

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

November 27, 2013
Plan Commission; Public
Hearings: PC 12/3/12; CC
1/8/13

Amending Chapter 28 of the Madison General Ordinances to correct various errors in the recently adopted Zoning Code.

LEGISTAR # 28424

Drafted by: Maureen O'Brien

Date: December 1, 2012

SPONSOR: Aids. King, Rummel & Schmidt

DRAFTER'S ANALYSIS: This amendment corrects various errors that staff have found since the adoption of the new zoning code.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (1) entitled "Residential Districts" of Section 28.021 entitled "Establishment of Zoning Districts" of the Madison General Ordinances is amended to read as follows:

"(1) Residential Districts.*

- (a) SR-C1 Suburban Residential - Consistent District 1
- (b) SR-C2 Suburban Residential - Consistent District 2
- (c) SR-C3 Suburban Residential - Consistent District 3
- (d) SR-V1 Suburban Residential - Varied District 1
- (e) SR-V2 Suburban Residential - Varied District 2
- (f) TR-C1 Traditional Residential - Consistent District 1
- (g) TR-C2 Traditional Residential - Consistent District 2
- (h) TR-C3 Traditional Residential - Consistent District 3
- (i) TR-C4 Traditional Residential - Consistent District 4
- (j) TR-V1 Traditional Residential - Varied District 1
- (k) TR-V2 Traditional Residential - Varied District 2
- (l) TR-U1 Traditional Residential - Urban District 1
- (m) TR-U2 Traditional Residential - Urban District 2
- (n) TR-R Traditional Residential - Rustic District
- (o) TR-P Traditional Residential - Planned District

* When other Chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included."

2. Subsection (6) of Section 28.031 entitled "General Provisions for Residential Districts" of the Madison General Ordinances is created to read as follows:

"(6) When other chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included."

3. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending therein the following:

Approved as to form:

| "Residential Districts" | | | | | | | | | | | | | | | | |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|------|--------------------------|
| | SR-C1 | SR-C2 | SR-C3 | SR-V1 | SR-V2 | TR-C1 | TR-C2 | TR-C3 | TR-C4 | TR-V1 | TR-V2 | TR-U1 | TR-U2 | TR-R | TR-P | Supplemental Regulations |
| Agriculture | | | | | | | | | | | | | | | | |
| Keeping of honeybees | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Y |

| "Accessory Uses and Structures" | | | | | | | | | | | | | | | | |
|---------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Keeping of honeybees | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Y |

4. The Table of Subdivision (2) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.037 entitled "SR-C3 District" of the Madison General Ordinances is amended by amending therein the following:

| "SR-C3 District" | | | | |
|--------------------|------------------------|---------------------|---------------------|----------------|
| | Single-family detached | Two-family Two unit | Two-family - Twin | Nonresidential |
| Lot Area (sq. ft.) | 6,000 | 8,000 | 8,000 44 | 6,000" |

5. Table 28D-2 of Section 28.061 entitled "Mixed-Use and Commercial Districts Uses" of the Madison General Ordinances is amended by amending and creating therein the following:

| "Mixed-Use and Commercial Districts" | | | | | | | | |
|--------------------------------------|-----|-----|-----|-----|------|----|--------------------------|--|
| | LMX | NMX | TSS | MXC | CC-T | CC | Supplemental Regulations | |
| Agriculture Uses | | | | | | | | |
| Keeping of honeybees | P | P | P | P | P | P | Y | |
| Accessory Uses and Structures | | | | | | | | |
| Keeping of honeybees | P | P | P | P | P | P | Y | |

6. The Table of Subsection (3) entitled "Dimensional Requirements" of Section 28.065 entitled "Traditional Shopping Street (TSS) District is amended by amending and creating therein the following:

| "Traditional Shopping Street District" | |
|--|--|
| Rear yard setback | The lesser of 20% of lot depth, but no less than or 20 feet |
| Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district | The required rear yard setback shall be the same as the required side yard setback." |

7. The Table of Subsection (3) entitled “Dimensional Requirements” of Section 28.067 entitled “Commercial Corridor-Transitional District” of the Madison General Ordinances is amended by amending therein the following:

| “Commercial Corridor - Transitional District | |
|---|---|
| Rear yard setback | <u>The lesser of 20% of lot depth, but no less than or 20 feet</u> |
| <u>Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district</u> | <u>The required rear yard setback shall be the same as the required side yard setback.”</u> |

8. The Table of Subsection (3) entitled “Dimensional Requirements” of Section 28.068 entitled “Commercial Center District” of the Madison General Ordinances is amended by amending therein the following:

| “Commercial Center District | |
|---|---|
| Rear yard setback | <u>The lesser of 20% of lot depth, but no less than or 20 feet</u> |
| <u>Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district</u> | <u>The required rear yard setback shall be the same as the required side yard setback.”</u> |

9. The Table 28E-2 of Subsection (1) of Section 28.072 entitled “Downtown District Uses” of the Madison General Ordinances is amended by amending therein the following:

| “Downtown and Urban Districts | | | | | | |
|--|-----------|------------|------------|------------|------------|---------------------------------|
| | DC | UOR | UMX | DR1 | DR2 | Supplemental Regulations |
| Accessory Uses and Structures | | | | | | |
| <u>Accessory use: General Retail, Service business, Restaurant, Coffee Shop, Tea House, Office, professional and general</u> | | C | | | C | Y |
| <u>Service business</u> | | C | | | C | Y |
| <u>Restaurant</u> | | C | | | C | Y |
| <u>Coffee Shop, Tea House</u> | | C | | | C | Y |
| <u>Office, professional and general</u> | | C | | | C | Y |

10. The Table 28F-1 of Subsection (1) of Section 28.082 entitled “Employment District Uses” of the Madison General Ordinances is amended by amending therein the following:

| “Employment Districts |
|------------------------------|
|------------------------------|

| | TE | SE | SEC | EC | IL | IG | Supplemental Regulations |
|---|----|----|-----|----|----|----|--------------------------|
| Residential - Group Living | | | | | | | |
| <u>Assisted living facility, congregate care facility, skilled nursing facility</u> | C | C | | | | | Y |
| Community living arrangement (> 8 residents) | C | C | | | | | Y" |

11. Subdivision (c) entitled "Additional Height" of Subsection (3) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.084 entitled "Traditional Employment District" of the Madison General Ordinances is created to read as follows:

"(c) Additional Height. Building heights exceeding the maximum may be allowed with conditional use approval."

12. Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by creating therein the following:

"Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, professional and general. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area."

13. The Table of Section 28.206 entitled "Fees" of the Madison General Ordinances is amended by amending therein the following:

| Type of Action | Fee |
|---|--|
| Conditional use application for telecommunication facilities and antennas under Sec. 28.143 | \$1,750 <u>in addition to the Conditional Use Application Fee"</u> |

14. The introductory paragraph of Subsection (2) entitled "Sidewall Offset" of Section 28.031 entitled "General Provisions for Residential Districts" of the Madison General Ordinances is amended to read as follows:

"A maximum of forty (40) feet of a principal building's side wall may be placed at the minimum sidewall setback. In order to avoid the monotonous appearance of long unbroken building facades from streets or abutting properties, any portion of a building side wall located within eighteen (18) feet of the side lot line that exceeds forty (40) feet in depth shall be set back an additional two (2) inches from the side lot line for every foot over forty (40) feet in depth. This requirement applies to all new construction with the following exceptions:"

15. The Table of Subsection (2) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.037 entitled "SR-C3 District" of the Madison General Ordinances is amended by amending therein the following:

| “SR-C3 District | | | | |
|------------------------|--|--|--|--|
| Rear Yard Setback | The lesser of 30% lot depth but at least or 35 See (b) below | The lesser of 30% lot depth but at least or 35 See (b) below | The lesser of 30% lot depth but at least or 35 See (b) below | Equal to building height but at least 35 See (b) below” |

16. The Table of Subsection (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.088 entitled “Industrial - Limited District” of the Madison General Ordinances is amended by amending herein the following:

| “Industrial - Limited District | |
|---------------------------------------|--|
| Side yard setback | Greater of 15 feet or 20% building height” |

17. Paragraph 6. of Subdivision (c) entitled “Placement” of Subsection (2) entitled “In Residential Districts” of Section 28.131 entitled “Accessory Buildings and Structures” of the Madison General Ordinances is created to read as follows:

“6. A minimum of three (3) feet from any principal building and any other accessory building.”

18. The Figures I2 and I3 of Subsection (2) entitled "In Residential Districts" of Section 28.131 entitled "Accessory Buildings and Structures" of the Madison General Ordinances are repealed and recreated to read as follows:

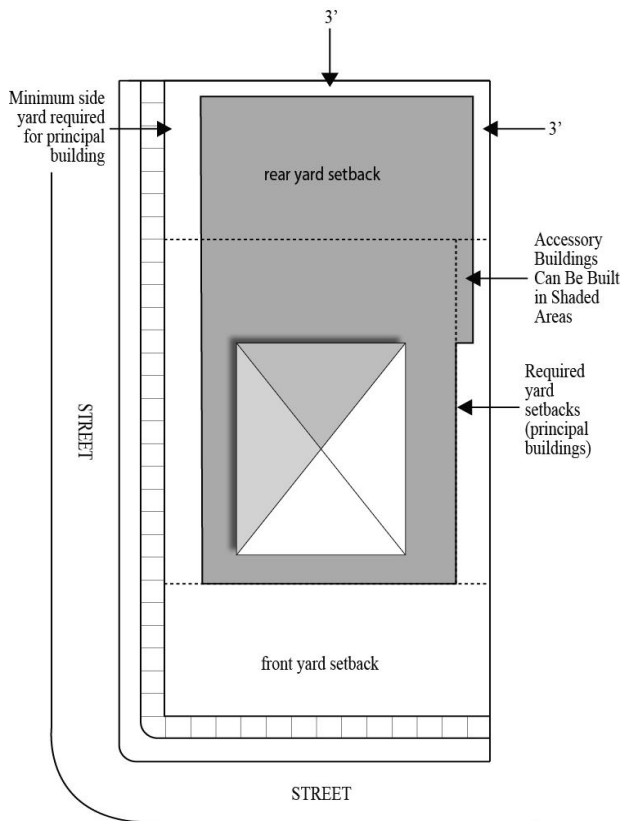


Figure I2: Accessory Building Placement for Corner Lots. Accessory buildings may be located in shaded areas.

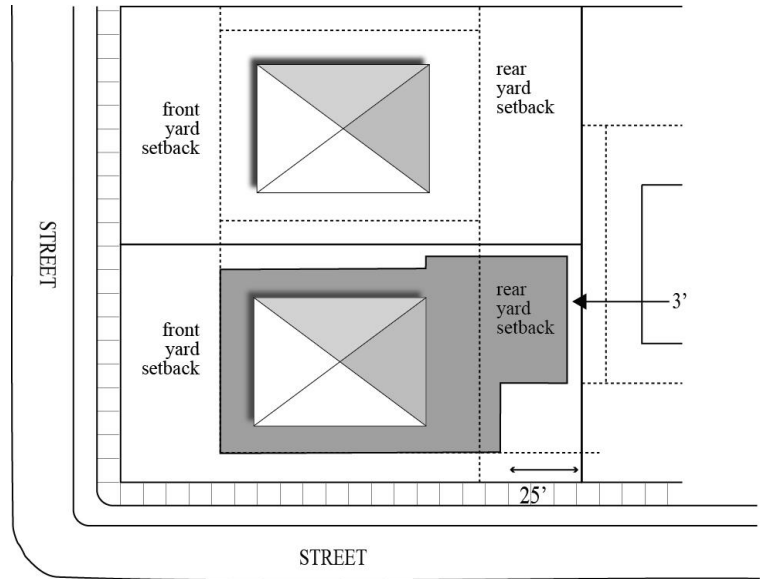


Figure I3: Accessory Building Placement for Reverse Corner Lots. Accessory buildings may be located in shaded areas.

19. Subdivision (c) of Subsection (1) entitled "Height Measurements" of Section 28.134 entitled "Height and Bulk Regulations" of the Madison General Ordinances is amended to read as follows:

"(c) For new buildings, alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning Administrator."

20. Table 28I-3 of Subdivision (g) entitled "Unlisted Uses" of Subsection (4) entitled "Off-Street Parking Requirements, Applicability" of Section 28.141 entitled "Parking and Loading Standards" of the Madison General Ordinances is amended by amending herein the following:

| "Use | Automobile Minimum | Automobile | Bicycle Minimum |
|--|--|--|--|
| Retail Sales and Services | | | |
| Building material and home improvement retail center sales | 1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display | 1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display | 1 per 4,000 sq. ft. interior floor area" |

21. Subdivision (e) of Subsection (11) entitled "Bicycle Parking Design and Location" of Section 28.141 entitled "Parking and Loading Standards" is amended to read as follows:

"(e) Bicycle parking spaces shall be a minimum of two and one-half (2 ½) by six (6) feet in size, unless a rack is not the modular standard, in which case, space shall be two (2) feet by six (6) feet. There shall be an access aisle a minimum of five (5) feet in width. Each required bicycle parking space must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures."

22. Subdivision (d) of the Subsection entitled "Live/Work Unit" of Section 28.151 entitled "Applicability" of the Madison General Ordinances is hereby repealed.

23. Current Subdivisions (e) through (g) of the Subsection entitled "Live/Work Unit" of Section 28.151 entitled "Applicability" of the Madison General Ordinances are renumbered to Subsections (d) through (f), respectively.

24. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by amending herein the following:

"Building Material Sales. An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard or home improvement center."