



Proposal: Zoning Text Amendments

Legistar File ID #: [32294, 32295, 32296, 32299](http://madison.legistar.com/LegislationDetail.aspx?ID=1448007&GUID=77BBB3C5-C8CC-45EE-B57A-B649AD7CF104&Options=ID|Text|&Search=30660)
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Prepared By: Planning and Zoning Staff

The following is a staff summary of the proposed zoning text amendments for Plan Commission consideration.

32294 – Definition for “Screening Fence” and “Screening Hedge”, and Related Rules

This amendment provides technical clarifications to the regulations in place for screening, fencing and landscape screening using vegetation. The amendment also unifies certain screening height limitations for certain zoning districts. The definitions have also been modified to relate to the regulation language.

This amendment clarifies the maximum screening height required for certain site elements, as required in the landscaping section of the zoning ordinance. The amendment also clarifies a uniform maximum screening height in nonresidential zoning districts and areas where outdoor storage is provided. That maximum screening height limitation is eight feet, which matches the most-recent code limitation for maximum screening height.

In regard to fences and hedges used for screening on private property, the language clarifies the specific limitations on height, percentage of opacity, and specific location on a lot where fences and hedges of certain height or opacity may be located. The language also includes a maximum height for a fence, within the building envelope area, not to exceed eight feet in height. The term “wall” has been removed to eliminate confusion, as a wall can be used as a fence or a retaining wall (which is not a fence). With the exception of the new maximum fence height rule, no specific change to the regulations was included with this amendment, it simply clarifies what type and height of fence or hedge is allowed on the various areas of a lot, which was found to be confusing in the current zoning text.

In the definition of *fence*, the material type *brick, stone* has been added, as this material type often constitutes a wall, which may also be a type of fence.

32295 – Maximum Height in Campus-Institutional (CI) District

The Campus-Institutional zoning district was established in the new Zoning Code to recognize the City’s major educational and medical institutions as important activity centers and traffic generators, to accommodate the growth and development needs of these institutions while minimizing the adverse impacts associated with development and protect the livability and vitality of adjacent neighborhoods, and to encourage the preparation of master plans for those institutions that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.

In CI districts with a master plan approved by the Common Council following a recommendation by the Plan Commission, the dimensional requirements to govern future development of the campus are as determined by that master plan. In CI Districts without an approved master plan, the dimensional requirements are as determined by the table in Section 28.097(4) of the Zoning Code. Further, in a Campus-Institutional District without a campus master plan, individual development proposals and changes that exceed 4,000 square feet in gross floor area within any 5-year period requires conditional use approval by the Plan Commission. The proposed zoning text amendment creates an additional exception in CI districts without a master plan to allow any building taller than 3 stories and 68 feet to be considered as a conditional use.

All such conditional use approvals will be subject to the process and standards contained in Section 28.183 of the Zoning Code, including standard 12, which states:

“When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.”

At this time, the Plan Commission and Common Council have not approved any CI District master plans. Staff is only aware of one such plan that is in the formative stages, which may be submitted for approval in the first part of 2014. The Planning Division recommends approval of the zoning text amendment (Ordinance ID 32295) to allow buildings taller than 3 stories and 68 feet in CI Districts without an approved master plan as conditional uses. Staff believes that the proposed text amendment will allow reasonable projects that exceed the prescribed height to proceed while master plans continue to be contemplated, developed and approved as otherwise specified in the CI zoning district.

32296 – Usable Open Space in Traditional Employment (TE) District

The usable open space requirement in the TE District is currently 160 square feet per dwelling unit, 25% of which would need to be at-grade. When looking at the location and intent of the TE District, particularly on portions of the east Isthmus within and near the Capital East District, staff has recognized that usable open space, and especially at-grade usable open space, is not compatible with the relatively intensive urban employment and mixed-use development and redevelopment intended for the TE District. Development in the district can involve coverage of much of.

By way of comparison, the current usable open space requirement for the Neighborhood Mixed-Use (NMU) District is 160 square feet per dwelling unit, and that for the Traditional Shopping Street (TSS) District is zero. The highest density residential districts in the city are (Downtown Residential 1) DR1, which requires 40 square feet per bedroom, and (Downtown Residential 2) DR2, which requires 20 square feet per bedroom.

Staff is recommending approval of a reduction in the usable open space requirement in the TE District from 160 square feet per dwelling unit to 20 square feet per bedroom, equivalent to that required in the DR2 District. 25% of this would still need to be provided at-grade, which should be relatively easy to accomplish within a development or redevelopment in the TE District.

32299 – Regulations for Family Daycare Homes

The regulations for in-home family daycare of between four and eight children have not been reviewed or studied for decades. After comparing the current code language with current practices, state law, licensing and trends in the use, several changes are proposed.

The amendment maintains the requirement that the daycare facility is the principal residence of the childcare provider, with the change being that the license holder is not necessarily the childcare provider at the property where the family daycare use occurs. Conditional Use approval is required if the license holder does not reside at the family day care home location. This would allow an operator, who is not necessarily the license holder, to operate the family day care home where they reside. Similarly, the license holder need not reside where the family day care home is operating.

Language is also modified to allow for up to two employees to work in the family day care home with the principal provider. This would allow for employees to assist with childcare, and also to allow for the principal provider to be absent, in situations such as personal reasons or during time when recertification education classes are being attended.

The amendment eliminates the requirement for an inspection and approval from the building inspector. This change relates to the fact the use occurs in an existing residential building, and there are no building codes above/beyond what is required for the dwelling solely because of the family day care home use. Building inspectors have no special items to inspect for, so the inspection yields no orders for correction. An inspection does take place for these facilities, by the State, to ensure compliance with state law requirements for in-home family day care facilities. Also, Dane County or the City of Madison can also inspect these facilities, relative to the operator's desire for accreditation from these units of government.

The amendment eliminates language relative to the revocation of a *use permit*, because no *use permit* is required for these operations.

Staff is recommending approval of these changes.