



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved ZONING CODE REWRITE ADVISORY COMMITTEE

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Tuesday, June 23, 2009

5:30 PM

Madison Central Library  
201 West Mifflin Street  
Rooms 202 & 204 (2nd floor)

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### 1. CALL TO ORDER / ROLL CALL

**Present:** 19 -

Chris Schmidt; Steve King; Julia S. Kerr; Nan Fey; Daniel J. Stephans;  
Diane L. Milligan; Amy E. Rountree; Sheri Carter; Randall L. Glysch; Ledell  
Zellers; Janis G. Reek; Carole J. Schaeffer; Michael A. Slavney; Kevin R.  
Pomeroy; D. Ken Saiki; Gary A. Brown; Janet P. Loewi; David C.  
Porterfield and Craig P. Stanley

**Excused:** 5 -

Satya V. Rhodes-Conway; Lisa M. MacKinnon; Susan M. Schmitz; Steve  
C. Steinhoff and Lance T. McGrath

**Staff Present:** Brad Murphy, Rick Roll, and Matt Tucker.

**Consultants Present:** Suzanne Rhees and Andrew Dredsner

Chairman Michael Slavney called the meeting to order at 5:35 p.m.

### 2. APPROVAL OF May 20 MINUTES

**A motion was made by Reek, seconded by Porterfield, to Approve the May 20, 2009 Minutes. The motion passed by voice vote/other.**

### 3. PUBLIC COMMENT

Four people registered to speak:

Laurie Wertmer: She said she is representing Ridgeside Co-op. She said the co-op is a living equity co-op, which is similar to a condominium-like living situation. She asked that they not be written out of the zoning code. She doesn't want special hurdles of co-ops to be approved. She said her co-op would not be allowed under the draft zoning code. She wants the draft zoning code text to be modified to allow her co-op.

Jeff Bessmer: He said he is the director of the Madison Co-operative network. He said the proposed new zoning code would prevent new co-ops from being established.

Brian Munson: Expressed his concerns about the proposed Traditional Neighborhood Development (TND) provisions of the draft zoning code. He said the City should encourage TNDs. He expressed concerns about the procedures in the TR-P district. He said the procedures are more difficult than those in other residential districts. He said the Advisory Committee should look at the TR-P district as a three-component district per his letter. He said the Advisory Committee should also look at the UR districts to allow taller buildings and more density.

Sherman Hackbarth: He said he lives in a co-op and is a real estate attorney. He said Chapter 193 is a new statute that should be added to the draft zoning code. He said co-ops should be considered in commercial and other non-residential districts such as mixed-use.

4. [11122](#)

Administrative Matters

- Mike Slavney discussed the next steps in the zoning code drafting process. He said the project is now transitioning from the ZCRAC to the Plan Commission. Staff indicated that the draft zoning code is near the point where the remaining issues are policy issues, not technical issues. The role of the ZCRAC at this point should be to identify issues that are yet to be resolved and forward these to the Plan Commission and Common Council. Carole Schaeffer said all technical issues have not been resolved. Staff asked ZCRAC members to submit their lists to Rick Roll so they can be compiled for discussion at the July, 2009 ZCRAC meeting.
- Alder Julia Kerr asked about the status of the list of the consultant and the staff "to do list". Staff replied that many issues have been addressed in previous and subsequent drafts of the zoning code. Staff will prepare a memo that summarizes unresolved issues. This will be discussed at the July 2009 ZCRAC meeting.

5. [12186](#)

Draft Zoning Code

Suzanne Rhees provided a PowerPoint overview of the proposed draft co-op housing regulations, comparing them to a draft prepared by David Sparer.

Topics discussed included:

**Review of Draft Housing Cooperative Regulations:**

- Suzanne Rhees summarized the City's draft regulations for housing cooperatives and compared them to those proposed prepared by David Sparer.
- Discussion of definition of housing cooperatives. Distinction between "dwelling unit" and lodging house".
- Discussion of conditional use requirement for co-ops in some zoning districts in the City's proposed draft zoning code.
- Discussion about the meaning of "occupancy". Under David Sparer's proposal, a converted three flat could house 15 people, based on five people per original unit. He said occupancy is the greatest legal occupancy allowed by the zoning code and building code.
- Discussion regarding the need to consider Madison's eclectic neighborhoods and address neighborhood concerns when co-ops are proposed. Suggestion that conditional uses will not unreasonably affect contingency sales.
- Discussion about not creating rules for one distinct group within the City.
- Discussion about how permitted versus conditional uses for co-ops in various zoning districts decided.
- Discussion about not allowing nonconforming lodging houses to become conforming by converting them to co-ops.
- Discussion regarding the conditional use process as a good way to deal with "it depends" situations.
- Discussion of minimizing the creation of new nonconformities, including co-ops.
- Mike Slavney left the meeting at 6:25 p.m. Vice-chair Randy Glysch presided over the remainder of the meeting.
- Discussion about a handout from Jan Reek that proposed revised zoning text for housing co-ops. Jan Reek's proposed text would allow co-ops as permitted uses in the SR-V1, SR-V2, TR-C3, TR-P, TR-V1, TR-V2, NMX, TSS and CC-T districts if occupancy is five or fewer persons. Further, greater occupancy would require conditional use approval; actual occupancy in any given unit would be subject to the buildings code. Further, it would allow conversion of two, three and multi-family buildings in above districts under the same standard (5 persons per original dwelling). And finally, it would allow co-ops as permitted uses in TR-U1 and TR-U2 districts, with no maximum occupancy under zoning code but as allowed under the building code.
- Motion by Craig Stanley with a second by Alder Julia Kerr to move on to the next item on the meeting agenda. The motion passed on a 10 ayes - 5 noes vote.

**Review of Draft Procedures Chapter:**

- Suzanne Rhees provided an overview of the draft chapter.
- Discussion about notification requirements, who is required to be notified and when.
- Discussion about definition of “demolition”.
- Discussion about protest petitions and what is required by statute versus what the City can do on its own.
- Discussion about replacement of current area exception process with variance process.
- Discussion about standards for area variances compared to use variances.
- Comment that area exceptions are “too robust” compared to area exceptions. Area exceptions needs further discussion by staff
- Craig Stanley left the meeting a 7:00 p.m.
- Discussion about the need for variances for minor things.

**Review of Draft Definitions and Rules of Construction Chapter:**

- Discussion about the meaning of administrative site plan review and how it is proposed to work in the proposed Campus Institutional District.
- Discussion about allowing commercial uses in cohousing communities and changing the cohousing community definition accordingly.
- Discussion about the downtown and how the ongoing Downtown Plan will be brought into the zoning code rewrite process. Discuss at the next ZCRAC meeting.
- Discussion about “new construction”, “start of construction”, “encroachment”.
- Discussion about family definition and TR-V! District.
- Discussion of floodplain related definitions: new construction, start of construction, encroachment. Some of these definitions could be used for non-floodplain areas.
- Diane Milligan left the meeting at 7:28 p.m.

**Review of Draft Supplemental Regulations:**

- Discussion about bed and breakfasts. Four-room limitation may be too restrictive. Perhaps allow more than four rooms in nonresidential districts.
- Discussion about live-work units. Allow work component to exceed 30% of the total floor area?
- Discussion about the process for allowing live-work units.
- Discussion about allowing mixed-use buildings in residential districts.
- Discussion about land and water reserves. Allow research activities, and other low impact uses.

**Discussion of Ability to Address Applicant’s Past Noncompliance:**

- Discussion about whether the Plan Commission can consider an applicant’s previous record of code compliance when ruling on conditional uses. The Plan Commission can already use such criteria and can impose standards for continuing operation of conditional uses. Issue of due process rights vs. the ability to prevent ongoing pattern of violations. Is it a right or a privilege to submit an application? Memo from city attorney on this subject requested by ZCRAC.

**Review of Draft General Regulations:**

- Discussion about side yard-rear yard garage placement. Clarify maximum size.
- Discussion about allowing carriage houses to be rebuilt.
- Discussion about lakefront development standards: garage placement in street yards, lakefront setbacks, don’t penalize deep lots. Lakefront development is an “unresolved issue” that will be studied further by the Consultant and staff.
- Discussion regarding concern about having no parking minimums. Needs further discussion.

6. [10737](#) Meetings and Other Feedback

Next meeting July 14 or July 23, 2009. Staff will poll ZCRAC members to determine the exact date, place and time.

**ADJOURNMENT**

**A motion was made by Pomeroy, seconded by Fey, to Adjourn at 8:35 p.m. The motion passed by voice vote/other.**