

**ARTICLE 1. GENERAL TO ALL PLANS**

**1.1 AUTHORITY**

- 1.1.1 This Chapter is adopted pursuant to Wis. Stat. §62.23(7) and §66.1027 and shall be referred to as the Smart-Code District.
- 1.1.2 This SmartCode District shall serve as a distinct zoning district within the City of Fitchburg Zoning Code, Chapter 22. Chapter 22 shall apply to the SmartCode District unless specifically exempted.
- 1.1.3 The SmartCode District provides a regulatory framework to enable the development of land using form-based and transect-based principles while ensuring compliance with the City of Fitchburg Comprehensive Plan.
- 1.1.4 This District was adopted as one of the instruments of implementation of the public purposes and objectives of the adopted City of Fitchburg Comprehensive Plan.

**1.2 APPLICABILITY†**

- 1.2.1 The following general rules of construction shall apply to regulations governing the SmartCode District:
  - a. Numerical metrics shall take precedence over graphic metrics.
  - b. The diagrams and illustrations within this Code, unless specifically noted as advisory, are considered regulatory in nature and are legally binding.
  - c. The definition of a term in this section shall take precedence over the definition of the same term elsewhere in the City of Fitchburg Code of Ordinances.
  - d. For calculation purposes, round to the nearest whole number.
- 1.2.2 The provisions of this chapter, when in conflict, shall take precedence over other Chapters 22 and 24 of the City of Fitchburg Code of Ordinances.
- 1.2.3 Applications under the SmartCode District shall be exempt, unless otherwise noted, from the provisions of Chapter 25, Architectural Control, and Chapter 24, Signs, of the City of Fitchburg Code of Ordinances.

**1.3 INTENT†**

The intent of this chapter is to enable, encourage and qualify the implementation of the following policies:

**1.3.1 THE CITY**

- a. That the city should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors and watersheds.
- b. That growth strategies should encourage Infill and redevelopment.
- c. Redevelopment within the urban area should be structured in the Infill TND or Infill TOD pattern and be integrated with the existing urban pattern.
- d. Greenfield development should be organized in the pattern of Clustered Land Development, Traditional Neighborhood Development, or Transit Oriented Development.
- e. That transportation Corridors should be planned and reserved in coordination with land use.
- f. That green Corridors should be used to define and connect the urbanized areas.
- g. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.
- h. That the local Bikeway Network should be well-integrated with the local and regional transit network.

**1.3.2 THE COMMUNITY**

- a. Urban development should be compact, pedestrian-oriented and Mixed Use.
- b. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- c. Interconnected networks of Thoroughfares should be designed to disperse and reduce the length of automobile trips.
- d. Within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- e. Appropriate building Densities and land uses should be provided within walking distance of transit stops.

- f. Civic and Commercial activity should be embedded within town centers, not isolated in remote single-use complexes.
- g. Schools should be sized and located to enable children to walk or bicycle to them.
- h. A range of Open Space including Parks, Squares, and playgrounds should be located in proximity to neighborhoods and the downtown.

**1.3.3 THE BLOCK AND THE BUILDING**

- a. Buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- b. Development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- c. Architecture and landscape design should reflect local climate, topography, and history.
- d. Civic Buildings and public gathering places should be provided as locations that reinforce community identity.
- e. Civic Buildings should be sited in a distinctive manner appropriate to the more important role than other buildings.
- f. Civic, institutional, and Commercial sites should be designed to accommodate bicyclists.
- g. Bicycle parking types should correspond to the rural-to-urban Transect, and should be efficiently allocated by land use type, building size, and/or number of residents/employees.

**1.3.4 THE TRANSECT**

- a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the Transect Zone descriptions on Table 1 shall constitute the Intent of this District with regard to the general character of each of these environments.

**1.4 PROCESS†**

1.4.1 General Process: This section shall be administered in accordance with the procedural requirements of Chapter 22 (Zoning Code) of the Code of Fitchburg except when those requirements conflict with this section.

1.4.2 Re-zoning: The procedure for rezoning to a SmartCode District shall be the same as required for any other zoning district change under this section. Applications shall include all of the following:

- a. Legal description
- b. Sector designation(s) and respective percentage of open space
- c. Proposed Community Unit Type and designation as Infill Community or New Community
- d. Pedestrian Shed location(s)
- e. Bicycle Shed location(s)
- f. Preliminary Thoroughfare network, including Block locations and perimeters
- g. Any such other information as may be requested by the Zoning Administrator, Plan Commission, or Common Council

A public hearing with a class 2 notice and notification to property owners within 300 feet of the property is to occur.

An Infill Community Regulating Plan as required under Article 4 shall be submitted at the time of rezoning for infill rezoning applications within the G4 and G5 Sectors. Rezoning to SmartCode Infill Community (SC-IC) and corresponding Infill Regulating Plan shall be sized in accord with the provisions of Article 4.

1.4.3 Within the G2 and G3 Sector, the following acreage requirements are required for any rezoning to the SmartCode New Community (SC-NC):

- a. Clustered Land Development (CLD): 10 – 50 acres
- b. Traditional Neighborhood Development (TND): No fewer than 40 acres and no more than 200 acres
- c. Transit Oriented Development (TOD): No fewer than 80 acres and no more than 640 acres, except that a TOD may rezone parcels as small as 35 acres provided that part of the area is shown as a TOD in the Comprehensive Plan or Neighborhood Plan.

- d. Smaller sites may be rezoned to the SmartCode District pursuant to the requirements of Section 3.3.4; however, a New Community Regulating Plan shall be submitted and approved as part of the rezoning process.
- 1.4.4 Once the City of Fitchburg Common Council approves a SmartCode District, the parcel(s) shall be designated as SC-IC (SmartCode – Infill Community) or SC-NC (SmartCode –New Community) on the City of Fitchburg zoning map. This District shall be the exclusive and mandatory zoning regulation, and its provisions shall be applied in their entirety.

### **1.5 ADMINISTRATIVE WAIVERS**

- 1.5.1 This Code specifically provides for modification of certain non- use related restrictions contained within the Code (“Administrative Waivers”).
- 1.5.2 An Administrative Waiver may be granted only if specifically allowed within the applicable section of this Code.
- 1.5.3 To apply for an Administrative Waiver the application shall provide a written & signed application that includes all of the following:
  - a. The specific waiver(s) requested including citation from this code and clearly noting what was required by the code, what is proposed and the difference.
  - b. Why the waiver is requested and why the regulation cannot be met.
  - c. Any mitigation strategies to offset the effect of the relief requested.
  - d. Maps, texts, drawings and statistical data to support the waiver.
  - e. Other information as may be required by the Zoning Administrator.
- 1.5.4 The Zoning Administrator will review and may approve, requests for Administrative Waivers. If the Zoning Administrator declines to approve a request for an Administrative Waiver, such waiver request shall be referred to the Plan Commission for action.
- 1.5.5 General Standards. No Administrative Waiver shall be approved unless the reviewing authority shall find:
  - a. The Administrative Waiver is consistent with Section 1.3 of this chapter.
  - b. That the grant of Administrative Waiver shall not be detrimental to the public health, safety, morals, comfort and general welfare
  - c. That the Administrative Waiver shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.
  - d. That adequate utilities, roads, drainage and or necessary facilities have been or are being provided
  - e. That the specific section of the Code being modified by Administrative Waiver specifically provides for such Administrative Waiver.
  - f. That there appears to be a reasonable degree of certainty that the requested Waiver would be consistent for future development of the surrounding area.
  - g. Where applicable, that topographic conditions of the site present constraints that make it difficult to achieve the provision of the Code.
- 1.5.6 Any decision regarding a grant or denial of an Administrative Waiver shall in writing state the reasons for the grant or denial and shall be delivered to the applicant by either first class mail or electronically.

### **1.6 ADMINISTRATIVE APPROVALS**

- 1.6.1 This Code specifically provides certain design standards to be approved administratively (“Administrative Approvals”).
- 1.6.2 An Administrative Approval may be granted only if specifically indicated within the applicable section of this Code.
- 1.6.3 To apply for an Administrative Approval the applicant shall provide a written and signed application that includes all of the following:
  - a. The specific approval(s) requested including citation from this code and clearly noting what is proposed.
  - b. The effect of the approval on the overall plan and how such requested approval will meet the standards of 1.6.5

- c. Maps, text, drawings and statistical data related to the requested approval(s).
- d. Other information as may be required by the Zoning Administrator
- 1.6.4 The Zoning Administrator will review and may approve requests for Administrative Approval(s). If the Zoning Administrator declines to approve a request for an Administrative Approval, such request shall be referred to the Plan Commission for action.
- 1.6.5 General Standards. No Administrative Approval shall be approved unless the reviewing authority shall find the approval would:
  - a. be consistent with Section 1.3 of this chapter,
  - b. advance the presence of the intended form of the development,
  - c. advance pedestrian friendly activity,
  - d. provide for the enhancement, coordination or demarcation between the public and private realm,
  - e. and be consistent with the goals, objectives, and policies of the Comprehensive Plan.
- 1.6.6 Any decision regarding a grant or denial of an Administrative Approval shall in writing state the reasons for the grant or denial and shall be delivered to the applicant by either first class mail or electronically.

**1.7 CONDITIONAL USES**

- 1.7.1 This Code identifies certain uses of property within the SmartCode zoning district as conditional uses.
- 1.7.2 A conditional use may be approved only if specifically allowed within Table 21 of this Code.
- 1.7.3 No conditional use shall be approved unless the reviewing authority shall find:
  - a. The conditional use is consistent with Chapter 22 of the City of Fitchburg Code of Ordinances.
  - b. The conditional use is consistent with Section 1.3 of this chapter.

**TABLE 1. TRANSECT ZONE DESCRIPTIONS.†**

This advisory table provides descriptions of the character of each T-zone.




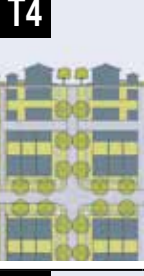
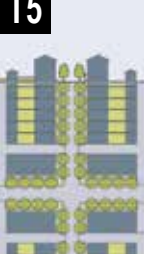
	<p><b>T-1 NATURAL</b> T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p><b>General Character:</b> Natural landscape with some agricultural use  <b>Building Placement:</b> Not applicable  <b>Frontage Types:</b> Not applicable  <b>Typical Building Height:</b> Not applicable  <b>Type of Civic Space:</b> Conservancies, including environmental corridors and large naturalistic open spaces</p>
	<p><b>T-2 RURAL</b> T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, and grassland. Typical buildings are farmhouses and agricultural buildings.</p>	<p><b>General Character:</b> Primarily agricultural with woodland &amp; wetland and scattered buildings  <b>Building Placement:</b> Variable Setbacks  <b>Frontage Types:</b> Not applicable  <b>Typical Building Height:</b> 1- to 2-Story for houses  <b>Type of Civic Space:</b> Conservancies and large naturalistic open spaces</p>
	<p><b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone consists of low-density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.</p>	<p><b>General Character:</b> Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally  <b>Building Placement:</b> Large and variable front and side yard Setbacks  <b>Frontage Types:</b> Common lawn, porch &amp; fence, naturalistic tree planting  <b>Typical Building Height:</b> 1- to 2-Story  <b>Type of Civic Space:</b> Conservancies, and medium open spaces both naturalistic and more urban in character</p>
	<p><b>T-4 GENERAL URBAN</b> T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized Blocks.</p>	<p><b>General Character:</b> Mix of Houses, Townhouses and small Multi-family buildings with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians  <b>Building Placement:</b> Shallow to medium front and side yard Setbacks  <b>Frontage Types:</b> Porches, fences, Dooryards and Shopfronts  <b>Typical Building Height:</b> 1- to 3-Story with a few Mixed Use buildings  <b>Type of Civic Space:</b> Medium and small scale open spaces, either naturalistic or urban in character</p>
	<p><b>T-5 URBAN CENTER</b> T-5 Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Row- houses and Multi-family buildings. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	<p><b>General Character:</b> Shops mixed with Townhouses, larger Multi-family buildings, Offices, work place and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity  <b>Building Placement:</b> Shallow Setbacks or none; buildings oriented to street defining a street wall  <b>Frontage Types:</b> Stoops, Shopfronts, Galleries  <b>Typical Building Height:</b> 2- to 6-Story with some variation including a maximum of 8 stories, (a maximum of 12 stories with Administrative Approval) in T5 TOD.  <b>Type of Civic Space:</b> Medium and small scale open spaces that are urban in character</p>

TABLE 2. SUMMARY TABLE†



a. ALLOCATION OF ZONES per Community Unit (applicable to Article 3 only)

CLD requires	50% min		30% max	20 - 50%	not permitted
TND requires	no minimum	no minimum	5 - 30% max	30 - 65%	5 - 40%
TOD requires	no minimum	not permitted	20% max	20 - 50%	40 - 60%

b. BASE DENSITY (see Section 3.8)

By Right Residential	not permitted	1 unit / 20 acre avg.	3 - 8 DUA net	6 - 12 DUA net (TND)* 6-14.4 DUA net (TOD)	12 DUA min.
Residential Uses	not permitted	1 unit / 20 acre avg.	80% min	70% min	40% min - 80% max
Other uses/Retail Ready (see section 3.8.4 & 5.8.4(d))	not applicable	not permitted	not applicable	not applicable	20% min - 60% max

c. BLOCK SIZE

Block Perimeter	no maximum	no maximum	2,400 ft. max	2,300 ft. max	2,050 ft. max*
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d. THOROUGHFARES (see Table 4) (see Table 2A, 4A, 9A, 19, and 19A for Bikeway Facilities) \* 2,500 ft. max w/ parking structures

BV	not permitted	not permitted	not permitted	not permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	not permitted	permitted	not permitted	not permitted	not permitted
Rear Lane	not permitted	not permitted	permitted	permitted*	not permitted
Rear Alley	not permitted	not permitted	not permitted	Admin. Approval**	required
Passage	not permitted	not permitted	not permitted	permitted	permitted

\* Req'd if lot width is less than 50'

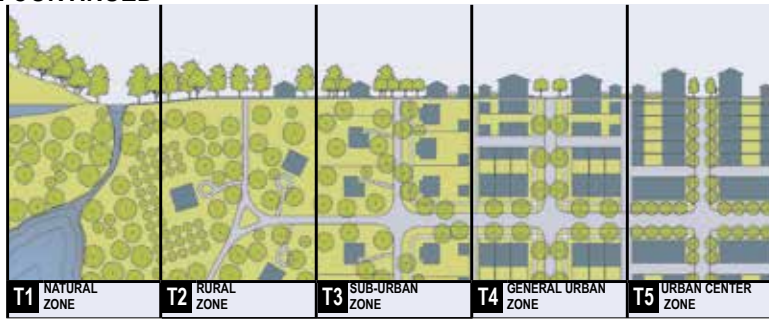
\*\*Allowed by Administrative Approval where T4 adjoins T5

e. CIVIC SPACES (see Table 8)

Conservancy	permitted	permitted	permitted	Admin. Approval	Admin. Approval
Neighborhood Park District	not permitted	not permitted	not permitted	not permitted	not permitted
Neighborhood Park	permitted	permitted	permitted	permitted	Admin. Approval
Green	not permitted	not permitted	permitted	permitted	not permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted
Community Garden	permitted	permitted	permitted	permitted	permitted

ARTICLE 2, 3, 4

SUMMARY TABLE CONTINUED



f. LOT OCCUPATION

Lot Width - TND	not applicable	100 ft. min.	50 ft. min 120 ft. max	18 ft. min 96 ft. max *	18 ft. min 180 ft. max 18 ft. min 300 ft. max ***
Lot Width - TOD	not applicable	not applicable	50 ft. min 120 ft. max	18 ft. min 96 ft. max *	***
Lot Coverage	not applicable	not applicable	50% max	70% max	90% max **

\* Single-family detached lots shall not may exceed 60.49 ft. max by Administrative Approval  
 \*\* May be allocated per block rather than per lot  
 \*\*\* May exceed 300 ft by Administrative Approval

g. SETBACKS - PRINCIPAL BUILDING (see Tables 22 - 26)

(g.1) Front Setback (Principal)	not applicable	24 ft. min	20 ft. min	6 ft. min 18 ft. max	2 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	not applicable	24 ft. min	12 ft. min	6 ft. min 18 ft. max	2 ft. min 12 ft. max
(g.3) Side Setback	not applicable	24 ft. min	5 ft. min	3 ft. min., 0 ft.	0 ft. min 12 ft. max
(g.4) Rear Setback	not applicable	24 ft. min	20 ft. min ^	3 ft. min *	3 ft. min **
Frontage Buildout (see Sec. 5.6.2f)	not applicable	not applicable	not applicable	60% min ***+ * or 15 ft from centerline of Rear Alley or Lane	80% min ***

\*\* 3 ft min except in the case of a common or shared wall. In all other cases, 0' permitted only by Administrative Waiver  
 \*\*\* Variation behind the primary setback is permitted up to 18" ^ May be reduced to 3 ft. min with Rear Lane

h. SETBACKS - OUTBUILDING (see Tables 22 - 26)

+ See 5.6.2.f.vi for reduced Frontage Buildout for sing-family Edgeyard.

(h.1) Front Setback	not applicable	20 ft. min +bldg setback	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop
(h.2) Side Setback	not applicable	6 ft.	3 ft. or 6 ft. total	3 ft. min.	0 ft min
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min *	3 ft. min *	3 ft. max

i. BUILDING DISPOSITION (see Table 16)

\* 3 ft max for alley-loaded corner condition

Edgeyard	not applicable	permitted	permitted	permitted	Admin. Approval
Sidyard	not applicable	not permitted	not permitted	permitted	permitted
Rearyard	not applicable	not permitted	not permitted	permitted	permitted
Courtyard	not applicable	not permitted	not permitted	not permitted	permitted

j. PRIVATE FRONTAGES (see Table 14)

Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	permitted	permitted	permitted	not permitted
Light Court	not applicable	not permitted	not permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
Arcade	not applicable	not permitted	not permitted	not permitted	permitted
Common Entry & Planter	not applicable	not permitted	not permitted	not permitted	permitted
Parking Lot	not applicable	not permitted	not permitted	not permitted	not permitted

k. BUILDING CONFIGURATION (see Table 15)

Principal Building - TND	not applicable	2 Stories max	2 Stories max *	3 Stories max	4 Stories max, 2 min **
Principal Building - TOD	not applicable	not applicable	2 Stories max *	3 Stories max	8 6 Stories max, 2 min***
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max

\* 35 ft max for Residential

l. BUILDING USE (see Table 21)

\*\* 1 by Administrative Waiver \*\*\* Maximum of 12 stories by Admin. Waiver

Residential	not applicable	restricted use	restricted use	limited use	open use
Lodging	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use
Industrial	not applicable	not applicable	by Conditional Use*	by Conditional Use*	by Conditional Use

ARTICLE 5

\* As indicated on Table 21

ARTICLE 2, 3, 4

TABLE 2A. BIKEWAY, BICYCLE PARKING, AND BIKEWAY ENHANCEMENT SUMMARY



a. Bikeway Types (See Table 4 and 4A for specific bicycle thoroughfare assemblies. See Table 9A for Special District Bicycle Facilities)

	T1	T2	T3	T4	T5
Mountain Bike Trail	permitted	permitted	Admin. Approval	not permitted	not permitted
Shared Use Trail (regional and State)	permitted	permitted	permitted	permitted	permitted
Shared Use Path (local)	permitted	permitted	permitted	permitted	Admin. Approval
Conventional Bicycle Lane	permitted	permitted	permitted	Admin. Approval	Admin. Approval
Buffered Bicycle Lane	not permitted	not permitted	not permitted	not permitted	Admin. Approval
One-Way Cycle Track	not permitted	not permitted	Admin. Approval	Admin. Approval	Admin. Approval
Bicycle Boulevard	not permitted	not permitted	permitted	permitted	permitted

b. Bicycle Parking

Bicycle Rack (U-Rack, Post + Ring)	Admin. Approval	Admin. Approval	permitted	permitted	permitted
Bicycle Rack (decorative, public art)	not permitted	Admin. Approval	Admin. Approval	Admin. Approval	permitted
Bicycle Shelter	Admin. Approval	Admin. Approval	Admin. Approval	Admin. Approval	permitted
Bicycle Locker	not permitted	not permitted	Admin. Approval	Admin. Approval	permitted
Bicycle Hub	Admin. Approval	Admin. Approval	permitted	permitted	permitted
Bicycle Rental Kiosk	not permitted	not permitted	not permitted	Admin. Approval	Admin. Approval
Bicycle Corral	not permitted	not permitted	not permitted	Admin. Approval	Admin. Approval

c. Bikeway Facility Enhancements

Bike Route and Wayfinding Signing	permitted	permitted	permitted	permitted	permitted
Active Warning Beacon	Admin. Approval	Admin. Approval	Admin. Approval	Admin. Approval	Admin. Approval
Peg-a-Tracking	permitted	permitted	permitted	permitted	permitted
Shared Lane Marking (Sharrow)	not permitted	not permitted	permitted	permitted	permitted
Colored Bicycle Facilities	not permitted	not permitted	Admin. Approval	Admin. Approval	Admin. Approval
Signal Detection and Actuation	permitted	permitted	permitted	permitted	permitted
Bicycle Box	not permitted	not permitted	Admin. Approval	Admin. Approval	Admin. Approval
Bicycle Turn Pocket	Admin. Approval	Admin. Approval	permitted	permitted	permitted
Bicycle Median Refuge	permitted	permitted	permitted	Admin. Approval	Admin. Approval
Bicycle Signal Head	not permitted	Admin. Approval	Admin. Approval	Admin. Approval	Admin. Approval
Paved Shoulder	permitted	permitted	not permitted	not permitted	not permitted
Rumble Stripes	Admin. Approval	permitted	permitted	permitted	permitted