

## An Updated Zoning Code for a More Sustainable City

On January, 17, 2006, the City of Madison Common Council adopted the City of Madison Comprehensive Plan as required by Wisconsin's Smart Growth law. The Comprehensive Plan provides an urban development strategy and policies to guide the future growth and development of the community over the next two decades. The focus of the Comprehensive Plan is primarily to establish relatively broad, long-term goals, objectives, policies and implementation recommendations that will provide the framework for ongoing community planning activities, and for the wide array of other adopted City planning documents whose detailed recommendations will expand upon and supplement the more general recommendations in the Comprehensive Plan. In many cases, the City's current zoning code does not address the goals, objectives and policies of the Comprehensive Plan. The new zoning code will help the City better achieve the goals, objectives, policies and recommendations of the Comprehensive Plan.

### ***Sustainability***

***“Meeting today’s needs without compromising the ability of future generations to meet their own needs.”***

(From *Our Common Future*, 1987, widely known as The Brundtland Report of The World Commission on Environment and Development.)

The new zoning code will also reflect the City's commitment to using The Natural Step sustainability framework. To facilitate working together toward sustainability, and following the recommendations of the “Building a Green Capital City: A Blueprint for Madison's Sustainable Design and Energy Future” plan, the Common Council officially adopted a

framework called The Natural Step (TNS) to guide its decision making, operations and management in accordance with a resolution of the in December of 2005. This framework provides a model and a common language that facilitates working cooperatively toward the goal of sustainability. It is grounded in "systems thinking", which recognizes that what happens in one part of a system affects every other part of that system (in this case, the City is the system and its zoning regulations are just one part of the system; but what happens with zoning and development can affect areas that are not regulated by the zoning code).

The Natural Step's framework and strategic planning process is based on the following sustainability principles:

- a) Reducing dependence upon fossil fuels, extracted underground metals and materials;
- b) Reducing dependence on chemicals and other manufactured substances that can accumulate in nature;
- c) Reducing dependence on activities that harm life's ecosystems; and
- d) Reducing dependence on activities that interfere with people's abilities to meet their basic needs.

These sustainability principles increasingly are being used across City operations and management and they have informed and guided the City staff, consultants and Zoning Code Rewrite Advisory Committee members as they have worked to create a new zoning code.

Zoning codes are one of the primary and most frequently used tools for communicating a community's development expectations. The zoning code plays a critical role in determining the desired form, character and functioning of a community in concert with the goals and expectations set forth in the community's adopted plans and related ordinances.

A Planner's Dictionary defines Zoning as "*The division of lands by legislative regulations, into areas or zones, which specify allowable land uses and size restrictions.*" Furthering this definition, a zoning code establishes rules and procedures for the use of land (residential, commercial, etc.) and the scale, mass and form of buildings (height, placement on lot, densities, parking standards, etc.) within the City. Zoning plays a limited role in the development of the City, working with other regulations. Therefore zoning cannot offer regulation outside its scope. For example, zoning may provide a regulatory framework relative to the intensity of development on a lot (lot coverage) but regulations in Madison General Ordinance 37 specifically regulate the precise storm water runoff requirements for development. Similarly, the requirement for the amount of windows or day-lighting for a building may be established by zoning, but the requirements relative to minimum energy efficiency may not be regulated by zoning, but rather by the building code.

Madison's previous zoning code dated from 1966 and no longer reflected the best zoning and planning practices. Further, it was no longer effective in implementing the land use and design recommendations in Madison's current adopted plans. This led to excessive use of planned unit development zoning and excessive requirements for conditional uses. Large areas of Madison's older neighborhoods were nonconforming, which led to frequent variance requests and amendments to the zoning code over the years. This created a level of unpredictability that has eroded the code's effectiveness as a guide to consistent development that meets the goals and expectations of the community. The new zoning code will provide a basis for implementing the community's goals as expressed through the Comprehensive Plan and City's adoption of The Natural Step framework for a more sustainable city in the future.

### **Why is an Updated Zoning Code Important to Achieve the City's Sustainability Goals?**

Given its age, the City's previous zoning code did not anticipate or directly respond to the unique challenges we face as a community in the 21<sup>st</sup> Century, including global climate change, threats to water quality and quantity, and the burgeoning costs of sprawl development to the City, its residents and businesses. These challenges and others are prompting the City to confront how to ensure the future quality of life and the long-term ecological, social and economic sustainability of our community. They are requiring us to rethink our past and current plans, policies and practices with respect to land use and development, energy, water and other resource use, waste, transportation, food systems, and general community wellness.

As the City takes steps to meet these challenges and thrive into the future, it must have a zoning code that reflects and effectively implements the current recommendations of the City's adopted plans and related ordinances.

One of the City's priorities in developing a new zoning code was to create a code that would provide a regulatory framework for development from a sustainability perspective that would achieve the following:

- 1) Create consistency with the City's stated sustainability goals and framework contained in its various plans and ordinances related to zoning;
- 2) Remove zoning-related barriers to achieving the City's stated sustainability goals;
- 3) Integrate sustainability across City zoning to achieve energy and water conservation savings and other efficiencies that could lead to financial savings for the City and public;
- 4) Provide for and promote a sustainable built and natural environment that protects, maintains and in some cases even restores the essential and irreplaceable ecological services provided to the City by our natural resources such as air, land and water; and
- 5) To address the public's desire to have the City respond to our sustainability issues and challenges.

These goals were made part of the hiring process for the consultants who are helping the City draft its new code. See Request for Qualifications and Proposal links on page 4, *Resources* list.

### **Sustainability Aspects of the 2009 Draft Zoning Code**

In viewing the zoning code through the lens of sustainability, City staff, the consultants and Zoning Code Rewrite Advisory Committee members identified areas of the code where barriers to sustainable development and the City's overall sustainability goals existed and should be removed. They also updated existing aspects and integrated aspects or elements that were not addressed by the previous code but that will function to accelerate the City's sustainability as it relates to zoning and development, and sought public input on this issue through a series of focus groups with residents.

The new zoning code includes a number of provisions that will help the City achieve its sustainability goals. For example, the new Code includes several mixed-use districts that promote walk ability and transit service, both of which reduce reliance on the automobile. The new Code reduces the amount of required parking for almost all uses, and requires landscaping for off-street parking. Bio-retention and other microclimate-related conditions have also been proposed. In addition, the Code includes several provisions related to local food production including a new Urban Agriculture district that allows more intensive food production, expanded use of market gardens and community gardens permitted by right in all districts. Finally, the Code increases landscaping requirements and encourages permeable pavement and green roofs.

## Resources

- The City of Madison’s Zoning Code Rewrite website provides, in addition to the drafts of the zoning text, a list of sustainability issues identified during the process, as well as the agendas and minutes for all meetings of the Zoning Code Rewrite Advisory Committee. <http://www.cityofmadison.com/neighborhoods/zoningrewrite/index.cfm>
- Zoning Code Rewrite [Request for Qualifications](#) and [Request for Proposals](#).
- Chart showing [Sustainability Aspects of the 2009 Draft Zoning Code](#)
- Project Input from Public on Zoning Code Sustainability Ideas <http://www.cityofmadison.com/neighborhoods/zoningrewrite/documents/sustainability.pdf>
- For additional information on the City’s Sustainable Design and Energy Committee’s *Building A Green Capital City: A Blueprint for Madison's Sustainable Design and Energy Future* report and other resources, go to: [http://webapp.cityofmadison.com/sustainable\\_design/index.cfm](http://webapp.cityofmadison.com/sustainable_design/index.cfm)
- For additional information on how the City is using the Natural Step as a guiding sustainability framework for the City’s operations, management and policy implementation, go to: <http://www.cityofmadison.com/mayor/tns/index.cfm>
- The Rocky Mountain Land Use Institute is developing a Sustainable Community Development Code. While this is a “unified development code” and contains recommendations on issues that are beyond the scope of zoning, it illustrates a strong commitment to sustainability and has served as an example in the Madison Zoning Code Rewrite process. <http://www.law.du.edu/index.php/rmlui/sustainable-community-development-code>