



MEETING DATE: March 14, 2023

PREPARED BY: Joshua Clements, AICP
Planning Director

REQUEST: **CITY OF SUN PRAIRIE:** staff presentation regarding the Zoning Code Replacement Project.

Summary

This memo and accompanying brief presentation to the Plan Commission is intended to kickoff the process of creating a Request for Qualifications to secure a consultant team to assist city staff in replacing the City of Sun Prairie Zoning Code.

In the fall of 2022, the City Council approved a staff proposal to utilize American Rescue Plan Act (ARPA) resources to contribute to a project to replace the city's zoning code. Since that time, we have created a staff team to prepare and increase our knowledge of latest best practices in development regulation through completion of trainings, studying recently approved codes and the process to create them from other communities. We continue this work, including identifying other financial and knowledge resources to improve our capacity to guide a successful process.

Given the volume of business on our March agenda, this summary is formatted to introduce the project, a few of the key concepts, potential timeline, and provide some initial background reading to begin to prepare the Commissioners for this project. **A key element to confirm that will determine the content of the RFQ is the pursuit of a form-based code.**

Goals

As summarized in the ARPA proposal, the general goals of this project include:

- Align local regulations with the vision, values, and desired outcomes described in the Comprehensive Plan
- Remove unnecessary regulatory barriers to addressing housing supply and affordability
- Improve predictability and flexibility in entitlement procedures and development outcomes
- Integrate latest best practices and standards in pursuit of public health, sustainability, and social equity
- Update the code for changes in land use law

Zoning

As you know, a city's zoning code is a collection of regulations intended to guide changes in the built environment as expressions of the community's values and future vision, in pursuit of the public interest, to achieve certain outcomes and mitigate anticipated conflicts. Zoning regulations are the foundation and chief implementation tools that guide physical change in the community and comprise a large portion of the current Plan Commission's business.

Zoning is an enabled use of police power as described in State Statutes¹, and further clarified through case law. The statutes provide very broad latitude over what zoning standards are criteria are, provided they are justified with published

¹ See Wis. Stats § 62.23(7) <https://docs.legis.wisconsin.gov/statutes/statutes/62/i/23/7> and also <https://dpla.wisc.edu/compilation-of-wisconsin-statutes-on-planning-and-land-use/> for reference to other relevant statutes.

and defensible public welfare objectives, within certain prescribed procedure, with more specific requirements pertaining to issues such as signage and wetlands.

Sun Prairie's current code was adopted in 1989, and while some modifications have been made since that time, most of the code remains little changed. The population estimate for Sun Prairie in 1989 was 14,663- the city today is over 2.5 times the population and size, and its context and types of land uses have changed dramatically. The realities of housing, transportation, the environment, technology, employment, culture, and demographics are very different.

The current code is based upon Euclidean, or use-based zoning, which is the original form of zoning in the U.S. as we currently recognize it, stemming from the 1910s. This approach is not considered to be current best practice and oppositional to most community goals, yet most communities continue to practice a largely use-based approach to regulation.

Comprehensive Plan

The Comprehensive Plan serves as the city's guiding policy for community development, and changes in ordinances such as zoning are required to be consistent with the plan. Zoning is a regular theme in the creation of the city's [2019 Comprehensive Plan](#)², particularly to create design strategies for various building types and locations, improve housing supply and affordability, reduce environmental impacts, and to focus on physical design. The plan recognized that the city's current zoning is not aligned, and often opposed, to pursuing community goals and desired changes to the built environment.

In addition to supply and affordability, the **housing chapter** features a section dedicated to urban design (7.2). This section recognizes that the long-term quality and comfort in neighborhoods depends upon good urban design, a mix of uses and housing types, with carefully planned and curated infrastructure and public spaces. Additional housing goals and policies refer to zoning and/or neighborhood design, such as encouraging social connection, context sensitive infill development, mix of housing within neighborhoods, environmental impact, and others (goals 7.4; policies 7.6, 7.7, 7.9, 7.10, 7.12 – 7.16; actions 7.7, 7.12).

The **land use chapter** (9.2) reflects the geographical arrangement of the city and the relationship between land uses, including neighborhood design, and how these factors impact other aspects of the city. Building on the housing chapter, the land use narrative, goals, and policies seek to create more balanced neighborhoods with a mix of housing types, cost, and with proximity and access to employment and other services. Land use planning is bigger than zoning, but zoning is a significant implementation tool. Indeed, most of the goals, priorities, and actions in the chapter relate directly or indirectly to zoning. Action 2 is *"Complete a comprehensive update and unification of the Zoning and Subdivision Ordinances (...)"* which provides a list of objectives.

The land use chapter describes desirable characteristics of neighborhoods and development and recognizes that there is friction and controversy when change occurs in the community, especially when larger buildings or more intensive land uses replace or are added within existing developed areas, even when those changes advance community objectives. Many of these concerns relate to the building design and placement, how these characteristics influence our interactions with the built environment, and personal perceptions and preferences. The plan briefly describes design techniques, regulated through zoning, can eliminate or manage these impacts and contribute to aesthetic preferences.

The Future Land Use Plan categories describe areas³ (neighborhood residential, community mixed use, etc.) that rely upon form-based characteristics as desired development and conditions. This section includes "residential compatibility

² See <https://cityofsunprairie.com/1282/Comprehensive-Plan-2019-2039>

³ Volume 2, Chapter 9, Pages 9-18 – 9-34. <https://cityofsunprairie.com/1282/Comprehensive-Plan-2019-2039>

standards” and “best practice design strategies”, yet these criteria do not relate to how the zoning ordinance is currently written, and most of the desired development is not possible without utilizing a planned development district.

In addition to the Comprehensive Plan, other adopted city policy documents call for substantial changes to the city’s zoning code and development regulations, including the [Sustainability Report](#) (2021)⁴ and the [Housing for All](#) study and recommendations (2022)⁵ in order to pursue the specific vision and objectives of those plans.

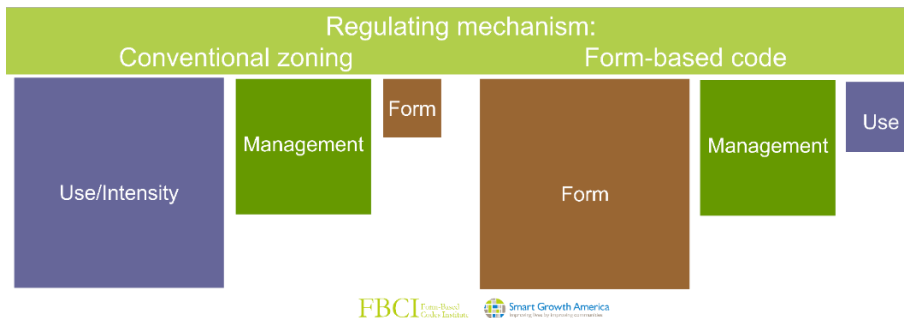
Form-Based Code

How does form-based code differ from traditional zoning regulations? Whereas Euclidean zoning is based on the idea that each “zone” or designated area of land should be reserved for a specific use, form-based code zoning is based on context. Instead of focusing on use, form-based code focuses on building form.

As referenced in the Comprehensive Plan (v. 2, page 9-9), the Form Based Codes Institute defines form-based zoning as “A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use.” A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form as the organizing principle for the code. Form-based codes address the relationship between building facades and the street, the form and size of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards are presented in both diagrams and words and aligned with a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land use types. Form-based codes are regulatory, not advisory. The Comprehensive Plan specifically addresses the form-based code, as well as including multiple goals and policies that describe physical characteristics of site development and neighborhood design that would require building form controls.

Form-based code concepts:

- Rules for building form more important than land use regulation (but use is not ignored).
- Emphasis on mixed-use and range of housing types.
- Greater attention to streetscape—the creation and design of public realm; how buildings shape the public realm and location of parking.
- Standards for building form and mass consciously based on existing context and/or desired changes.
- Codes utilize images and graphics to illustrate standards and concepts.
- Goals are to focus on how a place actually functions, and how the pieces fit together within a site and neighborhood; not about regulating appearance.
- Design-focused public participation process and existing conditions analysis.



⁴ Sun Prairie Sustainability Report, pages 8, 14. <https://cityofsunprairie.com/1189/Sustainable-Sun-Prairie>

⁵ Sun Prairie Housing for All, pages 12, 13, 85. <https://cityofsunprairie.com/1697/Housing-for-All>



Sun Prairie’s current zoning code includes limited use of elements found in a form-based code, particularly in specific districts such as the Main Street Overlay. The [Sun Prairie Stronger Plan](#) (2020)⁶ relies heavily upon form standards to guide and regulate development within its area. The Downtown Plan, West Main Street, and Central Main Street plans rely upon building form guidelines⁷. Many of the city’s planned developments rely upon form-based standards, including but not limited to larger areas such as Smith’s Crossing and West Prairie Village, to specific sites such as Cannery Square, The Catalyst, McHenry, and Lokre. One of the significant reasons most of the development that has occurred in Sun Prairie in the past 15 years utilized the planned development zoning tool is the current code limits development flexibility and design guidance, and both developers and the Council desire a greater focus on design.

Utilizing a form-based code does not necessarily mean that every area of the city will utilize a form-focused district, or if some districts have different standards. Some areas may utilize “form lite” districts due to the existing for desired uses and existing characteristics of that area. This dynamic would be explored in greater depth in subsequent discussion.

Process

Our city policy requires that requests for qualifications (RFQ) be approved by the City Council prior to distribution. Since the zoning ordinance is primarily the responsibility of the Plan Commission, we will bring a draft RFQ to the Commission for content guidance and recommend Council action. We anticipate a more in-depth discussion of characteristics to include in the RFQ in April, and a draft for review in April or May depending upon availability of staff to complete an internal review.

The review of RFQ responses, selection, and Council action will likely require 6-8 weeks. Once the consultant team is selected and the contract performance period begins, we anticipate the process will require 18-24 months, placing final adoption Q3 – Q4 of 2025.

As noted earlier, staff continues to build our capacity and seek resources to enhance this process, such as grants and technical assistance. These opportunities may impact the process but is not intended to impact the timeline.

Recommendation

We will prepare for a more in-depth discussion at the April meeting of the Plan Commission. We will bring a draft of the RFQ to consider, if we can navigate the internal staff review by that date. We recommend that we proceed with the expectation that the new code will be a form-based, and exemplary of current best practices.

Suggested readings and viewings:

- Form Based Codes Institute - <https://formbasedcodes.org/definition/>
- AARP Livable Communities, “5 Questions about Form-Based Code”. <https://www.aarp.org/livable-communities/livable-in-action/info-2015/interview-joel-russell-form-based-code.html>
- Strong Towns, “6 Reasons Your City Needs a Form-Based Code”. <https://www.strongtowns.org/journal/2020/6/8/6-reasons-your-city-needs-a-form-based-code>

A handwritten signature in black ink that reads "Joshua Clements".

⁶ Sun Prairie Stronger. <https://cityofsunprairie.com/1306/Sun-Prairie-Stronger>

⁷ Sun Prairie community plans. <https://cityofsunprairie.com/393/Other-Community-Plans>