



City of Middleton Zoning Code Update (Residential Zoning)

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Outline

Context – Why update zoning?

- Desired Outcomes

Process

- Timeline – how long it took
- Process for staff, elected officials, residents

Old vs. New Ordinance

- Single-Family, Multi-Family, Mixed-Use

Other Considerations

Lessons Learned



Context

Old Middleton Zoning Code:

- Adopted in 1984
- Suburban development pattern
 - **R-3A** “applied to older apartments and condominium projects now zoned R-3 that have more than 8 dwelling units or that have building heights in excess of 35 feet or densities in excess of the R-3 levels”

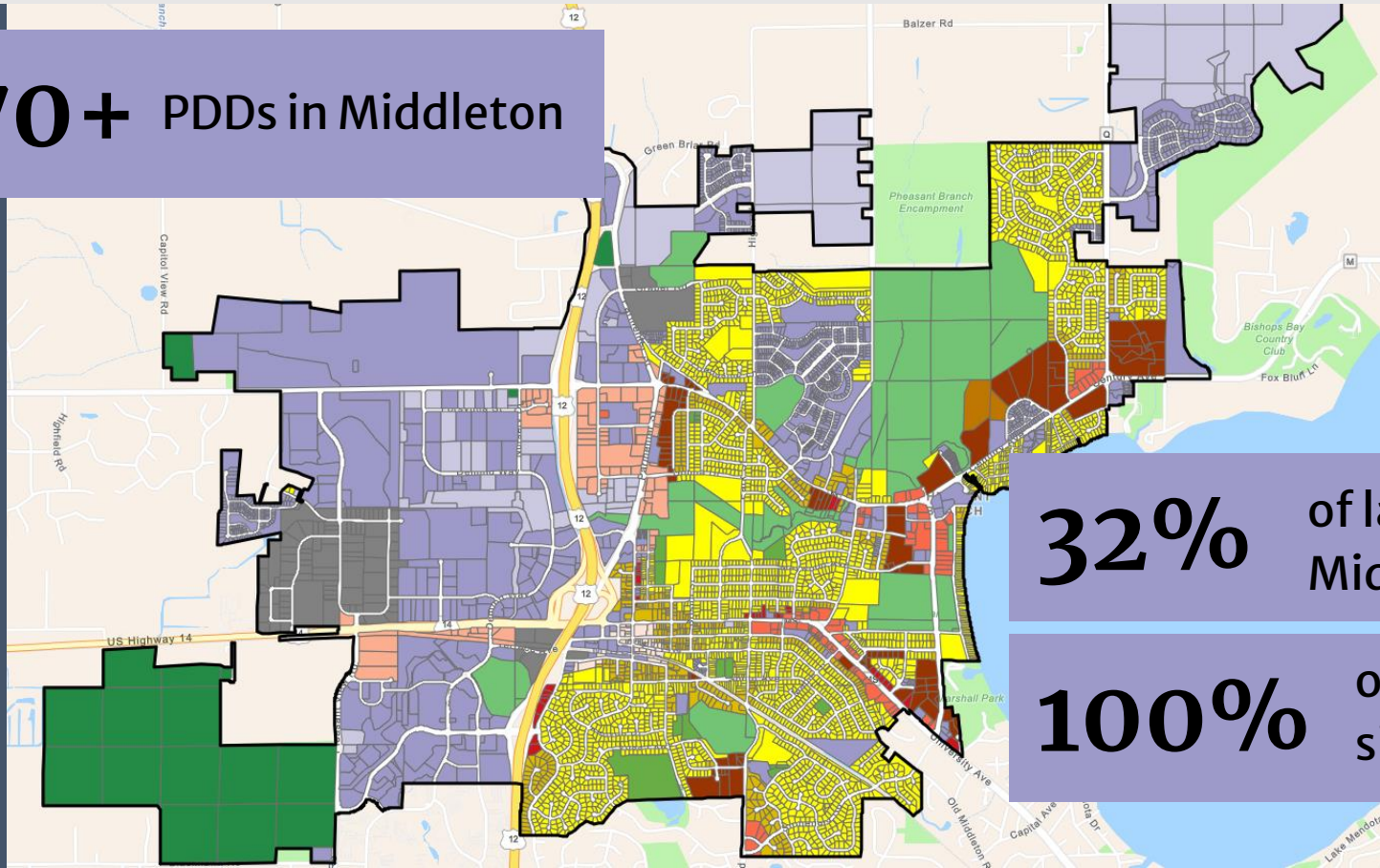
Residential Zoning Districts	
R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	3-8 unit Residential
R-3A	8-14 unit Residential

100% of **new platted subdivisions** since 2007 were in Planned Development Districts (PDD)

100% of **new housing** since 2016 were in PDDs

Context: Too Many PDDs!

70+ PDDs in Middleton



32% of land area in Middleton

100% of new housing since 2016

Minimum # of 8 City Meetings Required for Developers

(under former ordinance)

1. Developer-led neighborhood informational meeting
2. Public hearing at Plan Commission to rezone to PDD-
General Implementation Plan
3. Rezoning ordinance approved by Common Council
4. 2nd reading of rezoning ordinance approved by
Common Council
5. Traffic Impact Analysis approved at Public Works
Commission
6. Stormwater Management Plan approved by Water
Resources Management Commission
7. Specific Implementation Plan approved at Plan
Commission
8. Specific Implementation Plan approved at Common
Council

Desired Outcomes

- Reflect modern development and land use practices to reduce the need for PDDs and provide more opportunities for mixed use development, increase 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.)

Process

 Milestone
 Public Input Opportunity

Signed agreement with Vandewalle to update Zoning Code

May 2021

Work Group and Plan Commission Policy Review

April 2022–
May 2023

5 Open Houses held for public input

Sept–Oct
2023

March 2021

Adopted New Comprehensive Plan


April 2022

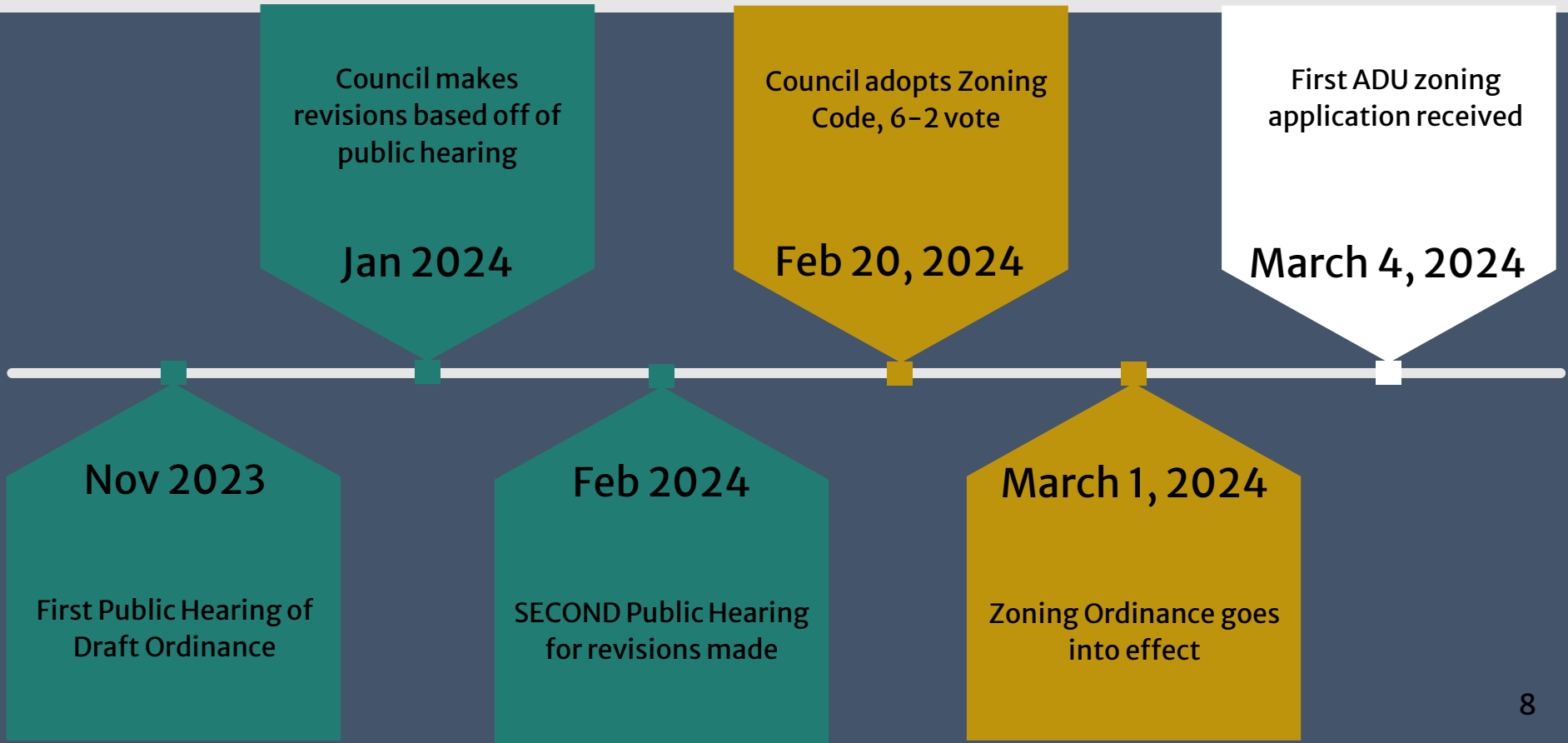
First draft developed by Vandewalle and Staff

Sept 2023

First Draft Ordinance released for Public review

Process

 Milestone
 Public Input Opportunity



Process

■ Staff

- Average 15 hours of work each week
- Zoning map done in-house

■ Elected Officials

- Sticking Points: Bird-safe glass, Airport zoning, Zoning Map (1 location)
- 2 votes against related to zoning map – not zoning text

■ Residents

- Flyers sent out via water utility bills
- Sticking Points: Stormwater Management/Impervious Surface, Zoning Map (1 location)

Old vs New Residential Zoning

	Old	New
Mixed-Use	<ul style="list-style-type: none"> • 1-2 units above commercial • conditional use permit 	<ul style="list-style-type: none"> • Residential allowed in all commercial areas • Commercial aspect only required at corners
Density	Highest: 14 units/acre	Highest: 100+ units/acre
Parking Minimums	1-2 spaces per bedroom	<ul style="list-style-type: none"> • 1 space per dwelling unit • Maximums established • Plan Commission can reduce or eliminate minimums
Accessory Dwelling Units	<ul style="list-style-type: none"> • Attached units only • 500 sf maximum • Conditional use permit 	<ul style="list-style-type: none"> • Attached or detached • Cannot exceed principal dwelling unit size • By-right in all single-family residential
Lot Sizes	Minimum: 7,200 sf	Minimum: 3,000 sf
Stormwater Runoff	35% Lot Coverage (does not include driveways and walkways)	45%-80% Lot Coverage Impervious Surface (includes all driveways, walkways, overhangs, etc.)

Additions to New Residential Zoning

Density Bonus

Net Zero
or
Affordable Housing

Bird-safe Buildings

Required for buildings over
10,000 sf

Parking-Related

EV charging requirements
& Bicycle parking
requirements added for MF
and MU districts

Missing Middle

Single-Family – High
Zero-lot line Multi-Family
Mixed-Use Neighborhood

Native Plantings

Required for up to 75% of
landscaping
Over 75% counts as double
In MF and MU districts

Façade Articulation

Maximum building façade
length: 250 ft
& various other standards

Old vs New: Single Family lowest density

	Old R1	New SR-L
Minimum Lot Area	7,200	7,200
Front setback	24 feet	20 feet
Encroachments	20 feet front setback if difference in alignment with neighbors is not more than 6 feet	8 feet setback for front porches
Side setback	8 feet	8 feet
Rear setback	30 feet	25 feet
Building height	35 feet	35 feet
Lot Coverage	35%	45% (impervious surface ratio)

New Zoning – Single Family Residential – High Density

	New SR-H Zoning
Minimum Lot Area	3,000
Front setback	Min: 15 feet Max: 20 feet
Encroachments	6 feet setback for front porches
Side setback	5 feet
Rear setback	15 feet • Alley-served lot: 3 feet
Building height	35 feet
Impervious Surface Ratio	70%

Intent:

- Larger lots can subdivide into 2+ lots
- Reflect “new” subdivision development patterns (i.e. Downtown Middleton, Middleton Hills, Redtail Ridge, etc.)

Old vs New: Multi Family lowest density

	Old R3	New MR-L
Minimum Lot Area	Efficiency: 3,000 per unit 1 Bed: 3,850 per unit 2 Bed: 4,250 per unit 3 Bed: 4,750 per unit	8,000
Front setback	30 feet	20 feet
Encroachments	0	8 feet setback for front porches
Side setback	8 feet	5 feet or 0 feet
Rear setback	30 feet	20 feet
Building height	35 feet or 3 stories	36 feet or 3 stories
Lot Coverage	35%	70% (impervious surface ratio)

New Zoning – Multi Family Residential – High Density

	New MR-H Zoning
Minimum Lot Area	30,000
Front setback	20 feet
Encroachments	8 feet setback for front porches
Side setback	8 feet or 0 feet
Rear setback	30 feet
Building height	60 feet or 5 stories <ul style="list-style-type: none">• May exceed up to 84 feet or 7 stories with density bonuses
Impervious Surface Ratio	80%

Affordable Housing and Net Zero Density Bonuses

- MR-M, MR-H, and all Mixed Use zoning districts
- Affordable Housing:
 - a. Affordable units shall be greater than or equal to 50% of the total interior square footage of all units and common amenity space above the maximum number of stories or height in the base zoning district.
 - b. The affordable units shall be rented to households with an income at or below 60% area median income limits and at or below rent limits for 60% of area median incomes as specified in the LURA.
 - c. The effective period of the LURA must be at least 30 years.
- Net Zero:
 - a. The structure must be certifiable Zero Energy or higher by either the International Living Future Institute (ILFI) or PHIUS+ from the Passive House Institute US.
 - b. The structure must complete an Energy Design Assistance or Energy Design Review with Focus on Energy.
 - c. The structure must receive an ENERGY STAR score benchmarked by an ENERGY STAR Portfolio Manager.

Old vs New: Mixed-Use

	Old B2 Zoning	New MU-N Zoning
Minimum Lot Area	7,200	5,000
Front setback	20 feet	15 feet
Encroachments	None	8 feet setback for front porches
Side setback	8 feet	5 feet or 0 feet
Rear setback	30 feet	20 feet
Building height	35 feet or 3 stories	36 feet or 3 stories
Lot Coverage	None	75% (impervious surface ratio)

Old B2 Zoning:

- Conditional Use Permit required for anything over 1 dwelling unit per structure

New Mixed Use – Neighborhood Zoning:

- Similar lot dimensions as SR and TR Zoning but allows for MR and MU land uses

New Zoning – Mixed Use-Avenue “TOD Overlay”

	New MU-A Zoning
Minimum Lot Area	10,000
Front setback	Min: 15 feet Max: 25 feet
Side setback	8 feet or 0 feet
Rear setback	20 feet
Building height	60 feet or 5 stories <ul style="list-style-type: none">• May exceed up to 72 feet or 6 stories with net zero or affordable units
Impervious Surface Ratio	80%

Transition to Residential Districts:

Building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45-degree angle) up to the maximum allowed height

Mixed Use at Corners:

A Townhouse, Multiplex, or Apartment land use can only be a Principal Use Permitted by Right if the principal structure is located on a lot that has one street frontage, not including alleys. If the principal structure is located on a lot at the corner of two intersecting streets, such uses are not permitted unless they are a component of a Mixed-Use Building.

Short-term Rental Regulations - AirBnb

Intent: to deter people from taking units from the single-family home housing market for temporary/vacation rentals

Operational Periods:

Stays	Operational Period	Owner's Primary Residence?
1-6 days	Year-round	Yes
1-6 days	30 days per year	No
6-29 days	180 consecutive days per year	Yes or No

Permit required

Other Considerations Not Included

- Eliminating Single-Family Residential
 - Recommended allowing two-family residential in single-family districts (failed)
 - Allowed ADUs up to principal dwelling unit size on all single-family districts (approved)
- Eliminating Parking Requirements (failed)
 - Plan Commission can waive parking requirements (approved)
- Density Bonus by Conditional Use (failed) and other density bonuses:
 - Bird-safe glass (failed)
 - Exceeding stormwater standards (failed)

Up Next

- Updating Subdivision Ordinance
 - Vandewalle & Associates
 - Ties in with zoning code's smaller lot sizes
- Tracking (minor) amendments
 - Allowing freestanding solar systems in front yards
 - Definition of height

Lessons Learned

1

Future Changes to Ordinance

Major policy changes made now, minor changes will be continuous

2

Comp Plan Guidance

Elected Official support, zoning map creation



Links/Contact

1

[Zoning Ordinance Text](#)

<https://cityofmiddleton.us/DocumentCenter/View/20/Chapter-10---Zoning-PDF>

2

[Zoning Map](#)

<https://www.arcgis.com/apps/dashboards/963ab572641b4c5f8231ec1017338143>

3

[Applications, Checklists, & Guides](#)

<https://cityofmiddleton.us/165/Applications-Permits>

4

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