
28H. Overlay Districts

Introduction

This section contains a group of overlay districts that are grouped together for convenience in presentation:

- *Wellhead Protection District – a minimal update of the current district*
- *Wetland District – a conversion of this existing primary district to an overlay in order to aid in updating maps and boundaries; most requirements are state mandates.*
- *Transit Oriented Development District – a new district designed to encourage intensification of uses and densities around proposed transit stations and along high-frequency transit corridors.*
- *Neighborhood Conservation District – a minimal update of the current district; essentially enabling specific “NCDs” to be created.*
- *Historic Preservation Districts – an overlay that links historic districts and landmarks to the regulations in Article 33.*
- *Urban Design Districts – an overlay that links these districts to the regulations in Article 33.*
- *Accessory Dwelling Unit District – a new district that would allow ADUs to be developed if based on a neighborhood plan and standards.*

The Floodplain Districts also function as overlay districts, are in the following subchapter because of their length.

All overlay districts share a common relationship to the underlying or “primary” district. If there is a conflict between overlay and primary district requirements, the most restrictive standards usually apply – unless the ordinance states otherwise.

Because these districts are so different in nature, there are few “General Provisions” in this chapter – each district has distinctive standards. This section has no table of common uses, since the uses are either governed by the underlying district or specified in the overlay district.

28H.0600 Applicability

The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the primary zoning district classification of those zoning lots.

In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the most restrictive standards shall apply, except where otherwise specified.

Typically, overlay districts contain more restrictive standards than the underlying principal zoning districts. However, the TOD District includes some standards that are less restrictive, in order to provide incentives for this type of development.

28H.0601 Wellhead Protection Districts

(1) Statement of Purpose

The Common Council of the City of Madison finds that certain uses can seriously threaten or degrade groundwater quality. To promote the public health, safety, and general welfare of the City of Madison, the Wellhead Protection Districts are created to protect municipal water supplies.

(2) Protection Zones

Each wellhead shall have two (2) zones of protection around it.

- A. Zone A is the area around the well in which it has been determined that groundwater and potential contaminants will take five (5) years or less to reach the pumping well.
- B. Zone B is the smaller of the following:
 1. The area around the well in which it has been determined that groundwater and potential contaminants will take one hundred (100) years or less to reach the pumping well, or
 2. The area within a twelve hundred (1,200) foot radius around the well, except for the area in Zone A.

(3) Uses

All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manger or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

- A. Permitted Uses In Zones A and B. Any use allowed as permitted in the principal zoning district, except those uses not approved pursuant to Sec. 13.22, Madison General Ordinances
- B. Conditional Uses In Zones A and B. Any use allowed as a conditional use in the principal zoning district except those uses not approved pursuant to Sec. 13.22. All conditional uses are subject to the provisions of Sec. 28M.1103.

(4) Existing Uses

Any lawful use existing at the time of the creation of a Wellhead Protection District may be continued, however, no expansion or enlargement of such use is allowed without approval pursuant to Sec. 13.22 by the Water Utility General Manager or his/her designee.

[The remainder of the section consists of specific maps of the districts.]

28H.0602 Wetland Overlay District

[Much of the wording of the current ordinance is established by state statute. It is modified to redefine the district as an overlay.]

(1) Statement of Purpose

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation

The wetland overlay district is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses

The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:

- A. Hiking, fishing, trapping, hunting, swimming and nonmotorized boating
- B. Construction and maintenance of duck blinds

The following activities and uses may involve wetland alterations only to the extent specifically provided below:

- A. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- B. The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Section 28P.1302 *[Definitions]*.

(4) Conditional Uses

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least 10 days prior to the hearing and shall be notified of the City's decision within 10 days after the decision is made.

The currently mapped Wetland District is based on a number of maps referenced in Section 28.06 of the current Code. Some changes to the boundaries of the overlay district may occur.

- A. The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:
 - 1. The road cannot as a practical matter be located outside the wetland;
 - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.

- B. The construction and maintenance of nonresidential buildings provided that:
 - 1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - 2. The building cannot as a practical matter be located outside the wetland;
 - 3. The building does not exceed five hundred (500) square feet in floor area; and
 - 4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.

- C. The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:
 - 1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose;
 - 2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed;
 - 3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph 1 above;
 - 4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat

or otherwise enhancing wetland values.

- D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that
 - 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland;
 - 2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
 - 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- E. The construction and maintenance of railroad lines, provided that:
 - 1. The railroad lines cannot, as a practical matter, be located outside the wetland;
 - 2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
 - 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- F. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- G. The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
- H. The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.
- I. The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.
- J. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.
- K. The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the

wetland.

(5) Prohibited Uses

Any use not listed in (4) or (5) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with (8) below and the other requirements of this chapter. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(6) Development Approvals

In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences. An application for a zoning certificate for lands in the Wetland Overlay District shall include the information required for a site plan, as specified in Section ____, as well as the specifications and dimensions for any areas of proposed alteration. *[list of required information moved to site plan review section]*

(7) Amendment of Wetland Overlay Zoning

Any amendment to the text or map of the Wetland Overlay District shall comply with the following:

- A. A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission;
- B. All proposed text and map amendments to the Wetland Overlay Zoning regulations shall be referred to the Plan Commission and a public hearing shall be held in accordance with Section 28.1102. The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- C. In order to insure that the shoreland protection objectives in Section 281.31, Wis. Stats., will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 1. Storm water and floodwater storage capacity;
 2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

4. Shoreline protection against soil erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat; or
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- D. Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.
- E. The Southern District Office of the Department of Natural Resources shall be provided with:
1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within 10 days after the submission of these recommendations to the Common Council; and
 2. Written notices of the Common Council's action on the proposed text or map amendment within 10 days after the action is taken.
- F. If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (C) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the 30-day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. §62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. §62.231(6), is complete or otherwise terminated.

(8) Nonconforming Structures and Uses

- A. This subchapter does not prohibit the repair, reconstruction, renovation or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. §62.23(7)(h) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of

Section 62.23(7)(b) Wis. Stats. limits the total structural repairs or alterations of a nonconforming building or structure to a maximum of 50 percent of its assessed value; otherwise it must be made conforming.

the property or structure shall conform to the requirements of this ordinance.

- C. Any legal nonconforming use of property that does not involve the use of a structure and which exists at the time of the adoption or amendment of this ordinance, under Wis. Stats. §62.231 and this chapter may be continued, although such use does not conform with the provisions of this ordinance. However, such nonconforming use may not be extended.
- D. The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stat. §30.121.

28H.0603 Transit Oriented Development Overlay District

[TOD districts are typically oriented towards fixed-guideway (light rail, commuter rail, streetcar) transit stations. Since commuter rail transit service in Madison is still some years away, many decisions will need to be made about station location and station area planning. The City may also wish to consider whether a district of this type is appropriate for locations along high-frequency transit corridors served by bus. Levels of density/intensity established by the ordinance will differ depending on the type of transit system and the type of station -- is it in an urban or suburban location; will it provide commuter parking or serve as an employment or other destination. Therefore, this draft lays out a master plan process that should guide the mapping and standards of the overlay district. The district should be considered "interim" until more detailed plans are developed.]

(1) Intent and Purpose

The TOD District is intended to support investment in and use of public transit. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

- A. Provide increased mobility choices.
- B. Improve pedestrian connections, traffic and parking conditions;
- C. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- D. Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map.

(3) Relationship to Other Regulations

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses

The following uses are prohibited in the TOD district:

- A. Auto body shop
- B. Auto service station, convenience market
- C. Auto repair station
- D. Auto sales or rental
- E. Car wash
- F. Storage facility, personal indoor storage

(5) Minimum Intensity and Frontage Use

The following standards shall apply to new buildings and additions exceeding 50% of the original building's floor area. These standards may be modified or waived based on an adopted station area plan that establishes more specific requirements.

- A. New buildings shall be a minimum of two (2) stories in height.
- B. Floor area ratio for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.
- C. Where residential uses are proposed, minimum density is fifteen (15) units per acre. Density will be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.
 - 1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:
 - a. Total lot coverage and FAR for the zoning lot are not reduced; and
 - b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.
- D. A minimum of fifty percent (50%) of ground floor frontage along

primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) façade transparency between two (2) and eight (8) feet from ground level.

- E. All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.

(6) Multiple Use Requirements

Development proposals on sites of one (1) or more acres shall include at least three of the following use categories. A minimum of 10% of the proposed gross floor area of the development shall be devoted to each of the use categories that are proposed:

- A. Residential uses
- B. Office uses
- C. Commercial uses (including retail, service, restaurants and lodging)
- D. Manufacturing and employment uses
- E. Civic and institutional uses (educational, public, etc.)

(7) Public Space Requirement

Development proposals on sites of ten (10) or more acres must set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be waived in cases where a master development plan already specifies the location and design of open space on the site.

(8) Parking Standards

No minimum off-street parking is required, except where specified in a station area plan. Parking maximums shall apply.

(9) Exemptions

Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.

28H.0604 Neighborhood Conservation Overlay Districts.

[This section incorporates the current NC Districts requirements with only minimal wording changes.]

(1) Statement of Purpose.

Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these areas as a matter of policy. The Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods.

By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place distinctive, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a distinctive environment.

(2) Applicability.

- A. The requirements of the Neighborhood Conservation Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- B. In the event of a conflict between the provisions of the Neighborhood Conservation Overlay Districts and the underlying primary zoning district, the provisions of the Neighborhood Conservation Overlay Districts shall apply.

(3) Eligibility Standards.

To be considered for designation as a Neighborhood Conservation District, an area must meet the following minimum standards:

- A. The proposed area includes at least eight (8) contiguous block-faces or 2,640 lineal feet of contiguous street frontage.
- B. The proposed area possesses consistent, identifiable built or natural environment characteristics to be conserved.
- C. At least seventy-five percent (75%) of the lots in the proposed district have been developed with a principal structure for at least twenty-five (25) years.
- D. The proposed requirements for a Neighborhood Conservation District are consistent with the Comprehensive Plan and existing neighborhood plans.
- E. The proposed area contains at least one of the following features:

1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles.
 2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities.
 3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping.
 4. Distinctive lot features: lot layouts and sizes, setbacks, alleys, and landscaping.
- F. A Neighborhood Conservation Overlay District may not be placed in an existing local historic district or Urban Design District.

(4) Designation Process.

- A. All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
- B. The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Sec. 28.0604(3).
- C. If the proposed Neighborhood Conservation District is consistent with Sec. 28.0604(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- D. Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.

If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.

- E. The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- F. A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a Neighborhood Conservation Study shall be undertaken.
- G. A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working

with the residents, property owners and business representatives of the proposed district.

1. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created.
2. The Department of Planning and Community and Economic Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District.

H. A Neighborhood Conservation Study shall include:

1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
 2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
 3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
 4. A list of design requirements for the proposed district that will preserve its distinctive character. In addition to the features in (3)(e), above, requirements may include but are not limited to the following:
 - a. Setbacks
 - b. Orientation
 - c. Height and width
 - d. Scale and massing
 - e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.
- I. Creation of a Neighborhood Conservation Overlay District. If a Neighborhood Conservation District is proposed following the completion of the Neighborhood Conservation Study, it shall include the geographic boundaries, the specific requirements to be used in reviewing development proposals, and may authorize area exceptions for particular requirements. A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28M.1102 [*Zoning Map Amendment*].
- J. Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance.

28H.0605 Historic Landmark and District Overlays

[This section essentially replicates the current standards for historic districts, which are treated as a type of overlay. It combines the general standards for the historic districts, each of which is treated in a different section of Chapter 33.19. Rather than a separate suffix for each historic district -- requiring zoning text amendments each time a district is created -- the HIST suffix would apply to all districts, with the specific requirements in Section 33.19.]

(1) Statement of Purpose and Applicability.

Historic Landmark and District Overlay requirements are created to provide an effective means of identifying zoning lots which are either located within a designated Historic District or which contain a designated landmark, pursuant to the provisions of Section 33.19, Madison General Ordinances.

The appropriate suffix for a designated landmark or Historic District shall be appended to the current and any future zoning district classification of each zoning lot so affected. The suffix shall also be appended to zoning district classifications on Zoning District Maps.

The suffix designation has no effect upon the primary zoning district classification of the zoning lots in question. However, the applicable regulations of Chapter 33.19 which are referenced by the particular suffix shall apply to each such zoning lot in addition to the applicable requirements of the Zoning Code.

(2) Designated Landmarks

The HIST-L suffix applies to all zoning lots on which a designated landmark is located, pursuant to Section 33.19(4) and (6), Madison General Ordinances. The owner of each such zoning lot is notified that the landmark and the landmark site shall be maintained in a condition consistent with the provisions of Section 33.19, in addition to the applicable requirements of the Zoning Code.

(3) Historic Districts

The HIST suffix applies to historic districts. The owners of zoning lots within those districts are notified that any buildings or other improvements on those lots, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with both the general provisions of Section 33.19 and the specific provisions for the applicable historic district, in addition to all applicable requirements of the Zoning Code.

28H. 0606 Urban Design Overlay Districts.

[This section is intended to link the urban design districts in Chapter 33 to the Zoning Code as overlay districts, while preserving the review authority of the Urban Design Commission and the design standards for each district.]

(1) Statement of Purpose and Applicability.

The Urban Design Overlay Districts are established to identify those urban design districts established under the provisions of Section 33.24, Madison General Ordinances within the context of the Zoning Code, and to establish a link between zoning procedures and those of the Urban Design Commission.

(2) Applicability.

The requirements of the Urban Design Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts. **Where the provisions of the overlay district conflict with those of the primary zoning district, the provisions of the overlay district shall apply.**

(3) Procedures.

The requirements for design review in Section 33.24 shall apply within Urban Design Overlay Districts in addition to any reviews or procedures required under the Zoning Code.

Note - The UD District standards will apply in the event of a conflict. This will enable the more specific requirements of neighborhood plans, as codified in Urban Design Districts, to take precedence over the more general zoning standards.

28H. 0607 Accessory Dwelling Unit Overlay Districts

[This new district grows out of focus group meetings and other research on ADUs. It would function in a manner similar to the Neighborhood Conservation Districts.]

(1) Statement of Purpose.

The ADU Overlay District is created to to enable the establishment of accessory dwelling units within all residential districts. Accessory dwelling units give neighborhoods the opportunity to provide affordable housing opportunities, to provide housing opportunities for elderly or other family members, and to utilize their land base more efficiently.

The district is also intended to:

- A. Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, landscaping and similar design features.
- B. Protect the private environment of rear yards and maintain neighborhood character.

(2) Applicability.

- A. The requirements of the ADU Overlay District apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- B. In the event of a conflict between the provisions of the ADU Overlay District and the underlying primary zoning district, the provisions of the ADU Overlay District shall apply.

(3) Minimum Area Required.

To be considered for designation as an ADU Overlay District, an area must include at least eight (8) contiguous block-faces or 2,640 lineal feet of contiguous street frontage.

(4) Designation Process

- A. All requests for creation of an ADU Overlay District shall be initiated by a resident, owner, or a registered neighborhood association, and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
- B. The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Subsection 3 above.
- C. If the proposed area is consistent with the standards in Subsection 3, notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- D. Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within

thirty (30) days of the last meeting.

If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.

- E. The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- F. A resolution authorizing an ADU District Study may be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a study shall be undertaken.
- G. An ADU District Study shall explore the feasibility and potential benefits of establishing an ADU Overlay District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district. This study could also be incorporated into a larger neighborhood planning process or neighborhood plan update process.
- H. The accessory dwelling unit study shall include the following:
 - 1. Maps indicating the proposed overlay district boundaries.
 - 2. Design requirements for accessory dwelling units. Design requirements may be based on the suggested requirements in section (6) or may be more or less restrictive.
 - 3. Parking requirements, including a determination of whether additional off-street parking shall be required.
- I. Creation of an ADU Overlay District. If an ADU Overlay District is proposed following the completion of the study, it shall include the geographic boundaries and the specific requirements to be used in reviewing development proposals. An ADU Overlay District ordinance shall be considered pursuant to the procedures in Sec. 28M.11-2 [*Zoning Map Amendment*].

(5) Occupancy Requirements

The following requirements shall apply within all ADU Overlay Districts.

- A. The principal dwelling or the accessory dwelling unit must be owner-occupied (temporary absences of up to six (6) months may be allowed).
- B. The principal dwelling must be a single-family detached dwelling.
- C. The number of occupants of the accessory dwelling unit shall not exceed one (1) family plus one (1) roomer or two (2) unrelated individuals.
- D. The accessory dwelling unit shall not be sold separately from the principal dwelling.

(6) Suggested Design Standards

- A. Maximum height of a detached ADU, including one built above a garage: twenty-five (25) feet (as typically measured to mid-point of pitched roof).
- B. Maximum unit size: seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
- C. Setback requirements: standards for principal or accessory buildings in the underlying primary district.
- D. Usable open space: allow usable open space to be shared between units (i.e., no additional open space required).
- E. On corner lots, primary entrances to ADUs shall be placed on the façade parallel to the side street.
- F. ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
- G. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
- H. For ADUs within a principal building, additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or streetside elevations.
- I. Exterior finish materials. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
- J. Roof pitch. The roof pitch must match the predominant roof pitch of the principal dwelling unit.
- K. Detailing. Trim must match the trim used on the principal dwelling unit. Projecting eaves must match those of the principal dwelling unit.
- L. Windows. Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

(7) Review Procedures

Within an ADU Overlay District, individual proposals for accessory dwelling units will be reviewed through the site plan review process, as specified in Section 28M.11__ *[Procedures]*.

