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Date: January 24, 2012
To: Zoning Code Rewrite Advisory Committee
From: Planning Division and Zoning Staff
Subject: Zoning Code Rewrite Advisory Committee Recommendations to the Plan Commission

The purpose of this memorandum is to present staff's suggested approach for the Zoning Code Rewrite Advisory Committee to make its final recommendations to the Plan Commission on the draft city-wide zoning map, downtown height map, downtown step back map and draft zoning text for downtown and urban zoning districts. This memorandum also provides background information on key issues associated with the aforementioned maps and text.

Draft City-Wide Zoning Map

Staff presented the draft city-wide zoning map to the ZCRAC during the spring of 2011. The draft zoning map (with the exception of the proposed zoning district map recommendations for the downtown area) was presented to the public at a series of open houses during the fall of 2011. The maps and mapping-related issues were discussed by the ZCRAC during the second half of 2011. During these reviews, various issues were discussed and several issues of consensus and non-consensus were identified by the ZCRAC. A summary of these issues is provided below. It should be noted that building setbacks for some locations in the City are shown on the draft citywide zoning map. In general, these setbacks reflect recommendations in adopted City plans. Most setbacks are determined by the setback requirements in each zoning district. However, in some instances, adopted plans recommend specific setbacks to achieve plan objectives, such as creating a pedestrian scale urban environment, for example.

Consensus Mapping Issues

At ZCRAC's November 14, 2011 meeting, Planning and Zoning staff prepared a mapping corrections document (dated November 14, 2011) that identifies 21 recommended zoning map corrections. The ZCRAC recommended that the mapping corrections document be sent forward to the Plan Commission for consideration. Further, the ZCRAC decided to:

1. Forward the staff approach to zoning of schools and;
2. Forward the staff approach to zoning of annexed lands.

Non-Consensus Mapping Issues

As ZCRAC reviewed the draft zoning map, several issues were discussed where no consensus was reached. ZCRAC agreed to forward these unresolved issues to the Plan Commission for further study and discussion. These issues include the following:

Transformational Zoning: The issue of transformational zoning was discussed at multiple ZCRAC meetings. At these meetings, this term was used to describe zoning a property for something other than what is currently on the ground. Most often, this has been referenced as a way to implement land use and design recommendations in City-adopted plans. No consensus was reached on this issue and ZCRAC decided to pass it on to the Plan Commission for consideration.

Mapping of the TR-C2, TR-C3, and TR-C4 Districts: One of the larger policy questions that was discussed by the ZCRAC was mapping of the TR-C2, TR-C3 and TR-C4 zoning districts. This issue is described in the Issues Summary Memorandum prepared by Planning and Zoning staff dated November 14, 2011. Consensus was not reached on this issue with the exception of switching the district names of the TR-C3 and TR-C4 to make the purpose of these districts more logical.

Zoning for Housing Co-operatives: The issue of zoning for housing co-operatives was discussed in great detail by the ZCRAC and the Plan Commission over the past 31/2 years. As zoning districts were mapped discussion continued on this issue. An approach that would make housing co-operatives permitted in a TR-C3-like zoning district in a limited geographic area (Marquette Neighborhood) was discussed. ZCRAC did not reach a consensus on the issue of mapping for housing co-operatives. The primary issue is whether a new zoning district should be created to accommodate housing co-operatives in a specific geographic area. This issue should be taken up by the Plan Commission.

Zoning for Parks: The issue of zoning of parks and open space received significant discussion by the ZCRAC. Much discussion focused on use of the term “conservancy” when a park zoned Conservancy district includes active recreation facilities such as Warner Park. Planning and Zoning staff continues to work with Parks staff to create new zoning districts that address concerns expressed by some ZCRAC members.

Zoning for the University of Wisconsin Campus: After discussion, the ZCRAC decided to forward to the Plan Commission comments from the University of Wisconsin-Madison regarding the proposed city-wide zoning map as outlined in a memorandum from Gary Brown to Rick Roll dated November 23, 2011. Consensus was not reached on the issue of zoning of campus lands.

Draft Downtown and Urban Zoning Districts

In April of 2011, the ZCRAC reviewed initial drafts of the draft Downtown and Urban Zoning Districts. Several issues surfaced during this review:

Through-Lot Development: There was no consensus among ZCRAC members about how through-lot development should be regulated. Staff prepared new text for through-lot development in the Downtown Residential 1 zoning district. This issue will be reviewed by the Plan Commission.

Residential Point System: There was no consensus among ZCRAC members about a residential point system provision in the Downtown Residential 1 and 2 zoning districts. This issue will be reviewed by the Plan Commission.

Staff Text Revisions: As review of the draft downtown and urban districts progressed, staff noticed several revisions that will be reflected in the new draft districts. Most of the recommended revisions clarify terms and in some cases add text that was incomplete in previous drafts. Examples include addition of text relative to design review and elimination of the section on compatibility with traditional buildings, clarification of the design review process and adjustments to setbacks and open space requirements in the downtown and urban districts.

Draft Zoning Map Recommendations for the Downtown Area

ZCRAC began reviewing the draft zoning map during the spring of 2011. This draft zoning map did not include zoning recommendations, as those recommendations were based on the Downtown Plan recommendations which were not yet introduced to the Common Council. Since the Downtown Plan has been introduced to the Common Council and its recommendations are now under public review, the draft zoning map recommendations for the downtown area have also been prepared for review by the ZCRAC and Plan Commission. The ZCRAC will forward the draft City-wide zoning map to the Plan Commission for detailed review.

Draft Downtown Height Map

A height map for buildings in the downtown areas was prepared by Planning and Zoning staff. This map identifies the maximum height for buildings and is based on the height map in the Downtown Plan. The height regulations are based solely on geographic areas and are not based on any particular zoning district. The draft Downtown Height Map allows bonus stories in some locations provided specific criteria are met. The measurement of building height was dealt with by the Plan Commission in March 2011. However, questions have been asked about how height will be measured in the downtown area. In the adopted zoning code height is measured as follows: *Section 28.134 (a) For accessory buildings and structures, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall. (b) For principal buildings and structures, height is the average of the height of all building façades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district. (c) For alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the zoning administrator.* Questions have been raised about how height will be measured on sloped sites in the downtown area. The Plan Commission will need to consider this issue.

Draft Downtown Step-back Map

The draft downtown step-back map identifies required building step-backs in specific locations. These regulations are not based on zoning districts. The regulations are intended to preserve views in key locations and provide for careful transitions between buildings of varying height.

ZCRAC RECOMMENDATIONS TO THE PLAN COMMISSION

Staff recommends that the ZCRAC take the following actions by consensus:

1. Forward the draft city-wide zoning map (dated _____) to the Plan Commission. Report to the Plan Commission that the draft city-wide zoning map reflects the mapping methodology agreed to by ZCRAC and outlined in the staff memorandum dated June 15, 2011.
2. Forward the non-consensus mapping issues listed above to the Plan Commission.
3. Forward the Downtown and Urban Districts zoning text dated January 12, 2012 to the Plan Commission, noting the sections where the ZCRAC has not reached consensus, e.g. through-lot development and residential point system.
4. Recognize that the draft Downtown Height Map (dated _____) is still under review by the Plan Commission.
5. Recognize that the Draft Downtown Step-back map (dated _____) is still under review by the Plan Commission.