

Zoning Code Rewrite Advisory Committee Meeting Summary
October 21, 2008
5:30 pm

Staff: Matt Tucker, Michael Waidelich

Consultants: Suzanne Rhees, Andrew Dresdner

Committee Members: Alder Timothy Gruber, Daniel Stephans, Diane Milligan, Ledell Zellers, Amy Rountree, Carole Schaeffer, Gary Brown, Sheri Carter, Lou Host-Jablonski, Ken Saiki, Dave Porterfield, Michael Slavney, Nan Fey, Alder Satya Rhodes Conway, Susan Schmitz, Alder Lauren Cnare

Handouts: Residential Districts Draft; updated pages, minutes of 9/10/08 meeting

1. Call to order at 5:40 pm by Chair. Roll call by Michael Waidelich: quorum acknowledged.
2. Motion to approve minutes: passed.

3. Public Comments

Speaker

- Chris Homburg – The Zoning Code isn't set up to handle rural parcels. Have a quarry that burned down; lacked water and sewer service, lengthy process. Consider maintaining uses such as barns, livestock, in an appropriate zoning district.
- Joan Laurion – Presented a suggested draft of ordinance language for Accessory Dwelling Units (ADUs). Question – would studio or office use be allowed? A – No, that would be a home occupation. Q – Draft specifies maximum size of 900 square feet – isn't that rather large? A – This is the largest example we found in other ordinances.
- Bob Koechley – In support of ADUs; hope to find space for home health care aide in the future; provides flexibility, life cycle housing.
- Roger Guest – Summarized written comments on treatment of small-lot single-family districts (R2S, T, Y, Z) in new code. New draft doesn't include the 37-foot lot width or the 3,500 square foot lot area; this has been a viable product. New draft doesn't distinguish between street-loaded and alley-loaded houses. The side-wall offset standard isn't appropriate for these housing types.
- Denise Lamb – Westmoreland/Midvale Heights Neighborhood Plan. Draft plan will encourage ADUs. Will be a good way to increase density in older neighborhoods. ADUs probably will need additional conditions to be acceptable, since neighborhood contains many small lots. Q – Doesn't plan establish density limits; how would this work with ADUs? A – Anticipate that ADUs wouldn't be counted towards overall density.

4. Administrative Matters

Nan Fey and Alder Satya Rhodes-Conway suggested a process for discussing sustainability issues in greater detail: to create a focus group that would hold two meetings in November, followed by a public hearing in December, with the goal of giving direction to the consultants while code is being drafted. The group will use the Rocky Mountain Land Use Institute's Sustainable Communities Code as a study guide.

Q – How will this group relate to the ZCR process? A – Additional public involvement is always desirable. Q – Why would a “public hearing” be needed; is this simply a “public meeting”? A – This is simply a meeting designed for public input, whereas the two focus group meetings are intended mainly for the group’s own discussions. Q – How would the group be formed? A – Interested members of the ZCRAC and possibly other participants, similar to the other focus groups.
Motion to authorize formation of sustainability focus group by Lou Host-Jablonski; second by Alder Tim Gruber; motion approved.

5. Residential Draft Review

- “Suburban Residential” terminology – seems acceptable, as long as the development pattern is adequately explained.
- Suggest that districts be named not “1,2,3...” but according to density – i.e., approximate units per acre. Thus, SR-C1 would become “SR-C8” – 8 units per acre.
- SR-C1 – rear yard setback of 35’ is greater than adjacent communities, most use 30’.
- We are already reducing rear yard depth from 40’; if more, could have adverse impacts on privacy of adjacent lots.
- Prefer more open character of deeper rear yards.
- SR-C3 – Use “two-flat” terminology rather than “duplex,” and “three-flat” rather than “three-family.”
- SR-V Districts: Q – Should all attached and multi-family housing be treated as conditional uses? Given that these districts are designated for this range of housing types, is this “fair”?
- Suggest treating smaller multi-family groupings (3-4 units) in SR-V1 as permitted, larger groupings as conditional. In SR-V2, groupings of up to 8 units might be permitted.
- Especially around the edges of multi-family districts, transitional zones are important. Consider spacing requirements or quota system for multi-family.

- TR Districts Discussion: Area exceptions proposed to be extended to all TR districts. But the AE was designed as a “work-around” to avoid the need for frequent area variances. Shouldn’t the new districts eliminate many of the nonconformities, so that AEs aren’t needed? Should side yard standards be reduced?
- General consensus that more research into actual side yard widths is needed, but that side yards might be reduced somewhat. Where driveways occupy one side yard, consider narrowing the other.
- Consider adding language that would make all existing nonconforming lots “conforming” – would lower current barriers to financing.
- Madison treats “legal nonconforming” lots differently than surrounding communities do – more opportunities for improvements.
- TR-V1 – be careful not to over zone blocks that currently have a certain balance of housing types; try to maintain that balance through a quota or spacing requirement.
- All districts with single-family attached buildings – suggest that these maintain the same setback as other housing types, to foster a consistent streetscape.
- TR-E – In addition to this district, consider areas like Orchard Ridge, with large lots and small houses; some re-subdivision has occurred.

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- City applies own standards to subdivision review in these areas; may not need to address in zoning. NC overlay has been discussed in this area.
- TR-Planned – should this become a full-fledged “TND” district, as originally proposed?
- Should retain this type of district as a way to introduce small-lot affordable housing types without needing to propose a full-scale TND with a mixed-use component. Consider adding the “two-flat” housing type and treating two-family dwellings as CUs.
- Definitions: Add purpose statement for “pervious pavement.”
`Indicate that gravel, etc. isn’t considered pervious.
- Lakefront Lots Discussion – May be appropriate to create a fixed setback line, similar to DNR’s original shoreland setback line (?), versus a fixed percentage of each lot depth – lot depths differ greatly.
- Why not use both (fixed and percentage), with the greater setback to take precedence?
- Design Standards: Should specify that all buildings be oriented to an abutting street. All building elevations should have windows.
- Specify that standards such as “no parking between building façade and abutting street” applies only to new construction; don’t create new nonconformities. Nonconforming status discourages reinvestment.
- Yard Encroachments: Clotheslines and compost bins should be allowed in side yards, with same 3’ setback from property line.
- Would like to see small accessory buildings allowed in side yards of reversed corner lots.
- Discussion of communication towers – should be allowed in rear yards only.

Discussion of Uses:

- Why not allow more mixed uses in residential districts? Take Steve Steinhoff’s comments into account: neighborhoods should be allowed to evolve towards a more mixed-use pattern.
- How would the new code treat a much-loved corner store already located in a residential neighborhood?
- It could be a neighborhood commercial node, even if only one lot (a “spot zone”) in size.
- All “spot zones” are not illegal.
- We could also develop a standard such as “small-scale retail on corner lots, or corner lots abutting collector or higher classification streets.” This would still create many potential sites, however.
- Consider combining similar uses such as lodging house, fraternity, sorority.
- Should religious institutions be treated as conditional uses? All adjacent communities group institutional uses together and treat all as conditional in residential districts.
- Don’t want to violate RLUIPA legislation.
- This shouldn’t be a problem if similar uses are treated the same.

- 6. Adjournment.** Meeting adjourned at 8:30 pm