



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

## MEMORANDUM

**TO:** Zoning Code Rewrite Advisory Committee  
**FROM:** Planning Division Staff  
**DATE:** November 14, 2011  
**SUBJECT:** Issues Summary Memorandum

The Zoning Code Rewrite Advisory Committee (ZCRAC) will be holding its final meetings on the draft zoning map to make its recommendations to the Plan Commission. As noted in the methodology memorandum dated June 15, 2011 the Committee was anticipated to:

- Validate the methodology, public participation plan, and provide overall guidance to the mapping process. (Done at the June 15 meeting)
- Review public comments on the discussion draft zoning map.
- Report to the Plan Commission on areas of general agreement, areas of question and concern, and other unresolved issues on the discussion draft zoning map.
- Where there is a consensus, recommended changes to the discussion draft zoning map to the Plan Commission. Where there is not a consensus, ZCRAC could also report on the different recommendations being considered. Staff however, does not anticipate the ZCRAC will review the maps on a lot-by-lot basis.

The following memorandum summarizes the larger policy issues that have been identified, both by the Committee and by the public throughout the past several months. Also attached to this memorandum is a list of mapping errors that staff recommend be corrected. Finally, staff have suggested a general approach to assist ZCRAC in making their final recommendations to the Plan Commission.

### Summary of Issues

Based on the feedback provided by the ZCRAC, staff will update and refine this list as part of the Committee's recommendation.

**Transformational Zoning.** The issue of "Transformational Zoning" has been discussed at multiple ZCRAC meetings. In these meetings, this term has referred to zoning a property for something other than what is 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.

In review of the draft zoning map, some members of the committee have recommended that some existing malls and shopping centers not be mapped as "CC", the Commercial Center District. Staff understand the primary intent with that recommendation to make it easier to promote mixed-use and development and a more "urban" form (e.g. requiring additional height, mix of uses, and minimized

setbacks). Other districts, such as the CC-T (Commercial Corridor-Transition) or the master-planned MXC (Mixed Use Center) district have been recommended as possible replacements. For a variety of reasons discussed at those meetings, staff selected the CC district, consistent with the overall approach to not rezone properties in advance of a redevelopment proposal, unless there were very detailed zoning recommendations in adopted plans.

Staff did not receive many comments on these transformational zoning issues during the recently completed public open houses or through email comments submitted online. (See pages 17-22 of the compiled comments.) However, a comment from a ZCRAC member was submitted and noted concerns about transformational zoning in advance of a redevelopment proposal. From previous committee discussions, staff understands there are differing committee opinions on this topic. Though there may not be committee consensus, ZCRAC can note that this is a point of discussion and note more specific issues to be considered by the Plan Commission.

**Mapping of the TR-C2, TR-C3, and TR-C4 Districts.** One of the larger policy questions raised at multiple public open houses was the use of the TR-C2, TR-C3, and TR-C4 Districts. TR-C2 is intended to replace older single-family areas currently zoned the R2 (Single-Family Residence District). The TR-C4 District is a small lot single-family district, though two-unit buildings can be allowed for lots with at least 6,000 square feet of area. The TR-C3 district allows for single, two, and three-unit buildings in some situations and is intended as a replacement for the current R3 (Single and Two Family Residence District).

There were generally two points related to the mapping of these districts. The first is confusion on whether TR-C4 is providing new density entitlements by adding two-unit buildings in areas previously zoned for single-family development. For the draft map, staff used a fairly “fine-grain” approach to map the new districts. For some smaller lots (beneath the 6,000 sf size allowing two-unit dwellings) the TR-C4 was utilized to provide conforming bulk standards. The maps did not provide new entitlements to convert single-family homes on these lots, but the perception exists that such an “up-zoning” was proposed.

One way to address this concern is to remove the option for two-unit development in the TR-C4. In fact, TR-C4 was an exclusive single-family district in earlier versions of the text. In this case, two-unit properties would be zoned into TR-C3 (or higher district), leaving TR-C4 as a small lot single-family district. A second approach would be to map the single-family areas to TR-C2. This would create more bulk non-conformities, but would eliminate the confusion on the use question. Staff can see some benefits of refining the mapping of these districts but generally hopes to minimize the creation of bulk non-conformities, where possible.

The second point raised also relates to organization of the code. Some have noted that from a numbering standpoint, the TR-C3 and TR-C4 seem reversed based on the intensity of uses. Staff don’t object to such a change, especially in the event that the option for two-unit dwellings is removed from the TR-C4 district.

**Cooperative Housing in Aldermanic District 6.** Cooperative housing was discussed extensively during the preparation of the new zoning text. In review of the proposed maps, cooperative housing advocates have requested that such a use be allowed in portions of the Marquette Neighborhood, in areas proposed for TR-C3 zoning. The TR-C3 district is proposed for several parts of the near east and west

sides. While these neighborhoods have several physical development similarities, the views on cooperative housing differed somewhat. From the correspondence provided, Ald. Rummel supports more permissive cooperative housing in the Marquette Neighborhood within District 6.

Staff do not believe a more comprehensive “up-zoning” to the more intensive TR-V1 district is appropriate, especially considering that is more permissive than current zoning and in conflict with previously adopted plans that called for selective down-zoning. The approach that staff suggested to Ald. Rummel is that the text be amended. Based on conversations with the City Attorney’s office, the easiest way to make this change is to add a new supplemental regulation in the zoning text that allows cooperative housing in the TR-C3 district, consistent with the TR-V1 district standards in a geographically defined area within District 6. With this approach, the cooperative housing standards would not change for other portions of the City.

**Zoning For Parks.** Another issue raised by members of ZCRAC was determining the most appropriate zoning for City parks, which are a permitted use in many districts. As proposed in the draft zoning map, most smaller neighborhood parks (under 5 acres) were zoned consistent with the surrounding uses, typically a residential zoning classification. Larger parks were zoned into the Conservancy District, consistent with the minimum size standards for that district. Planning and Zoning staff discussed the zoning of parks with Parks Department staff, who shared a recently drafted classification of the city park properties. The 268 properties are divided into 9 classes, and staff has suggested the following zoning rubric to reflect the parks classification system:

Classification	#	Examples	Suggested Zoning
Conservation	19	Cherokee Marsh, Turville Point	Conservancy
Community	24	Warner, Elver, Olbrich	Conservancy
Mini	56	B.B. Clarke Beach, Peace Park	Like adjacent residential, unless currently zoned Conservancy, which remain Conservancy
Neighborhood	120	Burr Jones, Manchester, Yahara Place	
Open Space	18	Dixon Open Space, Owen Parkway	Conservancy, which remain Conservancy
Special	13	Cypress Spray, Odana Hills Golf,	Similar to current zoning
Sports Complex	2	Breese Stevens, Duane F. Bowman	Conservancy (text change needed to allow as CU)
Trafficway	15	Baldwin St. end, State St. Concourse	Not zoned, Public ROW
Other	1	Pumping Station 8	Conservancy

Planning, Zoning and Parks Department staff agreed to further examine the Conservancy District and the parks and open spaces uses permitted in that district. Staff will forward its recommendations to the Plan Commission prior to adoption of the draft zoning map.

**Zoning For Schools.** Some members of ZCRAC questioned what zoning district should be used for elementary, middle, and high schools. Under the current ordinance, schools are typically zoned consistent with surrounding properties. In most cases, this is a residential zoning. The new ordinance provides a new option, the “CI” (Campus Institutional District). That district is intended to apply to larger university, medical, and other multi-building institutional developments. Schools are a conditional use in either approach and as such, the process to approve new development or alterations would be the same. The only change would be for school properties that were to adopt a master plan, as outlined in

the CI district. In that case, alterations consistent with the master plan would not require approval of a (major or minor) conditional use alteration. Staff met on November 4, 2011 with school district officials to discuss proposed zoning for MMSD properties. MMSD indicated that while they will not likely initiate a Master Plan process for any of their properties, the Campus Institutional District is fine for the four high-schools. Residential zoning districts are acceptable for elementary and middle school properties. Staff did not receive other feedback on this particular issue at the public open houses.

**Zoning for Annexed Lands.** There are undeveloped areas, typically on the City's periphery, that have been annexed to the City but are not developed. Consistent with state annexation statutes, areas not receiving permanent zoning at the time of annexation are placed into a temporary zoning classification. This temporary zoning classification is referred to as the "Temporary Agriculture" district in both the new and existing codes.

The peripheral areas in question are typically identified in the City's adopted Comprehensive Plan and neighborhood development plans for future urban development or as future neighborhood planning areas. The existing agricultural (or other rural) uses would remain until such time as new development is proposed and city services are extended, which may be several years if not a few decades in the future for some areas. A new zoning district will be established after review of a detailed development proposal. At that time, the Plan Commission and Council will base their decision-making on the consistency of plat and rezoning proposals with the Comprehensive Plan and any adopted neighborhood development plans.

Some members of ZCRAC questioned whether the temporary zoning district could be renamed to make a distinction between areas planned for future development and areas zoned for more-permanent agricultural use. Staff discussed the naming issue with the City Attorney's office and understand that some flexibility exists in the naming of the temporary district(s). While the zoning ordinance now provides for the establishment of the "temporary agriculture district," the "temporary" prefix could be attached to other districts. The "Temporary Agriculture" name has been commonly applied for newly annexed lands since it most closely reflects what is on the ground in most cases.

**R4 Zoning and the "Family Definition"** While no written comments were provided, questions related to the remapping of existing R4 district and its relationship to the "Family Definition" were raised at some open houses. Staff thought it was an appropriate discussion point for the Committee.

Residential uses within the R4 district vary by neighborhood. This district typically includes a mix of single, two, and small multi-family buildings. In some cases, adopted plans have provided clear guidance recommending down-zoning R4 areas to a less intensive district. Such recommendations have been incorporated in the proposed map. In other cases, there were no recommendations to change the underlying zoning or land use.

The TR-C3 and TR-C4 districts were often used to replace R4, particularly in predominantly single and two-family areas with relatively small lots. While the maps were created to minimize bulk and use non-conformities, the zoning district could also impact the allowable building occupancy. Compared to other R4 replacement districts, the TR-C3 and TR-C4 districts would apply a more restrictive "family definition" resulting in what may be considered a "down-zoning." Specifically, the number of roomers allowed in a non-owner occupied dwelling would be reduced from four (4), to one (1) from what is now allowed.

In the following areas, the TR-C3 and TR-C4 districts were recommended to replace R4 zoning, though there isn't an adopted plan recommendation to specifically downzone these areas.

- Fair Oaks Avenue Area
- Proudfit /Brittingham Place Area
- Small portion of Carpenter-Ridgeway Neighborhood
- Clusters of residential development near South Park Street

With the exception of the occupancy question, the proposed districts closely match the existing development pattern in these areas. However, absent a specific plan recommendation for down-zoning these areas, staff acknowledges that the down-zoning would arguably be less consistent with our methodology. Zoning these areas instead to the TR-V1 district would provide the most similar zoning to the current R4, and is more consistent with the accepted methodology. However, in some cases the TR-V1 district may allow for more intensive development than what is typically found on the ground. This issue can be discussed in greater detail at the meeting. Staff is continuing to look at the potential impacts. If desired, ZCRAC could provide comments or provide further policy guidance to the Plan Commission on this issue.

## **Mapping Corrections**

During the Fall 2011 public open houses and upon subsequent review, staff found some errors in the Draft Zoning Map. Staff does not believe that these errors have significant policy implications, and recommends that the ZCRAC forward a corrected version of the map to the Plan Commission with these errors eliminated. The proposed corrections are shown on pp. 5-17 of the attached document.

## **ZCRAC Recommendation and Next Steps**

There are no formal requirements on how ZCRAC makes its recommendations(s) on the zoning map to the Plan Commission. As a suggestion, staff have recommended the following considerations that may be helpful.

- Review and consider the public comments provided to date.
- At the November 14 meeting, review the list of main policy issues in this memo and identify if there is a committee-wide consensus on any of these issues. Areas of consensus should be noted and recommendations should be specified.
- For issues where there is not complete consensus, note this and briefly summarize the differing opinions.
- Identify any additional larger policy issues.
- Review proposed mapping changes/corrections (attached) and identify the level of consensus.
- Identify new/other mapping recommendations and indicate the level of committee consensus.