

# Case Review & Board/Committee Discussions Zoning Ordinance & Map Update Project

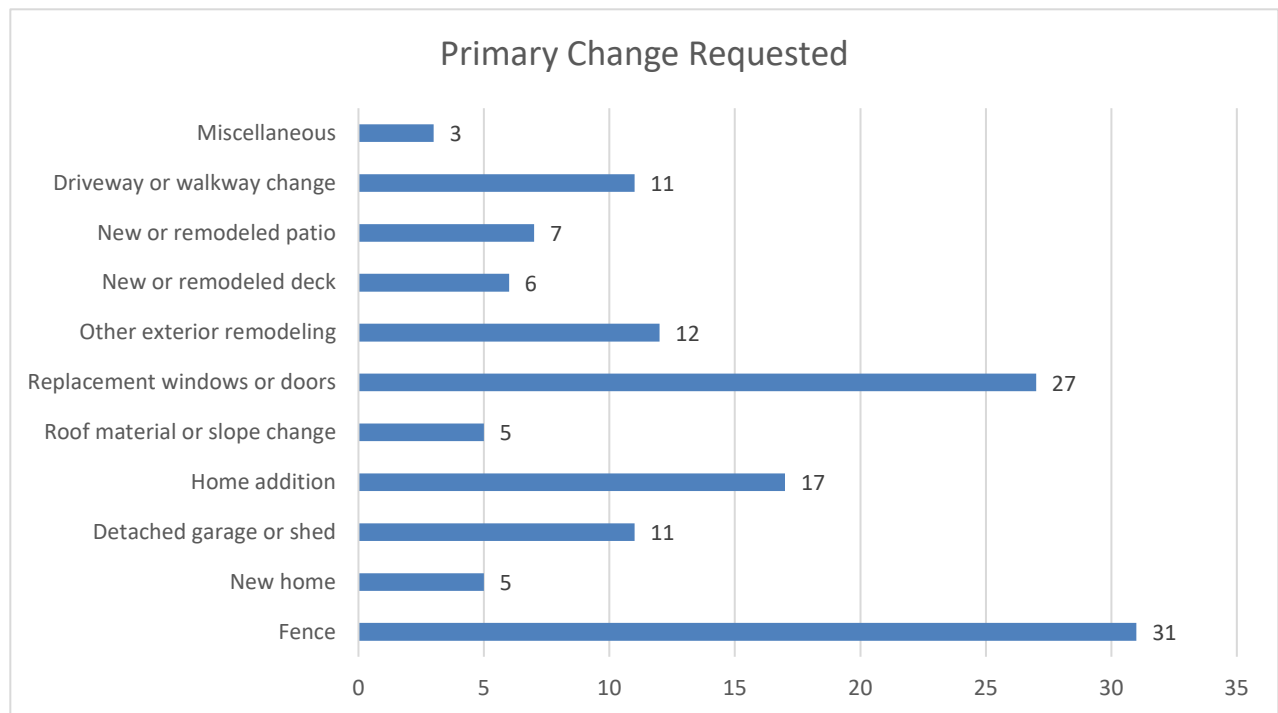
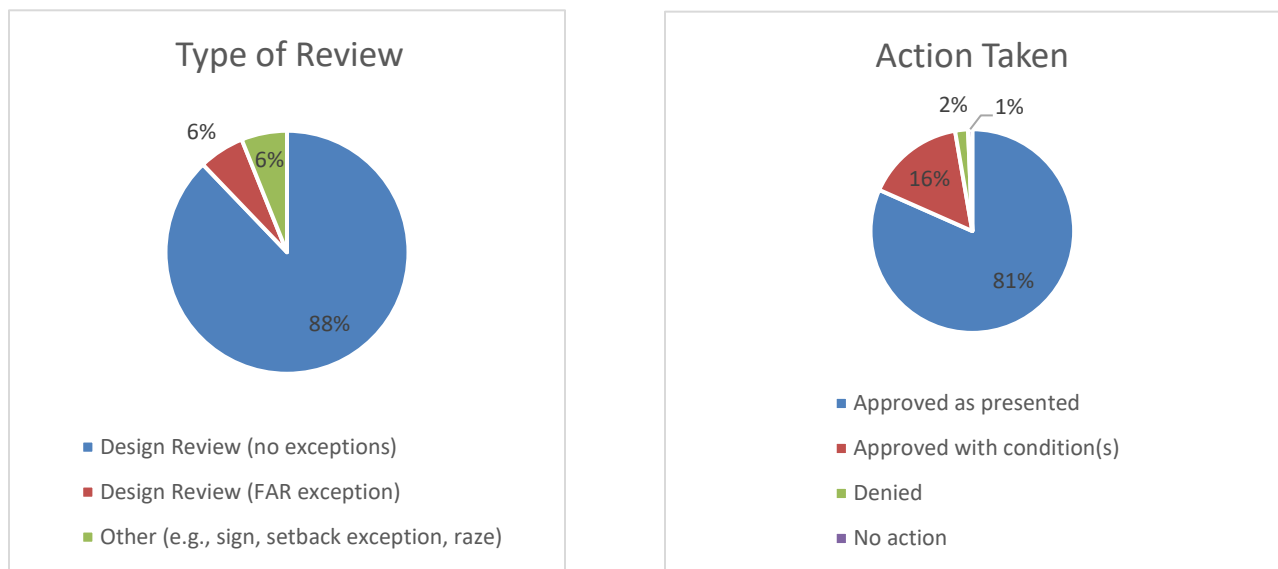
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The Village Planning team analyzed recent requests before the Building Board, Zoning Board of Appeals, and Plan Commission, and met with each of these bodies. The purpose was to observe common patterns and issues, better understand current processes in practice, and gather ideas for improvements to the zoning ordinance. This paper summarizes the results from this effort.

## Building Board

The Building Board is the most active Village body engaged with the zoning ordinance, charged primarily with design review for new and remodeled residences and other structures including fences and signs. From May 2021 to May 2023, the Building Board considered 135 requests, summarized as follows:



Note: Village Planner categorized each case for what he believed was the primary driver, when more than one type of change was requested (e.g., new windows & expand deck).

Further analysis of these Building Board cases suggests that:

- When requests were approved with conditions, common conditions included reducing fence height, changing fence materials, deconflicting utilities in coordination with the Public Works Director, and obtaining final building or fence material approval from the Zoning Administrator.
- Preparing a stormwater management/erosion control plan and/or a building massing study were sometimes preconditions of approval, especially for new or expanded homes.
- Where the Building Board granted floor area ratio (FAR) exceptions, common reasons included lot location relative to open spaces (including Lake Mendota), consistency with FAR on other lots in area, and mature tree cover on lot or area.

The Village Planner met with the Building Board on June 13, 2023, and a members shared the following suggestions for the updated zoning ordinance:

- Provide more clarity in fencing and retaining wall standards, including acceptable materials (no chain link) and extent of transparency/opacity with eye to maintaining open space feel of Village.
- Include standards for sport courts, including barriers and possibly lighting restrictions.
- Provide clearer criteria for Building Board to use in its decision making.
- For new homes and additions in particular, be specific on what a complete application includes, potentially including and defining massing studies as one component.
- Revisit allowances for maximum floor area ratio increases, with regard to some concern that some new and expanded homes have had too much bulk for lot or surroundings.
- Introduce objective, measurable standards for light and sound trespass.

### **Zoning Board of Appeals**

The Zoning Board of Appeals (ZBA) primarily considers requests for variances to zoning ordinance requirements and appeals to determinations of the Zoning Administrator or Building Board. The ZBA considered 22 requests from 2010 to 2022. Of these, six were appeals mainly to Building Board decisions and 16 were variance requests. Of these 16 variance requests, ten were related to setbacks. Five variance requests were denied, with most denials in the past few years.

The Village Planner met with the ZBA on July 20, 2023, and a members shared the following suggestions for the updated zoning ordinance:

- Provide more guidance on allowable fence heights and whether and to what extent exceptions may be granted.
- Define or describe what a “privacy fence” is or includes.
- Address the need for safety fences in certain locations including near steep bluffs.
- Consider different zoning district or standards for the Executive Residence property.
- Attempt to define what “practical difficulty” means with regard to variance criteria.
- For or with variance applications, list existing non-conformities on the property.
- Research how other ZBA’s reach and prepare decisions to consider changes to current Maple Bluff ZBA procedures.

### **Plan Commission**

The Plan Commission primarily considers requests for rezonings, conditional use permits, and site plan approval for projects aside from single family residences and their accessory structures. From 2013 to 2023, the Commission considered ten such requests, with seven associated with conditional use permits. Most activity was on North Sherman/Sherman Avenues.

The Village Planner met with the Plan Commission on August 14, 2023, and a members shared the following suggestions for the updated zoning ordinance:

- Include measurable performance standards and define terms where possible.
- Provide firm bases/standards for the Village to say “yes” and “no” to development requests.
- Consider further reductions in types of projects that have to obtain Building Board approval, and variance requests to the ZBA.
- Review permitted and conditional use lists and standards in Business zoning district, attempting to direct owners towards Village-preferred uses.