

ATTACHMENT – ZONING CODE EXCERPTS REGARDING APPROVAL STANDARDS

ZONING MAP & TEXT AMENDMENTS STANDARDS

(5) Decision.

(a) Recommendation by the City Plan Commission.

1. The Plan Commission shall hold a public hearing on each application for an amendment. The procedures for conducting the hearing and recording the proceedings are prescribed in the “Basic Policy and Procedures Manual” adopted by the Plan Commission.
2. After the public hearing, the City Plan Commission shall submit its recommendation to the Common Council prior to the Council’s public hearing.
3. The Plan Commission may recommend conditions that are consistent with the intent of this ordinance and will protect the public interest including consideration of overdue taxes and/or fees; the applicant’s history of compliance with relevant ordinances and approvals, including but not limited to building and minimum housing code, and zoning code; and alcohol license provisions and approvals.
4. The Plan Commission may recommend the following modifications:
 - a. The adoption of a map amendment changing the zoning classification of the property in question to any classification that is more restrictive than that proposed by the applicant. For this purpose, the Conservancy District is the most restrictive classification and the Industrial - General (IG) district is the least restrictive classification.
 - b. That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area.
5. All map amendments that obstruct flow, or increase regional flood height .01 foot or more require flooding easements or other appropriate legal arrangement from all adversely affected property owners.

(b) Action by Common Council. The Common Council shall not act upon a text amendment or map amendment until it has received a recommendation from the City Plan Commission as provided above.

(6) Standards for Map Amendments or Text Amendments. Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

CONDITIONAL USE APPROVAL STANDARDS

(6) Approval Standards.

- (a) The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
 2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
 3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.
6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
7. The conditional use conforms to all applicable regulations of the district in which it is located.
8. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:
 - a. Bear in mind the City general intent to accommodate community living arrangements.
 - b. Exercise care to avoid an over-concentration of community living arrangements, which could create an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility will increase the population of the community, the total capacity of all community living arrangements in the community, the impact on the community of other community living arrangements, the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.
9. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.
10. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.
11. When applying the above standards to telecommunication facilities, the Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.143.
12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with

adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

13. When applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development.
14. When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
 - a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
 - b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
 - c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.
 - d. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.
15. When applying the above standards to an application to redevelop a site that was occupied on January 1, 2013 by a building taller than the maximum building height allowed by Section 28.071(2)(a) Downtown Height Map, as provided by Section 28.071(2)(a)1., no application for excess height shall be granted by the Plan Commission unless it finds that all the following additional conditions are also present:
 - a. The new building is entirely located on the same parcel as the building being replaced.
 - b. The new building is not taller in stories or in feet than the building being replaced.
 - c. The new building is not larger in total volume than the building being replaced.
 - d. The new building is consistent with the design standards in Section 28.071(3) and meets all of the dimensional standards of the zoning district other than height.
 - e. The Urban Design Commission shall review the proposed development and make a recommendation to the Plan Commission.
16. When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process.

DEMOLITION AND REMOVAL APPROVAL STANDARDS

(7) Approval Standards.

Applications for demolition or removal permits shall not be approved, except as provided in (6) above, unless the following standards are met:

(a) Applications With a Proposed Future Use.

1. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code.
 - a. If the Zoning Administrator finds that the proposed use of the property is not in compliance with the provisions of the Zoning Code, the applicant for a demolition or removal permit may apply for a map or text amendment pursuant to Sec. 28.182 or for a conditional use permit pursuant to Sec. 28.183 for the proposed use. All of the provisions of Secs. 28.182 and 28.183 shall apply to said applications, except that the time limit for commencement of the conditional use, pursuant to Sec. 28.183(9), shall be eighteen (18) months instead of twelve (12) months.
 - b. If after the procedures provided in Paragraph 1.a. are followed, the proposed use of the property would be in compliance with the provisions of the Zoning Code, the Zoning Administrator shall grant zoning approval for the proposed use, pursuant to Sec. 28.202(3).
2. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be compatible with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts, including but not limited to:
 - a. The effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties.
 - b. The reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building; and
 - c. The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.
3. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Sec. 33.01(5)(c), MGO.
4. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.
5. If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator.