



Department of Planning & Development  
Planning Unit

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**TO:** Madison Plan Commission  
**FROM:** Bradley J. Murphy, Planning Unit Director  
**DATE:** July 14, 2005

**SUBJECT:** Zoning Text Amendments

On the Plan Commission agenda for the meeting of July 18, 2005 there are five zoning text amendments and one amendment to Chapter 16, the City's Land Subdivision Ordinances.

**Item 21 I.D. 01342 Clarifying Allowed Projections in Front Yards.** This is a housekeeping amendment to further clarify the types of porches and "bays" that can encroach into the front yard in the small lot single-family zoning districts. The amendment also simplifies the front yard setback by establishing it at 15-feet. The garage location is eliminated from this section as garages are already regulated elsewhere by requiring them to be setback 2-feet from the front façade of the building. By taking into consideration the 1-foot distance between the sidewalk and the property line, there will be a total of 18-feet between the sidewalk and the garage door, allowing ample distance to park a car between the sidewalk and the garage.

**Item 22 I.D. 01358 Requiring Identification of Secondary Dwelling Units on Subdivision Plats.** This ordinance amends the secondary dwelling unit ordinance to require the identification of all lots on which secondary dwelling units may be constructed at the time the final plat is approved and recorded. While this was the original intent of the ordinance, staff concluded that the current ordinance did not clearly require the identification of the lots. Staff have discussed this amendment with Brian Munson of Vandewalle and Associates, and Don Esposito representing Veridian. Staff have also discussed the ordinance with the City Attorney's Office and the Zoning Office. One of the concerns raised was the implication of the identification of these lots as it relates to the inclusionary zoning ordinance and the park development fee and fee in lieu of dedication requirements. Veridian was concerned that they would be required to ensure that 15% of the secondary dwelling units would be affordable, and to also pay park fees for the secondary dwelling units at the time the plats were recorded.

The intent of the secondary dwelling unit ordinance was to provide an option for single-family homeowners to add a second dwelling unit when it made sense for the homeowner. Secondary dwelling units are identified as accessory dwelling units within the zoning ordinance, not principal structures. The construction of the principal single-family home on the lot is a known commodity, while the secondary dwelling unit could be built at some point in the future or may never be built. To address the payment of park fees, staff recommend that the fees be collected at the time the secondary dwelling unit is actually constructed. If the current ordinances need to be amended to provide for the payment at the time of the

issuance of a building permit, staff can pursue these amendments. In order to address the inclusionary zoning issue, the secondary dwelling units could be exempted from the inclusionary zoning ordinance since it will be impossible to guarantee that secondary dwelling units will ever be built on individual lots at any time in the future. It also was never the intent to require secondary dwelling units to be built on individual lots, but to provide this option for homeowners in the future.

**Item 23 I.D. 01359 Establishing a Research and Development Center District.** This ordinance establishes a new Research and Development Center (RDC) District. The new district is intended to implement the recommendations included in the Pioneer Neighborhood Development Plan which proposes the establishment of a new research and development center between Mineral Point Road and Valley View Road west of County Trunk Highway M. The new zoning district implements the recommendations and design guidelines included in the adopted plan. The district is intended to allow developers to achieve a more urban development pattern than the pattern of development which can be accomplished under the current Research Park and Specialized Manufacturing (RPSM) District, which applies to the original University Research Park.

We have received a letter from Mark Bugher, Director of the University Research Park commenting on the ordinance. In the letter, questions are raised concerning the implementation of the Transportation Demand Management and Transportation Management Association requirements. In order to address these questions, staff have discussed the ordinance and are proposing several amendments to respond to the suggestions and questions raised in the letter. Staff recommend that this ordinance be referred to the next meeting at which time staff hope to have a substitute ordinance ready for Plan Commission consideration.

The Transportation Demand Management Plans will need to be prepared at the time the zoning map amendment is considered by the Plan Commission and the Common Council. The plans will be reviewed and approved by the City's Traffic Engineer. Plans for individual zoning lots will also be prepared, and then reviewed and approved by the Traffic Engineer. Staff also recommend that the University Research Park incorporate into individual lot sales agreements or leases, the TDM requirements and reporting requirements in order to implement the overall plan. The Transportation Demand Management Plan requirements will be noted on the face of the plat and on each lot within the plat. Staff will be recommending that an annual report be prepared by the University Research Park on the implementation of the Transportation Demand Management Plan and the operations of the Transportation Management Association. The requirements of the Transportation Demand Management Plan will be enforced by the University Research Park and by the City's Zoning Administrator.

The University Research Park also recommended several changes to the permitted and conditional use list and design guidelines in the ordinance. Staff agree with the recommendations to move several uses from the conditional use list to the permitted use list. Concerning the comments on the landscaping requirements in the ordinance, these standards are essentially the same as the current RPSM District, which seems to be working well and has not resulted in any unnecessary delays in obtaining approvals, that we are aware of.

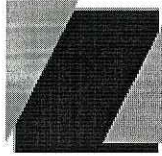
Staff agree with the proposal to exempt the stormwater management basins from the floor to area ratio calculations for individual lots.

**Item 24 I.D. 01483 Requiring Notification of Business Associations.** This ordinance requires the notification of business associations 30 days prior to submitting applications similar to the existing ordinance, which requires notification of neighborhood associations.

**Item 25 I.D. 01498 Amending the O-4 District to Allow Hospitals as a Conditional Use.** This ordinance amendment will add hospitals as an allowable conditional use within the O-4 District. Medical clinics are already listed as a conditional use. The only area currently zoned O-4 in the City of Madison is the American Center on the City's northeast side.

**Item 26 I.D. 01548 Providing Procedures for the Consideration of the Combined Submittals of Preliminary and Final Plats.** This ordinance clarifies procedures for the consideration of a combined preliminary and final plat. Staff have historically allowed property owners/developers to combine preliminary and final plats where the issues have been resolved and the development is essentially consistent with City plans. The allowance for the combining of preliminary and final plats was not specifically provided for in the subdivision ordinance, but was mentioned as an incentive in the inclusionary zoning ordinance. This amendment clarifies the procedures for considering combined preliminary and final plats and makes it clear that these procedures apply to all development, both residential and non-residential.

Staff recommend the adoption of all of the text amendments with the exception of the Research and Development Center District, which should be referred to the next meeting.



To: Brad Murphy  
From: Brian Munson  
CC: Jeff Rosenberg  
Don Esposito  
Delora Newton  
Tim Parks  
Date: July 5, 2005  
Re: Front Yard & Secondary Unit Ordinance Revisions (deferred from the June 20<sup>th</sup> Plan Commission)

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In reviewing the proposed revisions to the front yard setback and Secondary Unit ordinances the design team feels that the following issues should be addressed:

Front Yard Setbacks

Amending Sections 28.08(13)(f), 28.08(15)(f), and 28.08(16)(f), and 28.08(17)(f) of the Madison General Ordinances to clarify allowed projections into front yards and size of front yards.

The front yard setbacks were created in conjunction with the garage setback to facilitate a parking space between the face of garage and the ROW, hence the 18' setback/2'garage setback requirement. The proposal to allow for a reduced setback for the house is fine, except that additional garage setback should be required to maintain the 20' setback. This would result in a garage setback requirement of 5' from the front façade of the house if the garage is adjacent to the front yard setback, instead of the current 2'.

These issues are raised so as to clarify the ordinance; however, as the revisions will most likely not impact or change our current practices we are not opposed to the revisions.

Secondary Units

Creating Section 16.23(7)(a)21. and amending Sections 16.23(7)(b) and 28.03(2) of the Madison General Ordinances to require identification of secondary dwelling units on subdivision plats

The intention of the secondary units ordinance, as originally drafted, was to open the use of these infill units for any lot with the minimum dimension, thereby allowing for a broad application throughout the developing portions of the city as desired by market conditions. The requirement to note the location of these units restricts the use of this ordinance as predicting secondary unit locations within a neighborhood could preclude some locations in the future or over result in overestimation of the

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market demand for these units. This is especially problematic as there isn't any available market data to evaluate how these units will be received and at what pace they will be constructed; thereby making unit projections a speculative process

The second question that this revision raises is how these units will be handled administratively in terms of fees, inclusionary zoning, park dedication, and permits if they are required to be mapped as part of the platting process.

Due to the unresolved issues raised by the mapping requirement we are opposed to the revision as currently worded.