

Issue Identification and Preliminary Findings

Introduction

The City of Madison is embarking on a process to update its Zoning Code. The Zoning Code Rewrite is a two-year process that began in December 2007 with the hiring of a consultant team. The last comprehensive zoning code rewrite occurred over forty years ago, in 1966. This rewrite process presents a rare opportunity, not only to implement the goals and policies of the Comprehensive Plan, but to create a regulatory environment that recognizes and values the City's best-loved places, its distinctive natural setting, and its unique character.

This Issue Identification report provides an initial diagnosis of the issues and problems associated with the current Zoning Code. It synthesizes information gathered from many sources:

- Review of the 2006 Comprehensive Plan and a representative selection of neighborhood, corridor and district plans;
- Initial review of the Zoning Code, Landmark Ordinance, Urban Design District standards, and Subdivision Ordinance;
- Extensive meetings with City planning and zoning staff, providing a broad overview of the current Code and related ordinances and of development review procedures;
- Plan Commission comments at an introductory briefing in February, 2008
- Initial meeting of the Inter-Agency Work Group (a staff advisory group);
- Initial meeting of the Zoning Code Rewrite Advisory Committee (a broadly representative appointed group);
- Input from the first round of community meetings: three meetings held May 19-21, 2008;
- Focus groups with developers and neighborhood representatives.

This report will be followed in late June by a more detailed Zoning Analysis report. That report will combine the "big picture" issues identified here with a more thorough technical review of the Zoning Code and related City ordinances.

What We Heard

Comments from Commission and Committee members and the public revealed several issues on which there is substantial agreement, and many others on which opinions differ widely. Each issue can be described as both a problem statement and as one or more potential solutions, or at least goals for the rewrite process.

Areas of Substantial Agreement

1. **The Zoning Code is overly complicated and extremely difficult to use.**

This response was essentially unanimous. The 1966 Code has been incrementally revised and added to for more than forty years without a coherent, unifying structure. As a result, it is extremely difficult to interpret or use, especially for casual or infrequent readers.

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| <p>2. The Zoning Code does not match the Comprehensive Plan or the neighborhood plans that apply to many parts of the City.</p> | <p>It is generally understood that the Zoning Code is not well-suited for the kind of mixed-use development, transit-oriented development or traditional neighborhood development that the Comprehensive Plan and many neighborhood plans promote. This mismatch contributes to the common use of Planned Unit Developments (PUDs) as an alternative to the Code.</p> |
| <p>3. The city form embodied in the Zoning Code does not match the reality of traditional development patterns in many of the older parts of the City.</p> | <p>Many neighborhoods, especially those on the Isthmus and “near” east and west sides, were platted and developed with smaller lot sizes and setbacks than those established by the 1966 Zoning Code. The result is that many lots and houses are considered nonconforming. Many routine home additions and expansions require variances. The area exception process developed for the R2 district is generally considered to be an effective means of addressing this problem in that particular district, although it does not address the underlying mismatch between zoning and land use.</p> |
| <p>4. The relationships between zoning and design review are unclear and frequently result in conflicting messages.</p> | <p>We heard many comments on the Urban Design review process, which is often perceived as subjective or inconsistent with zoning interpretations.</p> |
| <p>5. The development review process is lengthy and confusing.</p> | <p>The need to meet the differing standards of different review bodies exacerbates the sense of confusion and, in some case, frustration. Some stakeholders also recognized that the outcome of this process is frequently regarded as positive.</p> |
| <p>6. The Code should address sustainability at various scales.</p> | <p>Sustainability applies from the neighborhood or corridor level to the block or building level. Most comments on sustainability focused on re-use of historic buildings, preservation of traditional neighborhoods, prevention of sprawl and walkable development patterns.</p> |
| <p>7. The Code update process needs to embody citizens’ values and concerns, especially those that relate to development review.</p> | <p>Many comments pertained to Madison’s culture of civic engagement, and the need to respect it. The rewritten Zoning Code should retain many of the current opportunities for neighborhood review of development proposals.</p> |

Areas of Disagreement

1. Planned Unit Developments (PUDs) elicit mixed responses and strongly-held opinions.

The prevalence of PUDs is identified as an indication that the standard districts in the zoning code are not working. In other words, the districts in the current code do not deliver the kind of development that the community prefers or the market demands.

However, neighborhood representatives cite the PUD process as providing opportunities for a high and necessary level of public review of development proposals. Other comments characterize the PUD process as unpredictable, and the results as sometimes unsatisfactory. Both neighborhood reviewers and developers describe the review process as grueling even when the results are satisfactory. From an administrative perspective, PUDs present multiple challenges. Since each PUD is essentially its own special-purpose zoning district, it becomes difficult to maintain records on the roughly 500 PUD cases that now exist in Madison in order to track minor changes to them over time or respond to proposed revisions.

2. Group living situations are highly controversial, both in relation to family definitions and in regulations for community living arrangements.

Family definitions regulate the number of unrelated people who can share a dwelling. Community living arrangements are regulated in part by State statute and case law and in part by the Zoning Code. Issues include:

- The use of the R4A district to limit the number of unrelated people who may share rental units. Does this district encourage owner-occupied housing in certain neighborhoods? Can enforcement problems be addressed?
- Should co-ops and co-housing be allowed across a broader range of districts? They are currently allowed only in R5 and higher districts.
- Regulations for Community Living Arrangements (CLA) need to be reviewed.

3. Balancing stability and change in a community is always a challenge.

Every community must balance the need or desire for redevelopment and revitalization against the desire for neighborhood stability. This issue arose during the Comprehensive Plan update and the development of most neighborhood plans, and will undoubtedly be debated again during the Zoning Code rewrite. We see this issue arising in comments about the desire to preserve open space, neighborhood character, and historic urban fabric, contrasted with the desire to create higher-quality "edge" development and increase density in redevelopment areas.

4. Consistency between plans and zoning is lacking, but questions remain as to how to achieve it.

While it is generally understood that the Comprehensive Plan establishes a policy foundation for zoning and other regulations, questions have arisen about whether the Comprehensive Plan should also be changed to match future changes in the Zoning Code. A related issue is the desired level of detail in neighborhood plans, and how the recommendations in these plans can be implemented through zoning regulations. Some of the more recent neighborhood

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plans have highly detailed design standards that address issues such as building height, building form and setbacks, all of which could be addressed by introducing form standards into the Zoning Code.

Initial Findings

The following issues are based primarily upon our review of the Zoning Code and related ordinances and on discussions with those who use and administer these regulations. Most issues relate to specific zoning districts or categories of uses, but are not meant to encompass all districts or use types. These issues will be reviewed in greater detail in the forthcoming Zoning Code Analysis report.

R1 and R1-R Districts

Many of the neighborhoods built in the 1960s and 1970s were designed to the standards of this district, and relatively few changes are anticipated to be needed. Areas of adjustment may include the size and placement of accessory buildings and encroachments into required yards. The R1-R district was designed to apply specifically to the Highlands neighborhood. Little change is anticipated to these district regulations.

R2 District

R2 zoning is found in distinctly different older and newer neighborhoods. Many older R2 neighborhoods are nonconforming with regard to lot width and setbacks. While the area exception process has solved many problems, it may be appropriate to consider a new district for older R2 neighborhoods that is more consistent with existing lot dimensions.

R2S, T, Y and Z Districts

These districts were designed for traditional neighborhood-type development on the City's outskirts. All have smaller lot sizes, lot widths and setbacks, but differ in the range of housing types permitted and in the placement of parking. In general, these districts have worked well, but have been applied in a highly detailed lot-by-lot mosaic pattern. Consideration should be given to combining them as part of a single "Traditional Neighborhood Development" district that requires a variety of housing types, mixed use and open space.

R3 District

Like the R2 district, the R3 district encompasses both older traditional neighborhoods, where the units are often one above the other, and newer areas, many of which have been developed largely as side-by-side duplexes. Older neighborhoods have many "undersized" lots, while some newer neighborhoods have experienced problems with upkeep and continued viability of this housing type. An area exception process has been discussed for the R3 district. Dimensional standards should be reviewed for potential changes.

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R4 and R4A Districts

As the lowest-density multi-family district, the R4 district applies to both older and newer neighborhoods, but typically does not fit well with either type. Many outlying areas are not built to the maximum densities allowed. Many older R4 neighborhoods tend to feature an eclectic mix of housing types, including multi-family conversions of originally single-family houses. PUDs and variances are common in these close-in districts. The R4A district was designed to maintain neighborhood stability by reducing unrelated rental occupancies. This distinction will remain important. However, both districts will need more detailed analysis.

R5, R6 and R6H Districts

Both districts allow fairly high densities in substantial parts of downtown and campus-area neighborhoods, but neither district is used for any significant infill or redevelopment in these areas. Relatively close to downtown, most new development in areas zoned R5 and R6 has occurred as PUDs. The maximum floor-to-area ratio of 2.0 in the R6 district would result in roughly 5-story buildings, where the PUD process allows taller buildings (controlled by downtown design zones and Capitol height limits.) R5 is also used for multi-family development in outlying areas. Both districts need to be analyzed in terms of their future viability. Additional districts for higher density development may also be considered. The R6H District applies within the Mansion Hill Historic District. It has some interesting features (lot coverage and height calculation) that may apply elsewhere.

Remnant Districts: RS and R4L

The RS "Residential Shoppe" district is no longer mapped, while the R4L applies to only one lot within the City. Both should be removed.

Commercial Districts

Most commercial districts in Madison allow mixed use – that is, residential uses are allowed by right or as conditional uses, typically above ground floor. However, none of the commercial districts have the design standards that are typically associated with mixed-use districts (unless these are provided by Urban Design Districts or guidance from neighborhood plans). Another issue is how commercial districts are mapped. Neighborhood shopping streets such as Williamson or Monroe demonstrate patterns of commercial or mixed use blocks alternating with largely residential ones, yet are zoned C1 and C2 for much of their length. Should the zoning pattern better reflect the essentially mixed nature of these corridors?

Office, Business Park and Industrial Districts

Several districts are similar in uses and standards, and some could be considered for consolidation. The Research Park – Specialized Manufacturing (RPSM), Research and

	<p>Development Center (RDC) and Office districts are used for low-density suburban office park development, and could be combined. Another concern is that districts such as the M1, which allow both commercial and industrial development, have been extensively developed with commercial uses. This does not leave enough land for industrial expansion.</p>
Wetland District	<p>The fact that Madison's Wetland District is a mapped district leads to problems with delineation. If new wetland delineations are accurate, the zoning map needs to be changed. The wetland district should be converted to an overlay district that is applied based upon wetland delineation, as is typical in most communities.</p>
Waterfront Development	<p>The regulations for waterfront (lakefront) development tend to cause controversy over tear-downs and additions to existing dwellings. Controls over the size and height of new buildings on waterfront lots could be reviewed. Setbacks could be revised to address the specific qualities of waterfront lots, where lots have a "waterfront yard" and a "street yard" rather than typical front and rear yards.</p>
Missing Districts	<p>Several new districts or district types could be considered:</p> <ul style="list-style-type: none">• A Campus District that would encompass the "core" of the UW-Madison campus north of University Avenue and Campus Drive. The "edges" of the campus may need to be dealt with through other districts and review processes.• Several Mixed-Use Districts should be developed to address the Neighborhood, Community and Regional scales of mixed use defined in the Comprehensive Plan. Transit-oriented development principles may be integrated into one or more of these districts or defined as a separate district type.• A Parks District could be developed to identify the City's large public parks and preserves, many of which are currently zoned for other uses.
Conditional Uses	<p>There seems to be a significant number of uses that require conditional use approval. These should be reviewed and consideration given to making more district uses either permitted, permitted if some additional prescribed standards are met, or not allowed in that district.</p>