



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 64250

File ID: 64250

File Type: Ordinance

Status: Council Recessed
Public Hearing

Version: 1

Reference:

Controlling Body: Attorney's Office

Lead Referral: PLAN COMMISSION

Cost:

File Created Date : 02/15/2021

File Name: Setbacks and Street Trees

Final Action:

Title: Amending portions of Madison General Ordinances Sections 28.063, 28.064, 28.065, 28.066, 28.067, 28.068, 28.074, 28.076, 28.084, 28.085, 28.087, 28.088, 28.089, and 28.097 to change the front yard setback, if it is less than 15 feet, from 0 feet to 5 feet to support a street tree canopy, and creating Madison General Ordinance 28.071(2)(e) to establish a Downtown Setback Exceptions Map.

Notes: 6387changeyardsetbacks

Code Sections:

CC Agenda Date: 03/30/2021

Indexes:

Agenda Number: 9.

Sponsors: Marsha A. Rummel, Patrick W. Heck, Keith Furman, Michael E. Verveer, Satya V. Rhodes-Conway and Syed Abbas

Effective Date:

Attachments: File No. 64250 Body.pdf, Public_Comments.pdf, Zoning_Text_Memo_3-17-21.pdf, Legistar 64250 - Economic Development Committee Public Comments - Combined.pdf, 2021 Staff Presentation_Setbacks.pdf, Public_Comments_03-22-21.pdf, Public_Comments_03-22-21_Post 3pm.pdf

Enactment Number:

Author: John Strange

Hearing Date:

Entered by: jphelps@cityofmadison.com

Published Date:

Approval History

| Version | Date | Approver | Action |
|---------|------|-----------------|---------------------|
| 1 | | Michael Haas | Approved as to Form |
| 1 | | Ryan Pennington | Approve |

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|----------|--------------|-------|---------|----------|-----------|--------------|---------|
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|---|--------------------------------|--|---|--------------------------------|------------|------------|--|------|
| 1 | Attorney's Office | 02/15/2021 | Referred for Introduction | | | | | |
| | Notes: | Plan Commission (3/8/21) | | | | | | |
| 1 | COMMON COUNCIL | 02/23/2021 | Refer | PLAN COMMISSION | | 03/22/2021 | | Pass |
| | Notes: | Additional referrals to Urban Design Commission, Finance Committee, Economic Development Committee. | | | | | | |
| 1 | PLAN COMMISSION | 02/23/2021 | Refer | URBAN DESIGN COMMISSION | | 03/10/2021 | | |
| | Notes: | | | | | | | |
| 1 | PLAN COMMISSION | 02/23/2021 | Refer | FINANCE COMMITTEE | | 03/08/2021 | | |
| | Notes: | | | | | | | |
| 1 | PLAN COMMISSION | 02/23/2021 | Refer | ECONOMIC DEVELOPMENT COMMITTEE | | 03/17/2021 | | |
| | Notes: | | | | | | | |
| 1 | FINANCE COMMITTEE | 03/08/2021 | Return to Lead with the Recommendation for Approval | PLAN COMMISSION | | 03/22/2021 | | Pass |
| | Notes: | | | | | | | |
| 1 | PLAN COMMISSION | 03/08/2021 | RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING | PLAN COMMISSION | 03/22/2021 | 03/22/2021 | | Pass |
| | Notes: | On a motion by Cantrell, seconded by Ald. Lemmer, the Plan Commission recommended referral of the zoning text amendment to March 22, 2021 (March 30, 2021 Common Council) so that review of the ordinance by other boards, commissions, and committees may be completed. The motion to recommend referral passed by voice vote/ other. | | | | | | |
| 1 | URBAN DESIGN COMMISSION | 03/10/2021 | Return to Lead with the Recommendation for Approval | PLAN COMMISSION | | 03/22/2021 | | Pass |
| | Notes: | Due to technical issues, DeChant was unable to vote on this item. | | | | | | |
| 1 | COMMON COUNCIL | 03/16/2021 | Refer For Public Hearing | PLAN COMMISSION | | 03/22/2021 | | Pass |
| | Notes: | | | | | | | |
| 1 | ECONOMIC DEVELOPMENT COMMITTEE | 03/17/2021 | Return to Lead with the Recommendation for Approval | PLAN COMMISSION | 03/22/2021 | 03/22/2021 | | Pass |
| | Notes: | | | | | | | |
| 1 | PLAN COMMISSION | 03/22/2021 | RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING | | | | | Pass |
| | Notes: | On a motion by Cantrell, seconded by Alder Rummel, the Plan Commission voted to recommend to Council to adopt the ordinance amending portions of Chapter 28 to change the front yard setback and creating Section 28.071(2) (e). The motion passed by voice vote/other. | | | | | | |
| 1 | COMMON COUNCIL | 03/30/2021 | | | | | | |

Text of Legislative File 64250

Fiscal Note

No City appropriation required.

Title

Amending portions of Madison General Ordinances Sections 28.063, 28.064, 28.065, 28.066, 28.067, 28.068, 28.074, 28.076, 28.084, 28.085, 28.087, 28.088, 28.089, and 28.097 to change the front yard setback, if it is less than 15 feet, from 0 feet to 5 feet to support a street tree canopy, and creating Madison General Ordinance 28.071(2)(e) to establish a Downtown Setback Exceptions Map.

Body

DRAFTER'S ANALYSIS: In zoning districts for which there is currently a 0' front of front yard setback required, this amendment increases the required setback to 5' in some cases. In instances where the distance between the curb and property line is greater than 15', the 0' required setback remains, but in instances where the distance between the curb and property line is less than 15 feet, buildings will need to be set back 5'. Thus, this amendment essentially eliminates 0' setbacks in places where there isn't sufficient space to support a street tree canopy, and will allow space for a wider variety of tree species, in many of the downtown and mixed-use districts where redevelopment is occurring. These districts are:

- LMX, NMX, TSS, MXC, CC-T, CC (all of the Commercial and Mixed-Use Districts)
- DC, UMX (some Downtown Districts)
- TE, SE, EC, IL, IG (most of the Employment Districts)
- CI

The Common Council of the City of Madison do hereby ordain as follows:

See **File No. 64250 Body** in Attachments.