

MADISON LAND USE PLANNING CODES RELATING TO TREES

The following excerpts are taken from the City of Madison Municode. They contain codes relating to both land use planning and trees. The sections of the code were mostly chosen when they make direct reference to “tree”. Portions are also included to give context. This document is meant for discussion purposes and reference; it likely does not detail all relevant city policies relating to trees and the review and approval of private development projects.

Codes are largely drawn from three chapters:

I. Chapter 16- General Planning- Land Subdivision Regulation

II. Chapter 28- Zoning Regulations

III. Chapter 32- Board, Commissions, Committees- Urban Design Commission

16.23 - LAND SUBDIVISION REGULATIONS.

Introduction and Purpose. The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Madison in order to promote the public health, safety and general welfare of the community. They are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors; to prevent the development of noise sensitive land uses (such as homes, schools and recreational areas) adjacent to highway corridors and to ensure that any such development that does occur is planned to mitigate the adverse effects of noise; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, storm drainage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger parcels into smaller parcels of land. These regulations are formulated to facilitate enforcement of development standards as outlined in the Building Code (Chapter 29), Zoning Code (Chapter 28), master plan and official map of Madison.

The installation of street **trees** shall take into account solar access objectives in the selection of **tree** species and planting location so as to minimize future

20. When and to the extent requested by the City Engineer because of drainage, ground or **tree** cover or ground water concerns, a lot grading plan for the preliminary plat showing proposed contours at vertical intervals of not more than two (2) feet. Elevation shall be marked on such contours based on City of Madison datum. (Cr. by Ord. 4929, 3-28-75)

(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.

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."

Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(b)Easements .

1.Lines To Be Underground In Newly Platted Areas .

a.All new electric distribution lines (excluding lines of twelve thousand (12,000) volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly platted area, mobile home park, cluster development or planned development district, shall be underground unless the Plan Commission shall specifically find after study that:

i.The placing of such facilities underground would not be compatible with the planned development; or

- ii. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
- iii. The lots to be served by said facilities can be served directly from existing overhead facilities.

g) The installation of street trees shall take into account solar access objectives in the selection of tree species and planting location so as to minimize future shading of the most southerly side of contemplated building locations. (Cr. by Ord. 8128, 10-17-83)

7. Street Trees . In order to provide trees within the public right of way, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 10.10(11), Madison General Ordinances, in a recordable document. The trees shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the subdivider may elect to install the trees and other landscaping at her/his sole expense in accordance with plans prepared or approved by the Parks Superintendent as a component of the public improvements of the subdivision.

CHAPTER 28- ZONING REGULATIONS

28.002 - INTENT AND PURPOSE.

(1) This ordinance is adopted for the following purposes:

- (a) To promote land uses and development patterns that are consistent with the city's comprehensive plan and of adopted neighborhood, corridor or special area plans.
- (b) To promote and protect the public health, safety and general welfare of the City.
- (c) To secure safety from fire, flooding, pollution, contamination and other dangers.
- (d) To maintain and promote safe pedestrian and vehicular circulation.
- (e) To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage.
- (f) To ensure the provision of adequate open space for light, air, fire safety and recreation.
- (g) To protect environmentally sensitive areas.
- (h) To address and mitigate the effects of climate change.
- (i) To remove obstacles and provide incentives for energy conservation and renewable energy.
- (j) To promote and restore the conservation, protection, restoration and enhancement of historic resources.
- (k) To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.
- (l) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment as well as the design of buildings.
- (m) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
- (n) To stabilize, protect, and enhance property values.
- (o) To preserve productive agricultural land and provide opportunities for local food production.
- (p) To encourage innovative project design in the city, including developments that incorporate mixed uses.
- (q) To encourage the creation, promotion, sale, and enjoyment of art.
- (r) To create a sense of place.
- (s) To encourage pedestrian-oriented development.
- (t) To promote the orderly development and economic vitality of the City.
- (u) To provide an adequate variety of housing and commercial building types to satisfy the city's social and economic goals.

28.006 - SCOPE OF REGULATIONS.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. (See Transition Rules below.)

(1) All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance a building permit was issued and is still valid; and provided construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building may be:

(a) Completed in accordance with the approved plans on the basis of which the building permit has been issued, and,

(b) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.

(2) Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this ordinance, the approval shall become null and void unless work thereon is substantially underway within six (6) months of the date of issuance of such approval.

(3) The following changes to an existing use shall not require the entire site to be brought into compliance:

(a) Adding pedestrian and/or accessibility accommodations required by building code provisions.

(b) Providing new/additional bicycle parking.

(c) Providing new/additional refuse enclosure areas.

(d) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation or entrances.

(e) Replacing dead/undesirable, or non-functioning landscaping with new or different trees or shrubs.

(f) Elimination of parking stall to add landscaping, when administratively approved.

(g) Phased developments in Planned Multi-use sites.

(h) Site changes resulting from eminent domain actions.

(i) Storage locker (personal). (Cr. by ORD-16-00109, 12-14-16)

28.142 - LANDSCAPING AND SCREENING REQUIREMENTS.

(a) Elements of the landscape plan shall include the following:

1. Plant list including common and Latin names, size and root condition (i.e. container or ball & burlap).

2. Site amenities, including bike racks, benches, trash receptacles, etc.

3. Storage areas including trash and loading.

4. Lighting (landscape, pedestrian or parking area).

5. Irrigation.

- 6.Hard surface materials.
 - 7.Labeling of mulching, edging and curbing.
 - 8.Areas of seeding or sodding.
 - 9.Areas to remain undisturbed and limits of land disturbance.
 - 10.Plants shall be depicted at their size at sixty percent (60%) of growth.
 - 11.Existing trees eight (8) inches or more in diameter.
 - 12.Site grading plan, including stormwater management, if applicable.
- (c)Landscape points are calculated as shown in the following table.

| Plant type | Points | Minimum Size at Installation |
|---|--------|--|
| Overstory deciduous tree | 35 | 2½ inch caliper measured diameter at breast height (dbh) Minimum 12'-14' Hgt. |
| Tall Evergreen Tree (i.e. pine, spruce) | 35 | 5-6 feet tall |
| Ornamental tree | 15 | 1½ inch caliper |
| Upright Evergreen shrub (i.e. arborvitae) | 10 | 3-4 feet tall |
| Shrub, deciduous | 3 | #3 gallon container size Min. 12"-24" |
| Shrub, evergreen | 4 | #3 gallon container size Min. 12"-24" |
| Ornamental grasses/perennials | 2 | #1 gallon container size |

| Plant type | Points | Minimum Size at Installation |
|---|-------------------------|---|
| | | |
| | | Min. 8"-18" |
| Ornamental/decorative fencing or wall | 4 per 10 ln. ft. | n/a |
| Existing significant specimen tree | 14 per caliper inch dbh | Minimum size: 2 ½ inch caliper dbh Maximum points per tree: 200 *Trees must be within developed area and cannot comprise more than 40% (30%) of total required points |
| Landscape furniture for public seating and/or transit connections | 5 points per "seat" | *Furniture be within developed area, publically accessible, and cannot comprise more than 5% of total required points |

d)Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings as specified in subsections (5) through (8) below, or as general site landscaping.

(e)Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover mulched.

(f)Canopy tree diversity requirements for new trees:

- 1.If the development site has fewer than five (5) canopy trees, no tree diversity is required.
- 2.If the development site has between five (5) and fifty (50) canopy trees, no single species may comprise more than thirty-three percent (33%) of trees.
- 3.If the development site has more than fifty (50) canopy trees, no single species may comprise more than twenty percent (20%).

(g) Not more than four (4) of any one species of canopy tree shall be used to meet a canopy tree requirement.

(5) Development Frontage Landscaping .

Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of plant material meeting the following minimum requirements:

(a) One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree.

(b) In cases where building facades directly abut the sidewalk, required frontage landscaping shall be deducted from the required point total.

(c) In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.

(d) Fencing shall be a minimum of three (3) feet in height, and shall be constructed of metal, masonry, stone or equivalent material. Chain link or temporary fencing is prohibited.

(6) Interior Parking Lot Landscaping .

The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.

(a) For new development on sites previously undeveloped or where all improvements have been removed, a minimum of eight percent (8%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands, peninsulas, or landscaped strips. For changes to a developed site, a minimum of five percent (5%) of the asphalt or concrete area shall be interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays.

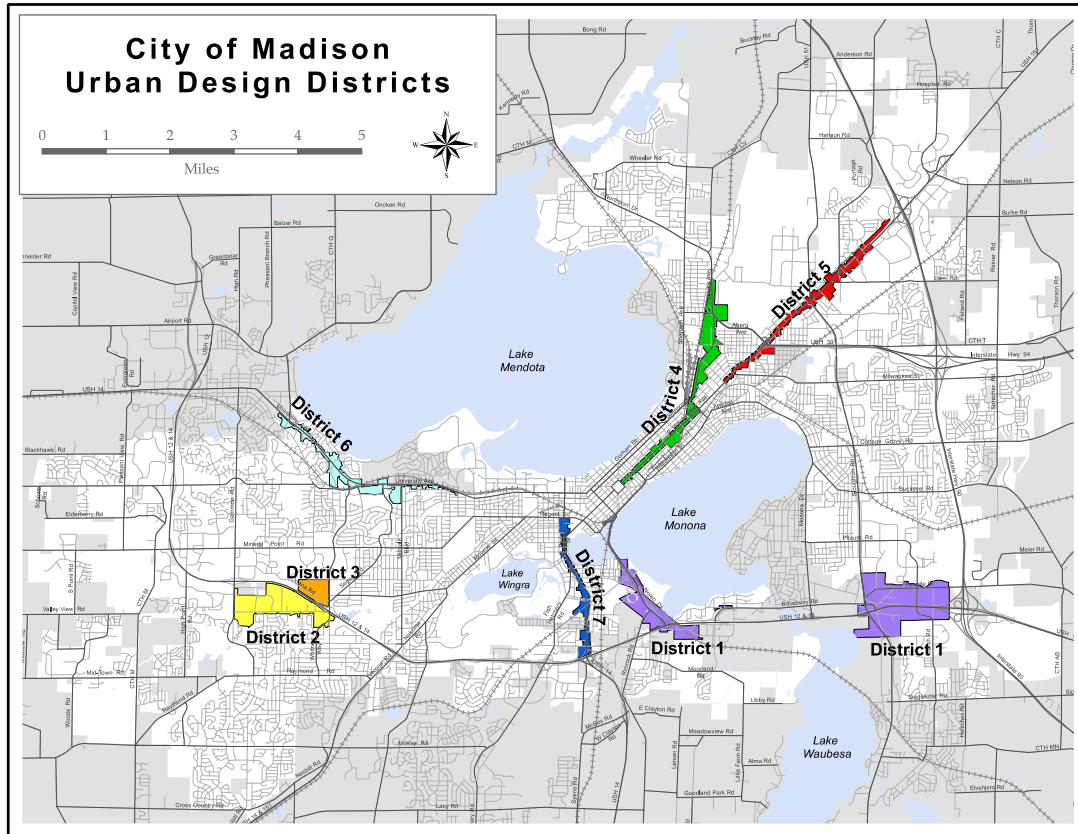
(b) The primary plant materials shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of required landscaped area. Two (2) ornamental deciduous trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees. No light poles shall be located within the area of seventy-five percent (75%) of mature growth from the center of any tree.

33.24 - URBAN DESIGN COMMISSION

The Urban Design Commission reviews planned developments, developments in urban design districts, sign variances and public buildings. It also manages and coordinates special projects such as the Downtown Wayfinding Program and the improvements to Martin Luther King, Jr. Boulevard, prepares physical development plans and recommendations for redevelopment projects, and offers design assistance to promote revitalization for areas of the City including site design, landscaping and architectural services. This service also provides ongoing design assistance to the Mall Maintenance and Display Program.

Purpose And Intent . It is hereby declared a matter of public policy that the design, appearance, beauty and aesthetics of all public and private buildings, structures, landscaping and open areas are a matter of public concern and as such must be controlled so as to promote the general welfare of the community. The purpose of this section is:

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



City of Madison Department of Planning & Community & Economic Development, Planning Unit, June 2009, sfm

(f) Large Retail Developments.

6. Parking . The following requirements apply to the entire zoning lot.

a. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer that includes trees, shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high quality materials.

b. Continuous internal pedestrian walkways at least six (6) feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.

(8) Urban Design District No. 1 .

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, painting of existing unpainted exterior faces, exterior lighting, landscaping or screening done in conjunction with new buildings or structures or additions, and cutting or removal of trees greater than

two inches in maximum diameter, and permits for new signs) shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, with all applicable federal and state laws, and with the Building Code, Zoning Ordinance, and other applicable codes of the City of Madison not in conflict with this ordinance. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other city regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

ii.Guidelines . Landscaping should express the unique natural beauty of Madison. There should be a variety of trees and shrubs in group plantings, alternated and dispersed in order to create some variety. While indigenous species will be favored, they should be in scale with the buildings and complement the topography. The unique character of the native landscape should be preserved and reinforced by selecting plant material which originally grew in the area. Both upland and lowland sites are included in the district. Species for planting should reflect this. A recommended list of appropriate species for both types includes:

Upland

| | | |
|--------------------|--------------|--|
| <u>Trees:</u> | | |
| Quercus alba | White Oak | |
| Quercus macrocarpa | Bur Oak | |
| Quercus rubra | Red Oak | |
| Tilia americana | Basswood | |
| Prunus serotina | Black Cherry | |
| Acer rubrum | Red Maple | |

| | | |
|------------------------|--------------|--|
| Fraxinus americana | American Ash | |
| Juglans nigra | Walnut | |
| Aesculus hippocastanum | Chestnut | |

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|------------------------|------------------|
| Evergreens: | |
| Juniperus virginiana | Red Cedar |
| Juniperus horizontalis | Creeping Juniper |

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|-------------------|-------------------|
| Shrubs: | |
| Cornus racemosa | Gray Dogwood |
| Corylus americana | Filbert |
| Crataegus Spp. | Hawthorne |
| Malus ioensis | Prairie Crabapple |

| | |
|----------------------|---------------------|
| Prunus virginiana | Common Chokecherry |
| Rhus glabra | Smooth Sumac |
| Rhus typhina | Staghorn Sumac |
| Rosa Spp. | Wild Rose |
| Viburnum lentago | Nannyberry Viburnum |
| Viburnum prunifolium | Blackhawk Viburnum |
| Euonymus Alatus | Burning Bush |

Lowland

| | |
|------------------------|-----------------|
| Trees : | |
| Quercus bicolor | Swamp White Oak |
| Fraxinus pennsylvanica | Green Ash |
| Crataegus mollis | Downy Hawthorn |

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|----------------------|-------------------|
| Crataegus crusgalli | Cockspur Hawthorn |
| Carpinus caroliniana | Musclewood |
| Celtis occidentalis | Hackberry |
| Salix nigra | Black Willow |
| Acer rubrum | Red Maple |
| Betula nigra | River Birch |

| | |
|--------------------|---------------------------|
| Evergreens : | |
| Thuja occidentalis | White Cedar or Arborvitae |

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|---------------------------|-----------------------|
| Shrubs : | |
| Alnus incana (cold water) | Speckled Alder |
| Amelanchier canadensis | Shadblow Serviceberry |

| | |
|----------------------------|------------------------|
| Amelanchier laevis | Alleghany Serviceberry |
| Amorpha fruticosa | Indigobush Fruticosa |
| Aronia arbutifolia | Red Chokecherry |
| Arnoia melanocarpa | Black Chokeberry |
| Cephalanthus occidentallis | Common Buttonbush |
| Clematis virginiana | Virginsbower |
| Cornus racemosa | Gray Dogwood |
| Cornus stolonifera | Redosier Dogwood |
| Cornus amomum | Silky Dogwood |
| Ilex verticillata | Common Winterberry |
| Malus ionensis | Prairie Crab |
| Sambucus canadensis | American Elder |

| | |
|----------------------------|-----------------------------|
| Salix discolor | Pussywillow |
| Salix glaucophylla | Firm Blueleaf Willow |
| Salix lucida | Shining Willow |
| Salix petiolaris | Petiolaris Willow |
| Salix servicea | Silky Willow |
| Salix serissima | Autumn Willow |
| Viburnum dentatum | Arrowood Viburnum |
| Viburnum trilobum compacta | American Highbush Cranberry |

5. Parking and Service Areas; Screening . The Urban Design Commission in its review of plans for the district will concern itself with the height at time of planting, the spacing, height at maturity, and ability of proposed plants to screen throughout the year. Screening shall meet the following requirements and conform as much as possible with the following guidelines:

b. Guidelines .

i. Large parking lots should be avoided. Parking lots with more than seven parking spaces should be subdivided by landscaping so that each subdivided area has no more than seven spaces.

ii. Acceptable screening may consist of any of the following or combinations thereof:

A. Principal or accessory buildings;

B. Earth berms;

- C. Masonry walls;
- D. Hedges;
- E. Trees;

(11) Urban Design District No. 4 .

(d) Basis for Design Review . In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.

1. Public Rights-of-Way .

a. Requirement . Public rights-of-way shall be landscaped with appropriate trees and shrubs in accordance with planting plans prepared by the city Forester, after consultation with the Urban Design Commission.

2. Off-Street Parking and Loading Areas .

a. Requirements .

i. Parking lot landscape plans shall be developed in accordance with the revised New Approach to Parking Lot Landscaping adopted by the Common Council by Substitute Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Community and Economic Development.

ii. The quantity of parking and service areas as well as the tree islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than fifty (50) feet from a canopy tree of at least 3-inch caliper.

(12) Urban Design District No. 5 .

(d) Basis for Design Review . In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.

1. Public Rights-of-Way .

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Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Community and Economic Development.

ii. The quantity of parking and service areas as well as the **tree** islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than seventy (70) feet from a canopy **tree** of at least 2½ - 3-inch caliper.

(14) Urban Design District No. 7 .

7. 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 be at least ten (10) feet from the front property line.

ii. At least one (1) **tree** island, planted with a **tree** and sized and landscaped pursuant to the Zoning Ordinance, shall be provided per twelve (12) parking spaces provided. This requirement is in addition to any other landscaping requirements of the Zoning Ordinance.

(15) Urban Design District No. 8

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 (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.

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.