



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

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

Madison Municipal Building, Suite LL100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TTY/TEXTNET 866 704 2318  
FAX 608 266-8739  
PH 608 266-4635

**TO:** Plan Commission  
**FROM:** Planning, Zoning and City Attorney Staff  
**DATE:** May 23, 2012  
**SUBJECT:** Summary of Recommended Zoning Text Changes

During review of the new zoning code prior to its adoption by the Common Council on March 29, 2011, the Plan Commission identified a number of items that it recommended be addressed after adoption of the new code but prior to the adoption of the new zoning map. Additionally, the Zoning Code Rewrite Advisory Committee (ZCRAC) and City staff have also recommended other zoning text changes or additions. This memo includes a summary of changes that will be discussed at the May 23rd meeting.

**1. Housing Cooperatives in the Marquette Neighborhood.**

This issue has been discussed at length over the last several years. Representatives of the Marquette Neighborhood and housing cooperative advocates have requested that a new zoning approach be taken in the Marquette Neighborhood to accommodate more housing cooperatives than would be allowed under the draft city-wide zoning map.

Staff Recommendation:

Staff recommend that the following text be added to Supplemental Regulations Section 28.151 as the new (c). Existing letters (c), (d), (e) and (f) shall be re-lettered accordingly:

*(c) In the TR-C3\* District housing cooperatives are allowed only in the area bounded by South Ingersoll Street on the west, Lake Monona on the south, Thornton Avenue on the east, and the mid-block line between Jenifer Street and Williamson Street on the north. Buildings with more than one (1) dwelling unit may be converted for use as a housing cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval. Housing cooperatives may*

*locate in single family homes with conditional use approval and if they meet the occupancy limits above.*

\*Based on feedback at prior Plan Commission meetings, this district will end up being called "TR-C4", and the existing "TR-C4" district will be named "TR-C3".

## **2. Changes to Residential Zoning Districts.**

After adoption of the new zoning, Staff received a letter from Vandewalle & Associates regarding the potential creation of nonconforming lots and structures in existing Veridian neighborhoods as a result of the requirements of the new zoning code. These nonconformities relate to maximum lot coverage, side and rear yard setbacks and usable open space in the R2T, R2S, R2Y, R2Z and the R4 districts. Vandewalle proposed several solutions which include revising the TR-C2, TR-C3 and TR-C4 Districts or rezoning the subject areas into the TR-P District. This option would address Veridian's concerns but would not require the City to amend the TR-C2, TR-C3 and TR-C4 Districts which could have unintended consequences on other properties in those districts. However, this approach could be problematic for at least one plat. For example, Linden Park could be a problem since it is exclusively single family and wouldn't meet the TR-P's required mix of residential uses requirement

### **Staff Recommendation:**

After discussing this issue further with Veridian representatives, staff recommends that rather than making sweeping revisions to the TR districts or rezoning these areas to the TRP District, they simply be zoned TRC4\*, which would eliminate conflicting bulk requirements. Staff notes that many of these lots are over 6,000 square feet, and could thus accommodate a two-flat building according to the TRC4 District. However, in most of the newer subdivisions where this applies, the underlying plat language and covenants would limit the uses to single-family homes.

Specifically, lots meeting the following description should be rezoned to TRC4:

- All lots currently zoned R2T, R2Y, and R2Z, regardless of size or width
- Lots zoned R2S with a lot width under 60 feet (many of these lots have a driveway on one side of the home, but at least one side yard that would not meet TRC1 or TRC2 requirements)."

\*Based on feedback at prior Plan Commission meetings, this district will end up being called "TR-C3", and the existing "TR-C3" district will be named "TR-C4".

### 3. Changes to the Employment Campus District.

The Employment Campus (EC) District is intended to be a master-planned “urban working environment” that allows for a variety of high-technology, research and development, testing, and specialized manufacturing. It is not widely mapped in the current draft zoning map, though it is anticipated to be used for future rezoning applications.

This district was intended, in part, to be the successor to the existing code’s RDC (Research and Development Center District). That district, adopted in 2005, was created specifically to implement the University Research Park II at the corner of Junction Road and Highway M. In the draft zoning map, that development is the only one assigned EC.

While the existing RDC and proposed EC districts are similar, there are some bulk standards that are not consistent. In most cases, the RDC standards are generally more flexible than those in the EC. Notable differences include the new EC District’s requirement for two story buildings and somewhat more restrictive parking standards.

The table below summarizes these and other differences.

#### Staff Recommendation:

Staff recommends the revised standards in the fourth column. Since this is intended to be a master-planned district, staff believes that more flexible standards are preferable in most cases. Based on the feedback from the Plan Commission, staff will work with the City Attorney’s office on preparing the specific language.

**Summary of Potential Bulk Changes**

|                       | Employment Campus - EC<br>(New Code)                  | Research & Development<br>Center- RDC (Existing<br>Code)   | Staff Recommended<br>Revised EC  |
|-----------------------|---|--|--|
| Site Area             | 5 Acres   | No Requirement   | 5 Acres  |
| Lot Area              | 20,000 sf   | No Requirement   | No Requirement   |
| Front Yard Setback    | No Setback Required<br>except for Corner<br>Locations | Minimum 10’ setback. At<br>least 50% of the building<br>façade facing the front<br>property line shall be<br>between 10-30 feet of the<br>property line. | No Setback Required. At<br>least 50% of the building<br>façade facing the front<br>property line shall be<br>within 30 feet of the front<br>property line. |
| Corner Lot Provisions | At least 75% of the                                   | At least 50% of the  | At least 50% of the  |

|                      |  |   |   |
|----------------------|--|---|---|
|                      | building within 30 feet of the corner shall be within 25 feet of the Front Lot Line.     | building façade facing the side property line shall be between 10-30 feet of the property line.   | building facing either property line on a corner lot shall have a maximum setback of 30 feet.   |
| Parking Location     | Differentiated by building type. No parking allowed between the front façade and street. | A parking lot containing 10 or less stalls may be located to the front or side of a building, if not in a required front or street side yard. Can exceed this if approved by architectural design committee. A minimum 10' wide landscape buffer is required to screen this parking. Allows larger parking lots in front or beside buildings if approved by the architectural review committee. | A parking lot containing 10 or less stalls may be located between the building and street if consistent with all other setback standards. Any surface parking shall have a minimum setback of 10 feet from the front property line. |
| Side Yard Setback    | 15' or 20% of Building Height, whichever is greater                                      | 10' (Can be 0 when sharing a common wall)   | 10' (Can be 0 when sharing a common wall)   |
| Rear Yard            | 30'  | 10'   | 10'   |
| Maximum Lot Coverage | 75%  | 85%   | 85%   |
| Minimum Height       | 2 Stories  | No Minimum Height   | No Minimum Height   |

#### 4. Bulk and Height Standards for Lakefront Development

Section 28.138 (4) includes the bulk and height standards for single and two-family homes. Like the current code, new lakefront development and additions exceeding 500 square feet require conditional use approval. Unlike the existing standards, the new code establishes additional height and bulk limitations based on the surrounding development. These limitations are in addition to the bulk and height standards included in the underlying zoning district.

For bulk, the new code requires that the residential floor area ratio (FAR) of a principal building not exceed 125% of the median floor area ratio for residentially zoned buildings within 1,000 feet of either side of the subject property. The standard was primarily developed by the City's zoning consultant based on feedback from lakefront neighborhood residents who sought more measurable and predictable outcomes with such development.

In December 2009, staff shared an initial analysis of this proposed bulk standard with the Plan Commission, finding that of the five (5) subject applications

tested, three (3) of the (5) five did not meet this standard. That memorandum can be found online at:

<http://legistar.cityofmadison.com/attachments/1b41cb98-a421-4264-9f7a-ae8ee1db2b6c.pdf>

The memorandum concluded that further analysis should occur to test this policy and noted the following:

- Recommended that finished basement space be removed as part of this calculation.
- Raised concerns on treating attached vs. detached garages differently in this calculation.
- Requested clarifications on how the 1,000 foot area used to define the median FAR is calculated.

As a follow up to that initial analysis, staff reviewed the residential lakefront developments reviewed by the Plan Commission since 2010 against the proposed FAR standard. A summary of that analysis is shown in the table below.

|                      | Type     | Calculated FAR | Median FAR within 1,000 Feet | 125% Median FAR within 1,000 Feet | Meets Standard |
|----------------------|----------|----------------|------------------------------|-----------------------------------|----------------|
| 1646 Sherman Ave     | Addition | 0.37           | 0.344                        | 0.43                              | YES            |
| 2612 Waunona Way     | Addition | 0.17           | 0.18                         | 0.22                              | YES            |
| 4942 Lake Mendota Dr | New      | 0.41           | 0.25                         | 0.31                              | NO             |
| 5454 Lake Mendota Dr | Addition | 0.20           | 0.17                         | 0.21                              | YES            |
| 2708 Waunona Way     | New      | 0.21           | 0.18                         | 0.22                              | YES            |
| 5206 Harbor Court    | New      | 0.22           | 0.25                         | 0.31                              | YES            |
| 902 Lawrence St      | New      | 0.299          | 0.24                         | 0.295                             | NO             |
| 1634 Sherman Ave     | Addition | 0.51           | 0.34                         | 0.43                              | NO             |
| 2528 Waunona Way     | New      | 0.26           | 0.19                         | 0.24                              | NO             |
| 4114 Veith Ave       | New      | 0.24           | 0.14                         | 0.18                              | NO             |
| 5844 Thorstrand Rd   | Addition | 0.20           | 0.20                         | 0.25                              | YES            |

All of the above projects were approved by the Plan Commission. The above analysis shows that five (5) of the eleven (11) proposals would not have met the FAR standard and therefore, could not have been approved if the standard had been in place. Of the five (5) proposals not meeting this standard, staff note that each was approved unanimously and only the Lawrence Street proposal had any known opposition. The 2708 Waunona Way project would have just met the standard while the home on Lawrence Street would have just exceeded it.

One of staff's primary concerns is that over a distance of 2,000 feet, the context can be quite varied in terms of zoning, lot size, setbacks, etc. In some areas, this could include in excess of 20 lots. Even if the proposed bulk is consistent with the underlying bulk standards, immediately surrounding homes, and supported by surrounding neighbors, other properties within the vicinity may limit the permissible bulk.

There are a variety of alternative approaches. One approach would be to reduce the size of the area from which the median FAR is calculated (for example, limit the area to 500 feet or clarify that the measurement must be along a common street, etc.) Another approach would be to increase the amount new development could exceed the median FAR (for example limit development to 150% of the Median FAR). There are numerous iterations that could be explored.

For height, the new code requires a similar provision that buildings not exceed 125% of the median height for all residentially-zoned principal buildings within 1,000 feet of either side of a subject property. Again, this is in addition to the height requirements in the underlying zoning district. Staff believe that this standard is problematic and should be removed. In addition to the concerns raised above for the bulk measurement, staff also notes there is a lack of available and reliable data on building height to make such a determination. Considering this lack of data, staff has not been able to test how such a standard would have impacted recently approved projects. Also, staff notes that this would place a substantial burden on applicants wishing to build an addition or new home on a lakefront lot.

Staff also note that the height measurement for residential development in the new code is already somewhat different than that in the current code. For most residentially zoned districts, the maximum height is two stories or 35 feet. In the new code, this is measured to the peak of the roof, where it was formerly measured to a point midway between the roof peak and eave. Also, the measurement is now a four-sided measurement where before it was only the front of the house. Thus, an applicant would be required to obtain by survey a four-sided measurement on 20 or more private properties nearby, simply to understand the height parameters for their proposed home. Staff believes this requirement is unreasonable.

Staff Recommendation:

Staff believes the existing approach in today's zoning code, without additional bulk and height regulations, generally works well for the Plan Commission. While there are occasionally controversial residential lakefront proposals, the vast majority of these proposals are approved, many of them on the consent agenda. The Conditional Use process provides an opportunity to address issues, should they arise, on a case-by-case basis. Staff's preferred approach is to utilize this approach and use a median FAR measure as part of the analysis used to evaluate whether the applicable standards are met. Staff believes that the height comparison should be eliminated due to lack of available data and the undue burden that this requirement would place on applicants.

**5. One story projection for garages.**

The current zoning code allows for a one-story projection for garage purposes into required rear yards. This provision should be allowed in the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3 and TR-C4 districts.

Staff Recommendation:

*A one-story projection for garage purposes only may project thirty percent (30%) into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward.*

**6. Revise building material sales definition and revise use table.**

Staff recommendation:

Staff recommends that following definition of "Building Material Sales" be added to the definition section of the zoning code: *An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a home improvement center.*

Staff further recommends that *"Building Material Sales" be added to the use table (Table 28D-2) as a permitted use in the CC and CC-T districts and as a conditional use in the NMX, TSS and MXC districts.*

**7. Intersection and driveway sight distance vision clearance standards.**

Sec 28.142(4) includes provisions for limiting vegetation and fencing within street intersection and driveway vision triangles, while other sections of the code encourage the construction of buildings, by right, within the same restricted vision clearance areas. Vision clearance is primarily a safety issue, and is better suited to be regulated in the City's property maintenance code.

Staff Recommendation:

Delete reference to intersection vision clearance standards. Move intersection vision clearance standards to property maintenance code, Sec 27.05 and creates new section for driveway and intersection vision clearance, where it will become retro-active and better placed for enforcement, as this is primarily a property maintenance and safety issue.