



Office of the Common Council

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DATE: May 6, 2014
TO: Members of the Common Council
FROM: Larry Palm, Alder, District 12 *lp*
SUBJECT: Occupy Madison rezoning at 2046-50 E. Johnson Street

At its April 28, 2014 meeting, the Plan Commission recommended unanimous approval of the application by Occupy Madison, Inc. to rezone the Sanchez Motors garage at 2046-2050 E. Johnson Street to allow it to be converted into a "tiny house" workshop and residential community for 9 of the units. The Plan Commission recommended approval based on the conditions contained in the April 18 staff report as modified below:

- Revise the references in conditions #1c and 2c of the staff report related to "no tents, canopies or tarps shall be permitted on the site" to include "except for temporary construction purposes";
- Revise the second sentence of condition #1e to state: "There shall be a minimum separation of 7 feet between sites, which shall be clearly dimensioned on the final plans";
- Delete condition #1h of the staff report;
- Revise condition #2b to state: "In lieu of a family definition, a section shall be included that notes that the maximum occupancy of any tiny home unit located on the site shall not exceed 2 persons, and that visitors to the residential cooperative village/living space shall not be permitted to camp on-site or stay overnight in the 2,400 square-foot principal building";
- Revise condition #2f to state: "That the hours of operation for all activities other than the residential cooperative village/living space shall be 8:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 8:00 PM Saturday and Sunday unless approved as an alteration by the Plan Commission or by the Director of the Planning Division following a recommendation by the district alder."
- Revise the last sentence of condition #7 to state: "No occupancy of tiny house units in the residential cooperative village shall not be allowed until the improvements identified in the first phase plans [presented to the Plan Commission] have been completed."

Since the Plan Commission meeting last Monday, staff from the Office of the City Attorney, Building Inspection, Zoning, Planning, Public Health Madison & Dane County, the Madison Fire Department, and the Madison Police Department have met to discuss additional definitions and conditions to address concerns that have been raised during the discussion about the "tiny house" project and that would assist the City with regulating the Occupy Madison proposal.

At tonight's Council meeting, I will move to amend the actions of the Plan Commission to include these additional definitions and conditions in an approval of the Occupy Madison rezoning:

1. That all references to "tiny house" be revised to say "portable shelters", and that all references to "residential cooperative village" be revised to say "portable shelter communities", with the following definitions:

"Portable Shelter. Any movable living quarters, no more than 150 square feet in area, used as an individual's permanent place of habitation. For purposes of this definition, a permanent place of habitation is established when an individual lives in a portable shelter for four (4) consecutive months."

"Portable Shelter Community. Any site, lot, parcel, or tract of land designed maintained, intended or used for the purpose of supplying a location or accommodations for more than three (3) portable shelters and shall include all buildings included or intended for use as part of the Portable Shelter Community. A "portable shelter community" shall not include a "portable shelter mission."

2. The applicant shall work with the Urban Design Commission (UDC) to add additional landscaping, including trees, shade and evergreen, to the residential area of the project and where possible reduce paving surface.
3. The applicant shall comply with all future city ordinances regulating portable shelter communities, including obtaining any necessary licenses and permits required to own or operate a portable shelter or portable shelter community.
4. The applicant shall allow any public official presenting proper identification to conduct lawful inspections of the portable shelter community and the manufacturing facility.
5. The portable shelters shall have address unit numbers as assigned by City Engineering.
6. The portable shelters shall have a standard 32" x 78" door.
7. No open flame cooking devices are permitted within the portable shelter.
8. If wired, all portable shelters constructed at the subject site shall be wired in a method/manner consistent with Chapter 3 of the National Electrical Code.
9. All woodworking, metal work and related fabrication activities shall occur within completely enclosed buildings and outdoor work shall be limited to attach the roof and final assembly and finishing activities that follow attachment of the roof.

I encourage you to support this amendment and the underlying motion.

cc: Brenda Konkel, Occupy Madison, Inc.
Mayor Paul Soglin
Matt Tucker, Zoning
Tim Parks, Planning
Mike May & John Strange, Attorney's Office