



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendment

**Legistar File ID #:** [86650](#) (Housing Package) and [86649](#) (Demolition)

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## Overview

Together, Legistar ID 86650 and Legistar ID 86649 introduce several changes to the Madison General Ordinances (MGO), primarily to the Zoning Code in Chapter 28, intended to support housing creation. In general, these changes aim to provide more flexibility for homeowners seeking to build or modify single-family homes and ADUs, facilitate small residential infill projects where already allowed, and streamline the city's review process for non-historic buildings that are proposed to be demolished. More specifically, these amendments:

- Allow more options for the placement of attached garages in residential zoning districts
- Allow open porches on the side of homes to be located within a portion of the side yard setback, similar to allowances for open porches on the front and rear of homes
- Revise the side yard setback to require the same minimum for both one- and two-story buildings
- Increase the allowable size for Accessory Dwelling Units (ADUs) and remove the maximum number of bedrooms
- Allow more flexibility for how units are arranged within two- and three-unit buildings
- Remove requirements for Usable Open Space, while maintaining existing stormwater, maximum impervious surface (lot coverage), and landscaping requirements
- Continue the Landmark Commission's review of all demolition requests for historic value but allow demolitions that the Landmarks Commission determines are not historic to move forward administratively without an additional review by the Plan Commission (Legistar ID 86649)

## *Ease Attached Garage Design Requirements*

Legistar 86650 replaces MGO Sec. 28.031(3), which currently requires that an attached garage door facing the street must be recessed at least 2 feet behind the street-facing wall in residential zoning districts. This requirement was added to the code to prevent streets from being dominated in appearance by garage doors. However, the current requirement is an obstacle to building modular homes, using a greater variety of single-family home builders, and developing homes using widely available and standardized "off-the-shelf" plans. The requirement also restricts the amount and/or placement of habitable space that can be built under the main roof of new homes, which can increase costs and decrease the efficiency of a home's layout.

Prior to 2013, many homes were built in Madison with an attached garage forward (though not completely forward) of the remainder of the house. The aesthetic of these homes is not contrary to the goal to have neighborhoods where garages are not the predominant feature along the street. Changing the limit to no more than 4' forward of at least 50% of the width of the remainder of that building façade is intended to

allow more flexibility while maintaining desired neighborhood aesthetics. The code will also continue to limit garage door width to no more than 50% of the street-facing wall and to require facade modulation where any house's width exceeds 50 feet.

### ***Allow Open Porches in Side Yard Setbacks***

Legistar ID 86650 amends Table 281-1 in MGO 28.132 to allow open porches to be located within a side yard setback, as long as the porch is at least 3 feet from the property line. Open porches have roofs but are not enclosed or conditioned spaces. This change provides more flexibility for owners wishing to add an open porch and is in response to requests from homeowners to make this improvement to their homes. Currently, open porches can occupy a portion of front and rear yard setbacks. The proposed amendment will allow similar flexibility for open porches within a side setback.

### ***Establish Consistent Side Yard Setbacks for One- and Two-Story Buildings***

Legistar ID 86650 amends a number of *Dimensional Requirements, Permitted and Conditional Uses* district tables to require the same minimum side yard setback for one- and two-story buildings. In most cases, the required setback is either 5 ft or 6 ft for a one-story building and 6 ft or 7 ft for two-story buildings. While only modestly different, over time these differing setbacks have caused confusion for applicants and in some cases precluded property owners from modifying/expanding existing homes and residential buildings. These amendments simplify side yard setbacks by applying what is currently the required one-story setback for each district to one- and two-story buildings alike. This amendment also makes a technical correction to the *Dimensional Standards* table for the Regional Mixed-Use (RMX) District (MGO 28.069) to fill in a missing side yard setback requirement that applies to street side yards, consistent with other similar districts.

### ***Increase Maximum ADU Size & Remove ADU Bedroom Limit***

Legistar ID 86650 amends standards in MGO 28.151 regarding Accessory Dwelling Units (ADUs) to further reduce challenges in building ADUs. The proposed amendment increases limits on ADU size and removes the limit that ADUs contain no more than two bedrooms. The proposed amendment will allow for an ADU in a building with another home or homes to have up to 1,000 square feet of living space. The proposal will also increase the maximum size for a detached accessory building containing an ADU to a footprint of 1,000 square feet, consistent with requirements for other types of accessory buildings in residential and mixed-use districts. Having the same standard for all accessory buildings simplifies and expands design options for code-compliant ADUs. While the City has revised its rules to make ADUs more permissible, these limits continue to create some challenges for how internal living space within an ADU can be designed, as well as in the most efficient and cost-effective ways to incorporate ADUs within detached buildings. Regulating by maximum footprint will allow ADUs to have finished basements, lofts, and other building efficiencies within the living space and will provide more options for filling the allowable box with a mixed of ADU living space, storage, and/or garage.

### ***Expand Design Options for Two- and Three-Family Dwellings***

Legistar 86650 allows additional options for two- and three-unit building design in districts where these housing types are already allowed. Today, the zoning code limits two- and three-unit buildings to either have side-by-side units or stacked units. This change will also allow units to be arranged in additional configurations including back-to-back and with some units located on two floors. The current design restrictions are obstacles to missing middle development, particularly on infill lots or when adding a unit to an existing building.

### ***Remove Usable Open Space Requirements***

Legistar ID 86650 removes Usable Open Space (UOS) requirements, while maintaining requirements for setbacks, landscaping, and maximum impervious lot coverage. In most districts, the standards for UOS require ground level outdoor space in backyards for use by a building's occupants, ranging from 100 square feet of required area per dwelling unit to as much as 1,300 square feet per dwelling unit. Within the Downtown Residential 1 (DR1), Downtown Residential 2 (DR2), Urban Mixed-Use (UMX) and Urban-Office-Residential (UOR) districts, UOS may also be located in porches, balconies, roof decks, green roofs, or other above-ground outdoor amenities. UOS is not currently required for developments within the Downtown Core (DC) and Regional Mixed-Use (RMX) zoning districts, nor for developments within the Transit Oriented Development (TOD) Overlay District.

This amendment proposes eliminating the UOS requirement because it overlaps with and is in some ways duplicative of other zoning code requirements that limit impervious lot coverage and require minimum setbacks between buildings property lines; and because it limits the ability to create housing types and densities that are otherwise permitted in the zoning code. For example, this requirement has been an obstacle to:

- Siting a single-family home on a vacant corner lot due to the inability to fit the home and the required UOS on the lot while still meeting yard setbacks.
- Constructing two duplexes with rear loading garages.
- Adding an eighth unit by internal remodeling to a seven unit building downtown.
- Converting an upper story office space in a mixed-use building into an apartment.
- Rezoning a property to a zoning district more compatible with city plans because the district didn't allow structured UOS and a project would be infeasible with so much of the lot devoted to surface green space.
- Building the number of dwelling units that would otherwise be allowed based on a district's base requirements for lot area/dwelling unit.
- Prevented the creation of a third dwelling unit within an existing two-story mixed-use building because the rear of the lot was developed with a small parking area.
- Preventing a commercial building from converting to a residential building, due to the lack of on-site qualifying UOS

Additionally, despite fairly prescriptive requirements for where and how UOS is located on a lot, a number of developments have successfully met the requirement with outdoor spaces that are unlikely to be enjoyed as the ordinance intends. Removing this requirement will be particularly beneficial for small, missing middle

scale residential developments. UOS limits developable land by typically requiring ground level private parkland. It also increases housing development costs by requiring amenities like balconies that wouldn't otherwise be provided or desired in the market. We have already seen the benefits of removing UOS to projects that have been approved in the TOD Overlay since its enactment two years ago, in January 2023.

### ***Allow Administrative Approval of Non-Historic Demolitions***

Legistar ID 86649 changes how demolition applications are reviewed by City staff and the Plan Commission. Approaches to amend the demolition ordinance have previously been discussed with the Plan Commission at their special meetings.

Currently, all applications for demolition are reviewed and decided on by the Plan Commission. This change proposes that only demolitions of buildings determined by the Landmarks Commission to have historic value will require Plan Commission review. Demolitions that are not historic can be processed administratively. Additionally, this proposal updates the standards that the Plan Commission uses to review the demolition applications that are referred to it, removing administrative checklist items and clarifying approval standards. Other processes related to demolition will be unchanged, including street tree protection/pruning/removal, approval of reuse/recycling plans, and building moving processes.

Currently, all principal buildings proposed for demolition are first reviewed by the Landmarks Commission for historic value and significance. This does not change as part of the proposed code amendment. Similar to the current process, the Landmarks Commission would assign one of the following to the demolition application:

- Category A: has architectural significance, cultural significance, or historic significance; is work/product of an architect of note; contributes to a National Register Historic District; and/or is intact or rare example of an architectural style or construction method.
- Category B: has value related to the vernacular context of Madison's built environment, cultural practices, or as work/product of an architect of note, but it's not itself historically, architecturally or culturally significant.
- Category C: no known historic value.

These descriptions of Categories A, B, and C will be codified in the City's Landmarks Commission Ordinance, MGO 41.28. These categories are similar to the findings the Landmarks Commission currently makes using a similar methodology.

Unlike the current process, the proposed ordinance would allow non-historic (Category C) demolitions will now be processed administratively by staff within the Building Inspection division and other City departments for compliance with applicable ordinances. Category A and B applications, which are those found to have historic value, will still require Plan Commission review and approval under the new standards in MGO 28.185(6)(c), followed by administrative approvals. The determination of historic value does not consider the proposed project for the site, only the historic value of existing resources on the property. Staff believes the new standards will help Plan Commissioners better work through whether a historic building should be demolished and will simplify the process for demolition for non-historic buildings.