



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments

Legistar File ID #: [39528](#), [39901](#), and [39903](#)

Prepared By: Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

[39528](#) – Amending Sec. 28.185(6) to exempt from the demolition approval process single-family dwellings destroyed by fire where the bulk and placement of the replacement building meets certain requirements.

The proposed ordinance restores part of a provision from the 1966 Zoning Code and will allow a property owner whose single-family residence is destroyed by fire or natural disaster to demolish their home without first having to obtain a demolition permit from the Plan Commission as long as the homeowner meets certain specific requirements relating to the size, location, and timing of the reconstruction of the replacement structure.

According to the proposed text amendment, the damaged structure will be required to be reconstructed to a similar bulk condition, at a similar location on the zoning lot, and utilizing existing setbacks. The length, width, or height of the replacement building may not be more than 2 feet greater than the length, width, or height of the building to be demolished, and the replacement structure is required to be placed in a similar location as the existing structure. If the damaged structure has a nonconforming setback, no side of the enlarged structure may be moved closer to any lot line with which there is a nonconforming setback. Demolition and building permits are required to be issued within one year of the incident.

Building permits issued by the Building Inspection Division will still be required. The proposed exemption in the Zoning Code will not exempt the owner of a local landmark site or property in a local historic district from any approvals required by Chapter 41 of Madison General Ordinances, the Historic Preservation Code.

At its special meeting on April 14, 2015, the Plan Commission discussed this potential text amendment, which was identified as Item 2.16 of the "Zoning Code Text - Issues for Further Study and Revision Memo". During that discussion, the Commission directed staff to draft this text amendment for formal consideration at an upcoming regular meeting. Staff recommends approval of the text amendment as presented.

[39901](#) – Amending Sec. 28.071(3)(h)2. to eliminate the requirement that rooftop screening of equipment be constructed at least one foot above the height of the equipment.

This ordinance eliminates the requirement that screening of rooftop equipment be constructed at least one foot above the height of the equipment. Staff believes the current requirement confers little benefit and often results in less efficient performance for building systems such as HVAC. The current requirement also may add mass to buildings when the opposite may be desired, such as in the case of buildings subject to the Capitol View Preservation Limit (MGO Sec. 28.134(3)).

Staff recommends approval of the text amendment as presented.

39903 – Amending Sec. 28.079(2) to amend the rear yard setback requirements in the DR2 District.

The DR2 (Downtown Residential 2) zoning district was intended to be the more intensive of the two primarily residential zoning districts created for the downtown with the new Zoning Code. DR2 zoning allows more density and development than the less intensive DR1 zoning district. However, the rear yard setback in DR2 currently requires the setback to be “20% of the lot depth, but no less than 20 feet,” while, the DR1 rear yard setback requirement is “the lesser of 20% lot depth or 20 feet.” As currently written, a lot zoned DR2 that is 200 feet deep would require a 40-foot rear yard setback, but the same lot in DR1 zoning would only require a 20-foot rear yard setback. Staff believes the DR2 rear yard setback requirement should have been written the same requirement as the DR1 requirement given that the DR2 district was intended to be the more intensive of the two. This amendment makes the rear yard setback requirements consistent across both DR districts and advances the purpose of the DR2 district by allowing more density and development.

Staff that the proposed text amendment fixes an oversight when the new Zoning Code was adopted in 2012 and recommends approval of the amendment as presented.