

Common Council Meeting  
ZONING CODE REWRITE, TEXT ADOPTION

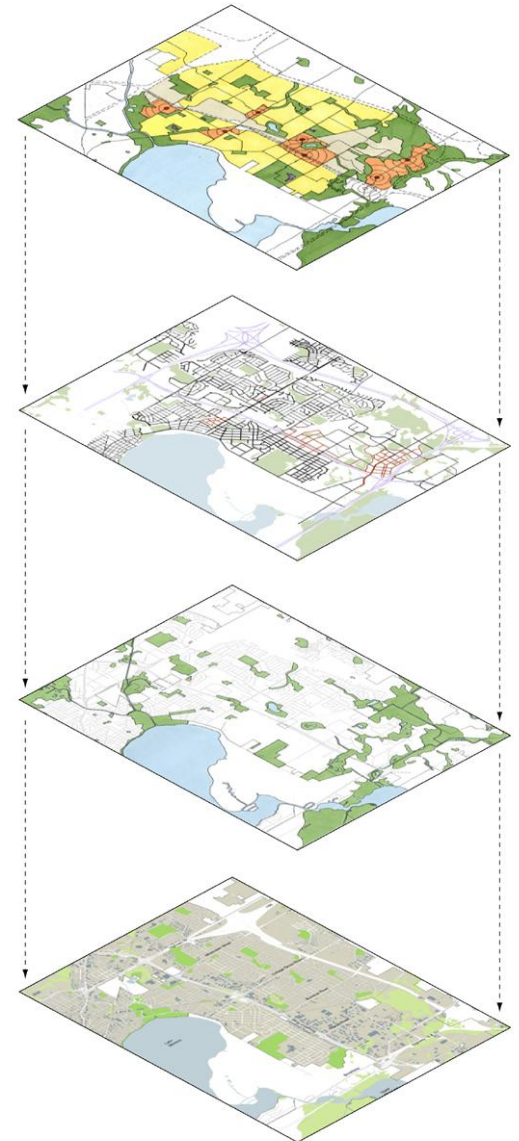
GENERAL PROJECT  
SUMMARY

City of Madison  
Department of Planning and Community and  
Economic Development

# Why rewrite the Zoning Code? *KEEPING UP WITH CHANGE*

## Keeping up with Change:

- Last Comprehensive Code Rewrite: 1966
- Multiple Code Amendments
- Downtown Design Zones Overlay
- Urban Design Districts
- **2006 Comprehensive Plan**
- Neighborhood and Area Plans



## Why rewrite the Zoning Code?: *UNIFYING PRINCIPLES*

- Zoning districts should be based on the City's inherent character and valued places
- Zoning should include an increased emphasis on urban form
- The Code should be simplified where possible, but must retain complexity where needed



# History of Zoning Codes in Madison

## Madison's Zoning Ordinance

No. 2047

Adopted November 20, 1922

AN ORDINANCE to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the percentage of lot occupancy, to regulate and determine the area of yards, courts and other open spaces surrounding buildings, and for said purposes to divide the city into districts, to provide a method of administration, and to prescribe the penalties for the violation of its provisions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON WISCONSIN:

### SECTION 1.—DEFINITIONS.

For the purpose of this ordinance, certain terms and words are herewith defined, as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory.

**Accessory Building:** A subordinate building or portion of main building, the use of which is incidental to that of the main building.

**Alley:** A public thoroughfare not over twenty (20) feet wide.

**Apartment House:** A building or portion thereof used or intended to be used as a residence by three or more families living in separate apartments.

**Area:** See "Building Area".

**Boarding House:** A building, other than a hotel, where lodging and meals, for five or more persons, are served for compensation.

**Building:** Any form of construction for the shelter, support or enclosure of persons, animals or chattels; and when separated by division walls from the ground up, and without opening, each portion of such building shall be

deemed a separate building except provided in Section 15 (g).

**Building Area:** The maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces, and corners projecting not more than thirty (3) inches.

**Court, Inner:** An open unoccupied space enclosed on all sides by wall or by walls and a lot line.

**Court, Outer:** An open unoccupied space on the same lot with a building opening upon a street, alley, yard setback.

**Court, Height of:** The vertical distance from the lowest level of surface to the highest point of a bounding wall.

**Court, Length of Outer:** The horizontal distance between the open and closed ends of the court.

**Curb Level:** The mean level of established curb in front of the building. Where no such curb has been established the city engineer shall establish such curb level for the purpose of these regulations.

**Dwelling, One-Family:** A detached building, having accommodations and occupied by only one family.

**Dwelling, Two Family:** A detached or semi-detached building having accommodations for and occupied as dwelling by no more than two families.

**Garage, Private:** A storage with capacity for not more than four steam or motor driven vehicles, storage only, for private use and more than one space in which shall be rented to persons not occupants of premises.

**Garage, Public:** Any building premises used for housing or more than four (4) steam or non-driven vehicles, or where any (5) vehicles are equipped for operation or kept for remuneration or sale.

### Section

- 16.01 City Plan Commission.
- 16.02 Zoning--Interpretation and Purposes.
- 16.03 Districts and Maps.
- 16.04 Definitions.
- 16.05 General Provisions.
- 16.06 Agricultural Districts.
- 16.07 Residential "A-1" Districts.
- 16.08 Residential "A-2" Districts.
- 16.09 Residential "B-1" Districts.
- 16.095 Residential "B-2" Districts.
- 16.10 Residential "C" Districts.
- 16.11 Residential "D" Districts.
- 16.12 Trailer Camp and Tourist Court Districts.
- 16.13 Commercial "A" Districts.
- 16.14 Commercial "B" Districts.
- 16.15 Commercial "C" Districts.
- 16.155 Industrial Park Districts.
- 16.16 Industrial "A" Districts.
- 16.17 Industrial "B" Districts.
- 16.18 Garages, Parking Lots and Filling Stations.
- 16.19 Exceptions and Modifications.
- 16.20 Enforcement.
- 16.21 Board of Appeals.
- 16.22 District Changes and Ordinance Amendments.
- 16.23 Land Division Regulations.
- 16.24 (RESERVED FOR FUTURE USE.)
- 16.25 Setback Lines Established.
- 16.26 Airport Approach Protection.

## CHAPTER 16

### ZONING AND CITY PLANNING

1954

### Five History of Chapter 28, Madison Zoning

28, the new zoning ordinance, was created at the adoption of Ordinance No. 1955 by the council on January 13, 1966. However, the ordinance did not become effective until 1967, when Ordinance No. 2062 and 2063 were adopted in the City's official newspaper. Ordinance No. 2062, adopted on June 23, 1966, repealed Chapter 28, the zoning ordinance then in effect. Ordinance No. 2063, adopted on June 23, 1966, incorporated Chapter 28 and district maps as a part of Chapter 28 and amended Chapter 28. Since July 8, 1966, several amendments to the zoning ordinance, including both text amendments, have been adopted. The amendments include only the text amendments adopted to Chapter 28, 1966, and these amendments are included in this chapter:

- Ordinance No. 2060 adopted June 23, 1966.
  - Ordinance No. 2061 adopted June 23, 1966.
  - Ordinance No. 2072 adopted July 14, 1966.
  - Ordinance No. 2092 adopted August 11, 1966.
  - Ordinance No. 2093 adopted August 11, 1966.
- Additional references in this chapter.

*“Zoning: The division of lands by legislative regulations, into areas or zones, which specify allowable land uses and size restrictions.”*

A Planner’s Dictionary

*Two primary types currently used in Madison:*

- Traditional “Euclidean”

- 1926 Village of Euclid, Ohio vs Ambler, Supreme court landmark case upholding local zoning

- Form-Based Zoning

- Limited examples of use in current code



*Euclidean Zoning: Segregation of land uses into specified geographic districts*

- Residential (R1/R2/R3/R4/R5/R6/OR)
- Commercial (C1-C4)
- Manufacturing (RPSM/RDC/SM/M1/M2)
- Office (O1-O4)
- PUD, Ag/Conservancy/Wetland (A-C-W)

*Euclidean Zoning: Each district has specific permission for land uses*

- Permitted Uses – Allowed by right/No Board or Commission Review
- Conditional Uses – Require Plan Commission Approval
- Land Uses not listed = not permitted
- Other Approvals Depending on Type of Project

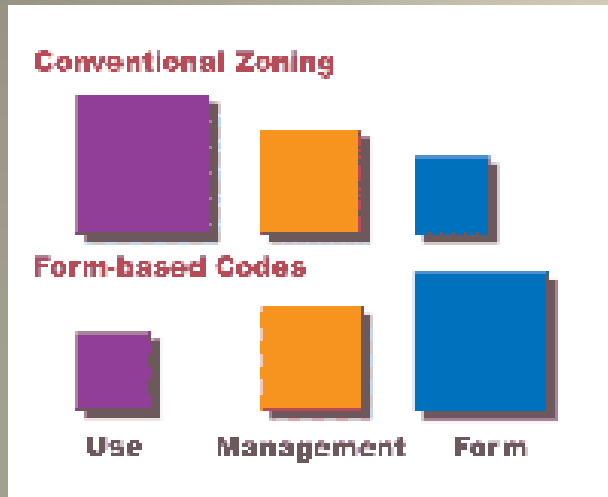


# Zoning: Dimensional standards stipulating the magnitude of development activity allowed on lots within each Zoning District

- Required yards/setbacks
- Lot coverage (landscape space vs paved space)
- Lot area
- Density
- Building Height or Floor to lot-area ratio

## FORM-BASED CODE?

For the purposes of the Zoning Ordinance, a 'form-based code' means: 'a code based primarily on 'form' – urban form, including the relationship of buildings to each other, to streets and to open spaces – rather than based primarily on land use'.



source: Farmers Branch, TX

### Example in the draft code

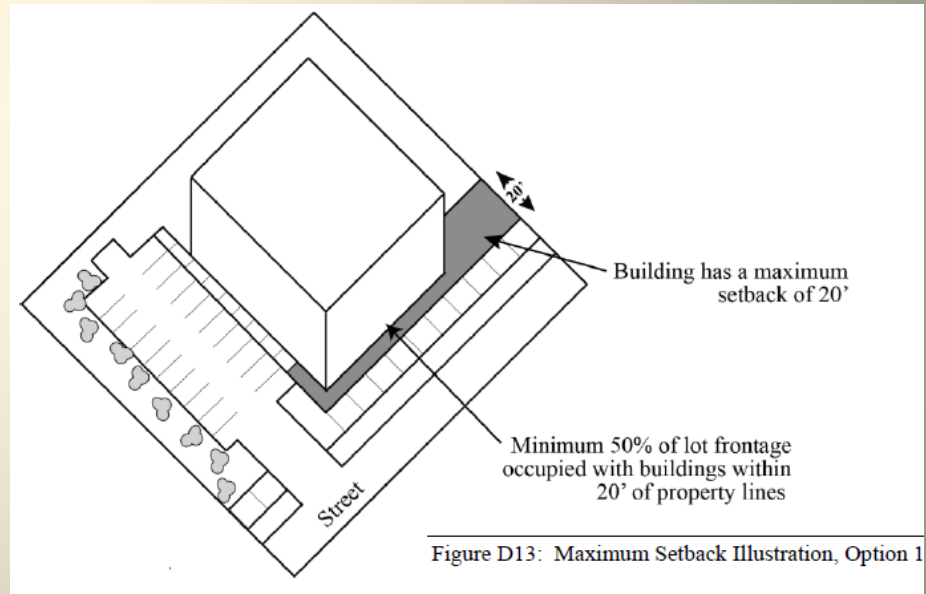


Figure D13: Maximum Setback Illustration, Option 1

"A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of 'place'."

Definition from the City of Farmers Branch, TX

## FORM-BASED CODE?

# Differences from Conventional Zoning

- Rules for building form as important as land use regulation
- Emphasis on mixed-use and mixed housing types
- Greater attention to streetscape and design of public realm; and the role of individual buildings in shaping the public realm
- Standards for building form and mass consciously based on context and/or desired changes

Source: Paul Crawford, FAICP, Crawford Multari & Clark

# Project Objectives

1. Ensure that the new Zoning Code implements the recommendations of the City's adopted **Comprehensive Plan** (January 2006) and its detailed neighborhood and special area plans.
2. The City desires a Zoning Code that is **integrated with and cross-references other land use related ordinances** including the Land Subdivision Regulations, Landmarks Ordinance, the Urban Design Ordinance and Street Graphics Ordinance.
3. The City desires a Zoning Code that includes **graphics that illustrate regulations** and make the Code easy to use.
4. The City desires a **hybrid Zoning Code** that incorporates land use-based (Euclidean) and form-based zoning provisions, where appropriate. The provisions shall address the design and land use recommendations of the City's various codes, ordinances and plans. The Code shall include urban design standards (text and graphics) as deemed necessary by the City.
5. The City desires a Zoning Code that includes **mixed-use zoning districts** and attendant regulations for both built-up areas of the City as well as lands at the urban edge.
6. The City desires a Zoning Code that includes a **traditional neighborhood development** zoning district.
7. The City desires a Zoning Code that includes provisions that will help the City achieve **high-quality infill and redevelopment** projects that are consistent with the context of existing development in the area.
8. The City desires a Zoning Code that includes provisions that **link land use and transportation**, with an emphasis on promoting transit-oriented development and traditional neighborhood development.
9. The City desires a Zoning Code that **promotes and supports transit use, biking, and pedestrians**.
10. The City desires a Zoning Code that provides for and promotes a **sustainable built and natural environment** through the use of the City's adopted sustainable development framework and strategic planning process (the Natural Step).

# PROJECT OBJECTIVE #1

## *...Comprehensive Plan...*

Statement of purpose of Individual districts:

*Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.*

District regulations designed to achieve desired high-quality urban form and site design

## PROJECT OBJECTIVE #2

*...integrated with and cross-references other land use related ordinances...*

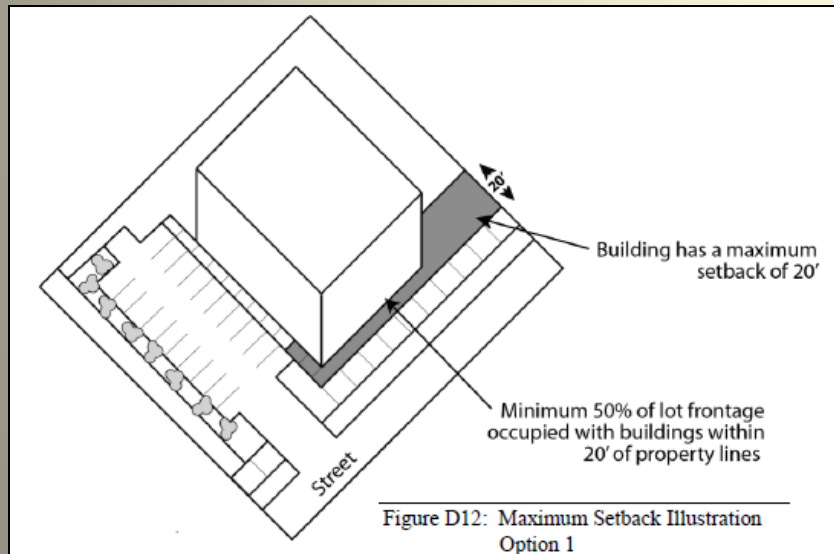
The ordinance is designed to cross reference and provide clear linkages to other ordinances that relate to land development, including, but not limited to:

- Landmarks ordinances
- Urban Design ordinances
- Large-format retail development regulations
- Subdivision ordinance

# PROJECT OBJECTIVE #3

*...graphics that illustrate regulations...*

Graphics, tables, photographs and other visual aids have been included for ease of use and clarity to the end user.

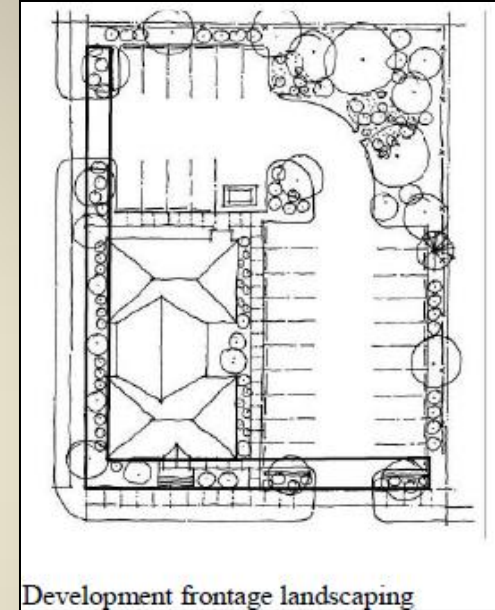
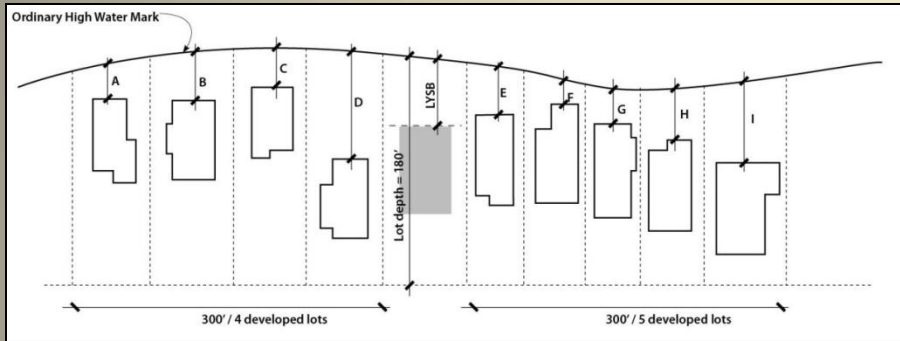


Mixed-Use and Commercial Districts						
	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
<b>Offices</b>						
Artist, photographer studio, etc.	P	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	P	
General office	P	P	P	P	P	
<b>Medical Facilities</b>						
Clinic - Health	P	P	P	P	P	
Hospital			C	C	C	Y
Medical laboratory			P	C	C	
Physical, occupational or massage therapy	P	P	P	P	P	
Veterinary clinic	P	P	P	P	P	Y
<b>Retail Sales and Services</b>						
Animal boarding facility, kennel				C	C	Y
Animal day care	C	C	C	C	P	Y
Animal grooming	P	P	P	P	P	
Auction rooms		P	P	P	P	
Bank, financial institution	P	P	P	P	P	



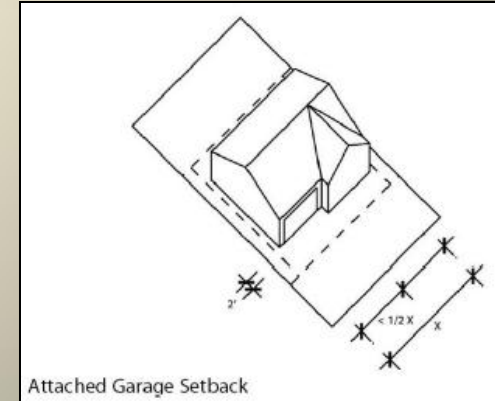
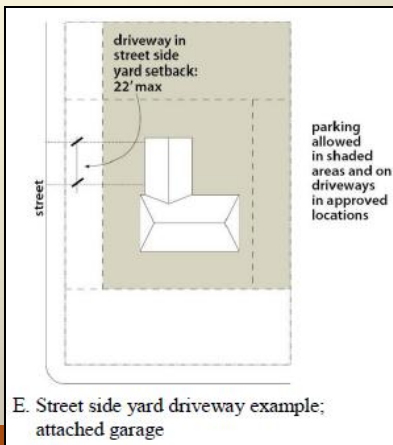
# PROJECT OBJECTIVE #3

*...graphics that illustrate regulations...*



**Table 28M-2. Notice Requirements.**

Type of Notice (Responsible Party)	Requirements	Map Amendment	Text Amendment	Conditional Use	Variance	Demolition
Preapplication (Applicant)	Applicant must notify the following persons at least thirty (30) days before filing an application. Notice shall be by U.S. mail or electronic mail, with a copy to the Department Director and the Zoning Administrator.					
	<ul style="list-style-type: none"> <li>neighborhood association registered with City that serves the area where the property is located</li> </ul>	✓	✓	✓		✓
	<ul style="list-style-type: none"> <li>business association listed with City that serves the area where the property is located</li> </ul>	✓	✓	✓		✓
	<ul style="list-style-type: none"> <li>any person registered with the Department of Department of Planning and Community and Economic Development to receive such notice</li> </ul>					✓
	<ul style="list-style-type: none"> <li>the alderperson of the district in which the property is located.</li> </ul>	✓	✓	✓		✓



# PROJECT OBJECTIVE #4

## ...*hybrid Zoning Code*...

The ordinance merges land-use based and form based principles

- Design requirements have been incorporated into commercial and mixed-use districts
- Building forms have been created, to establish base forms for various building types
- Building material list

Compatibility with Traditional Buildings. (See Figure D4.) New development shall relate to the design of traditional buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.



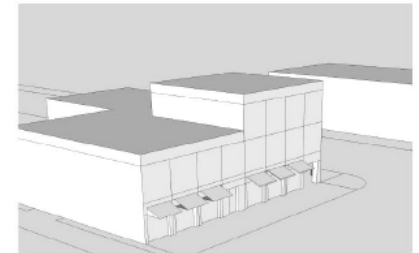
Figure D4 Compatibility with Traditional Buildings

Building Alignment. (See Figure D5.) Buildings shall be aligned with facades parallel with the street to create a well-defined street edge.



### 28.173 MIXED USE AND NON-RESIDENTIAL BUILDING FORMS.

- (1) Commercial Block Building.
  - (a) Building Type. A multi-story building that is designed to support a mix of commercial or office uses on the ground floor with office, studio, lodging and/or residential units above. Buildings are typically designed with storefronts or arcades at ground floor.
  - (b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. Buildings shall be designed with storefronts, stoops or patios along at least forty percent (40%) of the front ground floor façade along the primary abutting street. Parking, loading and trash disposal may be accessed from an alley or through a side yard or rear yard



Typical Commercial Block Building

# Building Materials List

Building Materials	Allowable for use as/at:				Standards (see footnotes)
	Trim/Accent Material	Top of Building	Middle of Building	Base/ Bottom of Building	
Brick (Face/Veneer)	✓	✓	✓	✓	
Smooth-Face/ Split-Face Block	✓	✓	✓	✓	A
Wood/ Wood Composite	✓	✓	✓		
Fiber-Cement Siding/ Panels	✓	✓	✓	✓	
Concrete Panels, Tilt-up or Precast	✓	✓	✓	✓	B
EIFS/ Synthetic Stucco	✓	✓			C
Stone/ Stone Veneer	✓	✓	✓	✓	
Metal Panels	✓	✓	✓	✓	D
Hand-Laid Stucco	✓	✓			C
Vinyl Siding	✓				E
Glass Curtain Wall System	✓	✓	✓	✓	
Reflective Glass/ Spandrel	✓				F
Glass (Storefront)	✓	✓	✓	✓	

A – Shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.

B – Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.

C – Shall not be within three feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.

D – Shall be used in conjunction with a palette of materials; shall be a heavy gauge metal, and; shall be non-reflective.

E – Shall be used in limited quantities due to its limited durability.

F – Shall be used in limited quantities as an accent material.

## PROJECT OBJECTIVE #5

### *...mixed-use zoning districts...*

Mixed-use districts introduced

Most zoning districts allow for mixed-use buildings

Mixed-use development is generally encouraged where mixed-use buildings are allowed.

## PROJECT OBJECTIVE #6

*...traditional neighborhood development...*

Traditional Residential-Planned (TR-P) district accommodates traditional neighborhood development, by encouraging a mix of residential and institutional uses. When combined with neighborhood mixed-use district and traditional workplace district, TND neighborhoods can become a reality.



# PROJECT OBJECTIVE #7

*...high-quality infill and redevelopment...*

Design requirements and building forms establish base-line regulations to ensure quality development.

**Facade Articulation.** Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the facade. This can be achieved through combinations of the following techniques, and others that may meet the intent of this section.

1. Facade modulation (See Figure B1) - stepping back or extending forward a portion of the facade.
2. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).
3. Division into storefronts, with separate display windows and entrances.
4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval (See Figure B2).



Figure D2 Facade Articulation



Figure D3 Variation in Roof Lines

**Building Articulation.** (See Figure D6.) Buildings shall have horizontal and vertical articulation, which may include dormers, cornice detailing, recesses and projections, stepbacks of upper stories, changes in roof types and planes, building materials, and window patterns. The base of the building shall relate to the human scale, including doors and windows, texture, projections, awnings, canopies, and similar features.

Figure D5 Building Alignment



Figure D6 Building Articulation

## PROJECT OBJECTIVE #8

*...link land use and transportation...*

Transit-oriented development overlay district available when stations are identified, to encourage appropriate density and mixes of land uses, in relation to future *Station Area Plans*.

Master planning, including transportation-related planning required for campus institutional district and other larger integrated commercial or employment campuses.



## PROJECT OBJECTIVE #9

*...promotes and supports transit use,  
biking, and pedestrians.*

Master planning, including transportation-related planning requirement for campus institutional district and other larger integrated commercial or employment campuses.

The ordinance responds to contemporary needs and demands in regard to bicycle parking, bicycle rack design, and bicycle storage.

Pedestrian orientation and street walls encourage to activate streetscape and encourage street-level activity, where appropriate

## PROJECT OBJECTIVE #10

*...sustainable built and natural environment...*

- *Promote sustainability principles where possible*
- *Remove barriers to sustainability, where possible*

## Other Sustainability Concepts

### Sustainability Aspects of the 2009 Draft Zoning Code

#### Open Space, Impervious Surfaces and Landscaping

Lot coverage requirement establishes a maximum percentage of impervious surfaces on a lot; the remainder must be green space.

Pervious pavement and green roofs are encouraged because they are not included in maximum lot coverage.

Usable open space requirements revised so paved areas are not included (except walkways/pervious)

Landscaping requirements are increased, are now based on total “developed area” rather than parking area. Greater variety of landscape options.

#### Residential Districts – Compact Development and Diverse Housing Types

Smaller lot sizes in many districts enable more compact infill development (*lot sizes in some districts may be reduced further, based on mapping considerations*)

Narrower front yard setbacks encourage interaction.

Open porches may extend into front yard setbacks.

Amount of required parking is reduced.

Required parking need not be constructed.

Many districts allow or require a mix of housing types.

Accessory dwelling units may be developed through an overlay district process.



PROJECT OBJECTIVE #10  
...sustainable built and  
natural environment...

## Other Sustainability Concepts

### Mixed Use, Walkability and Community Health

New Neighborhood Mixed-Use District and Traditional Shopping Street District geared to neighborhood nodes and corridors, small-floorplate uses.

All Mixed-Use and Commercial districts allow residential uses.

Building form and design standards for Mixed-Use and Commercial districts bring buildings close to the sidewalk and reduce the visibility of surface parking to create a more lively pedestrian environment.

Traditional Workplace District encourages adaptive reuse of industrial buildings for a mix of uses.

New employment districts (Traditional Workplace and Employment Campus) encourage greater densities than existing suburban business parks.

### Transit-Oriented Development

New transit-oriented development overlay district will apply around transit stations, based on a station area plan, with minimum levels of density, intensity and mixed use.

### Parking

The amount of required parking is reduced for almost all uses.

Maximum parking standards are added for each use

Most commercial, mixed-use and employment districts do not require off-street parking, except for large uses and buildings or concentrations of eating places.

Bicycle parking is “detached” from number of automobile spaces required

New standards for short vs. long-term bike parking, parking area design

Increased landscaping for off-street parking, including bio-retention

Shared parking standards are updated to encourage shared parking

### Renewable Energy

Wind and solar equipment allowed in required setbacks (state legislation).

### Sustainability Aspects of the 2009 Draft Zoning Code

#### Shoreland

New lakefront development standards limit lot coverage and regulate setbacks.

#### Local Food Production

Community gardens a permitted use in all districts.

Market gardens (for-profit) a conditional use in most districts.

Urban Agriculture District allows more intensive food production, including greenhouses.

Farmers markets a permitted use in all Mixed-use, Commercial and Employment and Agricultural districts. To be added as accessory use to institutional uses in Residential districts.

Bee-keeping and aquaculture allowed in Agriculture, Urban Agriculture and Employment districts.

- Traditional/Suburban Residential
- Traditional Residential-Planned
- Neighborhood Mixed Use
- Traditional Shopping Street
- Traditional Employment
- Commercial/Mixed Use
- Campus-Institutional
- Urban Agriculture
- Special Overlay Districts

## **Additional Highlights of the New Code: *A NEW APPROACH TO PARKING***

- The amount of required parking is reduced for almost all uses
- Maximum parking standards are added for each use
- Most commercial, mixed-use and employment districts do not require off-street parking, except for large uses and buildings or concentrations of eating places.
- Bicycle parking is “detached” from number of automobile spaces required
- New standards for short vs. long-term bike parking, bike parking area design, rack design
- Increased landscaping for off-street parking and development sites
- Shared parking standards are included to encourage shared parking, where possible



- **Building Location, relation to street and parking**
- **Building placement lines by district (maximum, build-to, or range)**
- **Lot Area & lot width per dwelling type**
- **Setbacks, setback averaging, transitional buffering**
- **Maximum Lot Coverage**
- **Open Space (residential only)**
- **Dispersion of dwelling types**

- **Building placement, relation to street and parking (minimize impact of automobile on site and building design)**
- **Entrance orientation**
- **Facade articulation**
- **Design of street facing facade**
- **Door and window openings at street**
- **Building materials List**
- **Equipment, outdoor storage and service area screening**
- **New building form standards**

## **Additional Highlights of the Code: *COMPACT DEVELOPMENT/DIVERSE HOUSING***

- **Traditional Residential Districts**
- **Traditional Residential Planned District**
- **Smaller lot sizes in many districts enable more compact infill development**
- **Narrower front yard setbacks encourage interaction**
- **Open porches may extend into front yard setbacks**
- **Amount of required parking is reduced**
- **Required parking need not be constructed**
- **Many districts allow or require a mix of housing types**
- **Accessory dwelling units may be developed through an overlay district process**
- **Provisions for Cooperative housing**

