City of Madison - Zoning Code Rewrite

A Summary of the Rewrite Process

Why is this Project Needed?

While Madison's 2006 Comprehensive Plan is grounded in smart growth principles, its zoning code still reflects a standard land-use classification system that emphasizes separation of uses into single districts with marginally different characteristics and requirements. The addition of numerous special districts has added some flexibility to the code, but has also made its administration more complex. The text-based format of the existing zoning ordinance relies heavily on redundant lists of permitted and conditional uses and standards, and lacks navigational aids beyond an index. Coordination and cross-referencing to other land use related ordinances is largely absent. Most importantly, the ordinance as it now stands would not allow many of the City's most valued places to be rebuilt. Given the impetus of the new Comprehensive Plan, the ordinance rewrite is especially timely. To be effective, the rewrite effort needs to build upon the community interest generated by the plan, and clearly link the plan's policies to changes in the ordinance. The final product will be a hybrid zoning code that will be internally consistent, logical, graphically rich, and readily understandable for both print- and web-based users.

What is a "Hybrid Zoning Code"?

A hybrid code combines elements of form-based zoning and conventional zoning. Form-based zoning is focused, as its name implies, on urban form, including the relationships of buildings to each other, to streets and to open spaces, rather than on land uses (a primary focus of conventional zoning). Form-based codes are gaining support as a way to creatively combine diverse activities and building types within a walkable mixed-use environment.

In blending elements of form-based and conventional zoning codes, it is important to understand the strengths and weaknesses of each type of code, and where each can be successfully applied.

The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text. These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers. By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts.

Conventional zoning requirements may continue to apply across much of the city, but can be made far more user-friendly and context-sensitive by rethinking their format and content, including the use of diagrams and graphics to illustrate concepts such as building envelopes, setbacks, parking location and design, and the relationships of buildings, streets, sidewalks and landscape features.

Steps in the Process

The Rewrite process includes both the crafting of a new zoning ordinance (the "zoning text") and a new zoning map. The process can be divided into the following steps, over an approximately two-year period.

1. **Project Initiation and Orientation.** This phase (now complete) allows the consultants to become familiar with the City's previous plans and studies, including neighborhood and

corridor plans, and to establish a framework for community involvement (the Participation and Communication Plan).

2. **Issue Identification.** During this phase (February – May, 2008) consultants will work with staff and citizens to identify the main issues and problems associated with the current Zoning Code, through a variety of outreach methods, including interviews and community meetings.

3. **Zoning Code Analysis.** This task runs concurrently with the issue identification process and draws on the findings of that process. It includes a complete technical evaluation of the current code and related regulations: the land subdivision regulations, landmarks ordinance, urban design ordinance and street graphics ordinance. The analysis process will result in a report and presentations to staff, the Advisory Committee and the Plan Commission.

4. **Annotated Outline.** The internal organization and format of the new Code will be determined, based on research into relevant models and the information gathered during the previous phases. Consultants will prepare an outline that includes:
    - an overview of the organization of the Code
    - descriptions of all zoning districts
    - examples of how the Code can be used to implement the Comprehensive Plan and neighborhood plans at representative locations within the City
    - recommendations for revisions to related ordinances (subdivision, urban design, etc.)

5. **Code Drafting.** This task, not surprisingly, will continue for the longest time period in the project schedule (July 2008 through the beginning of 2009). It is an iterative process, working from the outline to more detailed code language and illustrations. The Advisory Committee will be asked to review and comment on drafts for specific sections, such as residential or commercial districts or administrative requirements. Drafts will be annotated to highlight the differences between existing and revised standards, explain the reasoning behind specific changes, and identify issues or questions that still need to be addressed.

    As part of this task, draft sections of the Code will be "test-mapped" by applying new district regulations or standards to selected locations within the City, including downtown, near-east and near-west infill and redevelopment locations, established neighborhoods of several densities and housing types, major retail/commercial districts outside the central area, and planned new neighborhood areas. Drafts will be adjusted as necessary based on the results of the test mapping process.

    Both new and revised sections will need to be packaged into a single coherent and readable document, with consistent format, table numbering and cross-references. The complete draft will go through public and board/commission review prior to adoption.

6. **Zoning Code Revisions, Adoption and Implementation.** The Zoning Code text will be adopted in advance of the zoning map, but will not be applied until the map is adopted. The Code will go through the public hearing process.

7. **Draft Zoning Map.** The Zoning Map will be updated with the use of the City's Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or planned land use patterns, consistent with the Comprehensive Plan.

8. **Zoning Map Revisions, Adoption and Implementation.** The review process will involve presentations to inter-agency staff and Plan Commission, which will hold a public hearing before making a recommendation to the Common Council.