

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED April 18, 2006

REFERRED Plan Commission; UDC

Amending Section 33.02(4)(f) to clarify requirements for large retail developments and Sections 28.085(3)b.2., 28.09(3)(a), (b)4., (d)25., (4)(b)5. and Section 28.12(12)(a)4. to be consistent with Section 33.02(4)(f).

RULES SUSPENSION

PUBLIC HEARING PC 5-15-06
CC 6-6-06

Drafted by: Katherine Noonan

Date: April 5, 2006

SPONSORS: Ald. Golden

DRAFTER'S ANALYSIS: These amendments add some flexibility to the provisions regarding the applicability of the ordinance to existing development, and the requirements when minimum parking requirements are exceeded. Additional amendments to Chapter 28 provisions are to make the forty-thousand foot threshold for compliance with Sec. 33.02(4) consistent with relevant zoning provisions.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (f) entitled "Large Retail Developments" of Subsection (4) entitled "Powers And Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(f) Large Retail Developments.

1. Statement of Purpose. The purpose for this section is to provide a regulatory framework to ensure that large-format retail development promotes the efficient use of land and preserves and enhances the urban fabric through a more urban site and building design. In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.
2. Applicability. All new retail development that is on a single zoning lot and has a total gross floor area (GFA) of forty thousand (40,000) square feet or more shall be subject to this ordinance. Total GFA shall be calculated by adding the GFA of all buildings on a zoning lot. When applying the requirements below, the Urban Design Commission, Plan Commission, and staff shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans.
 - a. Any single retail business establishment that has a total GFA of forty-thousand (40,000) or more square feet shall be subject to Paragraphs 3 through 14 below.
 - b. All development on a single zoning lot shall be subject to Paragraphs 7 through 14 below.
 - c. The Urban Design Commission and/or the Plan Commission may waive one or more of the requirements in Par. 4 through 14 below, if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.
 - d. Proposals for additions, exterior building alterations, or site alterations to existing structures currently used for, or originally designed to accommodate, a retail

Approved as to form:

development that has a GFA of forty thousand (40,000) or more square feet shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structures, including the feasibility of fully complying with this ordinance. If the Urban Design Commission and/or Plan Commission determines that compliance is not feasible, other improvements to the structure and/or site that are consistent with the intent of the ordinance may be considered.

- e. Proposals for alterations to existing developments that currently exceed r are proposed to exceed the maximum building footprint, as described in Par. 2, below, shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structure.
3. Maximum Building Footprint. No single new retail business establishment shall exceed a building footprint of one hundred thousand (100,000) square feet as defined by the exterior walls. Other separately-owned retail business establishments, entertainment, office, and residential uses not associated with the proposed business establishment shall not be counted towards the one hundred thousand (100,000) square foot limit.
 - a. Notwithstanding the above, the Urban Design Commission and/or the Plan Commission may consider a single retail establishment exceeding one hundred thousand (100,000) square feet if the design includes one or more of the following elements:
 - i. Multi-story development.
 - ii. Mixed use development.
 - iii. Structured or underground parking facilities.
 - b. Other design features that the Urban Design Commission and/or Plan Commission may consider in support of a single retail establishment exceeding one hundred thousand (100,000) square feet include:
 - i. Stormwater management plans with on site treatment and retention well in excess of current requirements.
 - ii. Energy efficient design
 - iii. Green building design.
 - iv. Green roof.
4. Facades and exterior walls. The requirements of this section shall apply to any single retail business establishment of that has a GFA of forty thousand (40,000) or more square feet. These requirements apply to facades that are visible from a public street, or adjacent properties, or rights-of-way.
 - a. Facades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses each having a depth of at least three percent 3% of the total length of the facade and extending at least 20 percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.
 - b. Ground floor facades that face or abut public streets with pedestrian and vehicular access shall incorporate the following types of features along no less than 60 percent of their horizontal length in a manner determined sufficient by the Urban Design Commission and/or the Plan Commission:
 - i. Arcades.
 - ii. Windows for vision, display, or daylighting.
 - iii. Customer entrances, in addition to the requirements of Par. 6., below.
 - iv. Awnings, canopies, or porticos.
 - v. Outdoor patios, or community features as described in Par. 11.a.
 - c. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements:
 - i. Color change
 - ii. Texture change
 - iii. Material module change

- iv. Expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib.
 - d. At least one (1) of the above elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 - 5. Roofs. Requirements of this section shall apply to any single retail business establishment that has a GFA of forty thousand (40,000) or more square feet.
 - a. Rooflines shall be varied with a change in height every seventy-five (75) linear feet in the building length.
 - b. Roofs shall have features such as:
 - i. Parapets, gable roofs, hip roofs, or dormers that shall be used to conceal roof top equipment from public view. The average height of parapets shall not exceed fifteen percent (15%) of the height of the supporting wall, and parapets shall not at any point exceed one third (1/3) of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - ii. Overhanging eaves that extend no less than three (3) feet past the supporting walls.
 - iii. Three (3) or more roof slope planes, with varying lengths and designs.
 - 6. Material and Colors. Requirements of this section apply to facades that are visible from a public streets, or adjacent properties, or rights-of-way on any single retail business establishment that has a GFA of forty thousand (40,000) or more square feet. Predominant exterior building materials shall be high quality materials, including, but not limited to brick; wood; stone; tinted and textured concrete masonry units. Exterior insulation and finish systems (EIFS) may not be used on the lower three (3) feet of any façade.
 - 7. Customer Entrances.
 - a. Each principal building on the site shall have a clearly defined, highly visible, customer entrance featuring no fewer than three (3) of the following:
 - i. Canopies or porticos
 - ii. Overhangs
 - iii. Recesses / Projections
 - iv. Arcades
 - v. Raised corniced parapets over the door
 - vi. Display windows
 - vii. Peaked roof forms
 - viii. Arches
 - ix. Outdoor patios
 - x. Architectural details, such as tile work and moldings that are integrated into the building
 - xi. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - b. All sides of a building that directly abut a public or private right-of-way that provides vehicular and pedestrian access to the site shall feature at least one (1) customer entrance. The entry may utilize a pedestrian plaza, entry portico, or other community feature as described in Par. 11, below, between the building and sidewalk. Where a building directly abuts two (2) or more public or private rights-of-way, this requirement shall apply to at least one sides of the building that abuts the most traveled rights of way providing pedestrian and/or vehicular access to the site. Corner entrances may be considered to meet this requirement.
 - 8. Site Design. The following requirements apply to the entire zoning lot.
 - a. A development must have at least one element of one building with a maximum setback of twenty (20) feet, adjacent to a street frontage that abuts a right-of-way that is projected to have the most pedestrian activity associated with the

building(s). The setback for this element may be reasonably increased to a maximum of sixty-five (65) feet or eighty-five (85) feet, as described in Par. 8.b., below if the lot size and configuration prevent a functional site design or to provide cross access to adjacent parcels.

- b. A development must follow one of the following three (3) options adjacent to the street that is projected to have the most pedestrian activity associated with the building(s). The requirements may be met using any combination of buildings on the zoning lot. The site may be designed to utilize any combination of the three (3) setbacks, i. through iii., below. If a zoning lot directly abuts two (2) or more public or private rights-of-way, there are no requirements for additional street frontages.
 - i. At least fifty percent (50%) of adjacent street frontage shall be occupied by building facades with a maximum setback of twenty (20) feet. This requirement may be met by using any combination of buildings on the zoning lot. No off street parking facilities shall be located between the façade(s) directly abutting the street and the adjacent street.
 - ii. At least sixty percent (60%) if adjacent street frontage shall be occupied by building facades with a maximum setback of sixty-five (65) feet. This setback shall allow for a only a single drive aisle and one row of perpendicular parking with building entrance access and required landscaped buffer as stated in Par. 8.d., below. This setback may be extended to a maximum of seventy-five (75) feet, if traffic circulation, drainage and/or other site design issues are shown to require additional space.
 - iii. At least seventy percent (70%) of adjacent street frontage shall be occupied by building facades with a maximum setback of eighty-five (85) feet. This setback shall allow for only a single drive aisle and two rows of perpendicular parking with building entrance access and required landscaped buffer as stated in Par. 8.d., below. This setback may be extended to a maximum of one hundred (100) feet, if traffic circulation, drainage and/or other site design issues are shown to require additional space.
- c. Where a façade abuts property used or zoned for residential purposes, an earthen berm or retaining wall no less than four (4) feet in height shall be provided. The berm or area behind the retaining wall shall be planted, at a minimum, with a double row of evergreen (or a combination of evergreen and deciduous) trees at intervals of fifteen (15) feet on center, or in clusters or clumps.
- d. One (1) street tree shall be planted every thirty (30) feet along that part of the perimeter of the parcel that abuts a public right of way. These trees may be planted in clusters.
- e. The requirement of Subparagraphs a. and b. above, shall be in addition to other applicable landscape requirements as set forth in Sec. 28.04 of these ordinances.

9. Parking Lots. The following requirements apply to the entire zoning lot.

- a. The design and appearance of parking structures must complement the structures they serve and minimize their utilitarian appearance by using design treatments such as colonnades, arcades, awnings, and street furniture or other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, lighting, and signage shall be part of all garage facades.
- b. Any provided parking that exceeds the minimum requirements ~~by more than sixty (60) percent (60%) shall include one (1) or more of the following, as approved by the Plan Commission, to sufficiently offset the negative effects of additional paved surfaces:~~ shall offset the negative effects of the additional paved surface. If the minimum parking requirement is exceeded by more than thirty percent

(30%), at least one (1) of the elements in Subparagraphs i. through v., below, shall be provided. Exceeding the minimum parking requirements by more than forty-five percent (45%), sixty percent (60%) or eighty percent (80%) requires at least two (2), three (3), or four (4) of the elements in Subparagraphs i. through v., below, respectively. The elements chosen to offset the negative impact of increased parking shall be approved by the Urban Design Commission and/or the Plan Commission.

- i. A stormwater infiltration plan that may include such solutions as bioretention swales or permeable paving materials.
 - ii. Landscaped areas in addition to existing requirements. The number of landscaped areas and the amount of landscape material shall increase as the amount of parking increases.
 - iii. Businesses with less than one hundred (100) employees shall have a Transportation Demand Management Plan or participate in a Transportation Management Association.
 - iv. Structured parking.
 - v. Green, or sustainably designed building, as measured by the LEED standards of the United States Green Building Council.
- c. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer that includes trees, shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high quality materials.
- d. Transportation Demand Management. Any single retail business establishment of forty thousand (40,000) square feet or more with one hundred (100) or more full-time employees or full-time equivalents is required to have a Transportation Demand Management (TDM) Plan, or participate in a Transportation Management Association (TMA), if one is available in the geographic area of the establishment. This requirement shall also apply to any such existing retail business establishment proposing an addition or alteration, and that will have one hundred (100) or more full-time employees or full-time equivalents.
- i. The TDM Plan shall generally describe the applicant's intent with respect to reducing the number of single-occupant automobile trips and list the methods the applicant intends to use. These methods shall be based on the transportation choices available and indicate if the applicant will provide for either the full price to purchase a monthly bus pass from Madison Metro, or provide for three (3) or more of the following options to all employees: ridesharing/car pool matching; preferred parking for ridesharers; secured bicycle parking, showers and lockers; employee commuting subsidies or awards; emergency ride home program; employer-subsidized bus passes; provision of real-time transit information; or other options proposed by the employer to discourage the use of single-occupant vehicles, and as approved by the City.
 - ii. The employer shall make the provisions in its Plan available to all employees.
 - iii. The Plan shall describe the traffic/parking impacts of the development and shall provide specific details on the measures the employer will use to monitor the traffic/parking impacts.
 - iv. The Plan shall be periodically updated at intervals not to exceed every two years.
 - v. The Plan shall be reviewed by the Traffic Engineer in concert with the Planning Unit Director. The Traffic Engineer shall provide comments and suggestions for how the Plan might be improved.
- e. For every twelve (12) to fifteen (15) parking stalls in a continuous row, at least one canopy tree shall be required in an interior parking island pursuant to the requirements of Sec. 28.04 of the ordinances.

10. Outdoor Storage, Trash Collection, Loading Areas and Mechanical Equipment. The following requirements apply to the entire zoning lot.
 - a. Areas for outdoor storage, truck parking, trash collection or compaction loading, or other such uses shall not be visible from public or private abutting rights-of-way.
 - b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public or private street, public sidewalk, or internal pedestrian way.
 - c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection (i.e. dumpsters), trash compaction, and other service functions shall be incorporated into the overall building design and use screening and/or landscaping so that the visual and acoustic impact of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials shall not be different from or inferior to the principal materials of the building and landscape.
 - d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the colors and materials of the covering shall conform to those used as predominant materials and colors on the building(s).
11. Pedestrian Circulation. The following requirements apply to the entire zoning lot.
 - a. Sidewalks at least six (6) feet in width shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.
 - b. Continuous internal pedestrian walkways at least six (6) feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.
 - c. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any facade abutting parking areas and shall provide at least eight (8) feet in width clear from any merchandise, vending, or other obstructions. These sidewalks shall be located at least six (6) feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades, entryways, or community features, as defined in Par.11, below, are part of the facade.
 - d. Internal pedestrian walkways provided in conformance with Par. 10.b., above, shall have weather protection features, such as awnings or arcades within thirty (30) feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas.
 - e. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Walkway materials shall be of durable, low-maintenance surface materials, such as pavers, bricks, or scored concrete. Signs shall be installed to designate pedestrian walkways.
 - f. Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.
 - g. Sidewalks shall be provided along the full length of any side of a building adjoining a parking lot.
12. Central Features and Community Spaces. The following requirements apply to the entire zoning lot.

- a. At least one (1) of the following central features and community spaces shall be provided for each forty thousand (40,000) GFA of building on the zoning lot. A minimum of two (2) is required and each central features and community space shall each occupy a minimum of 400 square feet in area.
 - i. Patio / seating area
 - ii. Pedestrian plaza with benches
 - iii. Transportation center
 - iv. Window shopping walkway
 - v. Outdoor playground area
 - vi. Kiosk area
 - vii. Water feature
 - viii. Planter walls
 - ix. Other deliberately shaped area and/or focal feature or amenity that adequately enhances the community and public spaces.
 - x. Outdoor employee amenities, such as a break area.
 - b. All of the above, except outdoor employee amenities, shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
13. Delivery/Loading Options. The following requirements apply to the entire zoning lot. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB or less, as measured at the lot line of any adjoining property.
14. Smaller Retail Establishments. All individual retail business establishments that have a GFA of less than forty thousand (40,000) square feet and have an exterior entrance shall have a first-level facade that is transparent between three (3) feet and eight (8) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade."

2. Paragraph 2. of Subdivision (b) entitled "General Regulations" of Subsection (3) entitled "O-2 Business and Professional Office District" of Section 28.085 entitled "Office Districts" of the Madison General Ordinances is amended to read as follows:

"2. Any business or office building shall be restricted to a maximum gross floor area of ~~fifty~~ forty thousand (~~50,000~~ 40,000) square feet, unless approved by the Plan Commission subject to the conditional use provisions of Section 28.11."

3. Subdivision (a) entitled "Statement of Purpose" of Subsection (3) entitled "C2 General Commercial District " of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"(a) Statement of Purpose. The C2 general commercial district is established to accommodate the shopping needs of a much larger consumer population and area of residency than that served by the C1 limited commercial district. Within this district, which is located in relative proximity to residential areas and to major thoroughfares, is permitted a wider range of uses than in the C1 limited commercial district. Uses permitted in this district include not only the retailing of convenience goods and the furnishing of certain personal services, but also the retailing of durable and fashion goods and the furnishing of other types of services. Also permitted are all types of office uses. Within this district, there is no limitation on the size of establishments as provided in the C1 limited commercial district, except any retail use or any hotel or motel exceeding ~~50,000~~ forty thousand (40,000) square feet in size must be approved as conditional uses."

4. Paragraph 4. of Subdivision (b) entitled "General Regulations" of Subsection (3) entitled "C2 General Commercial District " of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"4. Any major alteration to the exterior face of retail, hotel and motel buildings over ~~50,000~~ forty thousand (40,000) square feet, including but not limited to painting of an unpainted exterior face, shall be permitted only after Urban Design Commission review and approval. Any action by the Urban Design Commission may be appealed to the City Plan Commission by the applicant or by the Alderperson of the District in which the use is located."

5. Paragraph 25. of Subdivision (d) entitled "Conditional Uses" of Subsection (3) entitled "C2 General Commercial District " of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"25. Any change of use to a retail use or a hotel or motel in a building in which more than ~~fifty~~ forty thousand (50,000 40,000) square feet of gross floor area of such building is devoted to a retail use or to a hotel or motel. For the purpose of this paragraph, a change in use shall mean a change from any other use to a retail use or to a hotel or motel."

6. Paragraph 5. of Subdivision (b) entitled "General Regulations" of Subsection (4) entitled "C3 Highway Commercial District " of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"5. Any major alteration to the exterior face of retail, hotel and motel buildings over ~~50,000~~ forty thousand (40,000) square feet, including but not limited to painting of an unpainted exterior face, shall be permitted only after Urban Design Commission review and approval. Any action by the Urban Design Commission may be appealed to the City Plan Commission by the applicant or by the Alderperson of the District in which the use is located

7. Paragraph 4. of Subdivision (a) entitled "Amendments, Conditional Uses and Area Exceptions" of Subsection (12) entitled "Fees" of Section 28.12 entitled "Administration and Enforcement" of the Madison General Ordinances is amended to read as follows:

"4. Any application for a conditional use for a Planned Residential Development; school; new construction or addition to existing building(s) that results in total square footage greater than ~~fifty~~ forty thousand (50,000 40,000) square feet in gross floor area and twenty-five thousand (25,000) or more square feet of gross floor area designed or intended for retail, hotel or motel use; new construction of a building, addition to any existing building or major alteration to the exterior face of a building in a C4 district shall be accompanied by a fee of eight hundred dollars (\$800), plus one hundred dollars (\$100) for each acre of land in excess of one acre or fraction thereof, up to a maximum of twenty (20) acres or twenty seven hundred dollars (\$2700), which shall be paid to the City Treasurer."