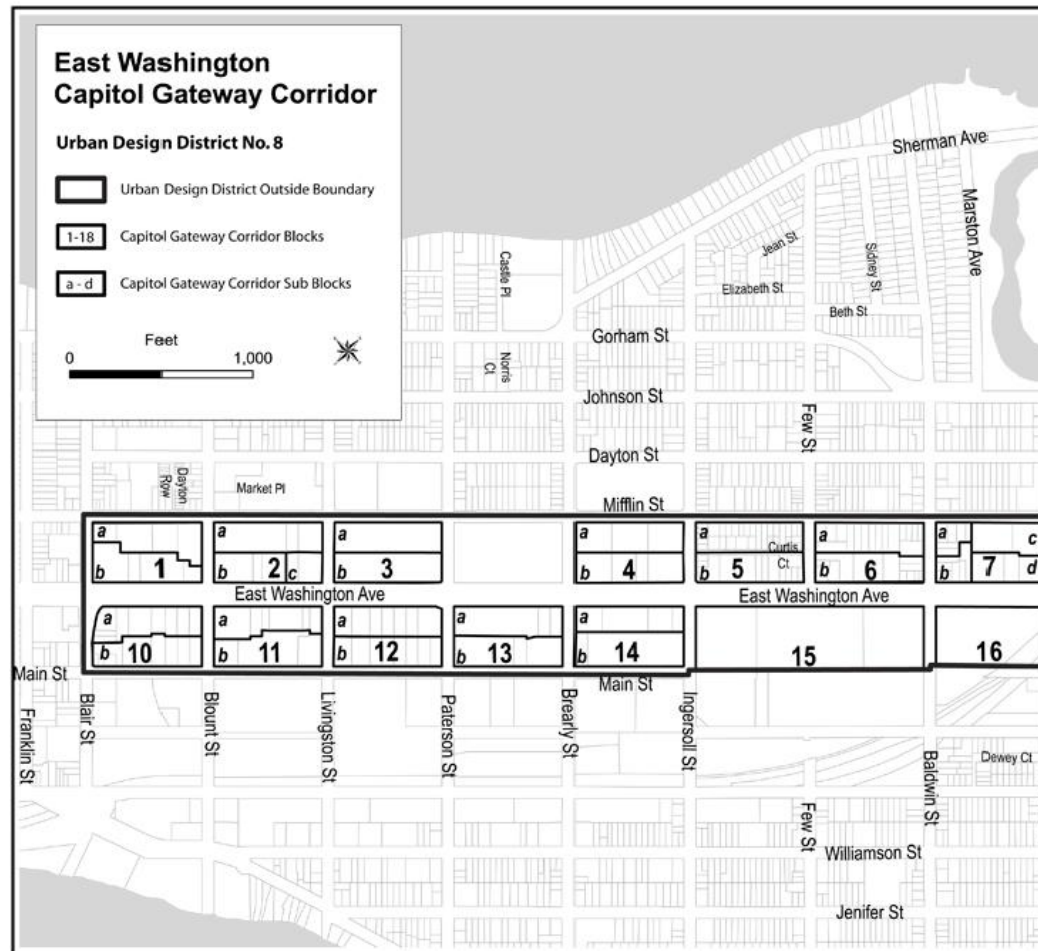
Statement of Purpose. Urban Design District No. 8 is hereby established to improve the appearance and function of the District. It is intended to be the key implementation mechanism to further the four Core Development Principles set out in the adopted East Washington Avenue Capitol Gateway Corridor Plan. These principles are 1) to protect the iconic view of the Capitol, 2) to respect and strengthen existing neighborhoods, 3) to establish a transit-oriented employment corridor, and 4) to create a vibrant boulevard along East Washington Avenue. The Capitol Gateway Corridor is the major gateway corridor to Madison's Downtown, and is a critical street for the vitality of adjoining neighborhoods. The purpose of these design requirements and guidelines is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of the District. When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional effects of uncoordinated design decisions. These requirements and guidelines are intended to preserve and enhance the property values in the District, and avoid substantial depreciation of the property values and help to ensure long-term economic vitality. The goal is not to create a uniform "style" or character for the street, but rather to allow the Capitol Gateway Corridor to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and neighborhoods. This ordinance and the Plan will guide all new development and redevelopment in the District.

(b)

Property Included in the District. The District shall include all properties shown in (c). If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c)

Map of the District.



(Am. by ORD-12-00053, 4-25-12; ORD-14-00080, 4-16-14)

(d)

Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities), except residential buildings containing four (4) or fewer dwelling units, shall require approval of the Urban Design Commission and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The Director of the Department of Planning and Community and Economic Development may approve minor alterations to existing and/or approved buildings or structures and site pursuant to [Sec. 33.24\(4\)\(g\)](#). The Director of the Department of Planning and Community and Economic Development may also approve the design of street graphics that are permissible under the Sign Ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. If this ordinance conflicts with other City regulations, however, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(e)

Basis for Design Review . In reviewing plans for development in the District, the Urban Design Commission shall apply the following requirements and guidelines as may be appropriate in order to implement the Core Development Principles of the East Washington Avenue Capitol Gateway Corridor Plan. The development shall meet the requirements and conform as much as possible to the guidelines. Both the requirements and guidelines apply to new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities unless stated otherwise for a specific item. The overall design of each development shall be of high quality.

1.

Building Height .

a.

Requirements .

i.

The height of new buildings shall be as shown in 3. below.

ii.

New buildings shall incorporate a front facade stepback as shown in 3. below.

iii.

Any non-habitable space from architectural features shall not be included in the height calculation.

b.

Guidelines .

i.

The Urban Design Commission may, on a case-by-case basis, reduce the minimum building height requirement provided the buildings incorporate elements such as extended parapet or tower features to convey the appearance of a taller building. Such elements shall be substantially integrated into the design of the building so they do not read as false facades.

ii.

Additions to existing buildings are expected to comply with the applicable minimum height requirements unless the applicant can demonstrate that the site, function, use, or layout of the new addition would pose structural or operational hardships due to its relationship with the existing building, in which case the Urban Design Commission may waive said requirements.

2.

Building Location and Orientation .

a.

Requirements .

i.

The setback for new buildings shall be as shown in 3. below. The Urban Design Commission, however, may allow greater setbacks to allow for the articulation of long building facades or for the development of additional usable public open spaces, such as pedestrian plazas, as long as design elements are included to maintain a uniform character in the District. (Am. by ORD-14-00081, 4-16-14)

b.

Guidelines.

i.

The building location should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.

ii.

In areas with sidewalk/terrace width of nine (9) feet or less, the setback should include additional pavement to expand the sidewalk/terrace to a width of at least nine (9) feet.

iii.

Walkways should be provided to connect the building entrance to the public sidewalk.

iv.

The front facade of the building and the primary entrance should face the primary street. If the public entrance is allowed on the side of the building, it should be positioned close to the primary street and preferably as a corner feature of the building.

v.

Additions to existing buildings should help bring the building closer to the street and minimize any "gap" in the street wall.

3.

Building Height, Location (Distance from Property Line) and Stepback.

Block	Maximum Bldg. Height ¹ (stories)	Minimum & Maximum Street Level Facade Height (stories) ²	Minimum Stepback East-West Streets (feet or angle) ³	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East-West Streets (feet) ⁴	Minimum & Maximum Setback North-South Streets (feet) ⁴
1.a.	3 + 30*	2-3	30°	15	5-20	5-10
1.b.	8	3-5	15	15	15	5-10
2.a.	3 + 30*	2-3	30°	15	5-20	5-10
2.b.	8**	3-5	15	15	15	5-10
2.c.	10**	3-5	15	15	15	5-10
3.a.	3 + 30*	2-3	30°	15	5-20	5-10
3.b.	10**	3-5	15	15	15	5-10
4.a.	3 + 30*	2-3	30°	15	5-20	5-10

Block	Maximum Bldg. Height ¹ (stories)	Minimum & Maximum Street Level Facade Height (stories) ²	Minimum Stepback East-West Streets (feet or angle) ³	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East- West Streets (feet) ⁴	Minimum & Maximum Setback North- South Streets (feet) ⁴
4.b.		8**	3-5	15	15	5-10
5.a.		3	2-3	-	-	5-10
5.b.		3	2-3	-	-	5-10
6.a.		3	2-3	-	-	5-10
6.b.		3	2-3	-	-	5-10
7.a.		3	2-3	-	-	5-10
7.b.		8	3-5	15	15	5-10
7.c.		3	2-3	-	-	5-10
7.d.		8	3-5	15	15	5-10
8.a.		8	3-5	45°	15	5-10
8.b.		4	2-3	15	15	5-10
9		8	3-5	15	15	5-10
10.a.		12**	3-5	15	15	0-10
10.b.		12**	3-5	15	15	0-10
11.a.		12**	3-5	15	15	0-10
11.b.		12**	3-5	15	15	0-10
12.a.		12**	3-5	15	15	0-10
12.b.		8**	3-5	15	15	0-10
13.a.		12**	3-5	15	15	0-10
13.b.		8**	3-5	15	15	0-10
14.a.		8**	3-5	15	15	0-10
14.b.		6**	3-5	15	15	0-10
15		8**	3-5	15	15	0-10
16		8**	3-5	15	15	0-10
17.a.		4	3-4	-	-	0-10
17.b.		4	2-4	-	-	0-10
17.c.		6**	3-5	15	15	0-10
18.a.		4	2-4		15	0-10
18.b.		4	2-3		15	0-10
18.c.		6**	3-5	15	-	0-10

Height is based on an average story height of 9-12' (11-15' for the ground floor). Buildings with greater floor heights shall have fewer stories accordingly.

"*" - represents the required setback angle

"**" - represents the maximum height in stories allowed without any bonus stories. Bonus stories require the provision of elements in (e)12.

²In cases of exceptional design, the Urban Design Commission may waive the minimum street level facade height requirement for elements comprising up to twenty percent (20%) of a building's length along a street.

³The angle is measured at a point at the top of the face of the street level facade wall between a horizontal line (0°) and a line (setback height line) that is extended until the maximum permitted building height on the block is reached. Between the street level facade wall and the point at which the maximum building height is reached, buildings may be built up to the setback height of the 30° line but may not exceed it.

⁴Includes the eastern and western boundaries of the Yahara River Parkway and Burr Jones Field.

(Am. by ORD-12-00053, 4-25-12; ORD-14-00080 & ORD-14-00081, 4-16-14; ORD-16-00089, 10-26-16)

4.

Parking and Service Areas.

a.

Requirements.

i.

Off-street parking facilities for new buildings shall be located behind or on the sides of the building and the distance from the property line shall be the same as for buildings, as shown in 3. Additional access points off of East Washington shall not be permitted.

ii.

At least one (1) tree island, sized and landscaped pursuant to the Zoning Code, shall be provided for each twelve (12) parking spaces. This requirement is in addition to any other landscaping requirements of the Zoning Code.

iii.

All trash areas shall be screened from public view.

b.

Guidelines.

i.

For existing properties, parking in the front should be relocated, if possible, to the side and/or rear of the building. When not possible, walkways, landscaping, architectural features, and lighting should be provided to make these areas more attractive and inviting. Decorative fences, walls and/or landscaped edges should screen front parking areas from the public sidewalk. Screening should not exceed three and one-half (3½) feet in height.

ii.

All parking areas should be well landscaped and appropriately lighted.

iii.

All parking areas should include walkways to allow safe pedestrian access to the building entrance.

iv.

Shared parking areas are encouraged. Whenever possible, adjoining parking lots should be linked to provide internal traffic circulation.

v.

Driveways along the District should be minimized to improve traffic flow and reduce pedestrian conflicts.

vi.

Pedestrian areas and customer parking areas should be separated from loading service, and drive-through areas.

vii.

If possible, trash areas should be located inside buildings.

viii.

Any new parking ramps fronting on East Washington Avenue should include ground-floor commercial uses with attractive commercial facade design. The facade design for the upper stories should obscure the parking ramp and present an attractive building face for the District. The design of parking ramps should also complement the quality and design of the buildings they serve.

ix.

Entryways to parking ramps should be accessed from side streets whenever possible. Entryways/exits onto East Mifflin Street and East Main Street shall not be permitted unless no other option exists.

x.

Bicycle parking should be distributed throughout a development site. Some short-term visitor bicycle parking should be located near the building entrance.

5.

Landscaping and Open Space.

a.

Requirements.

i.

Landscaping within the East Washington Avenue setbacks and terraces and medians shall follow the approved palette and design concept.

ii.

The street face shall be dominated by canopy trees in both the building setback and the public right of way.

iii.

The type, number, and location of canopy trees in the building setback shall be coordinated with the type, number, and location of canopy trees in the public right of way.

iv.

When planted, canopy trees shall have a caliper and height relationship consistent with the provisions of Table 1 in Section 1.2.1 of the American Standard for Nursery Stock (ANSI 2 60.1-2004).

v.

Terraces shall have a minimum width of ten (1) feet to accommodate growth of canopy trees.

vi.

If a public sidewalk is within six (6) feet of the public street, canopy trees shall be planted on the building side of the sidewalk.

vii.

Unless existing infrastructure interferes, canopy trees shall be planted at a spacing of no greater than forty (40) feet on center.

viii.

Unless existing infrastructure interferes, canopy trees planted along street faces, in parking lots, and parking lot islands shall have a mature height of at least sixty (60) feet.

ix.

Screen fences and/or landscaped buffers shall be provided at property edges. Where a commercial property adjoins residential properties, this separation shall be provided pursuant to the Zoning Code.

b.

Guidelines .

i.

Property owners are encouraged to provide well-designed landscaped outdoor spaces for the use and enjoyment of employees and customers.

ii.

Landscaping and fencing should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.

iii.

The use of attractive landscaping is encouraged to establish continuity between buildings and to define the block face where there are no buildings.

iv.

The use of rain gardens and bio-retention basins to collect runoff and filter pollutants is encouraged, where practical.

v.

Landscape islands, open spaces, and porous pavements should be provided, where practical, for additional stormwater infiltration.

vi.

Canopy trees should be located in all terraces and medians.

vii.

When space permits, canopy trees should be located on both sides of the public sidewalk.

33.05 - BOARD OF PARK COMMISSIONERS.

- (1) There is hereby created for the City of Madison, pursuant to Wis. Stat. § 27.08, a Board of Park Commissioners.
- (2) Appointment; Terms. Said Board shall consist of seven (7) members, two (2) alders and five (5) resident members appointed by the Mayor and confirmed by the Common Council. The alderperson members shall be appointed in April for the term of two (2) years, beginning on the first day of May. The full term of each resident member shall be for five (5) years beginning on the first day of May next succeeding her/his appointment and until her/his successor is appointed and qualified; but when the Board is first constituted, the respective appointments shall be for terms of five (5), four (4), three (3), two (2), and one (1) years, respectively. At the organization meeting of the Common Council on the third Tuesday in April preceding the end of any of the resident members' terms, the Mayor shall appoint her/his successor for a full term and shall submit the appointment to the Common Council for confirmation. (Am. by Ord. 13,292, 4-5-03; ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14; ORD-17-00030, 3-8-17)
- (3) The Board of Park Commissioners shall adopt Rules of Procedure and Basic Policies which may from time to time be amended by the Board. A copy of said policies and procedures shall be available, at reasonable times, in the office of the Superintendent of Parks. (Cr. by Ord. 10,698, 7-30-93)
- (4) Suspension, Revocation of Permit/License; Appeal.

The Superintendent of Parks or her/his designee is authorized and directed to suspend for up to six (6) months or revoke a permit or license found to be in violation of any Madison General Ordinance or Board of Park Commissioners rule and, upon written notification thereof, the permittee/licensee shall surrender such permit/license to the Superintendent. When any permit or license is revoked, no other permit or license shall be granted to such person or organization within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit or license so revoked be refunded.

Any suspension or revocation imposed by the Superintendent of Parks or her/his designee may be appealed within ten (10) days of such notice of suspension or revocation to the Board of Park Commissioners or a subcommittee of the Board by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the permittee or licensee seeks review of the Superintendent's determination. Said Committee shall consist of the entire Board of Park Commissioners or a subcommittee of the Board consisting of the Chair of the Board or designee, one (1) alderperson and one (1) resident who are members of the Board of Park Commissioners appointed by the Chair of the Board.

At such hearing, the permittee or licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board or subcommittee shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the Superintendent of Parks or her/his designee.

(Cr. by Ord. 10,698, 7-30-93; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00030, 3-8-17)

- (5) Subcommittees. The following subcommittees of the Board of Park Commissioners assist in receiving resident input and making recommendations to the Park Commission. Except where specified, members shall be appointed by the President of the Board of Park Commissioners and each subcommittee shall contain at least one member from the Park Commission.
 - (a) Golf Subcommittee. Advises the Commission regarding policies, rate structure, rules and regulations, capital improvements, user complaints, operations and the selection of golf pros. The Golf Subcommittee is composed of seven (7) persons: one Park Commissioner; the

President or designee representing the Odana Golf Association, the Yahara Golf Association, the Madison Area Retiree Association, and the Women's Municipal Golf Association; and two at-large members. This subcommittee meets quarterly, and all members shall be City of Madison residents.

- (b) Warner Park Community Recreation Center Advisory Subcommittee. Advises the Board of Park Commissioners regarding operations, policies and procedures, fees and user concerns, and makes program and budget recommendations, concerning the Warner park Community Recreation Center. The Subcommittee consists of eleven (11) persons: three resident representatives from the Northside and at large; a representative from the Northside Planning Council, the North/Eastside Senior Coalition, the MSCR Advisory Committee, and the Board of Park Commissioners; two youth representatives; and the two Warner Park area aldermanic representatives. This committee meets bi-monthly and all members shall be City of Madison residents. Notwithstanding Sec. 33.01(6)(b), and except for the Alder members, a member may not serve on the Subcommittee for more than two consecutive three-year terms.
- (c) Facilities, Programs and Fees Subcommittee. Reviews policies and operation standards, makes program recommendations and recommendations on new user fees and charges. The Subcommittee consists of seven (7) members and meets as needed.
- (d) Habitat Stewardship Subcommittee. Reviews public tree concerns, advises and makes recommendations concerning the Conservation Parks. The Subcommittee consists of five (5) members and meets quarterly.
- (e) Long-Range Planning Subcommittee. Advises the Board of Park Commissioners, reviews the procedures and policies of the Parks Division and solicits input regarding the Parks Division from alders, groups and residents. Also, when necessary, researches and advises regarding the naming of public parks. The Subcommittee consists of five (5) members and meets quarterly. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Sec. 33.05(5) Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-13-00117, 6-26-13; ORD-17-00030, 3-8-17)