

# PLANNING DIVISION STAFF REPORT

January 23, 2017



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendments

**Legistar File ID #:** 45548, 45553, 45554, 45555, 45557, 45558, 45559, 45560

**Prepared By:** Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

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## 45548 Clarification of certain automobile repair station activities

This amendment clarifies automobile service station activities must occur indoors (except for three limited activities specified in sub. (d.)). This amendment further specifies that if automobile service station activities are occurring between the hours of 7:00 pm and 7:00 am, the doors and windows to the building in which these activities are occurring must remain closed. Also, this ordinance changes the name of the use Auto Repair Shop to Auto Repair Station in order to ensure consistency with how the use is referred to throughout the ordinance. Finally, this ordinance amends the definition of Auto Service Station to include electricity as a type of energy source that may be provided.

Staff supports this amendment.

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## 45553 Reuse of former school, municipal buildings or places of worship

This amendment repeals and amends portions of Section 28.151 of the Madison General Ordinances to remove a duplicate section in the supplemental regulations related to the reuse of former schools, municipal buildings, or places of worship, 39124 that was adopted 8/4/15.

Staff supports this amendment.

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## 45554 Building entrance orientation in MXC District

The MXC district (a master plan district) refers to the requirements of sec 28.060 for certain design features. One of which is the requirement for entrance orientation to a street. This amendment modifies the entrance orientation requirement only, to allow entrances for buildings in the MXC district to be oriented toward private streets if that street abuts a parking area or other common amenities available for use by all tenants of buildings.

Staff supports this amendment.

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**45555 Supplemental regulations for accessory buildings and structures**

This amendment cleans up redundant and conflicting information and cross-references the regulations of detached accessory buildings and structures. The amendment also includes omitted words in chart for Employment districts and adds a “y” in the supplemental regulations column.

Staff supports this amendment.

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**45557 Contractor’s business with showroom or workshop in Employment Districts**

This amendment adds this use to the use tables for the employment districts, where this type of business can be commonly found and is appropriately located. Examples of the use may include a kitchen remodel contractor office with a retail showroom, with demonstration kitchens and associated shop areas for material preparation and design. When the new zoning code was adopted, this use appears to have been inadvertently omitted from the Employment Districts.

Staff supports this amendment.

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**45558 Cohousing community in Employment Districts**

This amendment adds the “cohousing community” use into the residential – Group Living category in the Employment Districts {Sec. 28.182(1)} as a Conditional Use, in the zoning districts where residential use is currently listed as a permissible use (SE, TE, SEC, EC).

Cohousing Community is a living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters may range from detached units to townhouses or multifamily units, but do not include lodging rooms. With this amendment, only the specific allowed residential uses in certain employment districts (dwelling units in mixed-use buildings, live/work units, multi-family dwellings, residential building complexes, or single-family attached dwellings) may also establish as a Cohousing Community. When the new zoning code was adopted, this use appears to have been inadvertently omitted from the Employment Districts that otherwise allowed certain residential uses.

Staff supports this amendment.

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**45559 Driveway width at single and two-family homes with narrow side yard areas**

This amendment addresses the problem in the zoning the code that prevents certain residential property with one-car garages or one-car parking areas from having a wide enough driveway area to support driveway parking for two cars off the street (on the property), without having to shuffle the car in the driveway to

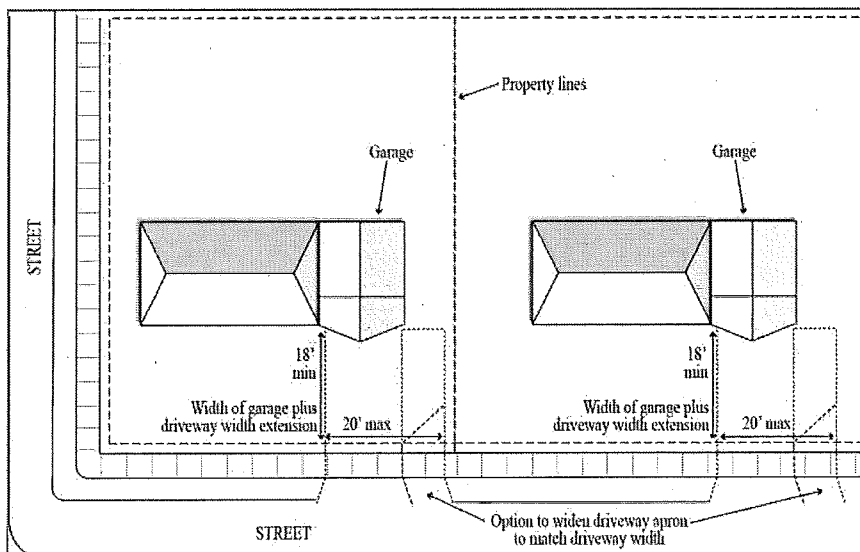
move the “inside” car. Homes with two-car garages or two space wide parking areas do not have this same parking access restriction, and those homes could not take advantage of this tool.

The zoning ordinance limits the width of the driveway in the front setback to not exceed the width of the parking area it leads to. For a driveway to be wider than a garage, one would need a minimum of 8’ of space alongside a garage (8’ is a legal parking space width). We find that many properties in the City have between 3’ and 7’ of side setback, resulting in a situation where the driveway cannot be widened because they do not lead to a minimum 8’ wide space. Annually, Zoning staff receive a few dozen inquiries, on average, for wider driveways to establish the ability to pull around a car parked on a driveway, like this amendment would allow. Many inquiries are rejected because of the existing driveway/driveway width regulations.

The important concepts of this amendment:

- The wider driveway cannot be in front of house, must be toward the side lot line,
- 20’ is maximum width, so those with 2-car garages or driveways with adequate width can’t get this as extra driveway area for parking. Also, the 2’ width lets a person out of a car and walk around it on the 20’ wide space, which seem reasonable (handling groceries, children, accessibility, etc.),
- The minimum depth of the driveway is 18’ to ensure a vehicle can be parked and not hang over the right-of-way or sidewalk,
- The existing provision limiting paving for driveways and parking purposes to a maximum of 40% of front yard areas remains unchanged,
- The apron in the right-of-way is an option for widening in the terrace area, because engineering will require apron to match whatever driveway is approved. The flare is optional, as you will see in the words and graphic.

Here is the graphic from the amendment:



Here are a few pictures of what this amendment would allow:



Staff supports this amendment.

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#### 45560 Lot area calculation to exclude wetlands or public stormwater management

The current definition of lot area allows areas that are delineated as wetlands or reserved by easement for public stormwater management to be counted toward overall lot area for the purpose of determining how many dwelling units could be proposed on the property. At times, this has resulted in higher density than can be supported by the actual developable space on the property. This amendment changes the definition of lot area so that these areas can no longer be counted toward overall lot area, which in turn is used to determine how many dwelling units are permissible. This amendment also excludes any area designated as a delineated wetland from the lot area calculation.

Staff supports this amendment.