

1. It was noted that covenants in force across Wexford's 14 additions can be very difficult to research by zoning administrators when there are requests for additions and modifications. We hope all such requests were seen first by Wexford's architectural committee. One suggestion that may help the city is that every permit application has a disclaimer, i.e., "localized deed restrictions or covenants may apply." It should spur homeowners to check their own deeds and covenants first

Yes, we could look into the various places where our customers engage with our office for projects, and as an FYI to property owners, include general reference information about utilities, covenants, easements, or other similar land restrictions that should be taken into consideration when a property owner is contemplating a change to their property.

2. If existing Wexford covenants will not be replaced by converting to city zoning requirements, as noted during the April 7 meeting, what advantage is there to the city of Madison – other than administrative time – to converting?

Rezoning properties to conventional zoning districts (districts fully within the City's zoning code) will allow the City to provide more transparent zoning information and quicker service to homeowners. It will allow more areas of Madison access to recent zoning code changes such as allowing duplexes and ADUs, providing more housing options and choices throughout the community.

It will also remove the City's Planned Development (PD) zoning as an obstacle to change, instead allowing neighborhoods to decide how they want to evolve, under the common, regularly updated requirements of the zoning code and under their private covenants, if applicable.

3. As you know, it would take a significant number of homeowners (or assessed value) within a given Wexford addition to change any covenant. Here is a link to current covenants: <https://www.wexfordvillagehomesassociation.org/covenants>

If a Wexford homeowner wanted to, for example, build fences higher than three feet or the ability to build an Accessory Dwelling Unit, would that be possible without a homeowners' vote if city zoning rules were applied?

If Wexford Village is rezoned to a conventional zoning district (a district fully within the City's zoning code), a fence or Accessory Dwelling Unit (ADU) would need to meet the City's zoning code requirements for them.

Fences are not required to receive a building permit or zoning approval prior to installation, but they still need to meet the City's rules for placement, height, and materials, which can be found online here: <https://www.cityofmadison.com/development-services-center/1-2-family-residential/repairs-replacements/fence-or-hedge>

Accessory Dwelling Units (ADUs) are required to receive building permits and zoning approvals and meet the City's requirements, available here for detached ADUs (separate structure from the main building): <https://www.cityofmadison.com/development-services-center/1-2-family-residential/new-building-construction/new-detached-accessory> and here for attached ADUs (building addition to main building): <https://www.cityofmadison.com/development-services-center/1-2-family-residential/additions/attached-accessory-dwelling-unit>

For fences and ADUs, if Wexford Village wanted to enforce private covenants that are more restrictive than the City's requirements, it could choose to do so.

Some neighborhoods have let their covenants expire so that could be another option.

4. Are there other ways to simplify the permitting process, such as improving the density by allowing ADUs in all single-family zoned areas? Some covenants within Wexford disallow anything other than single family, although the definition of single family is open for discussion.

Planned Development (PD) zoning is a legislative act approved by Common Council, and any change to a PD would require an amendment by Council. The permit process for Planned Development zoning requires a check for compliance with the approved and recorded PD documents so any change to simplify the permitting process would require an amendment to the Planned Development zoning. As long as specialized Planned Development zoning remains in place, additional process steps also remain, and the PD requirements remain different from the requirements for other similar one- and two-family houses in conventional zoning districts (districts fully within the City's zoning code).

The City's zoning code allows Accessory Dwelling Units (ADUs) in all residential zoning districts so rezoning Wexford Village to a conventional zoning district (a district fully within the City's zoning code) would allow ADUs. Wexford Village could elect to modify their private covenants to allow ADUs or to not allow ADUs within the neighborhood.

5. Ultimately, will it matter if there is significant Wexford resident opposition to the proposed change? Is a City Council vote in favor of adopting standard city voting already in the cards?

City staff was tasked with identifying bottlenecks in our current processes and proposing improvements that would benefit customers when they want to improve their property. Additionally in 2025, when Council passed code changes to allow more duplexes and ADUs, some aldermen pointed out that areas that were zoned Planned Development (PD) were treated differently and that this was a fairness and equity concern that they wanted addressed.

What we have identified is a complicated and overly burdensome process that impacts properties in PD zoning. The rules can be vague, inconsistent, and difficult to interpret and apply; and in some cases, they seem arbitrary. Properties in these areas are not allowed to evolve unlike areas that are zoned conventionally (districts fully within the City's zoning code) so there seemed to be a long-term benefit over time to rezoning these areas.

In my experience Council listens to people and takes into account their viewpoints before making a decision. Zoning is a legislative decision so this will ultimately be decided by Council.

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