



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266 4747
FAX 608 267 8739
PH 608 266 4635

TO: Madison Plan Commission

FROM: Bradley J. Murphy, Planning Unit Director

DATE: December 29, 2005

SUBJECT: Zoning Text Amendments

On the Plan Commission agenda for the meeting of January 9, 2006, there are four zoning text amendments.

The agenda also lists the two ordinances I.D. 02320 and 02363 related to Inclusionary Zoning for public hearing.

The third ordinance, I.D. 02367, amends the Zoning Code to allow the Common Council to approve off-street loading facilities that do not conform to the requirements of Section 28.11(4). This ordinance will allow the Plan Commission and Common Council additional flexibility in requiring off-street loading facilities for development projects based on the circumstances and specific project design being proposed. Currently, the Zoning Code requires a specified number of off-street loading facilities of a specified size. The code provides no mechanism to modify these requirements or to grant exceptions on a case-by-case basis. This ordinance amendment will provide the Common Council with the ability to grant exceptions to the requirements in the code when justified. The Common Council will continue to receive recommendations from the reviewing agencies on the appropriateness of the off-street loading facilities being proposed as part of a development project.

The fourth ordinance, I.D. 02488, amends the Zoning Code to allow the Zoning Board of Appeals to consider and grant variances for the reduction of required usable open space. The Zoning Code contains 19 listed ordinance requirements which can be varied with the approval of the Zoning Board of Appeals. Because usable open space is not one of the listed potential variances, there is no ability to approve a development project which does not meet the usable open space requirements. This is one of the provisions within the code which has led developers within the Isthmus and the downtown to choose to use the Planned Unit Development process as a mechanism to gain approval of a project which does not comply with usable open space requirements. Staff believes that the addition of usable open space to the list of requirements which can be varied is in keeping with the purpose and intent of the code and the variance process. This process allows the Zoning Board of Appeals, after a public hearing, to grant variances to certain regulations of the ordinance which are in harmony with the general purpose and intent of the code and only in specific instances where the Board makes a finding of fact based upon the standards that indicate that there are practical difficulties or unnecessary hardships which do not allow the strict letter of the regulations to be met.

The Planning Unit recommends that Ordinance, I.D. 02367 and 02488 be forwarded to the Common Council for approval.