

LEGISTAR #41715 - Body

DRAFTER'S ANALYSIS: The 2012 zoning code created the Mixed-Use Center (MXC) District to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses. The MXC District was created keeping in mind the successes of the Hilldale development and with the purpose of encouraging other similar developments throughout the city.

One of the key components of the MXC district is that it is based on the master planning principle, which is similar to the general development plan principle in a planned development, but relies on the base-line building design and use restrictions in the commercial and mixed-use zoning districts. In an MXC District, a map amendment and a master plan are approved at the same time. Like other master-plan districts, the master plan is key to allowing the development to build out over time according to the master plan.

There have been no MXC developments under the new code. Staff believes one reason for this is that the current language is insufficiently clear and robust to provide developers with the direction and certainty necessary to undertake a MXC development. Staff has been working with two developers interested in pursuing a MXC development and identified areas of the ordinance that need more clarity and substance. Therefore, this amendment substantially revises the MXC district to provide more clarity and substance. For example, this amendment:

- Clarifies the standards of approval for these districts and associated master plans;
- Clarifies the requirements for contents of a master plan;
- Establishes a clear approval process, including a requirement that the application go to the UDC for review/recommendation;
- Re-orders some of the base requirements of the district, such as the maximum height requirement;
- Cross-references the "large retail establishments" section of the ordinances (Sec. 33.24, MGO);
- Provides an alteration process;
- Includes a timeline for implementation that requires re-approval after 10 years.

Staff believes these changes will help achieve the purpose and intent of the original MXC District ordinance.

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

1. Section 28.066 entitled "Mixed Use Center (MXC) District" of the Madison General Ordinances is amended to read as follows:

"28.066 MIXED USE CENTER (MXC) DISTRICT.

(1) Statement of Purpose.

The MXC District is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses which combine to create a lively pedestrian-oriented environment. Typically, the MXC District would be established through a zoning map amendment from an existing commercial or industrial area arranged in a cohesive, compact, and walkable environment that makes it convenient for residents, customers, and employees to travel by transit, bicycle, foot, or car. The MXC District is intended to facilitate the development or redevelopment of

properties recommended for mixed-use development or transit-oriented development in the Comprehensive Plan or adopted neighborhood, corridor or special area plans. MXC Districts shall be located along existing or planned high-capacity multi-modal transportation corridors. The district is also intended to:

- ~~(a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through mixed-use centers.~~
- (ba) Encourage appropriate transitions between higher-intensity uses within mixed-use centers and adjacent lower-density residential districts.
- ~~(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.~~
- (db) Encourage the development of mixed-use buildings, though not every building in the MXC District needs to include both residential and non-residential uses. However, both types of land uses shall be accommodated within the district as a whole. MXC Districts shall be planned to provide a suitable residential environment.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the MXC District, approval of a MXC district master plan, or any major alteration to an approved master plan, are as follows:

- ~~(a) The MXC District and master plan shall facilitate the development or redevelopment of a property or properties recommended for mixed-use or transit-oriented development in the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.~~
- (b) The range of non-residential uses, and the development density of both residential and non-residential uses in MXC districts will vary depending on the size of the district and the type and intensity of the surrounding development. An MXC District shall include a mix of residential, retail, office, open space and public uses arranged in a fashion conducive to all forms of transportation.
- ~~(c) An MXC District shall be located along existing or planned high-capacity multi-modal transportation corridors.~~
- ~~(d) The MXC District master plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. In order to determine the impacts of a MXC District, the City Traffic Engineer may require a traffic impact analysis. A Traffic Demand Management (TDM) plan may be required as a way to resolve traffic and parking concerns.~~
- (e) The MXC District master plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.
- (f) The MXC District master plan shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(23) Master Plan Required.

Establishment of an Prior to the issuance of permits for construction in an MXC District through a zoning map amendment shall require or as part of a zoning map amendment as prescribed in Sec. 28.182, MGO, establishing a MXC District a master plan as part of the application process shall be approved to guide development of the District in a manner consistent with the statement of purpose and requirements for this section. The master plan shall demonstrate compliance with the requirements of this Section. A master plan may also be

~~developed as part of a neighborhood or corridor plan. Master plan approval shall include the elements required for a General Development Plan in the Planned Development District.~~

(a) Contents of Master Plan. All MXC District master plans shall contain the following:

1. An accurate map of the District including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
2. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities and open spaces within the District.
3. Identification of the minimum and maximum anticipated gross square footage for the overall District and its individual sites, and the minimum and maximum height of each proposed building within the District.
4. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public to serve the MXC District. The master plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO. The master plan may propose a planned multi-use site as defined in Sec. 28.211 and as governed by Sec. 28.137(2), provided that any planned multi-use site in the MXC District shall be governed by the requirements of this section where the requirements of Sec. 28.137 conflict.
5. A reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds shall be required to govern shared access, circulation or parking within the District.
6. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
7. A schedule or phasing plan indicating the approximate dates when construction of the MXC District can be expected to begin and be completed.
8. Building design standards including the massing and composition of structures, orientation of windows and entries; doors and other elements of the facade, and primary facade materials and colors to be at least as restrictive as the minimum requirements in the General Provisions for Mixed-Use and Commercial Districts in Sec. 28.060.
9. Site design standards including but not limited to the landscaping and screening of building sites, parking lots, and common open spaces, which shall be at least as restrictive as the minimum requirements in Landscaping and Screening Requirements in Sec. 28.142, and the signage of the MXC District as regulated by Chapter 31, Sign Code.

(b) Decision on Master Plan.

1. The decision process for approval of a master plan, including any major alteration to an approved master plan, shall be as specified in Sec. 28.182, including a recommendation by the Plan Commission and action by the Common Council.

2. The applicant shall receive a recommendation on the master plan from the Urban Design Commission on the proposed arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, and access to individual development sites from public streets and internal drives prior to the Plan Commission review.
 3. The Urban Design Commission shall approve the building design and site design standards in (a) 8 and 9 above prior to the issuance of building permits prior to the issuance of permits for construction in an MXC District.
- (34) Permitted and Conditional Uses.
See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.
- (45) Dimensional Requirements.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Mixed-Use Center District	
Front yard setback	See (a) below
Side yard	Minimum side yard required in the adjacent residential district <u>Approved as part of the master plan</u>
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	None unless needed for access
Rear yard setback	20% of lot depth, but no less than 20; 0 when adjacent to another MXC District when no residential uses in areas of adjacency <u>Approved as part of the master plan</u>
Maximum lot coverage	85%
Maximum height	5 stories / 68 <u>See (d) below. The maximum height of any building in the MXC district shall be established on the approved master plan. Any building exceeding 5 stories/ 68 feet shall require approval as a conditional use</u>
Usable open space — residential only	460 <u>40</u> sq. ft./unit

- (a) Front Yard Setback.
1. On perimeter streets, a minimum of ~~forty~~ fifty six percent (~~50~~60%) of the lot frontage on the primary abutting street shall be occupied by buildings placed within forty (40) feet of the street right-of-way and with front or side facades oriented to the street.
 2. On internal streets, a minimum of fifty percent (50%) of the lot frontage on internal streets shall be occupied by buildings placed within twenty-five (25) feet of the street right-of-way or sidewalk edge, and with front or side facades oriented to the street.
- (b) ~~Exclusive Residential Use. Buildings with exclusively residential uses shall meet the Lot Area, Lot Width, and Side Yard Setback Requirements in the TR-V2 District, Sec. 28.047.~~

- (eb) Rear or Side Yard Height Transitions to Residential Districts. Where the MXC District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12)
- ~~(d) Additional Height. Heights exceeding the maximum may be allowed as a conditional use.~~

(56) Site Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

- (a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, ~~meeting the standards governing large retail developments in Sec. 33.24, MGO~~ All new retail establishments with a total gross floor area (GFA) of forty thousand (40,000) square feet or more are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f).
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza, where one is present.
- (c) All building facades visible from a public or private street or public walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) At least twenty-five percent (25%) of the required parking shall be structured.
- (e) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block.
- (f) For all Building Forms other than (e) above, surface parking shall not be placed between the front or side facade of a building and the primary abutting street
- (g) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
- (h) For Single-Family Attached, Small Multi-Family, Large Multi-Family, or Courtyard Multi-Family Building Forms, if parking is located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.
- (i) For all Building Forms other than (h) above, parking abutting the primary street frontage shall be limited to forty percent (40%) of the total lot width.
- (j) Parking buildings abutting any public or private street shall be designed with ground-floor retail or office uses fronting the primary street. Upper floors devoted solely to parking shall be stepped back from the principal facade and designed with materials and proportions similar to new commercial or mixed-use buildings.
- ~~(k) All new buildings or additions to existing buildings shall be approved by the Zoning Administrator in conformance with the building design~~

standards and site design standards approved as part of the master plan per sub. (3)(a). Any appeal of the Zoning Administrator's decision on the application of the building design standards and site design standards shall be made to the Urban Design Commission for a determination.

(67) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Vending machines.
 4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
 5. Bicycle-sharing facilities.
 6. Temporary outdoor events.
 7. Walk-up service windows.
 8. Agricultural activities.
 9. Vehicle access sales and service windows.
 10. Solar energy systems and wind energy systems.
 11. Yard sales.
 12. Auto service stations.
 13. Cemeteries.
 14. Composting.
 15. Outdoor recreation.
 16. Keeping of chickens and keeping of honeybees.

(78) Internal Streets and Blocks Access and Circulation.

Any newly mapped MXC District shall take primary access from a collector or higher order street. A network of public or private streets and walkways may be used to provide circulation through the district. An internal system of streets, walkways, lanes and blocks is strongly encouraged shall be provided for on-site districts of five (5) acres or more, and may be required as a condition of approval for a master plan or for conditional uses.

(89) Required Mix of Uses.

On any development site An MXC District larger than one (1) acre new development must include in net area shall contain, uses from at least two (2) of the following categories:

- (a) Commercial uses, including retail, service and office uses
- (b) Residential – family and group living categories
- (c) Civic and institutional uses

(10) Required Open Space.

The MXC District shall include open space suitable to the type and character of development proposed.

- (a) For projects with residential components, a mix of structured and natural spaces for use by residents and visitors.
- (b) Any development MXC District site greater than five (5) acres in size must also shall include common open space designed and improved as a plaza, square or green, comprising a minimum of five percent (5%) of the development site. Areas for stormwater management not designed and improved for recreational purposes, parking, or in the public right of way shall not be used to satisfy this requirement.
- (c) Open space to serve the MXC District shall be distributed throughout the district and clearly dimensioned on the master plan.

(4011) Construction Required.

Any MXC M~~aster~~ P~~lan~~ not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the M~~aster~~ P~~lan~~, shall require approval of a new M~~aster~~

Plan by the Common Council following a recommendation by the Plan Commission and Urban Design Commission. In considering extensions of approved Master Plans for unconstructed components/ phases, the commissions and council shall consider changes in the surrounding area or neighborhood since approval of the Master Plan that would render the project incompatible with current conditions.

(12) Changes to Master Plan.

Alterations to an approved master plan may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council, provided however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in sub. (3) above is required.

2. Subdivision (e) of Subsection (1) of Section 28.140 entitled "Usable Open Space" of the Madison General Ordinances is amended to read as follows:

"(e) Within the TSS and MXC Districts, roof decks and balconies may be used to meet up to one hundred percent (100%) of the minimum open space requirements, provided that the dimensions set forth in sub. (d) 1. and 2 are met."

3. Subdivision (c) of Subsection entitled "Dwelling Units in Mixed-Use Buildings" of Section 28.151 entitled "Applicability" of Subchapter 28J: Supplemental Regulations of the Madison General Ordinances is amended by amending herein the following:

"(c) In the TSS, and CC-T and MXC Districts, more than twenty-four (24) dwelling units requires conditional use approval."