

CHAPTER 28

ZONING CODE ORDINANCE

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Adopted 10/16/2012, Effective 1/2/2013

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in accordance with Wis. Stats § 66.0103.

- (d) Shared Loading. Two or more uses on adjacent zoning lots may share a loading area.
- (e) Uses for which off-street facilities are otherwise required but which are located in structures of less than twenty thousand (20,000) square feet of floor area may use drive aisles or other suitable areas on the same lot for loading purposes.
- (f) Surfacing. All open off-street loading areas shall be paved with a bituminous pavement or Portland cement concrete pavement in accordance with City of Madison standards and specifications.
- (g) Idling. Vehicles shall not have idling engines for more than five (5) minutes except when actively loading.

28.142 LANDSCAPING AND SCREENING REQUIREMENTS.

- (1) Statement of Purpose.
The landscaping and screening requirements specified in this section are intended to:
 - (a) Protect and restore the natural environment throughout the development process.
 - (b) Reduce the negative environmental effects of development while fostering aesthetically pleasing development which will protect and enhance the appearance, character, health, safety and welfare of the community.
 - (c) Reduce the “heat island” effect of impervious surfaces such as parking lots by cooling and shading the surface area.
 - (d) Increase the compatibility of adjacent uses, by minimizing adverse impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable views, activities or impacts to adjacent or surrounding uses.
 - (e) Enhance the environment for successful plant establishment and growth.
 - (f) Enhance the green infrastructure of the city to help reduce air pollutants, create ambiance, mitigate the urban heat island effect and stormwater run-off issues.
- (2) Applicability.
 - (a) Subsections (3) through 10 apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures. The entire development site must be brought up to compliance with this section unless all of the following conditions apply, in which case only the affected areas need to be brought up to compliance:
 - 1. The area of site disturbance is less than ten percent (10%) of the entire development site during any ten-(10) year period.
 - 2. Floor area is only increased by ten percent (10%) during any ten-(10) year period. (Am. by ORD-15-00033, 4-8-15)
 - 3. No demolition of a principal building is involved.
 - 4. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
 - (b) Subsection (11) applies to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots and the construction of detached single-family and two-family dwellings and their accessory structures.

(Am. by ORD-16-00021, 3-7-16)

(3) Landscape Plan and Design Standards.

Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, including zoning permits, where applicable. Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

(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.

(b) Plant Selection. Plant materials provided in conformance with the provisions of this section shall be nursery quality and tolerant of individual site microclimates.

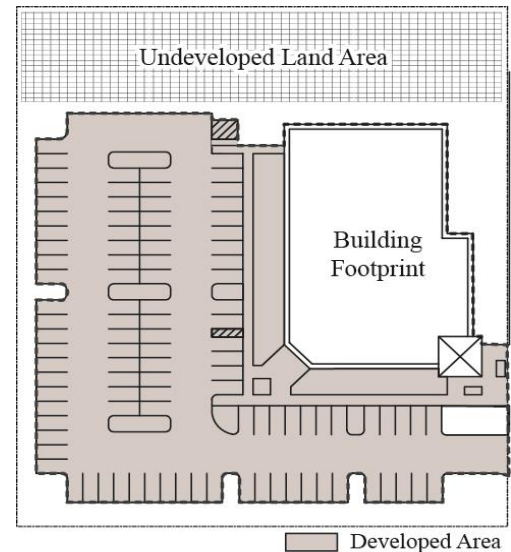
(c) Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.

(4) Landscape Calculations and Distribution.

Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area, for the purpose of this requirement, is defined as that area within a single contiguous boundary which is made up of structures, parking, driveways and docking/loading facilities, but excluding the area of any building footprint at grade, land designated for open space uses such as athletic fields, and undeveloped land area on the same zoning lot.

(a) Five (5) landscape points shall be provided for each three hundred (300) square feet of developed area. However,

1. For lots larger than five (5) acres, points shall be provided at five (5) points per three hundred (300) square feet for the first five (5) acres, and one (1) point per one hundred (100) square feet for all additional acres.



Figures I11: Developed Area for Calculating Landscape Requirements.

2. For the IL and IG districts, one (1) point shall be provided per one hundred (100) square feet.
- (b) Where required landscaping cannot be accommodated due to building placement on site, the Zoning Administrator may modify or waive the point requirements.
- (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	1 1/2 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 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

*as determined by ANSI, ANLA--American standards for nursery stock. For each size, minimum plant sizes shall conform to the specifications as stated in the current American Standard for Nursery Stock.

- (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.

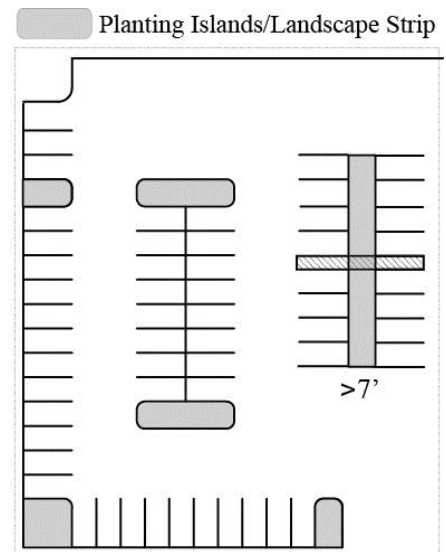
(6) **Interior Parking Lot Landscaping.**

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.



Figures I12-13: Development Frontage Landscaping Examples.



Figures I14: Interior Parking Lot Landscaping.

No light poles shall be located within the area of seventy-five percent (75%) of mature growth from the center of any tree.

- (c) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design approved by the Director of Public Works. The ability to maintain these areas over time must be demonstrated. (See Chapter 37, Madison General Ordinances, Erosion and Stormwater Runoff Control.)



Figure I15: Interior Parking Lot Landscaping Example.

(7) Foundation Plantings.

Foundation plantings shall be installed along building facades, except where building facades directly abut the sidewalk, plaza, or other hardscape features. Foundation plantings shall consist primarily of shrubs, perennials, and native grasses. The Zoning Administrator may modify this requirement for development existing prior to the effective date of this ordinance, as long as improvements achieve an equivalent or greater level of landscaping for the site.

(8) Screening Along District Boundaries.

Screening shall be provided along side and rear property boundaries between commercial, mixed-use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. For conditional uses, the Plan Commission may modify these requirements.



Figures I16: Interior Parking Lot Landscaping Example.

(9) Screening of Other Site Elements.

The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:

- (a) Refuse Disposal Areas. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
- (b) Outdoor Storage Areas. Outdoor storage areas shall be screened from abutting residential uses with a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- (c) Loading Areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- (d) Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.

(Am. by ORD-14-00001, 1-14-14)

(10) Maintenance.

The owner of the premises is responsible for the watering, maintenance, repair and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed free. Plant material that has died shall be replaced no later than the upcoming June 1.

(11) Fences, Walls and Hedges.

Fences and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction or installation of any fence or hedge.

(a) Height in Residential Districts.

1. The maximum height of a screening fence or screening hedge within required interior side and rear setbacks in a residential zoning district shall not exceed six (6) feet. An ornamental fence or ornamental hedge may exceed six (6) feet in height. A screening fence or screening hedge of up to eight (8) feet in height may be placed on a district boundary line between a residential district and a mixed-use, commercial or employment district, or where adjacent to a public utility or public service use.
2. Screening fences around pools shall not exceed eight (8) feet.
3. Screening fences within the building envelope shall not exceed eight (8) feet.
4. The maximum height of a screening fence or screening hedge within a required front or street side yard setback shall not exceed four (4) feet, in height with the following exceptions:
 - a. A screening fence or screening hedge of up to six (6) feet in height may be placed within a street side yard setback behind the rear plane of the principal building.
 - b. The height of a screening fence or screening hedge within a street side yard setback may be increased to a maximum of six (6) feet in height if it is set back a minimum of four (4) feet from the street side yard property line.
5. The maximum height of an ornamental fence located in a front yard is five (5) feet if the fence is less than fifty percent (50%) opaque, and six (6) feet if the fence is less than twenty percent (20%) opaque.

(b) Height in Mixed-Use or Nonresidential Zoning Districts. The maximum height of a screening fence or screening hedge shall not exceed eight (8) feet except in required front or street side yard setbacks where the maximum height of a screening fence or screening hedge shall not exceed four (4) feet.(c) Height Measurement. Fence or hedge height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or hedge is set back from the retaining wall by a distance of at least four (4) feet, the height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

(d) Fences or hedges shall comply with the vision clearance triangle requirements of Subsection 27.05(2)(bb).

(e) Fences located in the front or street side yard setback areas must be made of materials such as wood, ornamental metal, brick, vinyl-coated chain link or stone. Uncoated chain link fences may be used in interior side or rear yards.

(f) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and

construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty (180) consecutive days per calendar year.

(Sec. 28.142(11) Am. by ORD-14-00001, 1-14-14)

(Sec. 28.142 Am. by ORD-13-00148, 9-11-13)

28.143 MOBILE TOWER SITING REGULATIONS.

(1) Statement of Purpose.

The purpose and intent of this section is to strike a balance between the state and federal interest concerning the construction, modification and siting of mobile service facilities and mobile service support structures for use in providing personal wireless services, and the interest of the City in regulating local zoning. The goals of this section are to:

- (a) Protect residential areas and land uses from the potential adverse impacts of towers and antennas.
- (b) Minimize the total number of towers throughout the community.
- (c) Encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers.
- (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(2) New Construction and Substantial Modification of Facilities and Support Structures.

- (a) An application for a permit to engage in the siting or construction of a new mobile service support structure and facilities or to engage in a Class 1 collocation shall be submitted in writing to the Building Inspection Division and shall contain the following:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (b) The Building Inspection Division Director or his or her designee shall inform the applicant within ten (10) days of receipt of the application if the application is not complete. Notification shall be in writing and shall specify in detail the information that was incomplete.
- (c) Within ninety (90) days of receipt of a completed application, the Building Inspection Division Director or designee shall issue a written decision to approve or deny the application. However, the Director or designee and the applicant may agree in writing to an extension of the ninety-(90) day period.
- (d) Decisions to deny an application shall be supported by substantial evidence. Such evidence shall be included in the written decision.