



## City of Middleton Zoning Ordinance Rewrite Summary Guide (7/26/23)

The City of Middleton is nearing completion of a draft new Zoning Ordinance and is making the initial “working draft” available for review. This summary guide serves to assist interested residents on key questions that may arise during their review of the proposed new Zoning Ordinance and the Zoning Map that will accompany it.

Overall, zoning has been in place in Middleton for over 70 years. The last rewrite of the ordinance occurred in the 1980s, with minor changes taking place over the past 40 years.

### **What are the goals of this process?**

Implement the City of Middleton of Comprehensive Plan (2021) to include:

- Reflect modern development and land use practices to reduce the need for future Planned Developments
- Provide more opportunities for mixed use development, increased density, and redevelopment
- Improve standards for exterior building materials, lighting, and landscaping
- Incentivize sustainability (reduce parking and promote walkability, improve stormwater management, allow alternative energy production, etc.)

### **How will I be impacted by the new Zoning Ordinance?**

See the [Scenario Frequently Asked Questions document](#) on the City’s website.

### **Why does the proposed new Zoning Ordinance look different than the existing Zoning Ordinance?**

The new ordinance is oriented to be a step-by-step guide for users where each Article builds on one another to provide the full set of requirements needed for each new development situation. It provides greater detail and direction related to the requirements with the intent of fostering increased consistency and predictability for users and administrators alike. The exiting ordinance has multiple gaps which leads to different interpretations overtime and less predictability for both users and administrators.

### **Why are there so many more Zoning Districts in the new Ordinance?**

There are two overarching reasons for this:

- 1) A state law change (Act 67) removed a great deal of local authority related to the Conditional Use process. As a result, the City needed to adapt its approach to instead utilize the Zoning Map Amendment process rather than relying so heavily on the Conditional Use process. This translates into more Zoning Districts to accommodate different land uses instead of fewer districts with more Conditional Uses.
- 2) The new Zoning Districts are intentionally designed to facilitate the development that was unable to be accommodated through the existing zoning districts and instead the City has been approving through the lengthier Planned Development District (PDD) zoning process.



### **Why does it look like the new Zoning Ordinance is more complicated, complex, and rigid than the existing Zoning Ordinance?**

Overall, the new Zoning Ordinance aims to establish predictability when it comes to the City's requirements. This is an alternative to the existing practice of customized requirements for each new development that are established through the Planned Development process. Essentially, many of the requirements that developers have been held to through the Planned Development process are now codified within the Zoning Ordinance to increase predictability and outcomes.

For increased user-friendliness, there are summary tables and graphics throughout the new Zoning Ordinance. There will also be a set of one-page summary user guides produced for common questions and processes such as fences, pools, sheds, short-term rentals, etc. These guides will be posted to the City's website for long-term use and reference by residents.

### **What are the key changes being proposed in the new Zoning Ordinance?**

- It establishes new Zoning Districts (no existing zoning district retained); Land Uses are grouped into categories (Sections 10.03.06 through 10.03.30)
- Detailed setback, lot, and building dimensional requirements are presented in table summaries for each Zoning District
- Fewer Conditional Uses and more Permitted land uses
- Missing Middle Housing, mixed-use, and increased densities are enabled by-right through the new Zoning Districts
- Any nonconforming structure, lot, or site is made fully legal
- Reduced minimum parking standards, new maximum parking standards, and new minimum bicycle parking standards
- Defined requirements for new development including building materials and design, landscaping, lighting, site access and visibility, storage, loading, fencing, etc.
- Sustainability requirements for electric vehicle parking, permitted alternative energy production, impervious surface standards, etc.
- Accessory Dwelling Units are permitted in all residential zoning districts
- All procedures are clearly defined and outlined for easier administration

### **Where do I find the new draft Zoning Ordinance and existing Zoning Ordinance?**

- [Draft Zoning Ordinance](#)
- [Existing Zoning Ordinance](#)

### **Where do I find the new draft Zoning Map and existing Zoning Map?**

- Draft Zoning Map: Under development – not currently available.
- [Existing Zoning Map](#)

(Note: The City intends to provide an interactive online map that shows both the existing and proposed new map with a slider bar to go between the two.)



**Why aren't the existing Planned Development District-zoned properties being rezoned to one of the new Zoning Districts through this process?**

Each property that has PDD zoning right now includes a unique set of requirements and standards. This makes it very difficult to translate existing requirements to new requirements because each adopted Planned Development is slightly different. While the new Zoning Districts reflect many of the Planned Developments that have been approved, they are not a perfect one-for-one replica of each. If a property owner with Planned Development zoning chose to seek a rezoning to one of the new Zoning Districts, that process can be accomplished upon request of the property owner.

**How are property taxes affected by the proposed new Zoning District?**

Property taxes, which are by state law based on actual property use and not on zoning, will not be impacted by zoning changes. Additionally, if an owner has no plans to redevelop or change the use of her or his property, then the new zoning designation will not have an impact.

**What is down zoning?**

In some cases, the proposed Zoning Map more accurately reflects a property's actual use rather than its existing Zoning. Such a circumstance could be considered a "down zoning", which is defined by Wisconsin State Statutes as a zoning ordinance that affects an area of land in one of the following ways:

- By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- By reducing the permitted uses of the land, that are specified in a zoning ordinance or other land use regulation, to fewer uses than were allowed under its previous usage.

The City aimed to limit the number of potential down zoning situations by applying new Zoning Districts that most closely matched the existing Zoning District applied to properties throughout the City, however there are instances in which a down zoning is occurring.

**What is up zoning?**

Please read the definition of down zoning provided above. An "up zoning" is the opposite of a "down zoning". This means that with your property's new Zoning District, you could have increased abilities for development density and increased opportunities for permitted uses of the land. Many properties throughout the City fall under this situation, which is reflective of the City's overarching goals of this project.