Legislation Details (With Text)

File #:	64250	**Version:** 2	**Name:**	Setbacks and Street Trees	
Type:	Ordinance		**Status:**	Passed	
File created:	2/15/2021		**In control:**	Attorney's Office	
On agenda:	3/30/2021		**Final action:**	3/30/2021	
Enactment date:	4/9/2021		**Enactment #:**	ORD-21-00028	

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.

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

Indexes:

Code sections:

Attachments: 1. File No. 64250 Body Version 1.pdf, 2. Public_Comments.pdf, 3. Zoning_Text_Memo_3-17-21.pdf, 4. Legistar 64250 - Economic Development Committee Public Comments - Combined.pdf, 5. 2021 Staff Presentation_Setbacks.pdf, 6. Public_Comments_03-22-21.pdf, 7. Public_Comments_03-22-21_Post 3pm.pdf, 8. 64250 Version 1.pdf, 9. 64250 v2.pdf, 10. 64250 Body Substitute.pdf, 11. 210330_Common Council Registrants Report Final.pdf

Date	Ver.	Action By	Action	Result
3/30/2021	1	COMMON COUNCIL	Adopt as Substituted and Close the Public Hearing	Pass
3/22/2021	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
3/17/2021	1	ECONOMIC DEVELOPMENT COMMITTEE (ended 3/2026)	Return to Lead with the Recommendation for Approval	Pass
3/16/2021	1	COMMON COUNCIL	Refer For Public Hearing	Pass
3/10/2021	1	URBAN DESIGN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/8/2021	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
3/8/2021	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/23/2021	1	PLAN COMMISSION	Refer	
2/23/2021	1	PLAN COMMISSION	Refer	
2/23/2021	1	PLAN COMMISSION	Refer	
2/23/2021	1	COMMON COUNCIL	Refer	Pass
2/15/2021	1	Attorney's Office	Referred for Introduction	

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.

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