



PREPARED FOR THE URBAN DESIGN COMMISSION

Project: MGO 33.24 Urban Design Commission Ordinance and Policies & Procedures Manual Discussion Item

Legistar File ID # [71257](#) (earlier discussions [61918](#) and [63203](#))

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MGO 33.24 Updates – Background Information

Originally, staff introduced this topic for discussion in September 2020, however due the pandemic and staffing changes, the effort was delayed. As part of this initial introduction, UDC provided comments and feedback regarding the project work plan and schedule, as well as target areas on interest. Those comments have been incorporated into the revised project scope, as noted below.

The proposed MGO 33.24 ordinance updates are intended to:

1. Clean-up outdated code language and eliminate redundancies with the Zoning Code,
2. Clarify procedural and process related items,
3. Review district boundaries for consistency with adopted plans,
4. Revamp design-based elements within the Urban Design Districts that are better aligned with current construction and design practices, as well as the intent of each district,
5. Clean-up sign design guidelines and requirements to be consistent with the Sign Code, current legal framework, and current best practices, and
6. Evaluate and creation of new urban design district for “Mifflandia” area.

Recognizing that changes to the urban design districts’ design guidelines and requirements will vary in their complexity and the time anticipated to complete them, staff proposes the amendments be grouped into multiple phases beginning with Phase 1, Administrative Updates and Clarifications, which is the subject of this discussion. The text amendments proposed in Phase 1 are intended to clarify the roles and responsibilities of Commission, in many cases codifying long-standing practices. Additionally, these amendments will be intended to aid the development community and in to navigating proposals through the Urban Design Commission (“UDC”) review and approval process.

Staff have identified the following items included in Phase 1, including:

- Outlining the application, and review and approval process,
- Clarifying public notice requirements specific to application types,
- Clarifying the review and approval criteria of the commission, especially as it relates to specific project types, and
- Outlining the duties of the Secretary to the Urban Design Commission, especially as it relates to administrative applications.

Staff requests UDC’s feedback on the proposed text amendments and proposed staff recommendations for amending the text as outlined below. Depending on the feedback provided by the UDC at this meeting, staff anticipates this effort could likely be completed in 3-6 months.

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

- **Update UDC General Powers and Duties to add clarifying language related to matters or referrals.** Section 33.24(4)(a) notes that the UDC shall review and make recommendations on items referred to the body, but does not clarify under what standards by which the UDC is to review referrals, by whom additional referrals can be made outside of what is already allowed by MGO, or what the process is for submittal of a referral (type of application request and submittal requirements).

Staff Recommendation: *Staff proposes to update this section to provide the necessary clarifying language related to referrals, including:*

- *Clarify parties that have authority to refer items to the UDC and components of such review,*
 - *Clearly define the terms “Initial vs. Final” approval based on current practice and the applicability of each as they would apply to referrals, and*
 - *Provide clear references to the existing review standards other applicable guiding documents.*
- **Commission Composition.**
 - **Landscape Architect and Architect Member.** As noted in Section 33.24(3)(c) and (e), MGO, the qualifiers for a landscape architect and architect appointee includes nominees from the Wisconsin Chapter of the American Society of Landscape Architects and the Southwest Chapter of the Wisconsin Society of Architects, respectively. Architects are required to be ‘registered’ with the state, while landscape architects shall be ‘graduate.’

Staff Recommendation: *Due to frequent changes in organizations, membership requirements, and the of status of professional societies, staff recommends eliminating the appointee nomination language as noted above and adding instead that both landscape architect and architect members “shall be licensed with the State of Wisconsin.” The proposed change is intended to add clarity to those membership roles and expectation while also eliminating equity issues related to cost burden of professional dues and memberships, as well as limitations of professional status (i.e. “practicing professional” vs. “retired professional”).*

- **Design Professional Members.** Also, in subsection (f), there is a list of design-related professions related to the two design professional members. Currently this list includes “Interior Designer”, which by definition is a profession that focuses on the design of interior spaces and furnishings, which does not fall within the Commission’s design purview.

Staff Recommendation: *Staff recommends updating this list remove “Interior Designer” and add “Landscape Designer” to allow for a landscape design professional that is not currently licensed to become a member of the commission.*

- **Commission Powers and Duties – Review of Public Projects.** As written, Section 33.24(4)(d), MGO, is lacking detail related to the applicability, both in terms of project type and scope, and what, if any, review standards should be utilized to review projects. Staff believes that modifications are necessary to clarify the roles of UDC, City agencies, and the applicable review standards.

Staff Recommendation: *Staff recommends updating this section to clearly outline:*

- *Better define “public project” and the process for UDC and possible administrative reviews for certain types. (Section currently broadly states those project proposed to be built or expanded*

in the City of Madison, by the State of Wisconsin, the University of Wisconsin, the City of Madison, Dane County, the Federal government or any other local government agency which has the power to levy taxes...”),

- Define what elements of public projects apply (the code only gives UDC approving authority on Buildings, not site and landscape plans, though the Commission has provided advisory comments on such elements. Further, the approval process for public accessory buildings are not currently defined as part of this section), and*
 - Provide clear and specific approval standards on which the UDC is to base its findings. This could include findings related to items such as context-appropriate design/materials, appropriate siting, consistency with adopted plans...etc).*
- **Commission Powers and Duties – Urban Design Districts.** Section 33.24(4)(e), MGO, “Establishment Urban Design Districts,” as it is currently written is confusing relative to its purpose and intent. While this section is nestled amongst the “Powers and Duties,” it does specifically state that the administration of urban design districts is the responsibility of the Commission. In addition, the public notice requirements are nestled within this subsection causing confusion with their applicability to other code sections, as well as this one in particular.

Staff Recommendation: *Staff recommends retitling this subsection to “Urban Design Districts” as it is ultimately part of a list of powers and duties of the Commission. In addition, staff recommends including a clarifying statement that the administration of the districts is the responsibility of the Commission. Lastly, relative to the public notice requirements nestled within this section, to clarify the public notice requirements applicable to UDC applications, staff recommends relocating these paragraphs to the proposed “Procedures” section as noted below.*

- **Duties of the Secretary of the Urban Design Commission.** Section 33.24(g), MGO outlines the duties of the Secretary. In this section, it outlines administrative approvals within urban design districts, minor alterations and minor façade alterations in the Downtown Core district, as well as sign permit review. As currently written there is ambiguity with regard to what may fall within the Secretary’s purview versus what triggers referral to the Commission. In addition, this code section does no mention the Urban Mixed Use district with regard to façade alterations, however it has been a long time practice for the Secretary to review minor façade changes within the UMX zoning district, as noted in [Section 28.076, MGO](#).

Staff Recommendation: *To add clarity to the administrative review process staff recommends that this section be updated to clearly define all types of administrative review. Additional, discuss more specific thresholds regarding types of building additions (i.e. additions of less than half of the existing building square footage or more than 20,000 square-feet) that fall within the scope of administrative review. To maintain consistency with other code sections, staff also recommends adding the UMX zone to the districts listed in the “Minor Façade Alterations” subsections.*

- **Create a new code section to codify UDC review and approval process - “Procedures.”** Currently UDC submittal and review procedures and processes are generally not codified, however it is generally outlined in the UDC Policy and Procedure Manual. Staff believes that creating a “Procedures” will better align this section with similar sections of Madison General Ordinance and will help to provide additional clarity and transparency to the UDC review and approval process, not only for staff in their administration and for the Commission in practice, but also for those doing business in the city. As a basis for the creation of this section, staff has referenced the Plan Commission and Landmarks Commission procedures (subsection [28L](#) and [41.17](#), MGO).

Staff Recommendation: *Staff recommends creating a new “Procedures” code section that clearly outlines:*

- *The UDC submittal requirements and review procedures (Pre-Application, Alder Notification, Completeness Review, etc.),*
- *The types of UDC applications (Informational, Initial, Final, and Initial/Final),*
- *When a public hearing is required and proper public notice requirements,*
- *UDC decisions (i.e. identifying when the Commission is acting as an approving body versus an advisory body to the Plan Commission),*
- *Timing and relationship to other approvals when review and approval is required by other boards and commission (i.e. Landmarks Commission action is required prior to UDC),*
- *Alterations to UDC approvals when the commission has acted as an approving body, including minor (administrative Secretary review) and major alterations (UDC review), and*
- *Expiration of UDC approvals and approval extensions (i.e. one year from the commission’s final action, administrative extensions of up to 36 months with alder recommendation, and in the case of combined applications, UDC approval shall follow the expiration of the Land Use approval).*

Staff requests any additional comments on the above alterations so that the City Attorney’s Office can begin the more formal process of drafting the specific ordinance amendments for formal consideration and alder sponsors can be identified. Following this discussion, Staff anticipates being able to bring the initial draft ordinance back to the Commission for review and discussion in the coming months.