

**LEGISTAR – File No. 64250 Substitute Body**

DRAFTER'S ANALYSIS: In zoning districts for which there is currently a 0' front of street side 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

This Substitute Ordinance is necessary because the provision related to side yard setbacks that is included in the UMX District was inadvertently left out of the LMX, NMX, TSS, MXC, CC-T, CC, DC, TE, SE, EC, IL, IG, and CI District tables. This substitute ordinance therefore would adopt the same language found in UMX in these other districts.

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

1. Table in Subsection (3) of Section 28.063 entitled "Limited Mixed-Use (LMX) District" of Subchapter 28D entitled "Mixed Use and Commercial Districts" of the Madison General Ordinances is amended as follows:

Front yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>  <u>No minimum</u></p>
<u>Side yard setback</u>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

2. Table in Subsection (3) of Section 28.064 entitled "Neighborhood Mixed-Use (NMX) District" of Subchapter 28D entitled "Mixed Use and Commercial Districts" of the Madison General Ordinances is amended as follows:

Front yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below</u></p>
<u>Side yard setback</u>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

3. Table of Subsection (3) of Section 28.065 entitled “Traditional Shopping Street (TSS) District” of Subchapter 28D entitled “Mixed Use and Commercial Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

4. Table of Subsection (5) Section 28.066 entitled “Mixed Use Center (MXC) District” of Subchapter 28D entitled “Mixed Use and Commercial Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

5. Table of Subsection (3) of Section 28.067 entitled “Commercial Corridor – Transitional (CC-T) District” of Subchapter 28D entitled “Mixed Use and Commercial Districts” of the Madison General Ordinances is amended as follows:

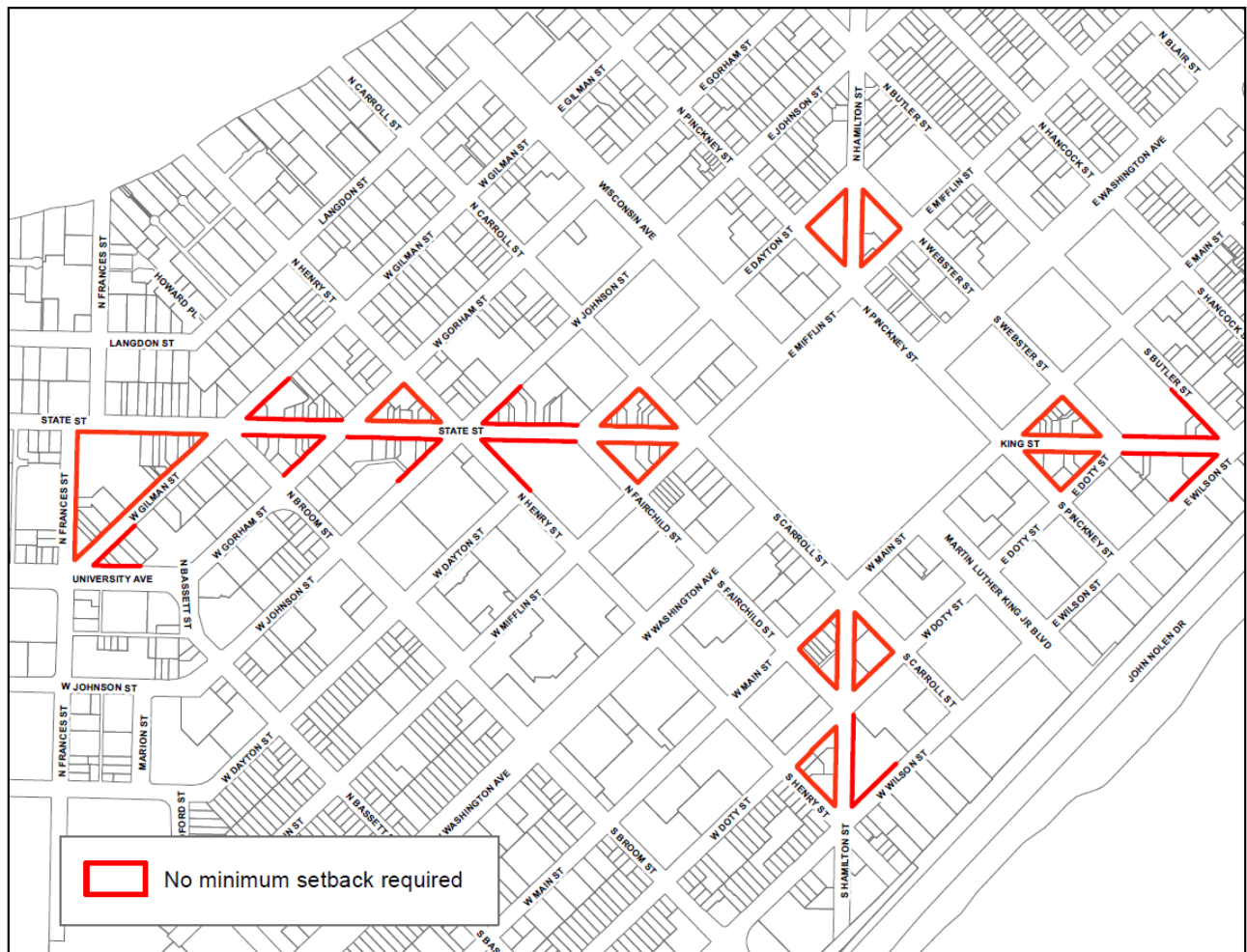
<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

6. Table of Subsection (3) of Section 28.068 entitled “Commercial Center (CC) District” of Subchapter 28D entitled “Mixed Use and Commercial Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below</p>
<p>Side yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

7. Subdivision (e) entitled “Downtown Setback Exceptions Map” of Subsection (2) entitled “Downtown Height, Stepback and Setback Requirements” of Section 28.071 entitled “General Provisions for Downtown and Urban Districts” of Subchapter 28E entitled “Downtown and Urban Districts Zoning Code” of the Madison General Ordinances is created as follows:

“(e) Downtown Setback Exceptions Map.



8. Table of Subsection (3) of Section 28.074 entitled “Downtown Core (DC) District” of Subchapter 28E entitled “Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

<p>Minimum front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

9. Table of Subsection (3) of Section 28.076 entitled “Urban Mixed-Use (UMX) District” of Subchapter 28E entitled “Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

<p>Minimum front yard setback</p>	<p>Nonresidential or mixed-use buildings: <u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p> <p>Residential buildings: 5'                  See (a) below and Downtown Setback Map</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  See (a) below and Downtown Setback Map and Setback Exceptions Map.</p>

10. Table of Subsection (3) of Section 28.084 entitled “Traditional Employment (TE) District” of Subchapter 28F entitled “Employment Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u></p> <p><u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u></p> <p><u>5' if the distance between the curb and property line is less than 15'</u>                  None (see frontage requirements)</p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u></p>

	<p><u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>
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11. Table of Subsection (3) of Section 28.085 entitled "Suburban Employment (SE) District" of Subchapter 28F entitled "Employment Districts" of the Madison General Ordinances is amended as follows:

Front yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below</u></p>
Side yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

12. Table of Subsection (3) of Section 28.087 entitled "Employment Campus (EC) District" of Subchapter 28F entitled "Employment Districts" of the Madison General Ordinances is amended as follows:

Front yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below</u></p>
Side yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

13. Table of Subsection (3) of Section 28.088 entitled "Industrial - Limited (IL) District" of Subchapter 28F entitled "Employment Districts" of the Madison General Ordinances is amended as follows:

Front yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below</u></p>
Side yard setback	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

14. Table of Subsection (3) of Section 28.089 entitled “Industrial - General (IG) District” of Subchapter 28F entitled “Employment Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <del>none</del></p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>

15. Table of Subsection (4) of Section 28.097 entitled “Campus - Institutional (CI) District” of Subchapter 28G entitled “Special Districts” of the Madison General Ordinances is amended as follows:

<p>Front yard setback</p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <del>0</del></p>
<p><u>Side yard setback</u></p>	<p><u>0' or 5'</u>  <u>0' if the distance between the curb and property line is equal to or greater than 15' or shown on the Setback Exceptions Map. A no-build easement may be used to achieve the 15' distance.</u>  <u>5' if the distance between the curb and property line is less than 15'</u>  <u>See (a) below and Downtown Setback Map and Setback Exceptions Map.</u></p>