

## Draft Middleton Zoning Code Part 2 – Policy Decision Guide

### Introduction

As part of the full rewrite to the City of Middleton Zoning Ordinance, a Working Group was established to review each portion of the draft, discuss key policy questions, and provide feedback. The following outlines the identified policy question flagged for review by the Working Group (black text), the Working Group response to each question (red text), and the change made to the draft Zoning Ordinance in response (green text). This information has been summarized to provide context for the Plan Commission in addressing key policy questions. At the May Plan Commission meeting, staff will walk through each item and gather additional feedback. The goal will be to incorporate any additional changes needed into the draft Zoning Ordinance that will be reviewed in its full form later this summer/fall.

### 1. Vehicle Parking Requirements

The existing Zoning Code has only minimum off-street parking requirements. However, the Comprehensive Plan calls for, “reducing and in some cases eliminating minimum parking standards.” In the new Zoning Code, we are proposing to reduce minimum standards and creating maximum standards. Are you comfortable with this approach and/or should we remove minimums for certain land uses? Parking standard comparison is provided below.

- Existing code multi-family = 1 per efficiency, 1.5 per one bedroom, and 2 per 2+ bedroom
- New code multi-family = min. 1 per unit, max. 2-2.5 per unit
- Existing code general commercial land use = 1 per 300 sf
- New code general commercial land use = min. 1 per 400 sf, max. 150% of min.

*Work Group Response: Like the idea of reducing minimums to a point where the market mainly determines off-street parking needs and promoting the distribution of different commercial uses throughout the community rather than concentrating them in one location with large parking fields. Potential concern with minimums for commercial and office uses still being too high and maximums also being too high. Would also like to see reduced residential minimums for zoning districts along key corridors.*

- *Proposed: The minimum parking standards for commercial and office uses are 1 stall per 500 sf, all maximums are 125% of the minimum, and the MU-N, MU-A, and MU-D zoning districts have a provision in which minimum parking standards may be reduced by the Plan Commission up to 50%.*

### 2. Bicycle Parking Requirements

The existing Zoning Code doesn't have minimum bicycle parking requirements. However, the Comprehensive Plan indicates, “overhaul parking standards so that they promote less use of private automobiles.” In the new Zoning Code, we are proposing establishing minimum bicycle parking requirements for multi-family, mixed-use, commercial, and industrial land uses. These standards are modeled after Madison's Zoning Code. Are you comfortable with this approach?

*Work Group Response: In favor of new minimum bicycle parking standards, placing those standards within the overall parking standards table, and differentiating between short-term and long-term parking situations. Potential concern with the need for flexibility in the installation of different types of bicycle parking, especially for multi-family.*

- *Proposed: Bicycle parking minimums are required for nearly all land uses, outside of SF and TF. Bicycle parking standards are differentiated for short-term (customers/visitors) vs. long-term parking situations (multi-family tenants).*

### 3. Outdoor Recreational Space for Multi-Family (3+ units)

The existing Zoning Code doesn't have requirements for minimum amounts of outdoor recreation space within new multi-family development. The City has traditionally handled this through the PUD process. The new Zoning Code proposes a minimum requirement applied to any multi-family development of 3 or more units using the following: minimum of 200 sf for each multi-family development + 25 sf per bedroom of usable recreation space shall be provided (downtown is exempt) + parkland dedication or fee-in-lieu. For reference, Madison requires just a minimum of 200 square feet be provided and that it can be satisfied with porches, balconies, and roof top spaces in the higher density locations, like downtown.

- Should we incorporate minimum standards in the new Zoning Code?
- Should these standards apply to all zoning districts?

*Work Group Response: Want to see this provision in the new Zoning Code, but change it to allow indoor or outdoor resident-oriented gathering spaces and a reduction for required space in the MU-D and MU-A zoning districts.*

*Proposed: On-site recreational space is required with all new multi-family and mixed-use land uses, which can include specified indoor or outdoor spaces at a minimum of 200 sf plus 25 sf per bedroom. In the MU-D and MU-A zoning districts, a 50% reduction of the standards may be applied by the Plan Commission.*

### 4. Single-Family and Two-Family Design Standards

Today, the City doesn't have design standards for these land use types, outside of when they are located within a PUD neighborhood (ex. Middleton Hills). The new Zoning Code proposes minimum design standards for these land uses that would apply to existing building modifications/additions and new infill and greenfield development.

- Do you want to impose design standards on existing single-family and two-family properties?
- Do you want to impose design standards on new single-family and two-family development?
- Should we keep or modify the proposed window and door opening standards (conversion of SF to TF is exempt):
  - Existing openings on front façade or first 20' of side façade can't be closed or filled
  - Existing openings on any façade shall not be boarded up
- Should we keep or modify the proposed porch, deck, and balcony standards:
  - If it can be viewed from a public street, these shall be constructed of cedar, cypress, redwood, appropriate composite material, or decorative metal or glass
- Should we keep or modify the proposed exemption for windows or doors being required on a street side facing attached garage?

*Work Group Response: Overall, the feeling was that these are too restrictive and that most should be eliminated or reduced to best fit Middleton. This would include no requirement for glass on front façade or corner facing the street, but you can't board up the windows, keep the 50% minimum garage front façade percentage and remove the 75% increase opportunity, etc.*

- *Proposed: SF and TF land use design requirements are no longer within the draft ordinance. This includes the removal of design requirements for window and doors, additions, exterior materials,*

*orientation, porches/decks/patios, and facades. The maximum front façade provision for front-loaded attached garage is still included (maximum of 50%).*

## **5. Other Land Use Design Standards**

The existing design standards apply to multi-family, institutional, commercial, and industrial land uses (and PUDs) in the Zoning Code. Overall, they are general in nature such as visually breaking up long facades, screening parking areas and mechanicals, visual improvements on street facing facades, etc. The new Zoning Code's approach is to delineate design standards by land use type, with customized requirements for each. It also includes more defined standards (definition of long façade, screening types permitted, building orientation to the street, building materials and architectural components required on each facade, etc.).

- a. What do you think of this approach?
- b. Any particular land use or proposed standard you'd like to discuss further?

*Work Group Response: Like the standards as presented with a few key tweaks. Would like to see a horizontal façade articulation requirement (base, middle, and top), reduced façade articulation minimums from 100' to 40' for commercial/mixed-use and established minimums for industrial uses from none to 100'. This could also be a ratio-based scale (minimum façade length threshold for articulation) and that murals count for façade articulation. Would like some additional research done on Madison's standards to see how the façade articulation is handled and how these proposed standards could be modified.*

- *Proposed: The downtown historic district overlay includes design requirements. Multi-Family, Commercial, Mixed-Use, and Industrial land uses have design requirements that reflect the above changes. Staff researched Madison's standards and found they are very similar to what is drafted, so no changes were made beyond those listed above.*

## **6. Special Area Design Standards – Downtown Overlay**

In our discussion during Part 1, it was determined that a downtown overlay should apply to certain existing properties of historic significance or value downtown. In conjunction with that, there is a need to have defined design standards for this area to ensure the City retains those valuable assets. The proposed approach utilizes a set of design standards specifically for these properties where there is an added level of control on building modifications, renovations, and replacements.

- a. What do you think of this approach?
- b. Are there any particular special area design standards proposed that you'd like to discuss further?

*Work Group Response: Like the standards. Would like to prohibit all first-floor facades facing the street from being siding. Would like to see the standard removed for new buildings having a maximum of 2 stories taller than adjacent buildings. Would like to change the MU-A stepback standards to only apply to the rear yard and not the side yard.*

- *Proposed: Downtown historic overlay design standards require materials that are predominantly brick, stone, or wood. The MU-D zoning district has a maximum height limit of 65 feet or 5 stories. See Part 1 for the discussion on the MU-A stepback provision.*

## 7. Landscape Standards

The new Zoning Code proposes a different way to regulate landscaping. This includes defined point values that are applied to different areas of the site (building foundation, paved areas, street frontage, and yards). It promotes creativity for developers to customize the landscaping plan with planting configurations that work best for the site and land use, but still establishes clear minimum landscaping requirements distributed throughout the site. Beyond just a new approach, the new Zoning Code also has very similar and somewhat higher standards than the existing Zoning Code.

- Existing Landscaping Points: trees (20-50 points), shrubs (3-9 points)
- Proposed Landscaping Points: trees (10-50 points), shrubs (1-5 points)

a. What do you think of this approach and its proposed point standards?

*Work Group Response: Liked the proposed approach, but would like to ensure that we promote shaded sidewalks through the standards.*

- *Proposed: Landscaping standards reflect those listed above and require that street frontage landscaping be within 10' of the ROW and a minimum of 50% devoted to trees.*

There are also new raingarden and bioswale standards, bufferyard standards, more robust plant type tables, and incentives for the inclusion of pollinator/native plants, raingardens, and retaining existing vegetation on-site (higher point values).

b. Should we require native plantings for new development or keep it incentive-based where they count for more points if incorporated?

*Work Group Response: Requested that a certain percentage of the total landscaping points be made up of native plantings in all development, but leave the incentive for these plantings to count for more overall points than non-native plantings. Requested that the WRMC review the landscaping standards for how they promote green infrastructure and the use of bioswales or raingardens.*

- *Proposed: A minimum of all new landscaping points must be made up of native plants (50%). Native plants only count for their baseline point value to satisfy the minimum standards up to (50%), but beyond that, they count for double point values. Staff plans to provide this to the WRMC for review.*

## 8. Appealing a Conditional Use Permit (CUP) Decision

Today, any CUP decision that is appealed goes to the Common Council. In some communities, the existing Middleton approach is taken (Common Council), whereas in other communities, these actions fall to the Zoning Board of Appeals. This situation doesn't happen often, but when it does, this is typically a contentious one because it either involves a CUP denial (which is very difficult to do now under Act 67) or it involves an approved CUP where there are aggrieved third parties.

The City Attorney weighed in saying that there are benefits of this action going to the Common Council because it avoids City bodies (ZBA) weighing in on other body actions (PC), but there are also benefits of using the ZBA because they are more familiar with zoning processes and actions.

City staff is in favor of utilizing the ZBA over the Common Council for these processes because those members are better positioned to understand the limitations of discretion on the CUP process vs. Common Council members. Would you like to keep this as a Common Council action or change it to ZBA action in the new Zoning Code?

*Work Group Response: Preferred the ZBA approach to remove the political element from this process.*

- *Proposed: The ZBA will handle all CUP appeals in the draft ordinance.*

## **9. Vehicle Access Standards**

For the most part, the City's approach has been to have separate policy and design guidelines for access that live outside of the Zoning Ordinance (Access Management Policy, 2006). These are used during the development planning and review phase of a proposed project. One of the goals of the new Zoning Code is to make the document more user-friendly and to promote consistency in application by codifying them within the Zoning Code itself. City staff has reviewed what this approach could look like within the Zoning Code and posed a general policy question for the Working Group:

- a. Should the City continue with its existing approach (these standards living mostly outside of the Zoning Code) or build more standards into the Zoning Code itself? The existing approach allows for more potential flexibility when it comes to review and unique circumstances, but doesn't codify the standards within the Zoning Code. A different approach would codify all standards in the Zoning Code, but may require more instances of needing to take alternative measures to provide flexibility for unique circumstances (PUD, variance, City Council approval).

*Work Group Response: Liked the policy-based approach for these standards and the potential flexibility it provides. Requested that a full review of the policy be done to identify any gaps or changes needed in comparison to the proposed new standards from the draft new Zoning Code. If there are changes needed, update the policy accordingly during the adoption of the new Zoning Code.*

- *Proposed: Keep the majority of the City's vehicle access standards in the Access Management Policy and references to the policy are reflected in the draft ordinance. Staff is in the process of reviewing the Access Management Policy.*