



# City of Madison

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

## Master

**File Number: 64250**

**File ID:** 64250

**File Type:** Ordinance

**Status:** Report of Officer

**Version:** 2

**Reference:**

**Controlling Body:** Attorney's Office

**File Created Date :** 02/15/2021

**File Name:** Setbacks and Street Trees

**Final Action:**

**Title:** SUBSTITUTE - 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

**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 Version 1.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, 64250 Version 1.pdf, 64250 Body Substitute.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             |
| 2       |      | Michael Haas    | Approved as to Form |
| 2       |      | Ryan Pennington | Approve             |

**History of Legislative File**

| Ver-<br>sion: | Acting Body:            | Date:  | Action:   | Sent To:                       | Due Date:  | Return<br>Date: | Result: |
|---------------|-------------------------|--|---|--------------------------------|------------|-----------------|---------|
| 1             | Attorney's Office       | 02/15/2021   | Referred for Introduction                           |                                |            |                 |         |
|               | <b>Action Text:</b>     | This Ordinance was Referred for Introduction   |   |                                |            |                 |         |
|               | <b>Notes:</b>           | Plan Commission (3/8/21)   |   |                                |            |                 |         |
| 1             | COMMON COUNCIL          | 02/23/2021   | Refer   | PLAN COMMISSION                |            | 03/22/2021      | Pass    |
|               | <b>Action Text:</b>     | A motion was made by Carter, seconded by Abbas, to Refer to the PLAN COMMISSION. The motion passed by voice vote/other.  |   |                                |            |                 |         |
|               | <b>Notes:</b>           | Additional referrals to Urban Design Commission, Finance Committee, Economic Development Committee.  |   |                                |            |                 |         |
| 1             | PLAN COMMISSION         | 02/23/2021   | Refer   | URBAN DESIGN COMMISSION        |            | 03/10/2021      |         |
|               | <b>Action Text:</b>     | This Ordinance was Refer to the URBAN DESIGN COMMISSION  |   |                                |            |                 |         |
|               | <b>Notes:</b>           |  |   |                                |            |                 |         |
| 1             | PLAN COMMISSION         | 02/23/2021   | Refer   | FINANCE COMMITTEE              |            | 03/08/2021      |         |
|               | <b>Action Text:</b>     | This Ordinance was Refer to the FINANCE COMMITTEE  |   |                                |            |                 |         |
|               | <b>Notes:</b>           |  |   |                                |            |                 |         |
| 1             | PLAN COMMISSION         | 02/23/2021   | Refer   | ECONOMIC DEVELOPMENT COMMITTEE |            | 03/17/2021      |         |
|               | <b>Action Text:</b>     | This Ordinance was Refer to the ECONOMIC DEVELOPMENT COMMITTEE   |   |                                |            |                 |         |
|               | <b>Notes:</b>           |  |   |                                |            |                 |         |
| 1             | FINANCE COMMITTEE       | 03/08/2021   | Return to Lead with the Recommendation for Approval | PLAN COMMISSION                |            | 03/22/2021      | Pass    |
|               | <b>Action Text:</b>     | A motion was made by Carter, seconded by Bidar, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION. The motion passed by voice vote/other.  |   |                                |            |                 |         |
|               | <b>Notes:</b>           |  |   |                                |            |                 |         |
| 1             | PLAN COMMISSION         | 03/08/2021   | RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING   | PLAN COMMISSION                | 03/22/2021 | 03/22/2021      | Pass    |
|               | <b>Action Text:</b>     | A motion was made by Cantrell, seconded by Lemmer, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION and should be returned by 3/22/2021. The motion passed by voice vote/other.   |   |                                |            |                 |         |
|               | <b>Notes:</b>           | 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    |
|               | <b>Action Text:</b>     | A motion was made by Bernau, seconded by Braun-Oddo, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION. The motion passed by voice vote/other.   |   |                                |            |                 |         |
|               | <b>Notes:</b>           | 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    |

**Action Text:** A motion was made by Carter, seconded by Abbas, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

**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 |
|---|--------------------------------|------------|---|-----------------|------------|------------|------|

**Action Text:** A motion was made by Bulgrin, seconded by Staniszewski, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION and should be returned by 3/22/2021. The motion passed by voice vote.

|   |                 |            |   |  |  |  |      |
|---|-----------------|------------|---|--|--|--|------|
| 1 | PLAN COMMISSION | 03/22/2021 | RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING |  |  |  | Pass |
|---|-----------------|------------|---|--|--|--|------|

**Action Text:** A motion was made by Cantrell, seconded by Rummel, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by voice vote/other.

**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 |  |  |  |  |  |
|---|----------------|------------|--|--|--|--|--|

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### Text of Legislative File 64250

#### Fiscal Note

No City appropriation required.

#### Title

SUBSTITUTE - 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

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:

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