

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 22, 2008 9:23 AM
To: 'Mike Slavney'
Subject: RE: [Council] Cottage courts for Fitchburg? [81]

Ok, thanks Mike.

Rick

-----Original Message-----

From: Mike Slavney [mailto:MSlavney@vandewalle.com]
Sent: Tuesday, July 22, 2008 9:17 AM
To: Roll, Rick
Subject: RE: [Council] Cottage courts for Fitchburg? [81]

Your choice

-----Original Message-----

From: Roll, Rick [mailto:RRoll@cityofmadison.com]
Sent: Tuesday, July 22, 2008 9:11 AM
To: Mike Slavney
Subject: RE: [Council] Cottage courts for Fitchburg? [81]

Thanks Mike,

Do you want this forwarded to ZCRAC, et al?

Rick

-----Original Message-----

From: Mike Slavney [mailto:MSlavney@vandewalle.com]
Sent: Tuesday, July 22, 2008 9:02 AM
To: Roll, Rick
Subject: FW: [Council] Cottage courts for Fitchburg? [81]

Hi Rick

Please see the attached link

-----Original Message-----

From: Hans Noeldner [mailto:hans_noeldner@charter.net]
Sent: Friday, July 18, 2008 9:57 AM
To: Darlene Groenier; Eric Poole; Jerry Bollig; Jon Lourigan; Phil Harms; Randy Way; Steve Staton
Cc: Mike Slavney; Mike Gracz
Subject: FW: [Council] Cottage courts for Fitchburg? [81]

Dear V Oregon Trustees:

I'm forwarding this email from Steve Arnold, Alder in the City of Fitchburg. I encourage you to peruse the Wall Street Journal article via the link below.

Hans Noeldner

Roll, Rick

From: Ledell Zellers [lzellers@mailbag.com]
Sent: Thursday, August 21, 2008 9:41 PM
To: Roll, Rick
Subject: Teardowns

Rick,

This may be of interest to members of the Zoning Rewrite Committee:
<http://www.preservationnation.org/issues/teardowns/>

Ledell

Ledell Zellers
510 N Carroll Street, Madison, WI., 53703

Roll, Rick

From: Roll, Rick
Sent: Thursday, September 11, 2008 5:24 PM
Subject: FW: Zoning Code Rewrite Contact Form

Hi,

I'm sending this to you for your information.

Rick

From: pfalk@prucomrealty.com [mailto:pfalk@prucomrealty.com]
Sent: Thursday, September 11, 2008 10:14 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Peter Falk

Business :

Address : 1326 Vilas Ave.

City : Madison

State : WI

ZIP : 53715

Email : pfalk@prucomrealty.com

Message :

Although already discussed, I just wanted to comment that I like the idea of trying to work with the zoning code so older areas would not need as many variances. I live in the Greenbush Neighborhood and know some neighbors have had a very hard time building garages. Due to the smaller lot sizes, I would like to see reduced set backs for these areas to allow home owner's to maximize their options.

Along the lines of garages, I also am in the support of allowing garage apartments which it sounds like was also previously discussed.

I heard that the current thoughts are with garage apartments that no lot mostly centered around these older neighborhoods that aren't zoned for multi-family could only do a garage apartment, so an existing 2-flat could not do a new garage apartment.

Sincerely,

Peter Falk

Roll, Rick

From: Roll, Rick
Sent: Wednesday, August 13, 2008 1:10 PM
Subject: FW: Granny flat info for committee members

Hi,

I'm forwarding this message to you for your information.

Rick

From: John Michael Linck [mailto:john@woodentoy.com]
Sent: Wednesday, August 13, 2008 12:21 PM
To: Roll, Rick
Subject: Granny flat info for committee members

Rick,

I thought the info on this site <<http://www.woodentoy.com/ADU/Adu.html>> would be helpful for your committee members to learn about ADUs or Granny flats. And, if you know of any other resources I could include on the site please pass them on to me. Thanks

And thanks for keeping us up to date.

john

--

John Michael Linck
2550 Van Hise Avenue
Madison Wisconsin 53705
telephone 608-231-2808
john@woodentoy.com
<<http://www.woodentoy.com>>

Roll, Rick

From: Roll, Rick
Sent: Wednesday, August 06, 2008 9:04 AM
Subject: FW: Zoning Re-Write

Hi,

I'm sending this e-mail for your information.

Rick

-----Original Message-----

From: Gari Berliot [mailto:gberliot@ameritech.net]
Sent: Tuesday, August 05, 2008 11:34 PM
To: Roll, Rick
Subject: Zoning Re-Write

Mr. Roll,

The following comments came from the email send outs.. These are items that one citizen would like included. I have comments.

- (1) Ordinance allowing chickens is good!
- (2) Would like to be able to create a second dwelling unit in large older house in R1 district, to rent out. Says that many folks need additional income to stay in their homes.
- (3) Would like to see more cooperative living/housing in city.

My comments -

#1. Allowing chickens is bad! Disease, manure, odor, lice, rodents are attracted (more disease), noise, feed scattered about the back yards, wire fencing, small buildings for shelter, feathers flying around (all detrimental to housing value). How do they propose to dispose of the manure? There is a reason that most farmers keep their chickens away from the house; they are DIRTY.

As an interesting aside. The city licenses pets. The city fines you if you don't have a license and/or current shots and then makes you get that done. Yet here we have chickens! Go figure.

#2. I've commented before on elderly being taxed out of their homes! This is criminal. They need tax relief! So now there is a proposal to let them add rental space so they can pay their taxes!

#3. What is cooperative housing?

These proposals are medieval or at least 19th century.

Gari Berliot
221-2022

Roll, Rick

From: michael basford [mabasford@charter.net]
Sent: Friday, August 01, 2008 10:04 AM
To: Murphy, Brad; Roll, Rick

Please forward this to the Plan Commission and Zoning Rewrite Advisory Committee members. It is an Ezra Klein comment blog on an LA Times William Saletan article. While I don't necessarily agree with the content of the article, it is (*ahem*) food for thought.

MB

http://www.prospect.org/csnc/blogs/ezraklein_archive?month=08&year=2008&base name=the concerned columnists of am

THE CONCERNED COLUMNISTS OF AMERICA DISCOVER ZONING.

This is getting a little crazy. Responding to the South Los Angeles's new ordinance imposing a one-year moratorium on the construction of new fast food restaurants, William Saletan says, "We're not talking anymore about preaching diet and exercise, disclosing calorie counts, or restricting sodas in schools. We're talking about banning the sale of food to adults."...

Roll, Rick

From: Suzanne Rhees [srhees@cunningham.com]
Sent: Friday, July 25, 2008 10:16 AM
To: Roll, Rick
Cc: Mike Lamb; mwhite@planningandlaw.com
Subject: Community Meeting plans and materials

Rick,
this might be something to pass along to the Committee and others who ask:

We have received a few questions about the content, format and materials that will be prepared for these two meetings. Here is a brief description.

Two meetings will be held on the evening of September 11, at near east and west locations that are still being finalized. The main purpose of the meetings is to review a draft outline of the new Zoning Code. The "annotated outline" will include:

- a section-by-section description of the new Code, including existing and proposed zoning districts
- discussion of options and issues to be resolved
- examples of how the new Code could be applied at sample locations in the City to implement the Comprehensive Plan and neighborhood plans
- general recommendations for revisions to related ordinances – Subdivision, Landmarks, Urban Design and Street Graphics – to be consistent with the Zoning Code.
- recommendations for integrating sustainability and The Natural Step principles into the Zoning Code and related ordinances

The meetings will be organized like the previous community meetings in May: there will be a brief presentation of the draft outline, followed by general questions and discussion. We then are planning to break into small groups to discuss various aspects of the zoning outline, such as residential districts, commercial districts, natural resource protection standards, development review process, etc. The Advisory Committee will review the draft meeting agenda in August and may suggest changes.

The draft annotated outline will be distributed and posted for review in advance of the meetings, approximately the last week in August. Summary handouts and display boards will be provided at the meetings.

Suzanne Rhees, AICP
Senior Urban Designer

Cunningham Group, P.A.
Tel: 612 379 6841 Fax: 612 379 4400 Cell: 612 875 1345
St. Anthony Main 201 Main Street SE, Suite 325 Minneapolis, MN 55414

Collaborate + Invent + Grow
visit our website www.cunningham.com

Roll, Rick

From: Roll, Rick
Sent: Monday, July 21, 2008 10:50 AM
To: Rhodes-Conway, Satya
Subject: RE: more resources

Satya,

Thanks for the information. I'll forward this as requested.

Thanks,

Rick.

From: Rhodes-Conway, Satya
Sent: Friday, July 18, 2008 3:23 PM
To: Roll, Rick
Subject: more resources

Please share.

http://www.lgc.org/freepub/PDF/Land_Use/fact_sheets/anti-crime_design.pdf

http://www.lgc.org/freepub/PDF/Land_Use/fact_sheets/form_based_codes.pdf

Thanks
SRC

Roll, Rick

From: Roll, Rick
Sent: Monday, July 21, 2008 10:17 AM
Subject: FW: [Fwd: ecodensity]

From: Rhodes-Conway, Satya
Sent: Sunday, July 20, 2008 6:08 PM
To: Roll, Rick
Subject: [Fwd: ecodensity]

Perhaps of interest to the committee.

SRC

----- Original Message -----

From: [Ecodensity](#)
To: [Ecodensity](#)
Sent: Thursday, June 12, 2008 5:00 PM
Subject: Council Approves EcoDensity Charter

Council Approves EcoDensity Charter

Vancouver City Council unanimously voted on June 10 to adopt the EcoDensity Charter.

The EcoDensity Charter commits the City to make environmental sustainability a primary goal in all city planning decisions - in ways that also support housing affordability and livability.

The first two actions to be implemented by the City immediately are:

1. Rezoning policy for greener buildings: Applications for new rezoning will need to meet a minimum LEED™ (Leadership in Energy and Environmental Design) Silver rating, or similar equivalency in green design. The City will also be expecting that energy performance, water efficiency and storm water use be considered.

2. Rezoning policy for greener larger sites: Changes to rezonings for land that is two acres or more. A number of sustainability measures will be required for these rezonings, and for sites with housing, a range of types and tenures must be considered to increase affordable housing opportunities.

Longer-term actions that will receive priority include: an interim EcoDensity rezoning policy; options for backyard/laneway housing; more options for secondary suites; and removal of barriers to green building approaches.

Council initiated the EcoDensity program in July 2006. The final Charter and Actions incorporated public input from a Special Council Meeting that lasted seven sessions, amongst numerous other public consultation opportunities.

Roll, Rick

From: peter wolff [peterwolff@yahoo.com]
Sent: Thursday, July 23, 2009 11:26 AM
To: Roll, Rick
Cc: Steve Steinhoff; mnaboard@marquette-neighborhood.org; Johanna Coenen; John Coleman; fae dremock; 'Michael Jacob'; lindsey lee; john martens; Marsha Rummel; peter wolff
Subject: proposed additions to the TOD overlay
Attachments: (3) Station Area Plan,(8) Parking Standards.doc

rick - per our phone conversation here are the additions/changes i am proposing for the transit oriented development overlay in the new zoning code. the first one is the addition of a brief intro to the station area plan early in the TOD description. it makes most sense to me to include it as the third para immediately before the specific aspects of it are discussed.

the second change is an expansion of the parking standards para (8 in the original doc). it includes the sentence susan wants to add, and then makes the connection, very briefly, to the possible use of max limits to encourage transit/discourage auto use associated with the development.

i will call you today or early tomorrow to see if you have any comments/additions. if we don't connect by phone, e-mail me. i am out east now, but checking/responding to e-mail.

incidentally, the mna board has approved the sense of these changes. if a letter from board president will help here can you tell me where it should go, when, etc?

best,
peter

(3) Station Area Plans

The station area plan is the basic plan for development in a TOD. It must be formulated and approved by appropriate commissions and council for each TOD. The plan will define such elements as land use, building heights and densities or floor area ratios, and parking standards. Consideration of these elements will include both needs of the proposed development to support transit and effects of the development on surrounding areas.

(8) Parking Standards

No minimum off -street parking is required, except where specified in the station area plan. Parking maximums specified in the base zoning category shall apply unless they are modified in the station area plan. For example, parking maximums may be reduced in the station area plan for a given TOD to provide an additional incentive for transit use, and conversely to discourage automobile use, associated with that development.

From: Roll, Rick

Sent: Thursday, July 17, 2008 8:40 AM

Subject: FW: [helenahood] Fwd: City Repair Project - Placemaking, Reclaiming Public Space & Neighborhood Building - July 17-19 in Madison!

Hi,

Twink sent me this e-mail and I'm forwarding it to you.

Rick

From: Twink Jan-McMahon [mailto:tjmc@tds.net]

Sent: Wednesday, July 16, 2008 7:23 PM

To: Roll, Rick

Subject: Fwd: [helenahood] Fwd: City Repair Project - Placemaking, Reclaiming Public Space & Neighborhood Building - July 17-19 in Madison!

Dear Rick,

Have you heard about this? This seems related in spirit to the FBCI.

Twink

Begin forwarded message:

From: "Deb Hanrahan" <deb.hanrahan@pobox.com>

Date: July 16, 2008 9:04:43 AM CDT

To: helenahood@yahoogroups.com

Subject: [helenahood] Fwd: City Repair Project - Placemaking, Reclaiming Public Space & Neighborhood Building - July 17-19 in Madison!

Some of you may have read about Mark Lakeman and City Repair in the current Isthmus... I think it would be fantastic to get this going on the south side, and other areas that could use a boost.

Several of the events below look like fun, maybe we'll see you there!

--

Deb | <http://debh.wordpress.com>

----- Forwarded message -----

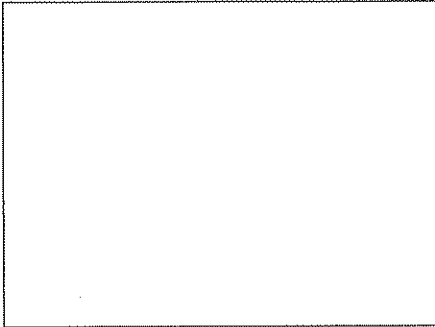
From: Dace Zeps <dzeps@sbcglobal.net>

Date: 2008/6/30

Subject: [SASYNA-Discussions] City Repair Project - Placemaking, Reclaiming Public Space & Neighborhood Building - July 17-19 in Madison!

To: Worthington Park Neighborhood <worthingtonpark@yahoogroups.com>, WPNA Board <darboworthington@yahoogroups.com>, sasyna-discussions@yahoogroups.com, ekenpark@yahoogroups.com, einpc@yahoogroups.com

Cc: Michael Jacob <michaeljacobdc@gmail.com>, Randy Glysch <rgbk@sbcglobal.net>, Eastside Timebank Kitchen Cabinet <kitchencabineteast@yahoogroups.com>



MARK LAKEMAN
founder, Portland, OR

City Repair Project
in Madison July 17-19, 2008!

Mark Lakeman is a visionary architect, founder of Portland's City Repair Project and its 10-Day Village Building Convergence, and director of the ecological design firm Communitecture. Now a national movement, City

Repair combines architecture, urban planning, anthropology, community development, public art, permaculture and ecological design in projects that transform public space. www.cityrepair.org

Resources:

[YouTube Video interview with Lakeman - click here](#)

[YouTube Video on history & purpose of City Repair - click here](#)

[PDF Booklet about City Repair - click here](#)

SCHEDULE:

Thursday, July 17, afternoon (downtown location to be announced)

City Repair & Dignity Village: Models of Placemaking & Neighborhood Building

Free presentation for elected officials, city planners, and community & neighborhood leaders.

on the history and progression of City Repair in Portland, as well as on Dignity Village, which Lakeman founded. Dignity Village is a formerly mobile tent city in Portland, Oregon, well on its way to becoming a green, sustainable, urban village. It is home for people who might otherwise inhabit doorways and sidewalks. Dignity provides a peaceful community, a clean environment, a center, and safety. It is governed by the residents. This free presentation will be held at a downtown location, during the work day. www.dignityvillage.org/index-2.html

<http://cityrepair.org/wiki.php/about>

Friday July 18, 9am-4pm outside the new Goodman Atwood Community Center, 149 Waubesa St.

Revitalizing our Neighborhoods through Community, Creativity and Communication

with City Repair Founder Mark Lakeman

\$35 (scholarships available).

Roll, Rick

From: Roll, Rick
Sent: Wednesday, July 16, 2008 4:26 PM
Subject: FW: Form-based codes

George asked that I distribute this link.

Rick

-----Original Message-----

From: Hall, George E - DOA [mailto:george.hall@wisconsin.gov]
Sent: Wednesday, July 16, 2008 1:53 PM
To: Roll, Rick
Subject: Form-based codes

Here's some interesting reading you might want to share, containing a number of links to articles as well as other web sites.

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://www.formbasedcodes.org/resource.html>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Roll, Rick

From: Roll, Rick
Sent: Friday, July 11, 2008 11:15 AM
Subject: FW: Sample Zoning Ordinance
Attachments: Zoning Ord.pdf

Hi,

Mike Slavney wants to share this sample zoning ordinance with you.

Rick

From: Mike Slavney [mailto:MSlavney@vandewalle.com]
Sent: Friday, July 11, 2008 11:00 AM
To: Roll, Rick
Subject: Sample Zoning Ordinance

Hi Rick

Please share this with our Consultants, Committee Members and the public.

I am attaching a large pdf of the Village of Oregon Zoning Ordinance. Of course, it is not a model for the City of Madison in terms of diversity of current and potential development, contains relatively modest form-based requirements (for the downtown and neighborhood business districts), and does not reflect the complex committee structure of Madison.

My intent in sharing this is to simply provide an example of the ordinance approach used by many outlying Dane County communities. The land use categories, landscaping requirements, performance standards and procedural sections might be worth looking at.

This system is in place in Sun Prairie, Verona, Oregon, Cottage Grove, Mt Horeb, and Edgerton, and under development in Stoughton.

Mike

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 08, 2008 9:40 AM
Subject: FW: [Fwd: Re: Urban Agriculture at the Summer MIP meeting]
Attachments: Cleveland_CG_zoning_ord.doc

Hi,

Satya asked me to forward this e-mail to you.

Rick

From: Rhodes-Conway, Satya
Sent: Monday, July 07, 2008 6:23 PM
To: Roll, Rick
Subject: FW: [Fwd: Re: Urban Agriculture at the Summer MIP meeting]

Please share with the consultants and committee.

Thanks
Satya

----- Original Message -----

Subject: Re: Urban Agriculture at the Summer MIP meeting
Date: Wed, 2 Jul 2008 06:08:25 -0700 (PDT)
From: Martin Bailkey <bailkey@sbcglobal.net>
To: Satya Rhodes-Conway <satya@cows.org>

Satya, thanks for writing back.

<snip>

Appropriate zoning is also important, and a number of places have or are working to get language supporting community gardens into zoning codes. Cleveland has an Urban Garden section in their books (attached). And here in Madison, the city's Comm. Garden Committee is working on this as well.

Hope this helps.

Martin

PART THREE — ZONING CODE

Title VII — Zoning Code

CHAPTER 336 — URBAN GARDEN DISTRICT

Complete to December 31, 2007

336.01 URBAN GARDEN DISTRICT

The “Urban Garden District” is hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

□(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

336.02 DEFINITIONS

(a) “Community garden” means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(b) “Market garden” means an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

(c) “Greenhouse” means a building made of glass, plastic, or fiberglass in which plants are cultivated.

(d) “Hoophouse” means a structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape.

(e) “Coldframe” means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold. □(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

336.03 PERMITTED MAIN USES

Only the following main uses shall be permitted in an Urban Garden District:

- (a) community gardens which may have occasional sales of items grown at the site;
- (b) market gardens, including the sale of crops produced on the site. □(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

336.04 PERMITTED ACCESSORY USES

Only the following accessory uses and structures shall be permitted in an Urban Garden District:

- (a) greenhouses, hoopouses, cold-frames, and similar structures used to extend the growing season;
- (b) open space associated with and intended for use as garden areas;
- (c) signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with the regulations of Section 336.05;
- (d) benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
- (e) buildings, limited to tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336.05;
- (f) off-street parking and walkways, in conformance with the regulations of Section 336.05. □(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

336.05 SUPPLEMENTAL REGULATIONS

Uses and structures in an Urban Garden District shall be developed and maintained in accordance with the following regulations.

- (a) Location. Buildings shall be set back from property lines of a Residential District a

minimum distance of five (5) feet.

(b) Height. No building or other structure shall be greater than twenty-five (25) feet in height.

(c) Building Coverage. The combined area of all buildings, excluding greenhouses and hoopouses, shall not exceed fifteen percent (15%) of the garden site lot area.

(d) Parking and Walkways. Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(e) Signs. Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.

(f) Seasonal Farm Stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

(g) Fences. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood, chain link, or ornamental metal. For any garden that is 15,000 square feet in area or greater and is in a location that is subject to design review and approval by the City Planning Commission or Landmarks Commission, no fence shall be installed without review by the City Planning Director, on behalf of the Commission, who may confer with a neighborhood design review committee. If one exists, so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties. □(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 08, 2008 9:38 AM
To: Rhodes-Conway, Satya
Subject: RE: zoning resources

Satya,

I've seen at least two of these links. I'm not sure about the first two, so I'll forward them to the committee.

Rick

From: Rhodes-Conway, Satya
Sent: Monday, July 07, 2008 6:33 PM
To: Roll, Rick
Subject: FW: zoning resources

Rick -

Did I send you these links yet? If not, please share with the group.

Thanks.
Satya

From: Satya Rhodes-Conway [mailto:satya.vadia@gmail.com]
Sent: Tuesday, June 10, 2008 5:28 PM
To: Rhodes-Conway, Satya; satya.vadia@gmail.com
Subject: Re: zoning resources

Adequete public facilities
<http://www.mdp.state.md.us/mgs/pdf/mg24.pdf>

Creating a Regulatory Blueprint for Healthy Community Design
<http://icma.org/upload/library/2005-08/%7BB0B1B25D-AF97-4432-967C-4174F1213716%7D.pdf>

On Tue, Jun 10, 2008 at 12:09 AM, Satya Rhodes-Conway <satya.vadia@gmail.com> wrote:
types of codes
<http://www.city.palo-alto.ca.us/knowzone/news/details.asp?NewsID=787&TargetID=239#format>
see esp. TND

certainty v flexibility
<http://www.city.palo-alto.ca.us/knowzone/news/details.asp?NewsID=872&TargetID=239>

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 08, 2008 9:28 AM
Subject: FW: Issue Identification

Hi,

Satya asked that I send you the following list of potential zoning issues.

Rick

From: Rhodes-Conway,Satya
Sent: Monday, July 07, 2008 7:08 PM
To: Roll, Rick
Subject: Issue Identification

Rick -

Please share with the consultants and the committee.

Thanks
Satya

List of Potential Issues in Zoning Code Rewrite

- Neighborhood review and process of approval - opportunities for public input
- Parking - less for cars, more for bikes, what to do about mopeds?
- streetscaping for walkability - relation of buildings to street, block length, street trees, design standards, garage location, etc
- density
- stormwater, runoff and erosion issues
- distributed renewable energy generation, solar orientation, clothes lines
- green roofs, open space, parks, trees
- rehabilitation codes
- consistency of existing uses and structures with comp plan, neighborhood plans and zoning
- traditional neighborhood design
- what can we learn from all the PUDs we've done?
- coops, cohousing and the definition of family
- transitional zones between uses
- sustainability - thinking through the consequences
- stability v change
- additional dwelling units
- relationship between/effect of zoning on schools
- lot sizes and set backs
- food systems and security - chickens, cisterns, gardens, community gardens, farmer's markets, etc
- mixed use, especially beyond the retail/residential mix and mixed type within use - mixing residential densities, for example
- TOD and transit access and prioritizing walking and biking

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 08, 2008 9:20 AM
Subject: FW: Zoning

Hi,

Time asked me to forward these comments to you.

Rick

From: Gruber, Timothy
Sent: Monday, July 07, 2008 9:17 PM
To: Roll, Rick
Subject: Zoning

Rick:
Please forward the comments below to the Zoning Rewrite Committee. Thanks.
Tim

Tim Gruber, District 11 Alder, City of Madison
Email: district11@cityofmadison.com
Home phone: 608-663-5264
Cell phone: 608-217-3390

From: Eileen Hannigan [mailto:eileen_hannigan@yahoo.com]
Sent: Monday, July 07, 2008 8:37 PM
To: Gruber, Timothy
Subject: Re: [Westmorland_News] Alder's Newsletter for July

Hi Tim,

I tried to submit a comment on the zoning rewrite on the web page under "Your Thoughts"; but the form is limited to 500 characters. Sheesh! I didn't even say everything that was on my mind and I hit the limit! :) Can that be changed? I've pasted my comment below, perhaps you can forward to other committee members if appropriate.

Thanks,
Eileen Hannigan
4022 Winnemac Ave

I don't know what the current rules are about parking for businesses, but if there are rules that stipulate a number of parking spaces based on square footage or maximum usage, these should be changed.

Parking requirements, if any, should be based on typical usage needs to reduce the amount of impermeable surface, wasted land, and encourage alternate forms of transportation particularly on the west and east sides that tend to have large expanses of parking lots that sit empty a good portion of the time. Does West Towne mall need to have enough spaces to accommodate the three or four busiest shopping days only to have them sit

empty the other 361 days?

The book entitled *The High Cost of Free Parking* by Donald C. Shoup has some innovative ideas about parking.

One idea for street parking is to charge for parking, but then return every cent earned from that to the area that generated the revenue. The money can then be used for improvements in that neighborhood so that people want to go there even if they have to pay for parking. This might work in an area like Regent Street where there currently are no meters.

Eileen Hannigan

A group of Madison residents have begun discussing guidelines they would like for Accessory Dwelling Units (ADU) in the new Madison Zoning Ordinance.

Here are some beginning suggestions for your consideration:

- 1- Location- ADUs are limited to residential areas where there are single family houses. The ADU may be separate from the principle residence, above the garage or carriage house, attached to the principle residence, or in the residence.
- 2- Subordination- One ADU is allowed per single family home and it will be clearly subordinate to the principle structure in use, size and appearance.
- 3- Residency- The property owner must occupy either the principle house or the ADU. An owner can be absent for just cause for one year in every 5 years. (Could require notarized affirmation of occupancy for initial permit and for new owners)
- 4- Considered part of the principle residence- The ADU shall not be sold separately from the principle residence. The ADU and the lot under the ADU shall not be sold separately. The address of the ADU will be the same as the principle residence plus 1/2. The owner will have the same rights when renting an ADU as he/she has when renting a room in the principle residence.
- 5- Size- The ADU will have a floor area of no less than 300 sq. feet and no more than 700 sq. feet unless it is located above an existing garage that is larger than 700 sq. ft. Then the ADU may have the same sq. footage as the existing garage. (size varies around the country from 300-900). The square footage of the ADU should be less than the principle house.
- 6- Height- The ADU will be no more than 25 feet in height (2 normal stories). If the ADU is located above a garage, the height of the structure should be no more than 25 feet in height (2 normal stories).
- 7- Density- No more than 2 adults with one young child are allowed to live in an ADU. No more than 2 adults are allowed to use an ADU as a studio or office.
- 8- Setbacks- Current setbacks are reasonable. There should be flexibility however for properties where the house and garage were built before current setbacks and do not comply from the get-go.
- 9- Lot coverage- There should be rules for open space around ADUs—we don't understand yet what the current rules are.
- 10- Parking- One off-street parking space is required for the ADU.

Contacts: Joan Laurion
joan.laurion@gmail.com
255-1922

John Linck
john@woodentoy.com
231-2808



CITY OF MADISON

Room 200
215 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53701-2985
(Phone) 608 261 9134
(FAX) 608 267-8739

Date: July 9, 2008

To: Madison Zoning Code Re-write Advisory Committee

From: Madison Arts Commission

The Madison Arts Commission wishes to extend its thanks for your efforts to update the City's zoning codes. We realize it is your intent to modernize the zoning codes to encourage mixed use and development in the City of Madison rather than increase urban sprawl. As the City's citizen advisory board on matters related to arts and culture, we believe strongly that our local economy will be strengthened by creating zoning laws that help artists to live and work in the City of Madison and support you in your efforts.

We are interested in zoning laws that create more "Live/work space" or "Shared use facilities," especially for artists. We want to do all we can to ensure that Madison allows spaces that provide studio, performance or gallery space where Madison artists can live, practice, manufacture, exhibit, and sell their own work. We also want to encourage zoning laws that allow multiple artists to share housing and performance or gallery co-operatives, and sell work of their own creation from their home.

Zoning codes that permit artists to engage in commercial activity in residential buildings or to live in commercial buildings would help Madison strengthen the arts as a tool for local economic development. Please update MAC periodically as the re-write process continues. We would like to stay abreast and involved in the zoning code development process where it affects arts and culture of our City. Planning staff assigned to the zoning re-writes are invited to attend a Madison Arts Commission meeting to address these issues and let the commissioners know how they and Madison artists can participate in the process to ensure their interests and voices are heard.

Date: June 10, 2008

To: ZCRAC

From: Kurtis D. Welton

RE: Zoning Code Rewrite

To Whom It May Concern:

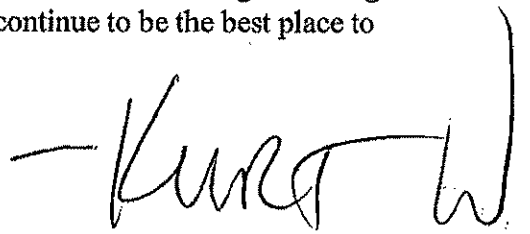
I hoped to be here tonight in person to share my thoughts about this project the City has undertaken to hopefully improve the Zoning and Project Approval process. As a native born Madisonian, I probably have a higher than average concern about Madison than many of the people who come here from elsewhere, and/or may leave here some day to pursue a life outside Madison. I was born here, I live here (two blocks from Camp Randall), and I intend to die here someday (but not *too* soon God willing)!

I believe Madison is the best city in America - maybe even the world. Over the years many other people have come here to rank us, and they have often come to the same conclusion. But if we are to remain the best, we can't stand still and remain the best, we have to continually improve. Therefore the projects that are able to receive approvals from the city **MUST** be the best projects that are possible for any particular property. Being "good" is NOT good enough. Being "better" is NOT quite good enough. A project has to be "the best"!

Many developers want to see a streamlined process that allows them to get their permits and move forward quickly. I wonder how well "a quick approval" process meshes with "the best possible project" result? I fear that the easier you make it to get approval, the more likely that we will see projects that are "good enough" instead of "the best".

I firmly believe that one of the reasons Madison is so great is because it has never been very easy to get approvals. You have always had to be willing to invest serious amounts of time, capital and energy to get the necessary approvals to move forward. If the developer of a project is more interested in the profits rather than the quality of life they will leave us when they are gone, than this will come out when the process starts, if it is difficult enough. If a developer can have the mindset that "if I can get it done quick enough, and make enough money, then I'll do it" and then pressure the City into an approval via a streamlined process- we will all be the losers someday as the quality of our City deteriorates slowly to a mediocre standard.

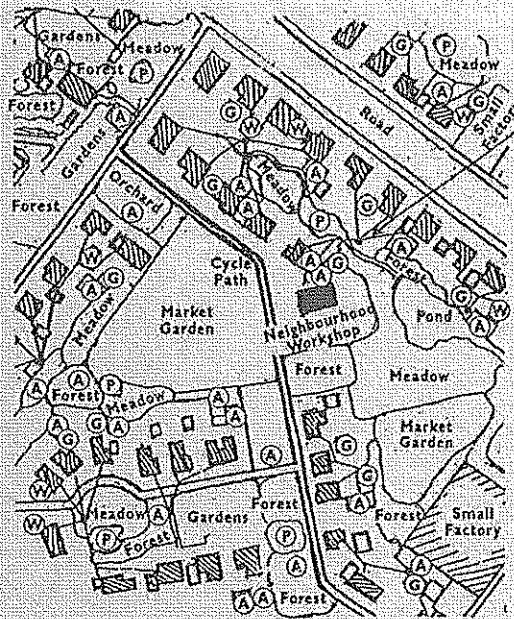
So in conclusion, fine, let's rewrite our Zoning code so it meets modern standards and allows new technologies and professions to have a place in our community. But let's make sure the community doesn't suffer as a result, but gets stronger and better as we allow "the best" and tell the rest (including the merely good) to come back only when they can meet that standard. If someone has to have the mindset that the project will only move forward when it is good enough and that time and money are secondary to quality, Madison will continue to be the best place to live.

A handwritten signature in black ink, appearing to read "Kurtis D. Welton". The signature is written in a cursive, flowing style with a long horizontal line extending to the left.

(old dwil items 51 @ tds.net)

THE CHANGES REQUIRED

Figure 7.2 The new neighbourhood



Energy sources

Windmills
Solar panels
Water wheels
Silicon cells
Garbage gas
Woodlots
Solar ponds

Animals (A)

Industries
Small firms
Hobby production
Co-ops
Owner-operated

Materials

Timber
Clay
Bamboo
Leather
Wool
Oils (nut, olive)
Chemicals
Medicines
Water
Fertiliser
Wax

Greenhouses (G) Home workshops (W) Ponds (P)

- Many of the roads dug up and planted.
- Most back fences pulled down.
- Drains restored to landscaped creeks and ponds.
- Derelict factory site has become a market garden.
- Supermarket has become a decentralised small firm.
- Many small forests, meadows, ponds, orchards, vineyards, some private, some public.
- Much property owned and run by the local community, including woodlots, orchards, workshops, housing, libraries.
- Most energy sources maintained by local committees.
- Many sources of materials.
- Many animals throughout the neighbourhood.
- Highly self-sufficient in food production, from backyards, local market gardens, and community sources such as orchards, woodlots, ponds.
- A leisure-rich area.
- A neighbourhood workshop on almost every block.
- Many small businesses, including hobby production.
- Many committees to run enterprises, cooperatives, services.
- All nutrients recycled to local gardens.

from F. E. Trainer, The Conservator Society (1995)

Roll, Rick

From: Julie Logan [julie@loganfamily.ws]
Sent: Wednesday, June 04, 2008 10:19 AM
To: Roll, Rick
Subject: Thoughts on Zoning Code Rewrite

The 'Your Thoughts' email section didn't work, so I'm sending this to you directly. Thanks.

I'd like to see garage apartments allowed in the new code with a provision that the garages are located a reasonable distance away from existing homes. I think it would be great for density and allow flexibility for homeowners looking for additional income, separate housing for a young adult still living at home, or an older relative who needs to live close. The isthmus is only going to get more expensive and the homes are smaller, so this would give people an option to create more living space.

Roll, Rick

From: Kris Olds [oldskris@yahoo.com]
Sent: Thursday, May 22, 2008 10:50 AM
To: Roll, Rick
Subject: Re: [Regent] Granny flats/drawing lines

FYI

----- Original Message -----

From: Kris Olds <oldskris@yahoo.com>
To: RegentNeighborhoodAssn@yahoogroups.com
Sent: Thursday, May 22, 2008 5:37:33 PM
Subject: [Regent] Granny flats/drawing lines

It is great to hear all of the opinions emerging re granny flats. I do, though, warn that it is a slippery slope trying to finely tune such regulations such that you allow certain people in and keep others out on the basis of their identities, their familial status, and their relationship to property ownership. I recall many a debate about this when Vancouver started adjusting their system and people argued, endlessly, about what a "single family" is (does it include grandparents, uncles, etc...and what happens when some peoples' definition of single family implies extended family, yet other people think single family is what some people call nuclear family). Or what if someone's aunt and uncle want to live in the area near their supportive nephew or niece but rent in a suitably sized unit two blocks away (to get proximity but a little distance). Or what happens when someone needs to rent a unit on their property to afford the mortgage vs move away? Many granny/family/ secondary suites are effectively mortgage helpers, which can make a huge difference for limited or single income house owning families, couples who split up but both want to stay in the area, or people who retire on reduced incomes and then want a foreign student or a young family, or a working niece, out back, etc. And can you designate a housing class (a renter) as less worthy, with less rights, than an owner simply given they have access to capital and a stable enough income to purchase housing. What's wrong with renters? All the people I know in the Regent Neighborhood used to be renters...they didn't seem to be crazed animals when they were younger. :)

In the end, after many lessons learned, Vancouver took the simple route - allow well designed and safe units in appropriately sized houses/lots in all single family areas (including the historic, ritzy, and leafy ends of town), though if people want to rent (versus merely bringing "granny" in), then require owners to acquire an annual license and regulate them *intensely* to ensure quality when being designed, and maintenance over time. Implicit in this is a belief that renters have rights and contribute to social life in the city as much as owners do. Explicit in this approach is a belief that greater density helps resolve environmental problems while making neighborhoods more lively, safe, reflective of our changing society, better able to support retail outlets (like cafes and co-ops, bakeries, etc.), schools (which are seeing declining numbers now, which means declining budgets), and so on.

We should all debate, though drawing lines (or supporting existing lines) is a very complicated endeavor (using the tools of zoning), and with huge social and symbolic implications.

My personal view is the fewer lines drawn the better. Feel free to disagree, of course.

Cheers,

Roll, Rick

From: lukas@luhala.com
Sent: Tuesday, June 10, 2008 9:42 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Chris Lukas
Business :
Address : 2138 Sommers Ave.
City : MADISON
State : WI
ZIP : 53704
Email : lukas@luhala.com

Message :

My primary comment on the zoning rewrite is that I am concerned with increased density in existing residential buildings.

I think it's fine to build new apartments or condos in appropriate areas to increase density.

What I don't think is a good idea is allowing more unrelated people to live in existing houses or apartments. I also don't think it's a good idea to easily allow additional apartments to be built within existing houses/buildings.

Thank you,

Chris Lukas

Roll, Rick

From: madcitydeb@yahoo.com
Sent: Tuesday, June 10, 2008 9:47 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Deborah Aguado

Business :

Address : 1917 E. Dayton St. #1

City : Madison

State : WI

ZIP : 53704

Email : madcitydeb@yahoo.com

Message :

Sorry, chickens belong on farms not in city neighborhoods - buy a farm if you want farm animals. The noise from airplanes, trains, traffic, and barking dogs is bad enough now you want to add chickens into the mix!!!

My quality of living would be greatly disturbed by paying rent on a 2-flat and being forced to share the backyard I was paying for with chickens, their mess, and their smell.

My suggestion is to keep farm animals on a farm where they belong.

Roll, Rick

From: madisonmartini@gmail.com
Sent: Tuesday, July 29, 2008 12:38 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Intelligent Utility
Business : Utility
Address : 123 Guess who
City : Madison
State : WI
ZIP : 53714
Email : madisonmartini@gmail.com

Message :

Working in the utility industry for over twenty years, and knowing the complexities and issues involved with the Real Estate aspect of zoning compliance with utilities, I find it rather interesting that there has not been solicitation from Utility facilities that serve Madison residents - yet many Chapters and paragraphs of said ordinance do and will apply (i.e.the all encompassing word 'structures' without exceptions includes poles and pedestals). My suggestion is to perhaps submit draft versions to MG&E, ATC, Charter, Alliant, etc., periodically throughout the rewriting process for review and comment. Please feel free to reply as I would be happy to discuss this further (anonymously of course) - or apply the suggestion and my comments would be sure to be incorporated.

Roll, Rick

From: marginboredom@gmail.com
Sent: Friday, August 22, 2008 11:03 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Marginboredom
Business : transportation
Address :
City :
State :
ZIP :
Email : marginboredom@gmail.com

Message :

If I see another historic building torn down for some piece of crap capitalistic want I will leave Madison. I am a professional driver. I was born at Madison General. In the 28 years I have lived in Madison almost my whole life I left once and should have stayed away.

If Madison gets this one wrong....I will take my advice and come back only to say, "I told you so." Look to the natives or the people that have seen things change. I am proud to live in Madison, but its spiraling out of control with young aspiring politicians who are using Madison as a stepping stone to enter a very very broken political United States of Corpocracy and the almighty Dollar. Think long and hard about this one and if you want my input, its free!

Roll, Rick

From: michaelwatson@yahoo.com
Sent: Monday, July 07, 2008 4:59 PM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Michael R. Watson
Business :
Address :
City :
State :
ZIP :
Email : michaelwatson@yahoo.com

Message :

Hi:

I'd like to suggest affordable and publicly accessible sailboat marinas on both Lake Mendota on Public Property and Lake Monona at the Monona Terrace Convention Center. I'd also suggest further condemnations into the future to expand public lands along our lakes, as popular places like James Madison Park were established in this fashion.

Roll, Rick

From: Peter Herreid [herreidp@yahoo.com]
Sent: Tuesday, September 16, 2008 3:57 PM
To: Roll, Rick
Subject: feedback from community meeting at Goodman Community Center

Mr. Roll,
I attended the community meeting for the zoning re-write process at the Goodman Community Center on Sept. 11, 2008.

The city planning staff in attendance and the plan commission chair shared some thoughtful comments and perspectives which gives me confidence in this process. Thanks to a visionary mayor and planning staff we have an excellent comprehensive plan in place. If the zoning code can live up to the plan, I think the city will have achieved a great deal.

Sincerely,
Peter Herreid

P.S. Please share these comments with the zoning re-write committee members.

Peter Herreid
149 S. Hancock St. Apt. 1
Madison, WI 53703

Roll, Rick

From: pfalk@prucomrealty.com
Sent: Thursday, September 11, 2008 10:14 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Peter Falk
Business :
Address : 1326 Vilas Ave.
City : Madison
State : WI
ZIP : 53715
Email : pfalk@prucomrealty.com

Message :

Although already discussed, I just wanted to comment that I like the idea of trying to work with the zoning code so older areas would not need as many variances. I live in the Greenbush Neighborhood and know some neighbors have had a very hard time building garages. Due to the smaller lot sizes, I would like to see reduced set backs for these areas to allow home owner's to maximize their options.

Along the lines of garages, I also am in the support of allowing garage apartments which it sounds like was also previously discussed.

I heard that the current thoughts are with garage apartments that no lot mostly centered around these older neighborhoods that aren't zoned for multi-family could only do a garage apartment, so an existing 2-flat could not do a new garage apartment.

Sincerely,

Peter Falk

Roll, Rick

From: Rhodes-Conway, Satya
Sent: Monday, July 07, 2008 6:41 PM
To: Roll, Rick
Subject: FW: Zoning law fantasy

A comment relevant to our zoning conversation. Please forward.

Thanks
Satya

From: jaydub [mailto:jaydub@chorus.net]
Sent: Saturday, August 04, 2007 9:49 AM
To: Palm, Larry; Rhodes-Conway, Satya
Subject: Zoning law fantasy

Jim Wold
2845 Hoard St.

Saturday, August 4, 2007
6:45 am

To, Larry Palm, Satya Conway-Rhodes

Hi you two,

Put on your policy wonk hats. This is about that killing on Loreen Dr. last week, the one guy killed at a party at 4:00 am by allegedly a jealous ex boyfriend.

The State Journal ran an Opinion page set of letters about it Thursday, August 2. The letters were all from home owning, white, neighborhood residents and they all said basically "some body else do something so we can go back to living surrounded by people just like us who don't do things like that".

The reason you are faced with it now is because of really poor land development and zoning choices made when that whole set of neighborhoods was platted and built. If those same, or similar, choices are in effect now, the city will have future poverty pocket problems only in different neighborhoods.

Go to Loreen Dr. It is one block long and lies just west of a natural physical barrier, a "green space". Parallel to Loreen and west of it are two more streets with identical housing, the north most block of Prairie Rd. and then Theresa Terrace. Loreen Dr. runs south of Hammersley Rd.

West from that "green space", Hammersley Rd. changes character until it runs out at Elver Park. South of Hammersley by one block and parallel to it are three more streets of the poverty pocket. They are Betty's Ln., Lucy's Ln. and Jacob's Way. Two of the three run a long block and end at Frisch Rd.

That area, Loreen to Frisch, Hammersley to Jacob's Way is exclusively duplexes. East of it, some south of it, most of the area north of it is single family homes. Especially east, in Orchard Ridge they are quite expensive on large lots. West, and some what to the south, is higher density housing, apartment buildings and complexes.

Roll, Rick

From: jim@EventsGalore.net
Sent: Sunday, September 14, 2008 4:30 PM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Jim Winkle
Business :
Address : 813 Emerson Street
City : Madison
State : WI
ZIP : 53715
Email : jim@EventsGalore.net

Message :

Hi,

I understand you're interested in hearing comments from the public about zoning. In general, I'd like to see a strong focus on sustainable ideas. What does this mean? For me, it means at least the following.

Encourage building design to use as little electricity as possible. Electricity consumption is the #1 cause of global climate change not cars, as many think. For example, I believe every new house should include a whole house fan. They're cheap to install at build time, and will save a large percentage of a house's electricity consumption because air conditioning won't be needed.

Encourage the use of renewable electricity. We converted to solar, but the up-front costs can really scare people away, even though long-term it's far less expensive than paying your electric bill. Can a program be started to encourage people to make these investments, like in Berkeley? Small roof-mounted wind generators will be hitting the market soon encourage people to start using these, too.

Encourage the use of solar for lighting and heating.

Encourage good quality affordable housing options, like co-housing.

Encourage better mass transit higher densities are fine. In particular, I'd like to see buses run more frequently, about twice as often as they do now. This doesn't necessarily mean twice the number of buses and drivers... just stagger the routes that go down frequently used corridors.

Have more paved bike/ped paths. Clear them quickly in the winter. Make them wider in frequently used areas, especially where there are many walkers and bikers.

Devote more space to community gardens. Community gardens in Madison are wildly popular... let's get them in more neighborhoods.

Encourage shorter car trips by meeting most of people's needs within a shorter distance. Better yet, eliminate car trips by meeting most of people's needs right in their neighborhood.

Thanks for allowing me to provide input!

Roll, Rick

From: John Michael Linck [john@woodentoy.com]
Sent: Wednesday, August 13, 2008 12:21 PM
To: Roll, Rick
Subject: Granny flat info for committee members

Rick,

I thought the info on this site <<http://www.woodentoy.com/ADU/Adu.html>> would be helpful for your committee members to learn about ADUs or Granny flats. And, if you know of any other resources I could include on the site please pass them on to me. Thanks

And thanks for keeping us up to date.

john

--

John Michael Linck
2550 Van Hise Avenue
Madison Wisconsin 53705
telephone 608-231-2808
john@woodentoy.com
<<http://www.woodentoy.com>>

Roll, Rick

From: john@woodentoy.com
Sent: Tuesday, May 20, 2008 10:21 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : john Linck
Business :
Address : 2550 Van Hise Avenue
City : Madison
State : Wi
ZIP : 53705
Email : john@woodentoy.com

Message :
Zoning rewrite Committee,

We hope to add a garage/carriage house to our property with a small rental apartment above; we currently have no garage.

Follow the link below to read an excerpt from the book "Little House on a Small Planet" and follow additional links showing that many cities across America are allowing ADUs.

Thanks, John

<http://www.woodentoy.com/ADU/Adu.html>

Roll, Rick

From: dcarlson5dc@aim.com
Sent: Thursday, July 24, 2008 10:13 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Doug Carlson
Business :
Address : 1018 Oakland Ave.
City : Madison
State : WI
ZIP : 53711
Email : dcarlson5dc@aim.com

Message :

I live in an historic neighborhood (Vilas), zoned R4A. The majority of the houses in the area do not comply with the setbacks in R4A. For instance, approximately 3/4 of the houses on my block have front setbacks

Roll, Rick

From: george.hall@wisconsin.gov
Sent: Wednesday, May 21, 2008 4:35 PM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : George Hall

Business :

Address : 2724 Regent Street

City : Madison

State : WI

ZIP : 53705

Email : george.hall@wisconsin.gov

Message :

Thanks for including me in the "neighborhoods" focus group. I look forward to participating in this, and please add me to the email list.

This is a welcome opportunity to address long-standing issues in a more comprehensive way than Arlan Kay and I were able to do 10 years ago when we tripped the R2 rewrite.

Roll, Rick

From: Gib Docken [gibdocken@gmail.com]
Sent: Tuesday, June 10, 2008 8:45 AM
To: Tom Christensen
Cc: Roll, Rick; Rummel, Marsha; council; Mayor; Dave Zweifel
Subject: Re: Zoning code rewrite

Tom

Years ago Professor Graaskamp predicted we would see areas like University Heights and Shorewood Hills convert many large, elegant single family homes to multi family homes. This was before the acceptance of condominiums that we see today. He said one of the problems that would keep it from happening soon would be zoning and government. Also the very wealthy who want to maintain their upper-crust neighborhoods would also be a problem, but someday economics would dictate it. "They ain't makin' any more land!" was the way he summed it up! Your arguments are right on.

The private sector can often accidentally do what government tries to do deliberately and can't. Unfortunately those in government can be as myopic as those of us in the private sector. All the wasted time and money used on inclusionary zoning to provide modest to low cost housing has provided only a fraction of the low cost housing I have provided at Lakewood Gardens while I was trying to make a profit. And I did make a profit, put 208 1,2 & 3 bedroom units on the market that are still selling below \$135,000 each, and allowed all the buyers to make a profit as they sold. And next door at Sherman Terrace they put 216 units into the market. And tons of profits have been made there by all involved and they are still selling for \$90,000 to \$110,000. No TIFs! No taxpayer dollars! No goofy restrictions on the equity that killed IZ before it ever even got started! I'll bet we could find 1,000s of units the private sector has created if we really looked hard!

And still, government thinks it can do it better than the private sector! Do you think their suspicion of our motives might be what keeps them from giving us the zoning tools we need to make a profit and get the job done? Unfortunately, Madison isn't the only place where profit is a dirty word! Now our fair City has a chance to provide an avenue to create a roadway to get things done that those in power want. Chances are once again they won't have the political courage to move ahead and give the advantages to us that we need to do it. We might make a profit at the expense of the poor and downtrodden! The very ones we have been helping all along. What can we do to get them to work with us and accept our needs and viewpoints?

Thanks for your unsolicited testimonial last year!

Gib Docken

On Mon, Jun 9, 2008 at 5:05 PM, Tom Christensen <tomc@centralmadison.com> wrote:

Rick,

I've been a resident of 1243 Jenifer for 30 years, a major Real Estate Broker in central Madison for 25 years, a property manager of 64 living units mostly in Central Madison, am a current owner of 4 businesses in Central Madison, a parent having sent 3 kids thru the full school system here, and past President 2 times of The Greater Williamson Area Business Association. I have one request regarding the zoning rewrite: **Please have the zoning rewrite permit adding third floor living units in already existing residential buildings, at least those that have the space already present but not yet finished off.**

I live in a 3 flat, one of many in central Madison that would not meet the current zoning requirements for adding a 3rd floor unit. Currently it is forbidden to finish off other 3rd floor spaces in Central Madison, due to green space and parking requirements. The argument for removing this limitation includes the following points:

- With the emergence of Community Car, the push for more mass transit, the unrelenting increase in gas prices, the parking requirement is outdated, and its removal will bring more people closer to their full range of destinations and thus reduce transportation costs and pollution.
- Since I could give you a long list of buildings that had their third floors finished off prior to the 1976 zoning code arrival, and without a single owner, or tenant, ever having shared a complaint with me, I think there is history to prove finishing off these spaces is desirable and not a hazard in any way but some far-fetched, fear based, reaction.
- We all know that increased density is the most obvious remedy for the sprawl that has so many detrimental costs connected with it, and this change does enable a small, widely distributed, and thus hardly noticeable, increase in density.
- Adding a 3rd floor unit to most properties with available and unfinished space will add 20% +/- to the value of the property. Presuming an average current value of \$300,000, and, say 100, of these properties, we can project a tax base increase of \$6 mil. Given a mil rate of .0021, this represents an increase in annual tax revenue of \$126,000 PER YEAR, enuf to pay for probably 3 more teachers per year in our schools. Change the numbers if you don't accept my estimates. In any case the financial outcome is very positive.
- Should this change be put in place, there will be a significant amount of construction income enjoyed by those in the trades as the buildings are upgraded. Assuming a modest \$30,000 per unit, and again 100 units, this represents \$3 million dollars of one time income to add to the Central Madison revenue cycle.
- Post construction there will be more units needing repair attention adding to the income base of the local tradespeople.
- Post construction there will be additional rental income accruing to the owners, many of whom are owner occupants who will enjoy a cushion against rising living expenses as we age, and/or provide additional income to devote to keeping the properties in good repair.
- Of significant importance, these units will rent for less than new construction, and thus be more affordable than newly constructed housing...without requiring TIF's or any other subsidies!

- Permitting housing on the third floors of these already constructed buildings, which has proven itself over more than 30 years as workable, is one more tool we have to reduce our carbon footprint here on this big rock, i.e. the most costly and resource intensive elements are already constructed.
- The business districts in Williamson and E. Johnson, always benefit from increasing the number of residents in an area. The current small biz environment suffers from the fact that the Isthmus will never get wider, and thus we have a natural constriction on the growth of the customer base for these areas. Any increase in density, fosters an increase in business viability. This is not a minor point. Healthy businesses hire more local people which sets up a nice income circle multiplying the healthy financial impact from the business. Further, much of community cohesiveness emerges out of the chance meetings of people carrying out their shopping needs. Additional businesses, or current ones expanding, provide more opportunities for this essential community building "accident".

I really can't imagine what the argument would be to continue prohibiting finishing off these existing 3rd floor spaces. If there is a rationale, please advise me, and I will debate it with the experience and information base I have accumulated over these past 30 years.

Best Wishes – Tom C.

p.s. Please forward this wherever it might prompt the thinking of those interested in this topic.

p.s. 2. Comments to the TO: and CC: people, if you support this notion, would make a difference.

Tom Christensen, Broker SRES, RECS, ABR, GRI, CRS

Robin Kaltenberg, Office Manager

T. Christensen Co. LLC
Central Madison Residential and Investment Real Estate
Solving People's Real Estate Problems Since 1983
1243 Jenifer, Madison, WI, USA 53703
Ofc 608-255-4242 Fax 608-255-4999
www.centralmadison.com

Roll, Rick

From: Roll, Rick
Sent: Wednesday, July 16, 2008 9:03 AM
Subject: FW: Sustainable PUD - Truax

Hi,

This e-mail is being provided for your information.

Rick

From: Olinger, Mark
Sent: Monday, July 14, 2008 5:16 PM
To: Roll, Rick
Subject: FW: Sustainable PUD - Truax

Rick:

Please see the note below.

Is there any discussion about this in the Zoning Rewrite discussions?

Thanks.

m.

From: Paul Finch [mailto:prfinch@gmail.com]
Sent: Monday, July 14, 2008 3:42 PM
To: Olinger, Mark; Kelly Thompson-Frater; Nelson, Larry; Tom Landgraf
Subject: Sustainable PUD - Truax

Hello All,

As you may recall from a prior e-mail sent to you by Gregg Shimanski, I am working as an intern for Gregg with the goal of facilitating a partnership between MATC and the CDA's Truax Park Apartments. Because the CDA is seeking to undertake a redevelopment of the Truax site, Gregg has also asked me to assist with exploring the possible creation of a new "Sustainable Planned Unit Development (PUD)" designation that he hopes could be awarded to the Truax development.

First of all, I have limited knowledge of what details would be incorporated into a sustainable PUD land use designation, but I am seeking to facilitate a discussion between interested individuals who could contribute this idea. Gregg has provided me with your names as individuals who may be able to assist with this matter. Has the concept of a sustainable PUD been brought up in the past? Is there currently an effort at the City of Madison to create such a land use designation?

Let me know if you have any thoughts, comments, or questions on these matters. My phone number is 608-216-4971, and I would be interested in meeting in person if that more convenient.

Thank you,

Paul Finch

Roll, Rick

From: Gruber, Timothy
Sent: Thursday, July 10, 2008 6:08 PM
To: Roll, Rick
Subject: Zoning code comments

Rick:
Please forward these comments to the committee. Thanks.
Tim

> -----Original Message-----
> From: dieterle michael [mailto:mikeulrike@yahoo.com]
>
> Sent: Saturday, July 05, 2008 2:02 PM
> To: Gruber, Timothy
> Subject: Re: Alder's Newsletter for July
>
> Tim,
>
> Thanks for the newsletter. I am very interested in knowing more about
> any zoning changes which are being contemplated, especially those that
> may impact my neighborhood. The Website has ample information, but
> unfortunately, it takes forever to download on my home computer. It
> will take me a while to work though all of this. My immediate
> concerns
> are:
>
> 1) that there be no broadening of designations allowing
> rental/multi-family development in what are now restricted residential
> areas. We have increasing noise issues with the apartments on Eugenia
> now. We do not want the possibility of additional multi-dwelling
> building that seem to attract primarily student renters. This is a
> significant problem not only for noise, additional traffic and parking
> issues, and other negatives, but also for lack of participation in
> community activities. Students are simply not engaged in the
> community.
> Their community is the campus - as it should be- while they are here.
> I do not fault them, but the reality is that the more student rentals
> we have, the less community "glue"
> there is in a neighborhood. Please protect the owner/resident
> equation and reject anything that would erode this. We already have
> enough rentals among the single-family dwellings as it is.
>
>
> 2) Learning from our unfortunate experiences with the Blackhawk church
> next door to us in 2001/2002, I hope that something can be done to
> make churches adhere to the same zoning/building codes as the rest of
> us.
> From what I remember from that stressful time, churches have some type
> of special status in the code.
> They were able to build a large elevated parking lot which is a
> continual frustration. They bring in big busses and let them idle in
> the parking lot adjacent to our back yard. The cars go in and out all
> week, tooting their horns, shining their lights into our
> windows and all times of the night. We are

Roll, Rick

From: Gruber, Timothy
Sent: Thursday, July 10, 2008 5:18 PM
To: Roll, Rick
Subject: Zoning Code Comments
Attachments: Comments on Zoning Code Rewrite.doc

Rick:

Please forward my comments to the consultants and to the committee. Thanks.

Tim

Comments on Zoning Code Rewrite

Tim Gruber

July 10, 2008

I have three comments:

- 1) Garage doors should not dominate the front facade of any new buildings.
- 2) The orientation of new building facades, doors and windows, should be from a sidewalk along a street, and also from bike paths (multi-use paths), pedestrian malls, parks, plazas, and bus transfer points.
- 3) Emphasize people oriented places in urban form, rather than strictly auto oriented places

Here is an explanation of the points:

- 1) Garage doors should not dominate the front facade of any new buildings.

This comment comes out of page 22 of the report. I would go farther and say that garage doors should not dominate the facade of any new building, in any residential zoning district. It only makes sense for a garage door to dominate the facade of buildings such as car dealerships and fire stations.

On many newer houses, the garage door is the dominant feature of the facade. These houses are sometimes called "snout nose" because of their design. I am not suggesting that we ban garages, only that the garage should not dominate the facade. The main feature of the facade should be doors and windows.

- 2) The orientation of new building facades, doors and windows, should be from a sidewalk along a street, and also from bike paths (multi-use paths), pedestrian malls, parks, plazas, and bus transfer points.

I can't take credit for this idea. It came out of the Regent Street Plan. In the plan, it calls for building facades that relate to the bike path. I think this would be a good idea for the whole city.

- 3) Emphasize people oriented places in urban form, rather than strictly auto oriented places.

There is no doubt that buildings will still accommodate automobiles. I am suggesting that the main orientation of buildings should be to accommodate people walking. Parking lots and parking ramps should be designed so that people walk from their cars to where they are going on the sidewalk. We should treat people arriving by car as pedestrians.

Tim Gruber, District 11 Alder, City of Madison
Email: district11@cityofmadison.com
Home phone: 608-663-5264
Cell phone: 608-217-3390

Roll, Rick

From: Gruber, Timothy
Sent: Monday, July 07, 2008 9:17 PM
To: Roll, Rick
Subject: Zoning

Rick:
Please forward the comments below to the Zoning Rewrite Committee. Thanks.
Tim

Tim Gruber, District 11 Alder, City of Madison
Email: district11@cityofmadison.com
Home phone: 608-663-5264
Cell phone: 608-217-3390

From: Eileen Hannigan [mailto:eileen_hannigan@yahoo.com]
Sent: Monday, July 07, 2008 8:37 PM
To: Gruber, Timothy
Subject: Re: [Westmorland_News] Alder's Newsletter for July

Hi Tim,

I tried to submit a comment on the zoning rewrite on the web page under "Your Thoughts", but the form is limited to 500 characters. Sheesh! I didn't even say everything that was on my mind and I hit the limit! :) Can that be changed? I've pasted my comment below, perhaps you can forward to other committee members if appropriate.

Thanks,
Eileen Hannigan
4022 Winnemac Ave

I don't know what the current rules are about parking for businesses, but if there are rules that stipulate a number of parking spaces based on square footage or maximum usage, these should be changed.

Parking requirements, if any, should be based on typical usage needs to reduce the amount of impermeable surface, wasted land, and encourage alternate forms of transportation particularly on the west and east sides that tend to have large expanses of parking lots that sit empty a good portion of the time. Does West Towne mall need to have enough spaces to accommodate the three or four busiest shopping days only to have them sit empty the other 361 days?

The book entitled The High Cost of Free Parking by Donald C. Shoup has some innovative ideas about parking.

One idea for street parking is to charge for parking, but then return every cent earned from that to the area that generated the revenue. The money can then be used for improvements in that neighborhood so that people want to go there even if they have to pay for parking. This might work in an area like Regent Street where there currently are no meters.

Eileen Hannigan

Roll, Rick

From: Hall, George E - DOA [george.hall@wisconsin.gov]
Sent: Wednesday, July 16, 2008 1:53 PM
To: Roll, Rick
Subject: Form-based codes

Here's some interesting reading you might want to share, containing a number of links to articles as well as other web sites.

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://www.formbasedcodes.org/resource.html>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Roll, Rick

From: Roll, Rick
Sent: Monday, July 07, 2008 8:45 AM
Subject: FW: a quick note on the zoning

FYI

From: Satya Rhodes-Conway [mailto:satya.vadia@gmail.com]
Sent: Saturday, June 14, 2008 8:31 PM
To: Roll, Rick
Subject: Fwd: a quick note on the zoning

----- Forwarded message -----

From: <RICKSWANSONW@aol.com>
Date: Tue, Jun 10, 2008 at 8:43 PM
Subject: a quick note on the zoning
To: satya.vadia@gmail.com

I just wanted to say the zoning on unrelated people is not all bad. In the past our neighborhood was able to keep a home for sex offender out due to this. Please remember there is good and bad in this. Plus does another truly care when no one is creating a problem. Plus I believe it is up to 4 unrelated people in a resident but I am not positive on the number. Let put out all of the information actually before one leap to an opinion. By not having all of the information peoples do and can just become un inform and ignorant of the whole picture.

But as for the chicken why would anyone keep them in an apartment. They are not the cleanness animal and can become a problem with odor and noise. And yes I have had the chicken at different point in my life before and I speak with personal knowledge on them. But if this changes does the landlord has the right to simply say no to them and evict people quickly if they do not do it within a reasonable time period as a couple of days. Then what would happen if someone has allergies to them if they move in afterwards? Lots of question here.

Just a concern person. Carl

Vote for your city's best dining and nightlife. [City's Best 2008](#).

Roll, Rick

From: Suzanne Rhees [srhees@cunningham.com]
Sent: Wednesday, July 02, 2008 2:14 PM
To: Roll, Rick
Subject: another reference -- Glendale's participation ordinance
Attachments: Glendale_CA_participation.pdf; ZC_references_links.doc

Rick,
in light of the latest comments, I wanted to send you this additional reference, from an APA conference paper. I've also added it to the ongoing list of references. It might be a good idea to let the Committee (and their constituents) know that these references will be available on the web site (once they get posted, that is).

Suzanne Rhees, AICP

Senior Urban Designer

Cunningham Group, P.A.

Tel: 612 379 6841 Fax: 612 379 4400 Cell: 612 875 1345
St. Anthony Main 201 Main Street SE, Suite 325 Minneapolis, MN 55414

Collaborate + Invent + Grow

visit our website www.cunningham.com

Zoning Code References and Links

City Zoning Code Updates

Denver, Colorado:

<http://www.denvergov.org/Default.aspx?alias=www.denvergov.org/ZoningSimplification>

Washington, D.C.: <http://dczoningupdate.org/default.asp>.

City of Palo Alto. Flexibility vs. Certainty: Discussion Paper (2001) <http://www.city.palo-alto.ca.us/knowzone/news/details.asp?NewsID=872&TargetID=239#Dilemma>

Philadelphia, PA: Zoning Code Reform: <http://www.zoningmatters.org/commission>

Zoning Codes worth Reviewing

Boulder, Colorado: <http://www.colocode.com/boulder2/title9.htm>

Saint Petersburg, Florida: http://www.stpete.org/development/Land_Development_Regs.asp

Saint Paul, MN: <http://mn-stpaul.civicplus.com/index.asp?NID=357>

San Antonio, TX: <http://www.sanantonio.gov/dsd/udc.asp>

Articles

Fulk, Gary. “The Citizen Participation Ordinance, Glendale, California.” American Planning Association: Proceedings of National Planning Conference, 1999.*
<http://www.design.asu.edu/apa/proceedings99/FULK/FULK.HTM>

Manville, Michael and Donald Shoup. “Parking, People, and Cities.” *Journal of Urban Planning and Development* © ASCE / December 2005. <http://shoup.bol.ucla.edu/People.Parking.CitiesJUPD.pdf>

A shorter article by the same authors: <http://shoup.bol.ucla.edu/People.Parking.Cities.pdf>

White, Mark. “A Model Land Development Code for the 21st Century.” Conference paper, 2006.*
_____. “Classifying and Defining Uses and Building Forms: Land-Use Coding for Zoning Regulations.” *Zoning Practice* 9.05, September 2005.*

_____. “Development Codes for Built Out Communities.” *Zoning Practice* 8.06, August 2006.*

_____. “Unified Development Codes.” *Municipal Lawyer*, July/August 2006, Vol. 47, No. 4.*

* Available on Zoning Code Rewrite web site.

Form-Based Codes

Madden, Mary E. and Bill Spikowski. “Place-Making with Form-Based Codes.” *Urban Land*, September 2006. This and other articles at: <http://www.formbasedcodes.org/resource.html>

Roll, Rick

From: Roll, Rick
Sent: Monday, June 30, 2008 1:35 PM
Subject: Zoning Code Rewrite Project Schedule and Public Participation Plan Addendum
Attachments: 070101Schedule_Projectv3.pdf; RevisedPartic_Plan_Addendum6-24-06.doc

Hi,

Attached to this e-mail are an updated Project Schedule and the Public Participation Plan addendum. If you'd prefer not to open the attachments, both documents are will be available on our project website (www.cityofmadison.com/zoningrewrite) under the Meeting Agendas section. As always, please let me know if you have any questions or concerns.

Rick Roll, AICP

Senior Planner

Department of Planning and Community
and Economic Development

Planning Division

215 Martin Luther King, Jr. Blvd.

P.O. Box 2985

Madison, WI 53701-2985

608-267-8732 PH

608-267-8739 FAX

rroll@cityofmadison.com

Project Schedule

	2006												2009											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Team Tasks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. Project Initiation/Orientation																								
2. Issue Identification																								
3. Zoning Code Analysis																								
4. Annotated Outline																								
5. Draft Zoning Code																								
6. Review, Adoption & Implementation																								
7. Draft Zoning Map																								
8. Revision, Adoption & Implementation																								

Meetings

City/Project Manager																								
Advisory Committee																								
Inter-agency Work Group																								
Community Meetings																								
Community Summit																								
Plan Commission																								
Common Council																								

Public Hearings

Plan Commission																								
Common Council																								

Addendum
Participation and Communication Plan:
Additional Participation Strategies

In response to direction from the Zoning Code Rewrite Advisory Committee to pursue additional opportunities for community involvement, the following strategies are being added to the Participation Plan:

1. **Direct meetings with neighborhood and other interest groups:** During consultant visits, additional meetings with groups or individuals can be scheduled as time permits. Meeting requests will need to be submitted the week before the visit.

Responsibility: Consultants; city staff to schedule meetings.

2. **E-mail bulletins to interested parties:** Provide brief targeted e-mails that focus on interesting zoning topics; approximately on a monthly basis. (Advisory Committee members can also send these to their constituencies.)

Responsibility: Consultants to provide content, city staff to distribute.

3. **Targeted materials to neighborhood stakeholders:** Each neighborhood association will receive an information packet, including:

- Neighborhood map of current zoning
- Summary of Zoning Analysis Report

Each association is invited to discuss the project at their regular meeting(s) and to share any zoning concerns or ideas with planning staff, consultants and Advisory Committee members.

Responsibility: City staff to provide zoning map and distribute; consultants to provide summary. Mailings to occur in July-August.

4. **Additional materials on web site:** Provide a “resources” directory with links to reports and ordinances from other locations that are relevant to Madison’s effort. Create a “comments” section of the web site to document public comments.

Responsibility: City staff to collect comments and post them; consultants and Advisory Committee members will provide most links, but other commenters may also do so.

5. **Additional outreach prior to community meetings:** Ensure that all neighborhood associations, business groups, and other interested organizations are invited to community meetings via e-mail or postcards. Discuss upcoming meeting agendas with the Advisory Committee in advance so they can comment and share information with their constituencies.

Responsibility: City staff, consultants to provide agendas.

Roll, Rick

From: Roll, Rick
Sent: Tuesday, June 24, 2008 8:52 AM
To: 'JLoewi@aol.com'
Subject: RE: Comments- revised Zoning Code discussions

Thanks Janet. I sent this to the Advisory Committee members.

Rick

From: JLoewi@aol.com [mailto:JLoewi@aol.com]
Sent: Tuesday, June 24, 2008 7:26 AM
To: Roll, Rick
Subject: Fwd: Comments- revised Zoning Code discussions

Rick,

This e-mail was received from Herman Felstehausen, retired professor of Urban and Regional Planning at the UW-Madison. It was provided to the Cuningham Group in a meeting we had, but I don't believe it was distributed more widely than that.

Thanks,
Janet

Janet - Yes, feel free to send this on to committees and anyone interested. Let's hope there is a broad discussion with some improvements in the future in the way the city distributes zoning information to the users.
Herman

On Monday, June 23, 2008, at 01:17 PM, JLoewi@aol.com wrote:

> Herman,
>
> Would it be ok for me to fwd this to the zoning re-write committee? (I
> have to send it to Rick Roll, who is coordinating the meeting, and
> he'll fwd it).
> Thanks,
> Janet

Janet & SprHarbor committees,
Re: Madison Zoning Code Review:

These notes and comments are for your use as you feel appropriate. Interpretations are based on my own observations and experience. I have not tried to conform exactly to existing zoning code language.

MEANING OF ZONING -- Current zoning language is extremely cloudy and confusing to the average Madison resident. It would be very helpful if the new zoning manual is accompanied with a short 'how-it-works' brochure defining basic terms and clarifying what is and what is not covered. When discussing zoning, I've found a couple of clarifications useful:

-- The purpose of zoning is to protect Public Health, Safety and Environmental Quality, that is Livability.
-- Zoning is NOT planning. Planning looks forward to new things.

Zoning STOPS bad things from happening.

SCOPE OF ZONING -- Zoning codes are confusing partly because they represent only one part of land use control. Building codes are more important than zoning for controlling development. And now there are additional areas of control, especially Planning Review, Environmental Standards, and Urban Design Guidelines. Neighborhoods should campaign for more integrated information.

CUSTOMARY CATEGORIES -- Standard zoning categories date back to the beginning of zoning ordinances; terms such as Single-family, Multi-family, Commercial, etc. are widely used. These patterns, however, often do not fit modern development practice. We are now seeing new categories such as MIXED-USE--a term still without exact definition. A serious revision of existing zoning rules will require codifying new catch-all categories. That effort should also include additional neighborhood review.

AREAS OF NEIGHBORHOOD CONCERN -- Spring Harbor and other Madison neighborhoods have been engaged for several years in ongoing discussions to identify and clarify zoning and development practices at the local level. Neighborhood work should be more directly incorporated into the current zoning review process. Four areas of attention are of specific relevance:

(1) Residential development on LAKESHORE AND ADJOINING LAKESHORE PROPERTIES -- This category includes setback, building height, multiple structures, multi-car garages, attached/detached garages, finished second story garages, fill/buildup of lot level, fencing, tree removal, shoreline fill/modification, and notice and review process. Such issues are common to all Madison lakeshore neighborhoods, and should receive separate review and attention in the new zoning manual.

(2) BUILDING HEIGHT AND STEP-BACK of tall buildings in residential areas -- Madison residents are totally confused as to whether there are any height limitations whatsoever to building structures adjoining residential neighborhoods. The proposed Hill Farms development has received approval for 20 story structures with no apparent checks and balances. In this case development interest took precedent over public interest. It also represents a poor bargaining process and a failure of both zoning and planning. Height standards and authority should be discussed and clarified in the current zoning review. The second part of this concept--step-back of upper floors--is a familiar practice in New York and San Francisco, but new to the midwest. Now other cities are also attempting to avoid buildings with straight canyon walls on the street side, especially in low-rise districts. In the interest of an open-sky policy is appropriate to require buildings over four stories to incorporate step-back floors preferably after the second floor. Part of the appeal is to advertise terrace restaurants and condominium.

(3) STORM WATER MANAGEMENT -- Many municipalities already require near-100% storm water retention for major developments. The technologies are readily available. Complete storm water management is a rapidly emerging technology and should be incorporated into any new code revisions. Hilldale and the proposed Hill Farms development provide a useful case example. Hill Farms consultants have argued against complete on-site storm water control citing shallow bedrock and pointing out that the site is slated for high density development--no room for recharge areas. Hilldale and Hill Farms construction information shows no sign of bedrock (consultant reports apparently

were not based on actual measurements). Construction inspections reveal 40 or more feet of ungraded glacial out-wash sand and gravel, an ideal site for complete storm water infiltration.

(4) PARKING AND LIGHTING -- Parking is difficult and confusing to categorize because it is a mix of zoning, planning, and design. New urban designs favor placing parking to the side or to the rear of commercial buildings, or underground. It is difficult to codify parking because many of the new parking designs have not yet been perfected. New parking arrangements are often expensive, unattractive, and not user-friendly. Parking is a category that deserves further study. If minimal changes are made, then I suggest sticking to basic, time-tested principles. These include landscape standards, water infiltration standards, and safe, well-marked, pedestrian walkways to and within parking areas. Outdoor lighting should be added to the code. New dark-sky lighting is now readily available and is showing up in local ordinances. Consult Shorewood Hills, they've done it.

FINAL WORD regarding zoning administration. A perfect zoning ordinance will not function very well without a trained and accessible administrative staff that is available to review individual proposals and respond to neighborhood questions and concerns. Neighborhoods would like to see more interactive assistance.

Prepared by
Herman Felstehausen
Spring Harbor Planning Group

Gas prices getting you down? Search AOL Autos for fuel-efficient used cars.

Roll, Rick

From: Roll, Rick
Sent: Thursday, June 19, 2008 9:50 AM
To: 'amy rountree'
Subject: RE: website

Amy,

I'll forward it to the Advisory Committee. Thanks for sending it.

Rick

From: amy rountree [mailto:amytrees@tds.net]
Sent: Wednesday, June 18, 2008 8:26 PM
To: Roll, Rick
Subject: website

Hi Rick:

I have a website that others on the zoning rewrite committee might be interested in. It's focused on planning issues that face college towns. There is a section on the page on zoning that discusses what has worked and not worked in other college towns, especially as far as downzoning and family definitions run.

Here's the site:
<http://www.collegetownlife.com/college/>

Amy Rountree

Roll, Rick

From: Roll, Rick
Sent: Monday, June 23, 2008 9:31 AM
To: Amy Rountree; Carole Schaeffer; Cnare, Lauren; Daniel J. Stephans; Dave Porterfield; Diane Milligan; Ethington, Ruth; Gary Brown; Gary Poulson; Gruber, Timothy; Harmon, Ramon; Janet Loewi; Janis Reek; Ken Saiki; Kerr, Julia; Kevin Pomeroy; Lance McGrath; Ledell Zellers; Lou Host-Jablonski; Michael Basford; Mike Lamb; Mike Slavney; Murphy, Brad; Nan Fey; Randall Glysch; Satya Rhodes Conway; Scott Vaughn; Sheri Carter; Steve Steinhoff; Susan Schmitz; Suzanne Rhees; Tucker, Matthew; Waidelich, Michael
Subject: FW: Zoning Rewrite Issues

Hi,

Mike Slavney asked me to forward you this e-mail he drafted. As always, please let me know if you have any questions.

Thanks,

Rick

From: Nicole Anderson [mailto:NRAnderson@vandewalle.com]
Sent: Monday, June 23, 2008 9:12 AM
To: Roll, Rick
Cc: Mike Slavney
Subject: Zoning Rewrite Issues

Hi Rick

I like both the time and place of our Committee meeting. It's a central location and adjacent to a ramp with an elevator.

I had some thoughts about the relationship between our Committee's emerging challenging topics and neighborhood association and citizen participation. Please feel free to share this with your staff, Cunningham and the Committee. Specifically, I currently see five key issues that Cunningham and the Committee should start focusing on ASAP because they probably have to be solved (rather than deferred to a later, special study) to move the Ordinance process forward.

1. **Neighborhood Involvement:** The preservation of neighborhood character throughout all existing and yet-to-develop neighborhoods in the City. Here the challenge focuses on Tear-Downs, Large Additions and preserving the Unique Character of each neighborhood. This issue is emerging in the Midvale Heights / Westmoreland Neighborhood Plans. If "white bread" Midvale Heights (which by the way, I have lived in for 33 of my 51 years) is concerned about these issues, I think every neighborhood would be. These are very tough issues everywhere on the planet. I think the City CURRENTLY generally has most of the right zoning "tools" to address these concerns – although I think fine tuning is worth considering.
 - a. The potential new tool could be a REQUIREMENT for neighborhood and neighbor input in advance of the formal public hearing or public meetings associated with all rezonings, conditional use, PUD and demolition proposals. Given our community's emphasis on involvement, perhaps the new Zoning Ordinance should require this step. If required, the new Ordinance could establish clear requirements for advertising, staffing, conducting and providing information about the submittal for such a meeting.
 - b. Tear-Downs: The City's current requirement for detailed case-by-case review and approval seems very appropriate. I am not aware of a pattern of abuses or bad examples – perhaps there are some. A public hearing process, consideration in regard to both surrounding character and adopted Neighborhood Plans, and the need to see what is proposed in detail, all seem very appropriate requirements. It seems to me that this issue is ideal for the Conditional Use process – with the review being judge against both zoning standards and adopted neighborhood plans.
 - c. Minor Additions: The existing Area Exception review seems to be working well, according to the general reaction of our Committee members when discussing this issue.

- d. **Large Additions and Relation to Unique Neighborhood Character:** The combination of the Area Exception review, plus, perhaps Conditional Use Permit review once a scale trigger is exceeded, seems most appropriate. To me, the existing Neighborhood Conservation Overlay District is the typical effective approach to apply detailed standards specific to each neighborhood or sub-neighborhood – as informed by adopted Neighborhood or Sub-Neighborhood plans.

I think we will see a lot of interest in our re-write effort incorporating the detailed standards for certain neighborhoods required to address the above. I think this could potentially be accomplished through the Neighborhood Conservation Overlay District approach where we have adopted neighborhood and sub-area plans that make clear character-related recommendations. I do not think our re-write process has the time or budget to identify such standards where adopted plans do not yet exist. However, our re-write process should address the process for integrating the character standards for both existing and future neighborhood and sub-area plans into the Neighborhood Conservation Overlay Districts, and the zoning procedures that the NC Districts would inform. Again, our Committee and process needs to focus on finding the right zoning tools and processes, and not on doing neighborhood and sub-area planning.

Finally, it seems to me that our process could hold an Open House Workshop to address these four issues, and related neighborhood character preservation and enhancement issues, at several locations in the community early this Fall – perhaps facilitated by City Staff and attended by interested Zoning Ordinance Committee, Plan Commission and Common Council members – and promoted well in advance to neighborhood associations, home remodelers, developers and other key stakeholders. I think Cunningham's most effective, and cost-effective, role could be to provide several examples of how other communities that prioritize neighborhood association and public involvement are addressing these issues.

2. **Redevelopment Areas:** A second important emerging theme is the balance between impacts and economics, and between project review involvement and project review process costs, associated with redevelopment activities – particularly in the potential Redevelopment Areas identified in the new Comprehensive Plan. The new Zoning Ordinance should identify and require the best procedural and submittal requirements for striking these balances. Again, this topic could be addressed in a series of Workshops hosted by staff. Perhaps these workshops need to be distinct from those in Item 1 – due to the much larger scale of project within these redevelopment areas.
3. **PUDs:** Yes, we rely heavily on PUDs, and yes, they involve (in theory) a wide-open range of possible land uses and intensities, and yes, they result in a unique set of zoning rules that may be difficult to track over time. Yet, they seem to work well in Madison. I am very interested in Cunningham's advice about potential alternatives. Perhaps integrating review procedures associated with 1. a. above, could constrain the wide-open potential of PUDs to be consistent with adopted Sub-Area Plans for the redevelopment sites, and could require the more direct involvement of neighbors sooner in the process. However, I am stumped as to how to avoid the creation of a site specific zoning district that balances the interests of all stakeholders and the ever-changing market conditions. I am looking forward to learning about other communities' experience from our consultants.
4. **Pallet of Zoning Districts:** Obviously a key issue. We should get to this ASAP. In my experience, having a few extra zoning districts oriented to both character and use, can substantially reduce the need for PUDs, Overlay Districts, Area Exceptions and related procedures. This can be an especially effective approach for addressing areas where "Overzoning" is currently present – actual development is far less intensive or diverse in use than current zoning would allow.
5. **Sustainability:** How proactive is appropriate? Let's get a handle on this ASAP. Our community will always be pushing on this issue – and I am proud of that reality. A special Workshop and/or subcommittee on this issue may also be the most effective way to get a good head start.

Other important issues will emerge, but I think these will be among the most important. Please work with the Consultants to consider how to effectively integrate their expertise with neighborhood, developer and other stakeholders and the Committee.

Thanks

Mike

Roll, Rick

From: Roll, Rick
Sent: Wednesday, June 18, 2008 8:56 AM
Subject: FW: A recent article
Attachments: Sun.pdf

FYI

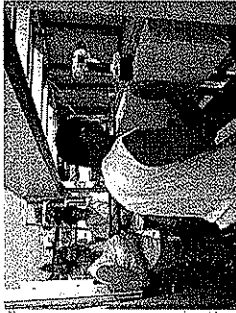
From: Ledell Zellers [mailto:lzellers@mailbag.com]
Sent: Wednesday, June 18, 2008 6:17 AM
To: Roll, Rick
Subject: A recent article

Hi Rick,

To share with other members of the Zoning Rewrite Advisory Committee please.

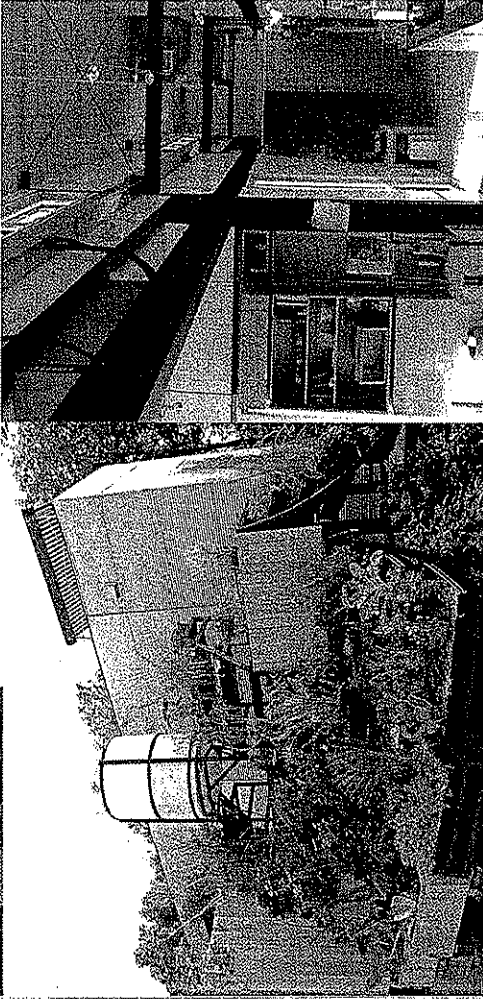
Ledell

By Cory Berkooz



Stephen R. Lee, Carnegie Mellon School of Architecture

Solar collectors disguised as "sun dragons" are used to heat water at Ann Arbor's Fuller Swimming Pool. Right: Students from Carnegie Mellon University working on the school's entry in the 2007 Solar Decathlon held in Washington, D.C.



Let the Sun Shine In

Recent federal funding encourages planning departments to take the lead in residential solar programs.

W

ith plans in hand, Michele Hannooosh and Richard Janlo approached the Ann Arbor, Michigan, building department in mid-2007 for permission to install a photovoltaic solar system on the roof of their single-family house. After some initial confusion, Hannooosh says, "it was pretty easy" to pass the inspections. The whole process—from contacting local solar contractors to getting permits to turning on the lights—took about five months.

Ann Arbor is not the only city that is catching up with residential demand for renewable energy. Home owners baffled by confusing

permit requirements are approaching planning departments for help all over the country. In response, planners from Pittsburgh, Pennsylvania, to Portland, Oregon, are scrambling to revise their codes and streamline permitting processes.

But incorporating solar technology into zoning codes can be complicated. Solar energy systems involve a broad spectrum of planning interests: safety, economics, environmental, and visual aspects that affect the quality of life and involve many groups, from home owners to utility companies to fire departments. Even more stakeholders will be involved in the future, given the federal government's growing support of renewable energy sources.

Today, solar accounts for about one percent of the total renewable energy sources nationally, most of that in the residential sector, according to the U.S. Energy Information Administration. But the industry is flourishing, thanks both to consumer demand and to tax credits. The Solar Energy Industries Association estimates that its members' total revenue grew by 116 percent and employment in the solar energy field more than doubled in 2006-07. Federal tax credits for solar projects, which are available through the end of this year, have helped to spur growth, as have state credits and rebates.

The U.S. Department of Energy has funded the momentum with one-time grants to 25 cities as part of its Solar America Initiative, which aims to increase public awareness of the benefits of solar energy. Last year, DOE awarded \$200,000 grants to 13 cities, including New York, San Francisco, Boston, and New Orleans. Twelve more grants were announced on March 28 of this year.

The DOE describes the Solar America Cities as "large cities with high electricity demand," representing "a diverse geography, population, and maturity of solar infrastructure." Each has a minimum population of 100,000. Eight of the 2007 cities are among the 50 largest cities in the U.S., according to Hannah Muller, a presidential management fellow with DOE's Solar Energy Technologies Program. "Cities were selected for their plan and commitment to a comprehensive, citywide approach," she says.

The two-year funding programs allow the cities to educate the public, offer incentives or rebates, and revamp their zoning codes and permitting processes. The project overview identifies planning as an important prerequisite. The new goals of the grants are to "integrate solar technologies into city energy planning, zoning, and facilities" and to "streamline city-level regulations and practices that affect solar adoption by residents and local businesses—including

permitting, inspections, local codes."

Looking at the recent experiences of several of the cities offers insights into the role of planning departments in supporting the use of solar power.

Heading off problems

While traditional zoning and building codes did not address alternative energy systems, there are exceptions. According to Corey Layman, a design review specialist in Pittsburgh's Department of City Planning, solar energy systems are already permitted by eight residential districts.

Now the city is considering ways to make the code even more accommodating. Pittsburgh is a 2007 Solar America Cities award recipient. The city is also home to the Green Building Alliance, which supports solar installations on public and private buildings.

Ann Arbor, another 2007 winner, has a history of supporting alternative energy use. "I've never had a negative comment about our renewable

energy programs from any of our citizens," says Mayor John Hieftje. In 2005, Hieftje issued an Energy Challenge that included plans for placing solar panels on 5,000 rooftops by 2015, a far-reaching goal for a generally cloudy city.

Ann Arbor has its own Energy Office, headed by the city's 19-year veteran energy coordinator, David Konkle. Konkle is preparing to use the SAC funding to launch various initiatives that support solar implementation.

Meanwhile, there's work for the city's planning and development services department in ensuring that existing codes are solar-friendly. To date, according to local solar installers, there are only a few solar permit applications every year, and a sudden surge of interest could catch the city off guard. Planner Jill Thacher, ACEP, says that solar panels are not directly addressed in the zoning code unless a building is in a historic district. However, the historic district regulations "only address visibility." According to Thacher, the planning department and

Konkle's energy office plan to team up soon to address the gaps.

Encountering new technologies often means consulting with experts. Judging from the experiences of the solar cities during the past year, input is needed from engineers, utilities, and solar installers. The list may also include an emergency management coordinator, representatives of citizens groups, an affordable housing coordinator for multitenant buildings, and the local fire department for safety considerations.

Deborah Cleek is the green building specialist for the Office of Sustainable Development in Portland, Oregon, another 2007 SAC awardee. Cleek notes that conflicts are inevitable as the use of solar spreads. "I would recommend that planners look at their zoning codes and look for existing conflicts before they have a barrage of new solar applications," she says.

One conflict that has garnered national headlines is that between environmentalists and

solar advocates over tall trees that shade solar installations. Attempting to mitigate such conflicts as long ago as 1991, Boulder, Colorado, approved an ordinance guaranteeing solar access for home owners and renters. The law limits the shading associated with new construction and says new buildings must be sited to provide good solar access.

In parts of the country with mature, deciduous trees, it may be possible to install solar water heaters, which can operate with ambient light and tolerate some tree shading, in place of photovoltaic panels, which require full, direct sunlight.

A second potential area of conflict is the visual clash of modern solar panels on Victorian or bungalow rooftops. Lee Rahr, Portland's solar program coordinator, describes a recent case in which a \$20,000 solar installation was completed in a local historic district before the city had updated its codes. The solar panel was 18 inches higher than the rooftop. Today, "it

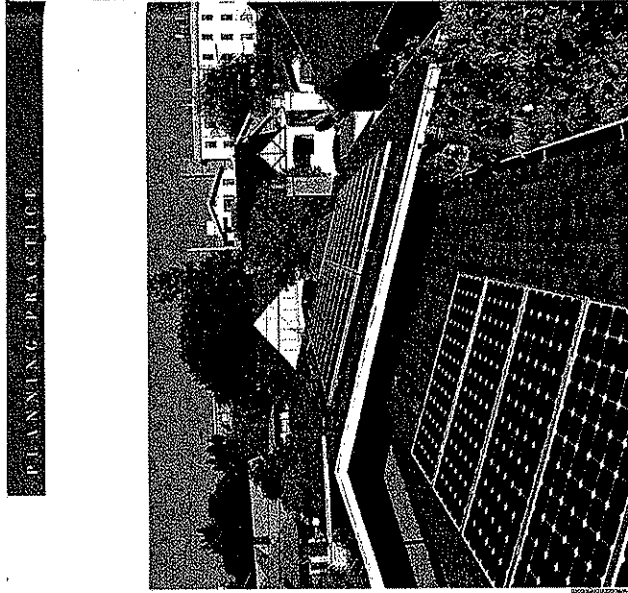
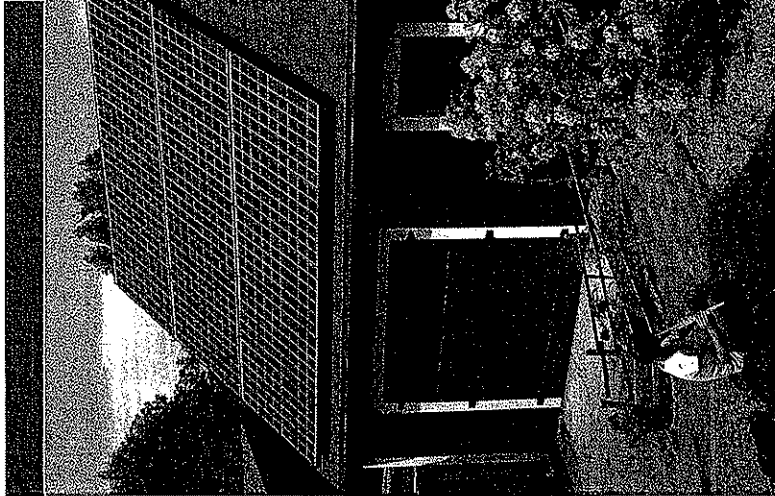
probably wouldn't have cleared design review," she says. "It's an example of something that slipped under the radar in the past, and that we are trying to prevent in the future."

Smoothing the process

James Duncan, FAICP, of Duncan Associates in Austin, Texas, says the most important action planners can take to encourage solar is to remove permitting barriers.

In Ann Arbor, according to Jill Thacher, the process currently consists of "residential solar contractors pulling electrical and plumbing permits." But that is now changing, she says, because planners realize that basic permits don't take into account critical issues of roof load, hardware, and other safety factors of solar construction.

In Portland, planners, engineers, solar experts, and green building specialists spent a year drafting a solar program guide. The guide requires residential solar projects to fulfill these



West Coast versions: A rooftop retrofit in Oakland, California, (above) and a garage in Portland, Oregon, show how solar panels can be made to fit into a community.

Courtesy: Energy Trust of Oregon

three conditions in addition to meeting building code requirements:

- All supporting roof framing must meet minimum standards.
- Collector panels must meet certain rail anchoring standards.

The top of the panels may not be more than 18 inches above the roof surface.

"The affidavits that the application process will be faster for 99 percent of the projects" if these conditions are met, says Rahr.

Other locales are already ahead. The town of Ithaca, New York (pop. 18,000), streamlined its permit process in 2006 and created a detailed worksheet for photovoltaic installation. "We were finding that many people, including installers, were not sure what information was needed to verify that the proposed installation would meet the state building code," says Kristie Rice, Ithaca's senior code enforcement officer.

The worksheet covers wiring, array, overcurrent protection, and roof and ground mounting information. Could the worksheet's more than 50 questions save off potential applicants? Rice doesn't think so. Rather, she says, "most applicants have found it very helpful. The number of permits has actually increased since the worksheet was introduced," she says.

Colorado-based planning consultant Christopher Duerksen, coauthor of the new Sustainable Community Development Code, would go further to promote solar. "The number-one thing that needs to be done," he says, "is to permit solar projects as by-right accessory uses." While there are examples of solar projects as permitted uses (in larger cities like Seattle as well as in rural counties like Fillmore County, Minnesota), most areas have not taken steps to support solar.

High permit fees are another potential barrier

to solar installations. Typically, the fees are based on a percentage of total construction costs, which could be a problem for small-scale installers. "A lot of these solar companies are mom-and-pop operations. A \$200 or \$500 permit is a big thing when you are talking about solar," says Duerksen. He suggests greatly reducing or waiving permit fees.

An example might be Piedmont, California, which recently passed a resolution to waive building permit fees for solar installations. Of course, California's situation is unique in the U.S. In 2005, the state passed a solar state law protecting all solar installations.

In other words, planners need to look for loopholes and to ease the process for the simplest installations.

In some cities, however, a waiver could complicate the existing fee structure. Rahr notes that Portland's Bureau of Development Services is fee-based, "so waiving fees has to be done thoughtfully because we still have to pay for the folks doing the engineering, permitting, and planning." To keep a balance of home owner cost and city income, Portland created a special system for solar permit fees. "Permit costs are planned to be based on the cost of the construction work, but not including the costs of panels or inverters, which are very expensive and drive up the overall cost of the installation," explains Clark.

Oversight

After permit fees are balanced to meet a community's needs, planners may want to consider the qualifications of solar installers.

Hetz, Austin is a model.

The city has plenty of experience. Compared to the handful of residential solar projects in-

stalled annually in many northern cities, sunny Austin sees some 150 photovoltaic installations a year, according to Leslie Libby, the manager of solar programs for Austin Energy, the municipally owned electrical power company.

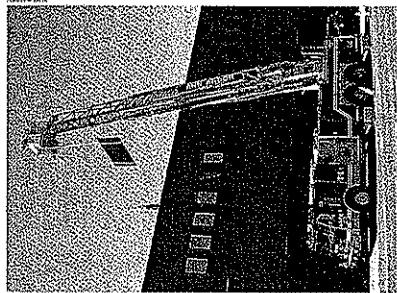
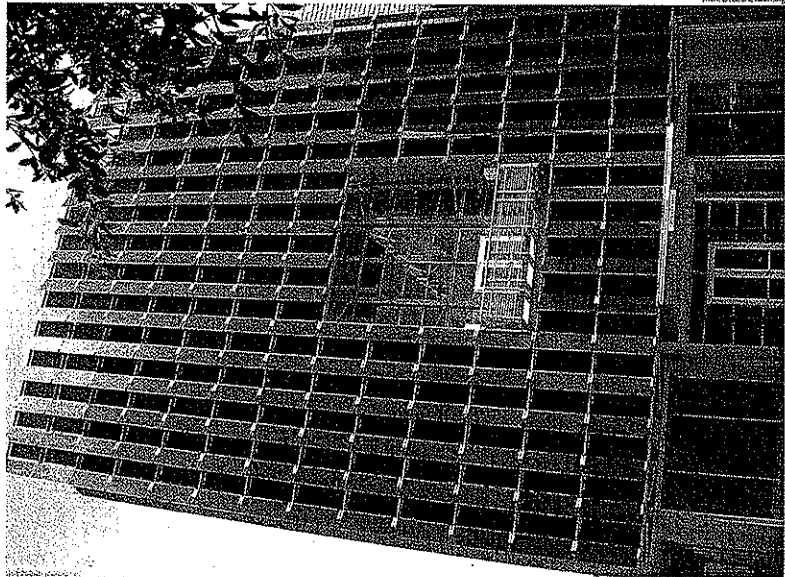
Austin planning director Gregory Guernsey, says Duerksen. He notes that the relationship between the planning department and the utility "is much closer than in other places." This proximity allows for some coordination, and the utility closely monitors the installation process.

"We have monthly contractor meetings with the 10 registered solar installers or their surrogates, who are required to attend the meetings to keep their registered status," says Libby. "At the meetings we keep abreast of new technologies and share information." For each project, "we require a site survey to be conducted before the system is installed." A new wrinkle is that failure to comply with the guidelines could result in a 30-day suspension from the list of registered contractors. "Their boss won't like that very much," says Libby. "It doesn't happen often."

Of course, a city doesn't have to own a utility company to develop training standards for solar installers. The town of Ithaca amended its code in 2006 to clarify qualifications for a solar installer. Eligible contractors must be on the New York State Energy Research and Development Authority list, or be certified by the North American Board of Certified Energy Practitioners, says Kristie Rice. The town allows installers not on the lists to bid only if they have received "adequate training" for the work.

The next great idea

Chris Duerksen tells a story that may sound familiar to planners. At the end of a long evening



The fire department is the rescue (right): installing a solar panel in Austin. Above, solar panels on the atrium entrance to Austin's convention center.

meeting, a council member introduces the "next great idea." What is it? "We want some of that sustainability stuff in our zoning code." It's up to the local planners to figure out what that means, says Duerksen.

With national interest growing in sustainable planning and renewable energy, planners have this enormous opportunity. They are right in the center of things as they haven't been for a while," says Duerksen. It's planners, he says, who are best able to resolve issues of compatibility, in adapting solar installations to historic district specifications, for instance. He notes that technology might make such things easier with inventions like the solar roof shingle.

Several of the Solar America Cities—Tucson, Ann Arbor, and particularly San Francisco—are leading the way technologically by mapping for solar. San Francisco residents can click on their building on a computerized map and find out "how much of the roof is solar-capable, how much PV it can support, and what rebates are available," says Johanna Partin, renewable energy program manager for the San Francisco Department of the Environment. The city is using part of its SAC funding to form neighborhood solar-buying groups that allow customers to "identify installers and band together for a better rate."

On the national level, Dick Fata, a Sandia National Laboratory manager, is developing a proposal for a Sun City Urban Planning Model that planners could use to change "key variables such as local tax credits, PV efficiency, the effect of a shading law, and pro and cons of each in real time." Sun City is expected to be released in about two years.

Solar America Cities are breaking new ground in other areas. New Orleans will address emergency management preparation through solar development. Both Boston and San Francisco, with high percentages of multifamily housing stock, are tackling solar use in high-density and affordable housing projects.

In the meantime, as Partin of San Francisco says, "cost is still the main barrier." Solar energy promoters hope that as technology improves and prices come down, solar panels will be as accessible as a local hardware store shelf. In the meantime, planners can revisit zoning codes, permits, and fees, as well as considering mapping in order to support solar energy construction in their communities.

Cory Beckert is an environmental writer in Ann Arbor. She was formerly planning director of Schuylker County, New York.

REFERENCES

Winners. The 2007 Solar America Cities are Ann Arbor, Austin, Berkeley, Boston, Madison, New Orleans, New York, Pittsburgh, Portland (Oregon), Salt Lake City, San Diego, San Francisco, and Tucson. The 2008 awardees are Denver, Houston, Knoxville, Milwaukee, Minneapolis-St. Paul, Orlando, Philadelphia, Sacramento, San Antonio, San Jose, Santa Rosa (Colorado), and Seattle.

Solar basics. Solar collectors come in two forms: photovoltaic (PV) arrays, which are glassy rooftop panels that connect directly to the electric grid. Solar hot water heaters rely on sunlight to heat a glycol solution that cycles through a heat exchanger. PV arrays do not work well in shade, but hot water heaters keep collecting sunlight in ambient light. It is worth checking a local area's solar availability before promoting a certain system. Also note that cost and ease of PV installations are affected by net metering rules, which vary widely from state to state. Net metering is the process of selling electricity back to the utility.

On the web. Portland's Bureau of Development Services has updated its residential and commercial solar permitting process at www.portlandline.com/bids/index.cfm?c=36514. San Francisco's solar mapping tool is at www.sf.solarmap.org. Also see www.solar-alliance.org (policy issues), www.irecusa.org (Institute for Sustainable Energy Council state incentives for solar and model inspection guidelines for PV systems), www.seia.org (Solar Energy Industries Association), www.ere.energy.gov/states (DOE webpage for solar activities for each state), www.eia.doe.gov (U.S. Energy Information Administration: facts about renewable energy), www.law.du.edu/rmlib/Programs/Sustainable%20Code/beta%20V1.pdf (Sustainable Community Development Code).

In print. "Saving the World Through Zoning," by Christopher Duerksen, *Planning*, January 2008; "A Solar Grand Plan," by Ken Zweifel, James Mason, and Vasilis Fitchakis, *Scientific American*, January 2008.

Roll, Rick

From: Roll, Rick
Sent: Wednesday, June 11, 2008 1:56 PM
Subject: FW: Zoning code rewrite

Hi,

Last one in the string of previous e-mails.

Rick

From: Tom Haver [mailto:thaver@tds.net]
Sent: Tuesday, June 10, 2008 1:45 PM
To: Tom Christensen
Cc: Roll, Rick; Rummel, Marsha; council; Mayor; Dave Zweifel
Subject: Re: Zoning code rewrite

Dear Tom et al,

I heartily agree with your assessment. As a business person, homeowner and rental owner on the near east side, I couldn't have said it better. Where we have been granted a variance to build on the existing third floors of area apartments, the city building department has rightly insisted on the upgrading of smoke detection systems through out the building to an interconnected, hard wired, battery back-up alarm system. This insures timely warning in the event of a fire. I think this goes a long way toward addressing the safety concerns associated with this option.

Green space is more easily provided in this neighborhood by the numerous lovely parks available, rather than requiring individual parcels to provide parking and recreational outdoor space. Parking is of little concern to a sizable portion of the residents of the near east side. A large percentage of the residents find walking, biking and public transportation viable for their needs.

Zoning is how we shape our communities. Let's not apply a city wide standard that ignores the needs of individual neighborhoods.

Thank you Tom, for your thoughtful comments.
Tom Haver

Tom Christensen wrote:

Rick,

I've been a resident of 1243 Jenifer for 30 years, a major Real Estate Broker in central Madison for 25 years, a property manager of 64 living units mostly in Central Madison, am a current owner of 4 businesses in Central Madison, a parent having sent 3 kids thru the full school system here, and past President 2 times of The Greater Williamson Area Business Association. I have one request regarding the zoning rewrite: **Please have the zoning rewrite permit adding third floor living units in already existing residential buildings, at least those that have the space already present but not yet finished off.**

I live in a 3 flat, one of many in central Madison that would not meet the current zoning requirements for adding a 3rd floor unit. Currently it is forbidden to finish off other 3rd floor spaces in Central Madison, due to green space and parking requirements. The argument for removing this limitation includes the following points:

<!--[if !supportLists]-->• <!--[endif]-->With the emergence of Community Car, the push for more mass transit, the unrelenting increase in gas prices, the parking requirement is outdated, and its removal will bring more people closer to their full range of destinations and thus reduce transportation costs and pollution.

<!--[if !supportLists]-->• <!--[endif]-->Since I could give you a long list of buildings that had their third floors finished off prior to the 1976 zoning code arrival, and without a single owner, or tenant, ever having shared a

complaint with me, I think there is history to prove finishing off these spaces is desirable and not a hazard in any way but some far-fetched, fear based, reaction.

- <!--[if !supportLists]-->• <!--[endif]-->We all know that increased density is the most obvious remedy for the sprawl that has so many detrimental costs connected with it, and this change does enable a small, widely distributed, and thus hardly noticeable, increase in density.
- <!--[if !supportLists]-->• <!--[endif]-->Adding a 3rd floor unit to most properties with available and unfinished space will add 20% +/- to the value of the property. Presuming an average current value of \$300,000, and, say 100, of these properties, we can project a tax base increase of \$6 mil. Given a mil rate of .0021, this represents an increase in annual tax revenue of \$126,000 PER YEAR, enuf to pay for probably 3 more teachers per year in our schools. Change the numbers if you don't accept my estimates. In any case the financial outcome is very positive.
- <!--[if !supportLists]-->• <!--[endif]-->Should this change be put in place, there will be a significant amount of construction income enjoyed by those in the trades as the buildings are upgraded. Assuming a modest \$30,000 per unit, and again 100 units, this represents \$3 million dollars of one time income to add to the Central Madison revenue cycle.
- <!--[if !supportLists]-->• <!--[endif]-->Post construction there will be more units needing repair attention adding to the income base of the local tradespeople.
- <!--[if !supportLists]-->• <!--[endif]-->Post construction there will be additional rental income accruing to the owners, many of whom are owner occupants who will enjoy a cushion against rising living expenses as we age, and/or provide additional income to devote to keeping the properties in good repair.
- <!--[if !supportLists]-->• <!--[endif]-->Of significant importance, these units will rent for less than new construction, and thus be more affordable than newly constructed housing...without requiring TIF's or any other subsidies!
- <!--[if !supportLists]-->• <!--[endif]-->Permitting housing on the third floors of these already constructed buildings, which has proven itself over more than 30 years as workable, is one more tool we have to reduce our carbon footprint here on this big rock, i.e. the most costly and resource intensive elements are already constructed.
- <!--[if !supportLists]-->• <!--[endif]-->The business districts in Williamson and E. Johnson, always benefit from increasing the number of residents in an area. The current small biz environment suffers from the fact that the Isthmus will never get wider, and thus we have a natural constriction on the growth of the customer base for these areas. Any increase in density, fosters an increase in business viability. This is not a minor point. Healthy businesses hire more local people which sets up a nice income circle multiplying the healthy financial impact from the business. Further, much of community cohesiveness emerges out of the chance meetings of people carrying out their shopping needs. Additional businesses, or current ones expanding, provide more opportunities for this essential community building "accident".

I really can't imagine what the argument would be to continue prohibiting finishing off these existing 3rd floor spaces. If there is a rationale, please advise me, and I will debate it with the experience and information base I have accumulated over these past 30 years.

Best Wishes – Tom C.

p.s. Please forward this wherever it might prompt the thinking of those interested in this topic.

p.s. 2. Comments to the TO: and CC: people, if you support this notion, would make a difference.

Tom Christensen, Broker SRES, RECS, ABR, GRI, CRS
Robin Kaltenberg, Office Manager

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www.centralmadison.com

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 269.24.6/1487 - Release Date: 6/6/2008 8:01 AM

Roll, Rick

From: Lisa MacKinnon [Imacmadison@gmail.com]
Sent: Monday, June 16, 2008 5:29 PM
To: Roll, Rick; Tucker, Matthew; Nan Fey; Fruhling, William
Subject: Resource on Health Impacts of Green Building/ LEED ND

Hi All:

Here's a resource that might be useful for the zoning re-write committee.
<https://www.usgbc.org/ShowFile.aspx?DocumentID=3901>

Cheers,

Lisa MacKinnon

Roll, Rick

From: Roll, Rick
Sent: Wednesday, June 11, 2008 1:55 PM
Subject: FW: Zoning Code Rewrite Contact Form

Hi,

A comment about chickens.

Rick

From: madcitydeb@yahoo.com [mailto:madcitydeb@yahoo.com]
Sent: Tuesday, June 10, 2008 9:47 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Deborah Aguado

Business :

Address : 1917 E. Dayton St. #1

City : Madison

State : WI

ZIP : 53704

Email : madcitydeb@yahoo.com

Message :

Sorry, chickens belong on farms not in city neighborhoods - buy a farm if you want farm animals. The noise from airplanes, trains, traffic, and barking dogs is bad enough now you want to add chickens into the mix!!!

My quality of living would be greatly disturbed by paying rent on a 2-flat and being forced to share the backyard I was paying for with chickens, their mess, and their smell.

My suggestion is to keep farm animals on a farm where they belong.

Roll, Rick

From: Roll, Rick
Sent: Wednesday, June 11, 2008 1:55 PM
Subject: FW: Zoning Code Rewrite Contact Form

Hi,

A new comment.

Rick

From: lukas@luhala.com [mailto:lukas@luhala.com]
Sent: Tuesday, June 10, 2008 9:42 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Chris Lukas

Business :

Address : 2138 Sommers Ave.

City : MADISON

State : WI

ZIP : 53704

Email : lukas@luhala.com

Message :

My primary comment on the zoning rewrite is that I am concerned with increased density in existing residential buildings.

I think it's fine to build new apartments or condos in appropriate areas to increase density.

What I don't think is a good idea is allowing more unrelated people to live in existing houses or apartments. I also don't think it's a good idea to easily allow additional apartments to be built within existing houses/buildings.

Thank you,

Chris Lukas

Roll, Rick

From: Rick Richards [syzygy1@charter.net]
Sent: Tuesday, June 10, 2008 4:33 PM
To: Roll, Rick
Subject: Re: Sustainable Community Development Code

Rick,

Thanks for sending the link.

Rick Richards

----- Original Message -----

From: Roll, Rick
To: syzygy1@charter.net
Sent: Tuesday, June 10, 2008 4:22 PM
Subject: Sustainable Community Development Code

Hi Rick,

This is the link to the Sustainable Community Development Code I discussed last night:

<http://www.clarionassociates.com/pdf/Sustainable%20Community%20Development%20Code%20Beta%20Version%201.1.pdf>

I hope you find it interesting.

Take care,

Rick Roll, AICP
Senior Planner
Department of Planning and Community
and Economic Development
Planning Division
215 Martin Luther King, Jr. Blvd.
P.O. Box 2985
Madison, WI 53701-2985
608-267-8732 PH
608-267-8739 FAX
rroll@cityofmadison.com

Roll, Rick

From: Roll, Rick
Sent: Tuesday, June 10, 2008 4:16 PM
Subject: FW: for zoning advisory committee

Hi,

Satya asked that I share with you the document that can be reached via the link below.

Rick

From: Rhodes-Conway, Satya
Sent: Tuesday, June 10, 2008 4:06 PM
To: Roll, Rick
Subject: RE: for zoning advisory committee

Thanks, Rick. Here's another resource to share:

Overcoming Obstacles to Smart Growth through Code Reform

http://www.lgc.org/freepub/PDF/Land Use/sg_code_exec_summary.pdf

SRC

From: Roll, Rick

Hi Satya,

Yes, I will forward this to the Advisory Committee, staff and our consultants. It looks very interesting.

Thanks!

Rick

Roll, Rick

From: Roll, Rick
Sent: Tuesday, June 10, 2008 3:59 PM
To: Ethington, Ruth
Cc: Murphy, Brad; Waideleich, Michael
Subject: Link to Sustainable Community Development Code

Dear Plan Commissioners,

This is the link to the Sustainable Community Development Code I mentioned at last night's meeting. This is a work in progress, but I believe it provides some interesting information.

<http://www.clarionassociates.com/pdf/Sustainable%20Community%20Development%20Code%20Beta%20Version%201.1.pdf>

Rick Roll, AICP
Senior Planner
Department of Planning and Community
and Economic Development
Planning Division
215 Martin Luther King, Jr. Blvd.
P.O. Box 2985
Madison, WI 53701-2985
608-267-8732 PH
608-267-8739 FAX
rroll@cityofmadison.com

Roll, Rick

From: Stephen Steinhoff [stevesc@tds.net]
Sent: Tuesday, June 10, 2008 2:34 PM
To: Roll, Rick
Subject: Re: for zoning advisory committee

Rick - I see that Zoning Practice has an issue about hybrid zoning ordinances. I can't access the article because I'm not a subscriber. Maybe someone at the City can and check it out to see if it would be helpful to the Advisory Committee.

See: <http://www.planning.org/zoningpractice/ask.htm>

Steve

Stephen Steinhoff
Neighborhood Design Center

On Jun 10, 2008, at 8:57 AM, Roll, Rick wrote:

Hi Satya,

Yes, I will forward this to the Advisory Committee, staff and our consultants. It looks very interesting.

Thanks!

Rick

From: Rhodes-Conway, Satya
Sent: Tuesday, June 10, 2008 12:04 AM
To: Roll, Rick
Cc: Waldelich, Michael
Subject: for zoning advisory committee

Rick -

I found this paper on flexibility vs. certainty in zoning codes helpful in think about our rewrite and some of the issues raised. Would you please share it with the committee? The link is <http://www.city.palo-alto.ca.us/knowzone/news/details.asp?NewsID=872&TargetID=239>.

Thanks
Satya

Roll, Rick

From: Rhodes-Conway, Satya
Sent: Tuesday, June 10, 2008 12:04 AM
To: Roll, Rick
Cc: Waideich, Michael
Subject: for zoning advisory committee

Rick -

I found this paper on flexibility vs. certainty in zoning codes helpful in think about our rewrite and some of the issues raised. Would you please share it with the committee? The link is <http://www.city.palo-alto.ca.us/knowzone/news/details.asp?NewsID=872&TargetID=239>.

Thanks
Satya

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 21, 2009 9:19 AM
Subject: FW: Comments to Zoning Code draft
Attachments: ZCRAC SS comments 7-09.doc; ATT00001.txt

Hi,

I'm forwarding this e-mail at Steve's request. The attachment includes his comments on the draft Zoning Code. Please let me know if you have any questions.

Thanks,

Rick

-----Original Message-----

From: Stephen Steinhoff [mailto:stevesc@tds.net]
Sent: Monday, July 20, 2009 5:45 PM
To: Roll, Rick
Subject: Comments to Zoning Code draft

Rick,

Attached are my comments to the draft zoning code and related documents (including major issues). If appropriate at this time, please distribute to ZCRAC members.

Steve

Roll, Rick

From: Ledell Zellers [lzellers@mailbag.com]
Sent: Tuesday, June 10, 2008 10:13 PM
To: Roll, Rick
Subject: RE: Zoning code rewrite

Hi Rick,

My preference is for you to forward them as you receive them.

Thanks.
Ledell

From: Roll, Rick [mailto:RRoll@cityofmadison.com]
Sent: Tuesday, June 10, 2008 9:07 AM
To: Suzanne Rhees; Amy Rountree; Carole Schaeffer; Cnare, Lauren; Daniel J. Stephans; Dave Porterfield; Diane Milligan; Ethington, Ruth; Gary Brown; Gary Poulson; Gruber, Timothy; Harmon, Ramon; Janet Loewi; Janis Reek; Ken Saiki; Kerr, Julia; Kevin Pomeroy; Lance McGrath; Ledell Zellers; Lou Host-Jablonski; Michael Basford; Mike Lamb; Mike Slavney; Murphy, Brad; Nan Fey; Randall Glysch; Satya Rhodes Conway; Scott Vaughn; Sheri Carter; Steve Steinhoff; Susan Schmitz; Tucker, Matthew; Waidelich, Michael; Firchow, Kevin; Fruhling, William; Hank, George; McCormick, Dan; McDonald, Robert; Nelson, Larry; Noonan, Katherine; Olinger, Mark; Parks, Timothy; Stouder, Heather; Widstrand, Si
Subject: FW: Zoning code rewrite

Hi,

I will forward you these comments, unless you'd prefer that I collect them and hand them out at our upcoming meetings. Please let me know your preference.

Thanks!

Rick

From: Gib Docken [mailto:gibdocken@gmail.com]
Sent: Tuesday, June 10, 2008 8:45 AM
To: Tom Christensen
Cc: Roll, Rick; Rummel, Marsha; council; Mayor; Dave Zweifel
Subject: Re: Zoning code rewrite

Tom

Years ago Professor Graaskamp predicted we would see areas like University Heights and Shorewood Hills convert may large ,elegant single family homes to multi family homes. This was before the acceptance of condominiums that we see today. He said one of the problems that would keep it form happening soon would be zoning and government . Also the very wealthy who want to maintain their upper- crust neighborhoods would also be a problem, but someday economics would dictated it. "They ain't makin' any more land!" was the way he summed it up! Your arguments are right on.

The private sector can often accidentally do what government tries to do deliberately and can't. Unfortunately those in government can be as myopic as those of us in the private sector. All the wasted time and money used on inclusionary zoning to provide modest to low cost housing has provided only a fraction of the low cost housing I have provided at Lakewood Gardens while I was trying to make a profit.

And I did make a profit, put 208 1,2 & 3 bedroom units on the market that are still selling below \$135,000 each, and allowed all the buyers to make a profit to as they sold. And next door at Sherman Terrace they put 216 units into the market. And tons of profits have been made there by all involved and they are still selling for \$90,000 to \$110,000. No TIFs! No taxpayer dollars! No goofy restrictions on the equity that killed IZ before it ever even got started! I'll bet we could find 1,000s of units the private sector has created if we really looked hard!

And still, government thinks it can do it better than the private sector! Do you think their suspicion of our motives might be what keep them from giving us the zoning tools we need to make a profit and get the job done? Unfortunately, Madison isn't the only place where profit is a dirty word! Now our fair City has a chance to provide an avenue to create a roadway to get things done that those in power want. Chances are once again they won't have the political courage to move ahead and give the advantages to us that we need to do it. We might make a profit at the expense of the poor and downtrodden! The very ones we have been helping all along. What can we do to get them to work with us and accept our needs and viewpoints?

Thanks for your unsolicited testimonial last year!

Gib Docken

On Mon, Jun 9, 2008 at 5:05 PM, Tom Christensen <tomc@centralmadison.com> wrote:

Rick,

I've been a resident of 1243 Jenifer for 30 years, a major Real Estate Broker in central Madison for 25 years, a property manager of 64 living units mostly in Central Madison, am a current owner of 4 businesses in Central Madison, a parent having sent 3 kids thru the full school system here, and past President 2 times of The Greater Williamson Area Business Association. I have one request regarding the zoning rewrite: **Please have the zoning rewrite permit adding third floor living units in already existing residential buildings, at least those that have the space already present but not yet finished off.**

I live in a 3 flat, one of many in central Madison that would not meet the current zoning requirements for adding a 3rd floor unit. Currently it is forbidden to finish off other 3rd floor spaces in Central Madison, due to green space and parking requirements. The argument for removing this limitation includes the following points:

- With the emergence of Community Car, the push for more mass transit, the unrelenting increase in gas prices, the parking requirement is outdated, and its removal will bring more people closer to their full range of destinations and thus reduce transportation costs and pollution.
- Since I could give you a long list of buildings that had their third floors finished off prior to the 1976 zoning code arrival, and without a single owner, or tenant, ever having shared a complaint with me, I think there is history to prove finishing off these spaces is desirable and not a hazard in any way but some far-fetched, fear based, reaction.

- We all know that increased density is the most obvious remedy for the sprawl that has so many detrimental costs connected with it, and this change does enable a small, widely distributed, and thus hardly noticeable, increase in density.
- Adding a 3rd floor unit to most properties with available and unfinished space will add 20% +/- to the value of the property. Presuming an average current value of \$300,000, and, say 100, of these properties, we can project a tax base increase of \$6 mil. Given a mil rate of .0021, this represents an increase in annual tax revenue of \$126,000 PER YEAR, enuf to pay for probably 3 more teachers per year in our schools. Change the numbers if you don't accept my estimates. In any case the financial outcome is very positive.
- Should this change be put in place, there will be a significant amount of construction income enjoyed by those in the trades as the buildings are upgraded. Assuming a modest \$30,000 per unit, and again 100 units, this represents \$3 million dollars of one time income to add to the Central Madison revenue cycle.
- Post construction there will be more units needing repair attention adding to the income base of the local tradespeople.
- Post construction there will be additional rental income accruing to the owners, many of whom are owner occupants who will enjoy a cushion against rising living expenses as we age, and/or provide additional income to devote to keeping the properties in good repair.
- Of significant importance, these units will rent for less than new construction, and thus be more affordable than newly constructed housing...without requiring TIF's or any other subsidies!
- Permitting housing on the third floors of these already constructed buildings, which has proven itself over more than 30 years as workable, is one more tool we have to reduce our carbon footprint here on this big rock, i.e. the most costly and resource intensive elements are already constructed.
- The business districts in Williamson and E. Johnson, always benefit from increasing the number of residents in an area. The current small biz environment suffers from the fact that the Isthmus will never get wider, and thus we have a natural constriction on the growth of the customer base for these areas. Any increase in density, fosters an increase in business viability. This is not a minor point. Healthy businesses hire more local people which sets up a nice income circle multiplying the healthy financial impact from the business. Further, much of community cohesiveness emerges out of the chance meetings of people carrying out their shopping needs. Additional businesses, or current ones expanding, provide more opportunities for this essential community building "accident".

I really can't imagine what the argument would be to continue prohibiting finishing off these existing 3rd floor spaces. If there is a rationale, please advise me, and I will debate it with the experience and information base I have accumulated over these past 30 years.

Best Wishes – Tom C.

p.s. Please forward this wherever it might prompt the thinking of those interested in this topic.

p.s. 2. Comments to the TO: and CC: people, if you support this notion, would make a difference.

Tom Christensen, Broker SRES, RECS, ABR, GRI, CRS

Robin Kaltenberg, Office Manager

T. Christensen Co. LLC

Central Madison Residential and Investment Real Estate

Solving People's Real Estate Problems Since 1983

1243 Jenifer, Madison, WI, USA 53703

Ofc 608-255-4242 Fax 608-255-4999

www.centralmadison.com

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 21, 2009 8:59 AM
To: 'Mike Slavney'
Subject: RE: Summary of Unresolved Issues

Thanks Mike. I will forward your e-mail to the Advisory Committee.

Rick

From: Mike Slavney [mailto:MSlavney@vandewalle.com]
Sent: Monday, July 20, 2009 3:40 PM
To: Roll, Rick
Subject: Summary of Unresolved Issues

Hi Rick

Thank you for your detailed summary dated 13 July. I would like you to share the following with the ZCRAC on 23 July, while I am out on vacation.

Overall, I am satisfied with the current draft. I offer the following detailed comments.

Housing Cooperatives:

I support the Staff Proposal. I believe a conservative approach is best. To address Janet's concern, I am wondering if the City would want to treat Coops as a special conditional use which is limited to the specific applicant/owner (the Coop). Many communities use this approach for daycare centers and bed and breakfasts, where conditions of operation are highly dependent upon the specific owner.

Accessory Dwellings:

I support the current proposal in the draft Ordinance. I see this as an issue that is best addressed at the neighborhood level, as well as a form of development that should be very predictable – in effect by right, where permitted by the overlay zoning district.

Built Form and Compliance with New Standards:

The recommended standards fully address my concerns about clarifying the circumstances under which the new standards will begin to apply. The clarifications now provided indicate that nonconforming situations will not be created simply by the adoption of the new ordinance – because the new built form requirements apply only to subsequent changes on the site. Thank you for taking the time to fully address this issue.

Lakefront Development

I am comfortable with the current recommendations. This is typically a very, very difficult issue. If it cannot be resolved, I would not want to see it hold up consideration and adoption of the new Zoning Ordinance as a whole.

TR-P District / Mixed Use Neighborhoods

My long experience with this issue generally leads me to conclude that, overall, communities desire the flexibility to create a mixed use neighborhood, but want the ability to control the detailed pattern. Regulating multi-family development through distinct zoning allows for this, and in my experience, actually increases the acceptability of multi-family development over the long-run, because it is controlled by detailed zoning.

Parking Requirements:

Parking happens. Whether on-site or on-street or in structures. I like the current draft approach of more clearly distinguishing which is/are preferred, based on zoning district. This is an essential community character issue and I like the way the draft Zoning Ordinance addresses this issue head-on. Where new development or redevelopment is to be guided to a less auto-oriented character, the parking location issue should be tied to the overall zoning district. For example, at some point, I can see Odana Road between Whitney and Gammon getting rezoned to a higher intensity, mixed use character that requires a mixture of on-side-street and structured parking.

Design Review / UDC

I support the current recommendation.

Area Exceptions

I support the current recommendation.

Thank you. I wish you a most productive meeting.

Michael Slavney, FAICP

Roll, Rick

From: Roll, Rick
Sent: Thursday, July 02, 2009 10:57 AM
Subject: FW: Zoning re-write

Hi,

I'm sending this for your information.

Rick

From: Murphy, Brad
Sent: Thursday, July 02, 2009 10:00 AM
To: Roll, Rick
Subject: FW: Zoning re-write

Comments for our file and to be sent out.

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Mike Ring [mailto:MikeR@parktowne.com]
Sent: Thursday, June 25, 2009 2:56 PM
To: Murphy, Brad
Subject: Zoning re-write

Brad:

I attended a meeting a month or so ago with you and several other staff members regarding the zoning code re-write. At the meeting I expressed that I felt the maximum sizes allowed in the commercial and mixed use zoning were too small. Primarily in the neighborhood mixed use and traditional shopping street districts. In the neighborhood mixed use district it is proposed to allow a maximum of 10,000 SF for a multi-tenant building and in the traditional shopping street district 25,000 SF for multi-tenant buildings. You asked what I would recommend. I did not have an answer then, but I do now.

When I look at the buildings we have traditionally done, our typical building is between 20,000 and 40,000 square feet. I feel the maximum in the neighborhood mixed use should be at least 30,000 sf. If it is not shopping centers that are surrounded by residential will not be developed. 10,000 sf is too small to build because the cost per square foot will be very high. Examples of centers that probably fall within this type of zoning, but would not be approved in the future are Clock Tower Court on Mineral Point road (almost 30,000 SF), Stonefield Glen (about 25,000 SF), and the Sequoia Library project. All of these exceed the 10,000 sf maximum, but provide useful retail tenants for the residential areas around them. Examples of Traditional Shopping Street projects would be Monroe Commons. I suspect that this has more than 25,000 SF of retail in it. Maybe it is consider something else because of the residential use above. Either way it is not cost effective to build a 10,000 SF multi-tenant building. This will cause the required rents to be out of market and the center will not lease up.

I also believe that several of the changes will require buildings to be built in ways that will not be accepted in the market place by tenants. I am currently putting a Power Point presentation of existing centers that have been built to similar standards contemplated in the zoning re-write in the city and neighboring communities and have not been successful.

They either have not leased up since they were built or they have not been able to keep tenants in them due to parking constraints or other issues. I don't think we want to go down the path of requiring certain building styles to meet some idealistic community standard that is not going to be accepted by prospective tenants. You may get a couple of buildings built this way, but when they are not a success, nobody else will bother to try.

Mike

Michael J. Ring
Executive Vice President - Building Services
Park Towne Development Corporation
608-833-9044

www.parktowne.com
www.conservancyplace.com

Roll, Rick

From: Roll, Rick
Sent: Thursday, July 02, 2009 8:56 AM
Subject: FW: Re: Campus Institutional Zoning District Draft and Edgewood High School
Attachments: Re: Campus Institutional Zoning District Draft

Hi,

I'm sending this for your information.

Rick

-----Original Message-----

From: JUDD SCHEMMELE [mailto:SCHEJUD@edgewood.k12.wi.us]
Sent: Wednesday, July 01, 2009 8:07 AM
To: Roll, Rick; gbrown@fpm.wisc.edu
Subject: Fwd: Re: Campus Institutional Zoning District Draft and Edgewood High School

Rick and Gary:

I was hoping that you could provide me with an update on the status of the proposed campus institutional zoning district and the larger question of the rezoning project generally.

I had the privilege to take part in a meeting with you at Edgewood College in the early spring and have not heard much on the matters in the days following.

I've attached my email from March which outlined our concern that the campus district be defined with sufficient clarity so as to include all three schools residing on the Edgewood campus.

Any updates you can provide would be appreciated. Additionally, if there are any planned open meetings or meetings similar to the one that took place at Edgewood College I would be most interested in learning of that schedule.

Thanks for your attention to this email. I look forward to hearing from you.

Judd Schemmel
President, Edgewood High School
Phone: (608) 257-1023, ext. 141
Email: schejud@edgewood.k12.wi.us
Website: www.edgewoodhs.org

Roll, Rick

From: JUDD SCHEMMEL [SCHEJUD@edgewood.k12.wi.us]
Sent: Thursday, March 12, 2009 9:57 AM
To: Gary BROWN
Subject: Re: Campus Institutional Zoning District Draft

Gary:

On behalf of EHS I would simply reiterate the point made during our joint meeting at Edgewood College. As currently defined, a Campus-Institutional District contemplates a university or college campus. It does not contemplate a situation such as the one that exists at Edgewood with three academic institutions of differing levels (grade school, high school and college) all existing on the same campus.

If the new zoning category includes specific parcels, and Edgewood is specifically named, we would ask that clarification be provided that the parcel of Edgewood includes all three institutions. If specific parcels are not identified and more general classifications are utilized, we would ask that some reference be included to cover a campus with multiple institutions of like purpose, e.g., education, as qualifying for the Campus-Institutional District designation.

Gary, we may have additional input to share in the future, but I would say the question of clear inclusion within the new category is the immediate matter for response.

Thanks for all your work and your willingness to work with us and other institutions on this key addition.

Judd Schemmel
President, Edgewood High School
Phone: (608) 257-1023, ext. 141
Email: schejud@edgewood.k12.wi.us
Website: www.edgewoodhs.org

>>> "BROWN, Gary" <GBROWN@fpm.wisc.edu> 03/10/09 4:34 PM >>>

Hi, Rick... attached are our comments from the University of Wisconsin on the draft language for the Campus Institutional District as part of the city's zoning code rewrite committee. These comments are similar to what we discussed at the January 27th meeting of the Zoning Code Rewrite Committee.

Please note that I have not received any specific written comments from others in the ad hoc "campus" group but when received, I will forward those along for your use. When a subsequent draft is available for the consultants, I will call another meeting of the ad hoc group to review that draft.

Let me know if you have any questions.

Thanks,

Gary

<<zoning code CI comments.pdf>>

=====
Gary A. Brown, FASLA

Roll, Rick

From: Roll, Rick
Sent: Friday, July 24, 2009 10:03 AM
Subject: Peter Wolff's TOD Recommendations
Attachments: (3) Station Area Plan,(8) Parking Standards.doc

Hi,

Peter Wolff sent me the attached document which includes his recommendations for revising the Transit Oriented Development Overlay District text.

Rick Roll, AICP

Senior Planner

Department of Planning and Community
and Economic Development

Planning Division

215 Martin Luther King, Jr. Blvd.

P.O. Box 2985

Madison, WI 53701-2985

608-267-8732 PH

608-267-8739 FAX

rroll@cityofmadison.com

(3) Station Area Plans

The station area plan is the basic plan for development in a TOD. It must be formulated and approved by appropriate commissions and council for each TOD. The plan will define such elements as land use, building heights and densities or floor area ratios, and parking standards. Consideration of these elements will include both needs of the proposed development to support transit and effects of the development on surrounding areas.

(8) Parking Standards

No minimum off -street parking is required, except where specified in the station area plan. Parking maximums specified in the base zoning category shall apply unless they are modified in the station area plan. For example, parking maximums may be reduced in the station area plan for a given TOD to provide an additional incentive for transit use, and conversely to discourage automobile use, associated with that development.

Roll, Rick

From: Roll, Rick
Sent: Tuesday, July 21, 2009 9:22 AM
To: 'Ledell.Zellers@gmail.com'
Subject: RE: View corridors -- missed in zoning rewrite --

Hi Ledell,

I will forward your e-mail to the Advisory Committee. Thanks for sharing this information with us.

Sincerely,

Rick

From: Ledell Zellers [mailto:ledell.zellers@gmail.com]
Sent: Monday, July 20, 2009 9:44 PM
To: Roll, Rick
Cc: 'Suzanne Rhees'; Tucker, Matthew; Murphy, Brad
Subject: View corridors -- missed in zoning rewrite --

Hello Rick,

Please add view corridors to the list of outstanding issues in the zoning rewrite process. I have attached some information from Cincinnati. Information regarding Seattle can be found at: [http://www.seattle.gov/dpd/Planning/View Protection/Overview/default.asp](http://www.seattle.gov/dpd/Planning/View%20Protection/Overview/default.asp)

I will send information regarding Austin in a following email as the file is rather large. Views of our Capitol and lakes are important character defining aspects of our city and should be better protected than they currently are.

Thank you.

Ledell

Ledell Zellers
510 N Carroll Street
Madison, WI 53703

Please note new email address: ledell.zellers@gmail.com

Roll, Rick

From: Satya Rhodes-Conway [satya.vadia@gmail.com]
Sent: Sunday, July 06, 2008 9:49 PM
To: Roll, Rick
Subject: Re: a quick note on the zoning

Rick -

Sorry, yes, please, with the exception of the comments from Amanda White who will write something more complete to submit.

Thanks
Satya

On Mon, Jun 16, 2008 at 8:54 AM, Roll, Rick <RRoll@cityofmadison.com> wrote:
Satya,

I'm assuming that the comments you send me should be forwarded to the Advisory Committee. Correct?

Rick

From: Satya Rhodes-Conway [mailto:satya.vadia@gmail.com]
Sent: Saturday, June 14, 2008 8:31 PM
To: Roll, Rick
Subject: Fwd: a quick note on the zoning

----- Forwarded message -----
From: <RICKSWANSONW@aol.com>
Date: Tue, Jun 10, 2008 at 8:43 PM
Subject: a quick note on the zoning
To: satya.vadia@gmail.com

I just wanted to say the zoning on unrelated people is not all bad. In the past our neighborhood was able to keep a home for sex offender out due to this. Please remember there is good and bad in this. Plus does another truly care when no one is creating a problem. Plus I believe it is up to 4 unrelated people in a resident but I am not positive on the number. Let put out all of the information actually before one leap to an opinion. By not having all of the information peoples do and can just become un inform and ignorant of the whole picture.

But as for the chicken why would anyone keep them in an apartment. They are not the cleanness animal and can become a problem with odor and noise. And yes I have had the chicken at different point in my life before and I speak with personal knowledge on them. But if this changes does the landlord has the right to simply say no to them and evict people quickly if they do not do it within a reasonable time period as a couple of days. Then what would happen if someone has allergies to them if they move in afterwards? Lots of question here.

Just a concern person. Carl

Roll, Rick

From: Stephen Steinhoff [stevesc@tds.net]
Sent: Tuesday, July 08, 2008 3:52 PM
To: Roll, Rick
Subject: Fwd: meeting summary

Rick,

Please distribute to committee with any changes you feel are needed. I understand from Peter that the consultants will provide some information about potential zoning categories (districts?) for review sometime in September (relates to bullet #5 below).

Steve Steinhoff

Begin forwarded message:

From: Stephen Steinhoff <stevesc@tds.net>
Date: July 7, 2008 12:06:50 PM CDT
To: Rick Roll <RRoll@cityofmadison.com>
Cc: peter wolff <peterwolff@yahoo.com>, Brad Murphy <bmurphy@ci.madison.wi.us>
Subject: meeting summary

Rick,

Here is my summary of our meeting last week re: neighborhood participation in the zoning code rewrite. Let me know if I missed anything or you have any edits. Thanks for taking the time to meet with us!

Steve

Meeting re: neighborhood participation in zoning code rewrite

July 3, 2008, 2-3 p.m. Madison Municipal Building

Attending: Peter Wolff (Marquette Neighborhood), Steve Steinhoff (ZCRAC Neighborhood Rep), Rick Roll and Brad Murphy (City Planning).

* The Marquette neighborhood is likely to have its zoning districts up for revision: residential (currently much non-compliance with "suburban style" code), Williamson Street (to mixed-use category), and rail corridor (to some type of mixed-employment district). The historic district will stay the same.

* City staff is available for direct meetings with neighborhoods to talk about specific neighborhood issues that relate to zoning - have been contacted by NAs including MNA to schedule meetings.

* City staff will look at existing neighborhood plans and prepare a table for each plan showing where plan recommendations conflict with current zoning.

* It is important for effective participation during the drafting period, not to wait until the public hearing stage.

* A clear opportunity for neighborhoods to review, understand, discuss, and provide feedback to the draft zoning text is needed. There is currently a 2-3 month review period from mid-January to April for draft review. For effective neighborhood review to occur, at least the following are needed: efficient distribution of draft text, neighborhood forums to review and discuss (these could take a variety of forms including meetings, electronic, etc.), and mechanisms to direct comments back to City, consultants and ZCRAC.

* A similar period and process of neighborhood participation is needed during the draft mapping (phase 2).

Roll, Rick

From: Susan De Vos [devos@ssc.wisc.edu]
Sent: Thursday, June 19, 2008 11:29 AM
To: Roll, Rick
Cc: Susan De Vos
Subject: Zoning Rewrite Schedule, Parking etc.

Hello.

The Zoning web site only lists events up to June 10. Well, today is the 19th and I am trying to figure out my summer schedule. What have you scheduled for the future?

I am concerned about:

1. off-street car parking requirements for units;
2. bicycle parking requirements for units;
3. scooter parking requirements for units;
4. sidewalk requirements in residential areas;
5. storage requirements for Condo units.

The new Greenbush Neighborhood plan calls for one off-street car parking space per residential unit. While I agree that renting a parking space along with a unit should be an option in certain locales, I do not think that it should be a requirement. When I bought my Condo on Midvale Blvd., I opted out of also buying a parking space. I use transit but I know of people who use their bikes for everything. In the rare event that they need a car, they rent or use Community Car. It is thus unfair to require them to pay for car parking as part of their rent as well. It does not make sense for the City to pay for neighborhood traffic calming at the same time as promoting car use in the neighborhood.

That said, logic suggests that if there are parking stipulations in any zoning, those stipulations should cover bike lockers and scooter areas, not just land for cars. Business should be required to have bike racks and apartment buildings should also. It is a major disservice for zoning to facilitate subsidization of cars while not promoting benches for pedestrians to sit or parking facilities for bicycles, scooters or other forms of transportation.

There are also plenty of examples of streets without sidewalks. That should be prohibited by zoning. I'm not just talking about areas that were built before being annexed into the City of Madison. The Westmorland neighborhood is a good example. It may not be reasonable to stipulate benches in front of bus stops, but it is certainly reasonable to stipulate sidewalks.

The developers for the Condos at Midvale and Tokay cleverly used neighborhood protests over size as a cover to reduce the storage capacity associated with their units. Unconscionable greed. Zoning needs to stipulate a minimum of storage space associated with any unit. I think this is a far better use of space than stipulating a parking space!

Susan De Vos

--

Susan De Vos
610 N. Midvale Blvd.
608-265-9057 (w)
608 441-0925 (h)
devos@ssc.wisc.edu

Roll, Rick

From: tammara@chorus.net
Sent: Friday, September 12, 2008 11:05 AM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Tammara Torres
Business :
Address : 1115 Drake St.
City :
State :
ZIP :
Email : tammara@chorus.net

Message :

To start, I've only heard random things about the code rewrite.

Being homeowner sandwiched between rentals, I would say that when a rental is sold, it would be nice if the grandfathering that exists to allow more than 3 unrelated adults in a single family home would be changed so that when sold it has to conform to current zoning. Besides noise issues, one of the reasons is related to an undocumented observation that upkeep and improvements seem to be mostly done by home owner-occupiers rather than landlords. I know that is not always true and there are some great landlords, but I guess it depends where you live.

I don't really object to homes being remodeled to accomodate extended family. But I think they should be done with neighborly consideration. The loss of greenspace from parking/new driveways is more of a bummer than adding or improving homespace for family.

I have in my yard wild rabbits, birds, insects, woodchuck, chipmunks..... I have no objection to chickens or other wildlife, but the squirrels could go....

I like mixed use, but it should blend with the neighborhood in a neighborly way. Such as not increasing truck traffic, noise traffic in a huge way, privacy loss for a neighbor or slamming a giant multi-unit up against single family homes. The cohousing on Mills St. seems to be a nice example of neighborhood integration. I don't think that Meriter and other business should expect to be able to just bulldoze without integrating their use and buildings properly. It is still a neighborhood where people live after all, even if we aren't in suburban mode in suburban houses or the well off types up the hill.

Thanks for letting me ramble and put my 2 cents in.

Roll, Rick

From: tjmc@tds.net
Sent: Wednesday, July 16, 2008 3:49 PM
To: Roll, Rick
Subject: Zoning Code Rewrite Contact Form

General Information

Name : Twink Jan-McMahon
Business :
Address : 2018 Helena Street
City : Madison
State : WI
ZIP : 53704
Email : tjmc@tds.net

Message :

Dear Zoning,

I really hope I haven't missed all of the available public meetings. Do you have more coming up?

Thank you,

Twink

Roll, Rick

From: Rhodes-Conway, Satya
Sent: Saturday, March 22, 2008 2:28 PM
To: Roll, Rick
Subject: FW: zoning code updates
Attachments: zoning_primer.pdf

Rick -

I came across this at work and thought the Zoning Code rewrite committee might be interested. Please send it along if you agree.

Thanks
Satya

Updating the Zoning Code - Issues and Considerations

by Paul Crawford, FAICP, and Susan Clark, AICP

Introduction

The recent explosion of development in California sparked by economic vitality has highlighted the shortcomings of zoning codes throughout the state. The many inadequacies of outdated and poorly patched codes have become painfully apparent in communities that are not achieving the quality of development they want. At the same time, however, increased local government revenues from the economic boom have provided the funding for many communities to update their zoning codes. To assist in making these efforts, most effective, this article provides an overview of the typical components of zoning codes, and discusses a variety of the issues that are useful to consider when a zoning code is updated.

California law makes the general plan the centerpiece of each community's planning program, but the zoning code is, in many ways, a more significant determinant of community form and character. The general plan is intended to provide broad-brush guidance for how and where the community will accommodate physical growth and change. Even though California cities have included ever increasing detail in their general plan policies and standards over the past 20 years, general plans remain conceptual in comparison with the tools used to implement them. Implementation occurs through specific plans, zoning codes and subdivision ordinances, and capital improvement programs; but zoning codes have more day-to-day effect on the built environment than all the others.

As the primary tool for general plan implementation, zoning codes are comprehensive "cookbooks" for day-to-day development decisions within each community. They expand on the information in general plan maps and text by providing parcel-specific regulations for the location of different land uses, and detailed specifications for the site planning and design of proposed development.

Zoning Code Components

A zoning code regulates development through its five major components. These include: a zoning map that divides the community into separate zoning districts; a list of the types of land uses that may be allowed in each zoning district; standards for site planning and development; rules and procedures for obtaining City approval for development and new land uses; and rules for zoning code administration, including establishing the authority for decision-making, interpretations, and enforcement. Each component is described below.

Zoning map

The zoning map divides the community into the separate zoning districts established by the zoning code text, consistent with the land use diagram of the general plan. Zoning districts and general plan land use categories typically segregate land uses by type, such as residential, commercial, and industrial. City zoning codes and their maps often have several different residential, commercial, and industrial zoning districts, as well as others serving special purposes (for example, "Public Facilities," or "Open Space"). The distinctions between different zoning districts in the same major category (such as residential) are usually the different types of land uses are allowed within them. (For instance, apartments are not allowed in a single-family residential zone, but are allowed in multi-family residential.) The zoning map is important because it shows where in the community different zoning requirements apply to specific parcels; but the requirements themselves are found in the zoning code text.

Over the past 20 years, urban communities have become increasingly aware that the standard zoning practice of rigidly segregating land uses by type can have undesirable side effects. Primary among those effects are residents and workers being dependent upon the automobile for

transportation. This is because segregated zoning has produced cities that are not "walkable," and are also too dispersed to support economically viable transit. In response, many cities have updated their general plans and zoning codes with increased emphasis on opportunities for mixed-use development, combining commercial and residential uses. They have also provided for higher densities in residential areas near downtowns and other commercial districts, to make it easier for people to walk for convenience shopping, other errands and, where possible, employment.

Other responses to this problem include those developed by the New Urbanists, who recommend an entirely different approach to regulating the distribution of land uses. Rather than using single-use zoning districts as the "regulatory geography" of a city, the New Urbanists divide a community into "neighborhoods," "districts," and "corridors." Neighborhoods are always mixed-use, contain activity centers of civic and commercial uses, outdoor public spaces such as squares or greens, and also provide a range of residential densities, for more choice in housing types than typical monolithic subdivisions of single-family homes. Districts generally focus on specific interrelated activities such as entertainment centers, downtowns, or manufacturing areas. Corridors are the connections between the neighborhoods and districts that may emphasize commercial or residential activities, but are also intended to be mixed-use. Actual land uses are then regulated not by land use type, but by the type, mass, and form of the buildings. This approach to regulating development has been most often used in new towns and other large-scale developments on vacant land. It can be difficult and complicated to apply to an existing built community, where its full realization will only occur over time as infill and redevelopment occur. However, all principles of New Urbanism should be considered in any zoning code update, because of their potential to significantly improve the efficient use of land, and overall community livability.

Zoning districts, allowable land uses and permit requirements

The zoning code provisions that determine how individual parcels may be used include three key parts. First, the purpose of each mapped zoning district is described, including the categories of land use that are appropriate, and how each district relates to the land use designations of the general plan. Zoning codes then list the land uses that may be allowed within each zoning district. Finally, these "allowable use" lists note the type of City approval required to establish each use. The zoning district designations and the land use lists together implement the vision of the general plan for each area of the City.

The purpose of listing uses is to classify and identify the activities that the community desires in each zoning district, and by exclusion, the uses the community does not want. Land uses are normally listed as "permitted" if they reflect the primary purposes of the zoning district, and if their possible adverse effects can be mitigated by the development standards of the zoning code. Permitted uses are typically allowed without the need for any City approvals other than building, grading, or other construction permits, although design review may also be required for certain permitted uses in cities that have a design review process.

Other uses that *may* be appropriate in a zoning district are listed as "conditional." Conditional uses may be compatible with, and supportive of the permitted uses and the overall intent of the zoning district, but they are not simply "permitted" because the severity or undesirability of their possible side effects (e.g., traffic, size, hours of operation, noise, etc.) may vary according to the location and characteristics of the site, and the nature of surrounding land uses. Therefore, conditional uses cannot be assumed to be appropriate on any given site without some public, discretionary review to verify "compatibility," and the ability for the City to hold the development accountable for its potential adverse impacts through required compliance with conditions of project approval. This review is typically through a conditional use permit, or other similar discretionary review and approval process.

Defining zoning districts, the land uses allowed within them, and the type of City approval required for each use is one of the most important tasks in a zoning code update. The mixture of land uses allowed in each zone will shape community form and character, determine how different activities in a city relate to one another, and thereby whether the community will be sprawling and auto-dependent, or compact and pedestrian-oriented. The types of commercial uses allowed, or not allowed, will also affect the economy. The designation of some uses as permitted and others as

conditional will determine the extent to which the public may be involved in the City's decisions on individual development projects. It will also affect the workload of the decision-making bodies, and the amount of time required for a developer to find out whether the City will approve, deny, or require modifications to a proposed project.

Development standards

All zoning codes establish development standards for the allowable location on a parcel and size of proposed structures, in addition to regulating many other aspects of development project planning, design and operation. Zoning codes contain three types of development standards: zone-specific standards, use-specific standards, and general standards that apply to a variety of land uses in different zones.

Zone-specific standards establish the scale and character of development unique to each zoning district. These standards can address a wide variety of project location and design details, but the most common zone-specific standards include setback requirements, height limits, site coverage and floor area ratio restrictions, and residential density limitations. Setback requirements determine the distance, if any, by which certain structures must be separated from the street, other property lines, and/or other structures. Height limits specify the maximum allowed height of new structures, identify how the allowed height must be measured (e.g., from the street curb in front of the site, from the highest point on the lot, across the entire lot in an imaginary plane parallel to the surface of the lot, etc.), and sometimes provide for exceptions to the height limit for architectural features such as chimneys, towers, steeples, and certain roof-mounted equipment. Site coverage requirements specify the maximum percentage of the site area that may be covered by structures (and in some cities, by structures and pavement). Floor area ratio (FAR) standards determine how much floor area a building may have in relation to the area of the site (for example, a FAR requirement of 0.50 would allow a 10,000 square foot site to be developed with a 5,000 square foot building ($10,000 \times 0.50 = 5,000$), provided that the building also satisfies any applicable height limit, setback, site coverage, and other zoning code requirements such as parking). Residential density requirements determine the number of housing units that may be developed on a site based on its size.

Use-specific standards apply to the development and operation of particular land uses that are known to have the potential for similar adverse effects regardless of their location. The most common use-specific standards found in zoning codes address: adult entertainment businesses, animal keeping, bed and breakfast inns, day care facilities, drive through facilities, home occupations, outdoor uses (such as merchandise display and sales, and storage), service stations, and wireless telecommunications facilities. Each city is likely to have other specific land uses that have proven problematic in the past, which the community would like to more effectively control. The substance of use-specific standards can range from the same issues addressed by zone-specific standards (for example, requiring a large landscaped setback for office parks that supercedes the minimum front setback required by the zoning districts), to limitations on hours of operation, or detailed standards for the site layout and facilities associated with a particular use. An example of the latter can be found in zoning codes that provide standards for multi-family projects, such as the minimum area of private outdoor space for each unit, and/or the minimum area of common outdoor space based on the total number of units.

General development standards are those that apply to a variety of land uses in different zones. They include such topics as off-street parking and loading requirements, sign regulations, landscaping requirements, hillside development standards, tree removal regulations, affordable housing requirements and incentives, and other topics.

Zoning code updates often include both subtle refinements and wholesale revisions to their development standards. The objectives of these changes are typically to ensure that new development is a good "fit" with surrounding land uses and the community, and to work toward positive shifts in the character of particular areas of the community. An example of the latter is where zoning standards are revised to provide for development with greater pedestrian orientation in commercial and residential areas, or to respond to economic changes that have caused

unexpected shifts in demand for certain uses, such as a proliferation of offices occupying ground floor space in retail areas.

Permitting and development review procedures

The permitting and development review procedures within a zoning code include provisions for the preparation, filing, processing, and evaluation of land use permit applications by City staff. The procedures then provide criteria for the approval or denial of the permit applications by the assigned decision-making body (for example, a planning commission or zoning administrator). These procedures usually address each type of land use approval separately, with individual chapters or sections on conditional use permits, variances, and design review.

There are a number of variations among cities in how specific types of approvals are handled. For example, some cities have both "use permits," and "*minor* use permits." The difference between the two is typically that a use permit is subject to a public hearing, and approval or denial by a planning commission, while a minor use permit is "heard," and approved or denied by a City staff person designated as "zoning administrator." Some cities use a similar arrangement for variances (variances and minor variances).

The "minor" version of the use permit is provided for situations where the City has determined that a particular type of land use needs discretionary review, but that the issues an individual project will raise are likely to be not significant or complicated enough to warrant planning commission involvement. Otherwise, the minor use permit process is identical to the use permit in terms of public notice, a hearing, and the extent of discretion that may be exercised in the decision. The advantage of this approach is for cities that are interested in streamlining their land use permit review process. The capability for a zoning administrator to review and act upon some discretionary land use permit applications can shift workload from an overloaded planning commission, and provide for greater flexibility in the scheduling of public hearings on the "minor" applications.

Rules for zoning code administration

The last major component of a zoning code (other than a glossary containing definitions of the technical terms and phrases used in the code) is a series of rules for the administration of the code. These provisions include procedures for public hearings and appeals, zoning code interpretations, property rezonings and amendments to the zoning code text, code enforcement, and regulations for nonconformities. With the exception of nonconformities, the substance of these provisions is significantly influenced by state law requirements, and tends to be similar in different cities.

Regulations for nonconformities play a unique role in zoning codes. Nonconformities are land uses and structures that were legally established and/or constructed in compliance with the zoning code requirements that applied at the time, but would not be allowed today in the same way (or in some cases, at all), because of intervening zoning code amendments that changed the rules. Depending on the preferences of a city, regulations for nonconformities either: allow them to continue indefinitely as long as they are not changed, and until they are voluntarily removed or discontinued by the property owner; do not allow them to be re-established after involuntary destruction; require them to be phased out over some specified period of time; or a combination of all of the above. Because any change to the allowable uses or development standards of a zoning code can create nonconformities, proposed zoning code changes should also be evaluated to ensure that these effects are understood. Then, the regulations for nonconformities can be adjusted as needed to either relax or maximize the effect of the changes on existing uses.

Zoning Code Update Issues

Primary concerns

The scope of substantive changes in a zoning code update should be defined through several means, each of which will contribute important insights into the adequacies and inadequacies of the existing code. First, regular users of the code should be consulted for input about their experiences working with the current standards and procedures. This feedback can provide valuable perspectives on how users with different objectives feel about the effectiveness, clarity, and ease of use of the current code. These participants should include: staff who administer the existing provisions; decision-makers; project designers, developers and other zoning permit applicants; and the general public.

A thorough, multi-part analysis should then examine the details of the code. One part of the analysis should review the current code in relation to the policies of the general plan, current state law and case law requirements. This review will determine whether all applicable plan policies and legal requirements are effectively addressed by the current code.

The analysis should also evaluate current zoning code provisions by comparing them with a sample of existing development projects. The projects should be chosen to represent both those regarded by the community as desirable and successful, and others that are generally seen as undesirable, no longer appropriate, or otherwise problematic. This component of the analysis will highlight current standards that have been ineffective in producing desirable development, and also those that are working well.

Finally, in cases where the code update is expected to involve new or revised standards for infill development within existing neighborhoods, the analysis should include a detailed inventory of existing conditions within the areas to be affected. "Existing conditions" should include the quantifiable features of existing development that define neighborhood character. An example of this would be where a City intends to reconsider its building setback requirements and height limits as they affect an existing neighborhood, or where citizens have noted that new homes in an older area are insensitive to neighborhood character. In this case, the inventory should measure, document, and analyze existing development to identify the "on-the-ground" patterns and rhythms of street setbacks, separations between buildings, and heights from one lot to the next; or at least should document those features from a "sample" of representative lots within the neighborhood. Then, as new standards are considered, their effectiveness in replicating existing neighborhood character, and hence their desirability, can be assessed.

The results of the above analysis should provide an understanding of:

- How well existing zoning requirements are working;
- Whether new land use issues have emerged in the community that are not addressed by existing requirements and need new standards; and
- What existing standards and procedures need to be changed, augmented, or discarded.

The actual revision work can then begin. A variety of resources can then be drawn upon to provide source material for revisions. These include: reviewing the zoning codes of other communities; using zoning and land use consultants experienced in drafting standards to address issues that have not been covered by other communities; and taking advantage of insights and inputs from City staff on how to address land use regulatory issues in ways that will work within the community's social and political framework.

Usability issues

A zoning code update should also focus on document usability. It is important that zoning information be readily accessible and understandable to all users. The following are some important format and content features that zoning documents should include to improve ease of use.

- **Logical organization** - The table of contents and the internal structure of chapters should be organized to reflect the sequence in which code users most commonly need to find specific information. For example, the fact that many existing codes place their "Definitions" at the beginning of the document would appear to suggest that users will routinely read the definitions before any other portion of the code, which in fact rarely occurs.

While keeping the definitions at the front of a zoning code makes sense if maintaining the same format in all segments of a municipal code is considered important, a primary question to ask in deciding how to organize a zoning code is "Where will users most intuitively expect to find specific information?" People working with zoning documents tend to be interested in first finding whether particular land uses are allowed in particular zones, then the regulations and standards that apply to the design and development of a use, and finally the details of the required approval process. The code should be organized to reflect these procedural sequences and the order in which decisions about the applicability of provisions must be made.

- **Clear language and readability** - Zoning documents must be clearly written, avoiding ambiguity, jargon and lengthy narrative, and use the simplest terms possible to describe their requirements. Regulations should be consolidated into easy-to-understand tables whenever possible. Overall, the format should employ effective graphic design and page layout techniques to enhance readability.
- **Navigation tools** - Zoning code users need to be able to easily find their way around in the code, and readily identify the code provisions that apply to their project or otherwise affect their interests. Therefore, a zoning code should include, at minimum, the following "navigation" tools.
 - **Informative table of contents.** Chapter and section titles should be descriptive, as in "Standards for Specific Land Uses" rather than an ambiguous "General Provisions," so that the table of contents can be easily scanned to identify provisions of interest.
 - **Cross-references.** While reviewing regulations on a particular topic, code users must be made aware of other related regulations that may affect their interests. A zoning code should include cross-references to its other relevant provisions, as well as references to potentially-applicable regulations (e.g., building, environmental, grading, subdivision, etc.) in other portions of the municipal code, where appropriate.
 - **Headers and footers.** Each page of the zoning code should provide headers and/or footers that identify the first section number on the page, and the section title, to allow easy browsing.
- **Extensive use of graphics** - A zoning code should use graphics to assist in illustrating the applicability and/or effect of regulations wherever illustration can improve understanding.
- **Formal procedure for interpretations** - The administration of zoning documents inevitably involves the need for interpreting their provisions, where the applicability or effect of a particular requirement may be uncertain in a situation that was not anticipated when the code was drafted. These situations often include new land uses that did not exist when the code was prepared (e.g., video game arcades in the case of codes drafted in the 1960s). A zoning document must clearly define the authority for interpretations, include a formal procedure for all types, and provide a definitive means for incorporating them into the code

through amendment, or otherwise ensuring that they will be effectively recorded for future retrieval and use.

- **Simplified permitting procedures** - A zoning code should employ the least complicated permitting procedures possible, consistent with State law requirements and the need to ensure effective project review and proper implementation of the general plan. Discretionary permits may not be necessary if clear development or performance standards can effectively address all community concerns about a particular land use through a ministerial permit process.
- **Organization to accommodate changes**- Code chapters and sections should be organized and numbered to accommodate amendments without the need for extensive renumbering of existing sections. The initial drafting of the code should anticipate the need for additional regulatory topics in the future, and provide space in the numbering system for their later inclusion.

The Importance of a Zoning Code Update

Communities secure the type and quality of development they want through three key means: 1) they clearly communicate their expectations for development; 2) they ensure their professional planning staffs are skilled in working with project applicants to assist them in understanding and fulfilling the community's expectations; and 3) their decision-making bodies rigorously follow through by approving only those projects that meet, or are revised to meet their expectations. These three means interact as a system, and each must perform adequately if the local development review process is to be successful. As the primary, and most often consulted tool for communicating the community's development expectations, zoning codes play a critical role in determining the form and character of the community. Updating the zoning code is, therefore, one of the most important planning-related tasks a community can undertake.

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