

# PLANNING DIVISION STAFF REPORT

August 25, 2014



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendments

**Legistar File ID #:** [34792](#), [35030](#), [35039](#), [35040](#)

**Prepared By:** Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

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## [34792](#) – Removal of “Secondhand Goods Sales” as a Specific Land Use (Inclusion of “Secondhand Goods Sales in “General Retail”)

This amendment removes Secondhand Good Sales from the Definitions section and use tables in the zoning code. The reason for this amendment is that city staff has found the definition to be slightly inconsistent with the definitions for secondhand sales contained in Section 9.24, Madison General Ordinances, requiring licensure of secondhand dealers. Moreover, city staff has found that zoning code's definition of "Retail, General" is written broadly enough to include secondhand good sales. Thus, this amendment eliminates the ambiguity of dueling definitions while not compromising the city's ability to regulate secondhand good sales. Staff recommends approval of this item.

[Note: This item was previously identified as item 1.15 of the “Corrections and Simple Issues in the Zoning Code Text – Issues for Further Study and Revisions” memo previously discussed with the Plan Commission.]

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## [35030](#) – Update to Floodplain Maps

This routine amendment of the Chapter 28 zoning code floodplain provisions is required by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) to update the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) and Flood Storage District (FSD) maps produced by FEMA and the DNR. With the updating of these maps, the City remains eligible to participate in the national flood insurance program that is available to some property owners in the city with structures in the floodplain area. In addition to the adoption of the new floodplain maps referenced above, this amendment also makes minor text amendments to Chapter 28 to maintain consistency with Wisconsin's model floodplain ordinance. Staff recommends approval of this item.

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## [35039](#) – Addition of “Temporary Outdoor Events” and “Non-Accessory Temporary Outdoor Events” in UMX and DC

This amendment adds temporary outdoor events as a permitted accessory use and non-accessory temporary outdoor events as a conditional use in the UMX and DC Districts. Temporary Outdoor Events are defined as a seasonal or occasional event held on the sidewalk or other location outside a building, where the principal use is non-residential. This use is already allowed in several mixed-use and commercial districts outside of Downtown including the NMX (Neighborhood Mix Use), TSS (Traditional Shopping Street), MXC (Mixed Use Center), CC-T (Commercial Corridor-Transitional) and the CC (Commercial Center) zoning districts. These uses are subject to supplemental regulations including one that requires events lasting more than 45 days receive conditional use approval.

Non-accessory temporary events are “beer gardens” or similar food and beverage serving events related to events at Camp Randall Stadium. These are currently allowed with conditional use approval in the TSS, MSC, CC-T, and CC zoning districts. In addition to the conditional use standards, this use would be subject to the same supplemental regulations that apply in the non-Downtown Zoning Districts. Staff recommends approval of this item.

**35040 –Purely Residential Buildings and Usable Open Space Requirements in the TSS District**

*Summary:* Currently, the Traditional Shopping Street (TSS) District allows for multi-family residential buildings as conditional uses only if they meet the lot area, lot width, and side yard setback requirements in the TR-V2 District. This requirement would result in relatively low densities (the 2000 square feet of lot area per dwelling unit required would equate to approximately 21 units per acre), and the opportunity has not been utilized to date. Much greater residential densities typical for two- to four-story buildings in these corridors have been achieved, but only because the buildings are mixed-use buildings with first floor commercial space.

With this change, staff proposes to relax the lot area requirement for purely residential buildings in the TSS District to 500 square feet per unit, which equates to a maximum density of 87 units per acre, similar to the Traditional Residential – Urban 2 (TR-U2) District. At the same time, 40 square feet of usable open space per dwelling unit is proposed for the TSS District, regardless of whether dwelling units are in purely residential or mixed-use buildings. As drafted, this usable open space requirement may be fully met with roof decks and balconies.

*Rationale for Purely Residential Buildings:* In some cases, the push for mixed-use buildings in the zoning code has forced the creation of commercial spaces in locations where the market support for retail and similar uses is already low. As an unintended consequence, small commercial spaces are sometimes incorporated as “afterthoughts” within a redevelopment proposal driven by a market for its residential component.

The TSS District was envisioned to support existing and redeveloping properties within vibrant mixed-use corridors including Atwood Avenue, Monroe Street, South Park Street, Old University Avenue, Williamson Street, and others. After reviewing several redevelopment projects in the TSS District, and hearing about others that may be in the pipeline, staff believes that there are cases where purely residential buildings would be appropriate or even superior to a mixed-use building. Some of these corridors have existing vacant or underutilized commercial spaces, which could be better supported by a greater number of households nearby, rather than by a new commercial space that may be difficult to fill. Further, one of the most common neighborhood concerns with redevelopment in these corridors centers on the neighborhood on-street parking impacts of commercial uses. Finally, an allowance for purely residential buildings at more reasonable densities in some places could help to cluster commercial uses within specific areas along TSS Corridors, rather than virtually requiring commercial uses along the entire corridor.

Staff believes that the proposed lot area requirement of 500 square feet per unit will make purely residential buildings feasible within the TSS District, noting that conditional use review and approval would still be required. For the sake of comparison, Table 1 below shows the net residential densities of some recently approved or otherwise well-known multi-family residential and mixed-use projects, a few of which are new enough to have been approved in the TSS District. The projects are listed in order by increasing density.

**Table 1: Existing Well-Known and/or Recently Approved Development**

| Address          | Name                | Dwelling Units | Acres | Net Density | #Stories Residential | Zoning |
|------------------|---------------------|----------------|-------|-------------|----------------------|--------|
| 801 S Park St    | Dunkin' Donuts      | 7              | 0.36  | 19          | 1                    | PD     |
| 625 E Mifflin St | The Colony          | 30             | 0.72  | 42          | 3                    | PD     |
| 2223 Atwood Ave  | N/A (Approved 2014) | 5              | 0.12  | 43          | 2.25                 | TSS    |

|                     |                                       |     |      |     |     |       |
|---------------------|---------------------------------------|-----|------|-----|-----|-------|
| 280 Division St*    | Schenk's Point                        | 15  | 0.26 | 58  | 3   | PD    |
| 2624 Monroe St      | The Monroe<br>(Under<br>Construction) | 21  | 0.33 | 64  | 2.5 | TSS   |
| 3502 Monroe St      | Parman Place                          | 18  | 0.28 | 65  | 2   | PD    |
| 1911 Monroe St      | Empire Photo                          | 18  | 0.26 | 68  | 3   | PD    |
| 336 Norris Ct*      | Norris Court                          | 21  | 0.30 | 69  | 3   | TR-U1 |
| 721 E Dayton St*    | Das Kronenburg                        | 46  | 0.64 | 71  | 6   | PD    |
| 320 S Baldwin St    | Baldwin Corners                       | 31  | 0.42 | 74  | 2.5 | PD    |
| 502 S Park St       | The Ideal                             | 57  | 0.77 | 74  | 4   | PD    |
| 2158 Atwood Ave     | N/A<br>(Approved 2014)                | 32  | 0.37 | 87  | 3   | TSS   |
| 2550 University Ave | 2550 University                       | 130 | 1.08 | 120 | 5   | PD    |
| 1423 Monroe St      | Varsity Quarters                      | 72  | 0.50 | 144 | 5   | TSS   |
| 706 Williamson St   | N/A<br>(Approved 2014)                | 55  | 0.36 | 151 | 5   | TSS   |

\* Purely residential building

With a few noted exceptions, the projects in the table are mixed-use buildings. If the proposed text amendment were to be approved, all projects at a density of 87 dwelling units per acre or below could have been proposed as purely residential buildings, so long as design, usable open space, and other zoning requirements could be met. Each would have been reviewed as a conditional use.

***Rationale for Usable Open Space Requirement:*** The TSS District is currently the only district that does not have a usable open space requirement for residential dwelling units. Staff recognizes that the provision of at-grade usable open space is particularly challenging within this district, where the majority of the sites are often covered with building and/or parking areas. However, similar to the Downtown and Urban Districts, high-quality on-site usable open space is still very important to provide. Staff recommends a requirement of 40 square feet per unit, which would equate to an 8 by 5 foot balcony per unit, or larger open spaces to be provided either at-grade or on rooftop elements, to be shared among units.

***Conclusion:*** Staff supports the proposed amendments to the Traditional Shopping Street District, which will allow for purely residential buildings at greater densities complementing existing and desired development intensities for the district. For all residential units in the district, regardless of building type, staff supports the incorporation of a usable open space requirement.

[Note: This item relates closely with Item 3.3 in the “Corrections and Simple Issues in the Zoning Code Text – Issues for Further Study and Revisions” memo previously discussed with the Plan Commission. Item 3.3 reads, “Consider revisions to the minimum lot area requirement for stand-alone residential buildings in commercial/mixed-use and employment district”.]