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The Three-Headed Hydra: The City of Madison's Downtown Plan, Zoning Code and Development Review Process

It is the summer of 2012 and optimism abounds within the City of Madison's Department of Planning & Community & Economic Development. After four long years of community-wide involvement, the three-headed hydra that emerged from the lakes of Madison—and more commonly known as the comprehensive rewrite of (i) the City's downtown plan, (ii) zoning code and (iii) development review process—may be on the verge of being tamed. The City adopted a completely revised downtown plan on July 17, 2012 (this is the first comprehensive rewrite of the downtown plan in 20 years). Similarly, the final stages of a completely revised zoning code are currently underway (this will be the first comprehensive rewrite of the zoning code in 45 years). Lastly, the City development review process is being reconsidered and revamped. Once completed, these three projects will likely be the City's primary tools to guide and regulate City development for the next few decades. Prudent developers, owners, investors, architects, contractors, planners and other professionals need to understand each head of Madison's hydra to be successful.

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The Big Ideas or Artistic Head: The Downtown Plan

The City's revised downtown plan was adopted on July 17, 2012. The downtown plan is the head designed to supply the big ideas and creative visions for the City. Alluding to its unique geographical features, the preamble to the downtown plan notes "Madison's downtown is unlike any other in the world." The revised downtown plan provides a narrative guide for the development of downtown Madison over the next 20 years. Among other ideas, the plan emphasizes Madison's need to embrace its unique geographical location and surrounding lakes, increase the economic vitality of the region, promote its strong neighborhoods and become a national leader in sustainability. Some of the bigger ideas contained in the downtown plan include:

- an emphasis on enhancements to downtown lake access through redesigns of the John Nolen Drive Corridor and expansion of Law Park on the shores of Lake Monona;
- urban infilling and redeveloping of Judge Doyle Square to include a mixed-used

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environment and private ownership of buildings above publicly owned parking ramps;
- protecting priority view corridors and historical building forms;
- promoting density increases and redevelopment of the Mifflin Neighborhood; and
- creating inter-modal transportation opportunities throughout the downtown.

The final adopted version of the downtown plan should be available soon for review at the City of Madison's website.

The Law-Abiding or Analytical Head: The Zoning Code

The revised zoning code represents the head of the hydra focused on rules and order. The revised zoning code will be known in planning communities as a "hybrid" zoning code. Traditional zoning codes focus on land-use regulation; form-based zoning codes focus on regulation of building forms and relationships. The new Madison zoning code will be a hybrid utilizing elements of both traditional and form-based codes. To that end, the revised zoning code is designed to be graphically rich, internally consistent and readily understandable for both print- and internet-based users (unlike the current text-based zoning code format which relies upon a complex and confusing labyrinth of amendments and special design zones constructed over the prior four decades). However, because it is a hybrid code, the new code will continue to regulate all types of land-uses: from single-family homes to large mixed-used projects.

The Madison Common Council approved a large portion (approximately 250 pages) of the revised zoning code text on March 29, 2011. This approval was made with the understanding that some key elements, such as completion of the downtown zoning districts and zoning maps identifying which districts control a given parcel of land, are still missing. The City's Plan Commission held the first public hearing on these final portions of the revised zoning code on August 20, 2012 and is currently projecting final adoption of the complete zoning code in October 2012 by the City's Common Council. The City of Madison's website provides a complete schedule of upcoming meetings related to these final stages.

The Logistics Head: The Development Review Process

Perhaps the most criticized and fearsome head of the Madison hydra is the development review process itself, which is often perceived as too slow and too dependent on the whims of a vocal minority. In response to these perceptions, the City's Economic Development Committee approved a document entitled

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Development Process Improvement Initiative on May 11, 2011. The City held the first in a series of public forums on July 11, 2012, discussing the implementation of many of the recommendations contained within this document, including:

- creating a design assistance team to coordinate with developers early in the development review process;
- emphasizing clear guidance from City staff to developers; and
- requiring staff reports (and unequivocal recommendations) to both the Plan Commission and Urban Design Commission to aid and guide the review process.

City staff is indicating that additional enhancements to the development review process will be introduced in the next several months.

Conclusion

Should the City's three-headed hydra still be feared or is it in the process of being tamed? Unfortunately, only the passage of time will provide an unequivocal answer. Development success, however, will always depend on how well developers, owners, investors, architects, contractors, planners and other professionals understand each head of Madison's hydra.

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