

Madison Arts Commission Draft Recommendations for Modification of the Draft Zoning Code

11/15/09

Subchapter	Section	Title	Page	Discussion
Subchapter 2A Introductory Provisions	28.002 (1)	Intent and Purpose	1	The current language provides a list of 16 broad purposes of the overall zoning code. The Madison Arts Commission notes the absence of a specific statement of intent with regard to arts, culture, and creative enterprise. The Commission therefore recommends subsection 28.002 (1) be expanded to include a 17th general purpose, as follows: “To encourage the creation, promotion, sale, and enjoyment of art.”
Subchapter 28K Supplemental Regulations	28.155 (1) (c)	Home Occupation	167	Current language requires “The occupation must be conducted within a dwelling and not in an accessory building, unless authorized by the plan commission as a conditional use.” The Madison Arts Commission understands this regulation to be intended to restrict against activities in accessory buildings that could disrupt general residential standards for noise, toxic exposure, and unsightly storage of commercial supplies. While sympathetic to the need to ensure reasonable protection against the disruption of the residential character of a neighborhood in these regards, the Madison Arts Commission does not believe the distinction between “commercial” and, for example, hobbyist activity is a good basis for that protection. Further, the Commission can foresee many arts uses that are commercial in nature (for example, maintaining a writing or painting studio) and are well suited for accessory buildings in residential areas. The Commission therefore recommends the code be amended to define permitted, conditional, and prohibited uses of accessory buildings based on specific functions and effects (for example, noise levels) rather than commercial versus non-commercial uses.

Subchapter 28K, Supplemental Regulations	28.155 (2) (a)	Live/Work unit	168	Current language requires “The work space component must be located on the first floor or basement of the building with an entrance facing the primary abutting public street.” The Madison Arts Commission considers this language overly restrictive, especially in terms of its potential to discourage reuse of historic and warehouse buildings for live/work spaces. Therefore, the Madison Arts Commission recommends removal of subsection 28.155 (2) (a).
Subchapter 28K, Supplemental Regulations	28.155 (2) (b) Page 168	Live/Work unit	168	Current language requires “The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.” The Madison Arts Commission considers this language overly restrictive, especially in terms of its potential to discourage reuse of historic and warehouse buildings for live/work spaces. Therefore, the Madison Arts Commission recommends removal of subsection 28.155 (2) (b).