

PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments
Legistar File ID #: 31718, 31719, 31720, and 31721
Prepared By: Planning and Zoning Staff

Staff has prepared below a summary of zoning text amendments for Plan Commission consideration.

31717 Mobile Tower Siting Regulations

As noted in the drafter’s analysis provided with the body of the ordinance change, this change simply complies with state law, which limits the ability of the City to deny applications based on anything other than a reasonable and well defined public health or safety concern.

31718 Lakefront Development

The code currently identifies the lakefront yard as “opposite the front yard”. In some cases where the street is perpendicular to the lakefront, the lakefront yard on a property is actually the side yard. This proposed change in language simply eliminates the conflict in the code for these lots.

The substitute before the Plan Commission makes a more substantive change to the code with regard to determining the lakefront setback for single and two-family homes. Currently, the code provides options for determining the lakefront setback and is intended to ensure that lakefront setbacks of new homes are generally similar to those of surrounding houses, rather than allowing new development to “march toward the lake” while still maintaining a minimum setback of 25’. Staff has recently become aware of a shortcoming in the required setback calculation options, which impacts some property owners who have neighboring homes on only one side, in that they are directly ushered to a setback of 30% of the lot depth. While in many cases this may be fine, it is particularly punitive for property owners with very deep lakefront lots, especially when the neighboring home is situated much closer to the lake than the 30% of the lot depth allows. The proposed change in the code would allow for property owners with only one developed lot adjacent to them to have the option of matching the lakefront setback of the home on the adjacent property, rather than automatically requiring a lakefront setback of 30% of the lot depth.

Finally, the graphic associated with the establishment of the lakefront setback using the median of the homes within 1,000 feet on either side is also being clarified.

31719 Recreational Uses in Employment Districts

While the code allows indoor recreational uses as conditional uses in some employment districts, it is currently not an allowable use in the Employment Campus or Industrial Limited Districts. These uses often

locate in buildings that would fit in well within these districts, particularly in the IL (Industrial Limited) District. Hartmeyer Arena , located in the IL District on the north side of Commercial Avenue between North Sherman Avenue and Packers Avenue, is a good example. Other general examples, such as indoor soccer, gymnastics, or indoor climbing facilities, or even YMCA-type facilities, could likely secure more affordable spaces in these districts, while fitting in well and not resulting in negative impacts on surrounding properties. The peak traffic generation associated with indoor recreational facilities is usually during evenings or weekends, which complements the peak traffic generation of employment districts.

The proposed change would also allow outdoor recreational uses to be reviewed as conditional uses in all employment districts besides the Industrial General District. An example would be the West Madison Little League facility on Forward Drive. These uses could range from smaller uses such as basketball courts, ropes courses, and skate parks to the use of undeveloped land for larger uses such as tournament sites for field sports, perhaps as interim uses. The conditional use process would ensure appropriate case-by-case review of traffic, land utilization, and other impacts.

31720 Residential Buildings within Planned Multi-Use Sites

Since the 1960's zoning code, planned multi-use sites (formerly referred to as "planned commercial sites") have not been allowed to include stand-alone residential buildings. This exclusion was intended to prevent new commercial or industrial developments from utilizing easements through pre-existing residential properties as a means of access. The regulation was also focused on preventing incompatible uses from sharing the same development site. A common example of what is not desirable is the use of a driveway on property with a single family home to access a new manufacturing facility built behind it.

The new zoning code allows and encourages more mixed-use development, both within mixed-use buildings, as well as development that includes a mix of uses in multiple buildings on one site. Even if the single "planned multi-use site" -comprises more than one lot of record, the allowance of shared access and parking often result in a more efficient use of land than keeping access and parking areas completely separate. Staff is aware of a few upcoming proposals that involve a shared access and parking arrangement between properties that include one or more with stand-alone multi-family residential buildings. With the proposed change, the approval of stand-alone residential buildings on a planned multi-use sites will rely only Permitted or Conditional Use status of the proposed use, as allowed in the zoning that covers that portion of the Planned multi-use site, and they will no longer be precluded by the code simply because other nonresidential uses are located on the same zoning lot.

31721 Requirements for Setbacks of Corner Buildings in the Traditional Employment District

The intent of the requirement as currently worded is to ensure that corner buildings in the Traditional Employment District are placed close to the street, and that surface parking is not located between the building and the street on either street side of the building. However, the current wording is problematic in a few ways. First, in some cases, the fact that the requirement only applies to the first 30 feet of the property can inadvertently encourage buildings to be placed over 30 feet away from the property line, just so that the

requirement can be avoided altogether. Second, the requirement that a portion of the building be placed within 5 feet of the property line (or sidewalk, as the language is currently written) is too close in some cases. This requirement can easily conflict with the need for a more appropriate deeper setback, existing no-build easements on some properties, or even with requirements for building placement elsewhere in Madison General Ordinances (for instance, in the Capitol East District, where many properties are zoned TE, Urban Design District 8 requires buildings to be placed 15 feet from East Washington Avenue).

With the proposed language, staff has tried to maintain the intent for corner buildings in the TE District to maintain a presence on both intersecting streets, without setting a specific "build-to" line. By prohibiting the placement of parking between the building and the streets, at least for half of the building depth, a corner presence of building mass is much more likely. Of course, for lots where there is ample space, one could choose to set a building back any distance, so long as any surface parking is placed to the rear or non-street side of the building. Staff believes that this flexibility is important to maintain, and that the intent of the current requirement will be even better furthered with this change.