



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 | 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 | |

No City appropriation required.

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.

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.

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

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