

Plan Commission
Meeting of October 3, 2022
Agenda #7, Legistar #73472

This proposed amendment would allow dwelling units in mixed-use buildings in seven residential districts plus two downtown residential districts. What is not mentioned in the title is that certain building forms would also be allowed in these districts. "Commercial block buildings" and "flex buildings" would be allowed in all 9 districts, and podium buildings would be allowed in TR-U1, TR-U2 and TR-P districts.

Even if mixed-use buildings are approved for these residential districts, that does not mean that the three "mixed-use and nonresidential building forms" (MGO 28.173) need to be allowed in residential districts.

Form does not need to follow function.

The zoning code was intentionally written to separate building form from use. The Zoning Code seeks projects that are consistent with the context of existing development in the area. This was an objective of the rewrite, and is reflected in the ordinance subchapter addressing building forms, as well as in the standards for specific residential classifications.

The Zoning Code rewrite is a hybrid zoning code, which divorced land use from building form. "The final [Zoning Code] will be a hybrid zoning code that will be internally consistent, logical, graphically rich, and readily understandable for both print- and web-based users. ... A hybrid code combines elements of form-based zoning and conventional zoning. Form-based zoning is focused, as its name implies, on urban form, including the relationships of buildings to each other, to streets and to open spaces, rather than on land uses (a primary focus of conventional zoning). Form-based codes are gaining support as a way to creatively combine diverse activities and building types within a walkable mixed-use environment. ... *The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements.* It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text." (emphasis added)
<http://cityofmadison.com/neighborhoods/zoningRewrite/process.cfm>
(available on the Wayback Machine)

One objective of the zoning code rewrite was: "The City desires a Zoning Code that includes provisions that will help the City achieve high-quality infill and redevelopment projects that are consistent with the context of existing development in the area."
<http://legistar.cityofmadison.com/attachments/96fe1d36-51e0-43da-9fb4-59ffcf73cc2.pdf>

The ordinance addressing building forms (subchapter 28K) establishes design standards. Two purposes of these standards are to: (1) to ensure compatibility between different land uses and building forms; and, (2) to encourage building forms that respect their context.

The proposed affected residential zoning classifications all incorporate an aspect of context-sensitive design.

MGO 28.038(1). SR-V1 and SR-V2 districts are intended to “ensure that new buildings and additions to existing buildings are designed *with sensitivity to their context* in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.”

MGO 28.046(1). TR-V1 and TR-V2 districts “are established to *stabilize, protect and encourage throughout the City the essential characteristics of mature residential areas*” and are intended to “promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character” and “ensure that new buildings and additions to existing buildings are *designed with sensitivity to their context* in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.”

MGO 28.049(1). TR-U1 and TR-U2 are intended to “ensure that new buildings and additions to existing buildings are *designed with sensitivity to their context* in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.”

MGO 28.053(1). The TR-P district “is established to encourage the development of new traditional neighborhoods in close-in or outlying parts of the City that *incorporate the characteristics of existing traditional neighborhoods*. Features include a variety of lot sizes and integrated housing types, detached or alley-loaded garages, traditional architectural features such as porches, an interconnected street system and the creation of a high-quality public realm.”

MGO 28.071(1). Three of the six purposes for downtown districts (including DR1 and DR2) are: recognize and enhance the unique characteristics of Downtown neighborhoods; recognize the architectural heritage and cultural resources of Downtown neighborhoods; and, *facilitate context-sensitive development*.

The Comprehensive Plan establishes the importance of context-sensitive design.

The Comprehensive Plan is replete with references to context-sensitive design (or similar phrases, such as “compatible with the density and scale of the surrounding development”). The Comprehensive Plan defines context-sensitive design as: “Development that is well-integrated into the character of the surrounding neighborhood, and including considerations such as height and bulk, setback from the street, width along the street frontage, and site infrastructure, among others. The declarations in the Comprehensive Plan are as follows.

1. This also underscores the importance of ensuring redevelopment can integrate well with its surroundings through context-sensitive design and scale. (Page 50)
2. Each public and private sector development either enhances or degrades Madison’s unique visual character and beauty. Madison must strive to ensure they all enhance its character. (Page 75)

3. Madison will need to balance encouraging redevelopment and infill with protecting the qualities that made existing neighborhoods appealing to begin with. Redeveloping existing auto-oriented commercial centers and other areas identified in the Growth Priority Areas Map, Generalized Future Land Use Map, and sub-area plans will help accommodate needed growth while respecting the historic character of older neighborhoods. (Page 76)
4. Similarly, it is not the intention of this Plan that any existing multifamily that may be in the "Low Residential" district must be transitioned to single-family or duplex development (see pages 36 and 38 for more information regarding integration of redevelopment). (Page 17)
5. While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale, and consistent with any relevant sub-area plan. (Page 20)
6. Building forms present within the LMR category of housing are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development or used as a transition from more intense development to lower intensity areas comprised primarily of single-family development. (Page 21)
7. There is no limit on the size of establishments that may be constructed within a [General Commercial] area, but all uses should be compatible with the density and scale of the surrounding development. (Page 24)
8. While there are no fixed limits on size of an establishment or development intensity within E areas, all uses should be compatible with the density and scale of surrounding development. (Page 25)
9. Campus development should be compatible with surrounding uses and their design characteristics, and mitigate potential negative impacts on adjacent areas. (Page 26)
10. Additionally, the Generalized Future Land Use (GFLU) Map in the Growth Framework chapter will help guide development and redevelopment within the city, and should be implemented consistent with this chapter's Goals, Strategies, and Actions. (Page 30)
 - Strategy 5 (Land Use and Transportation), Concentrate the highest intensity development along transit corridors, downtown, and at Activity Centers.
 - Action b. Ensure that redevelopment is well-integrated with adjacent low density residential areas. (Page 36)
 - Strategy 6 (Land Use and Transportation),
 - Action c. Accommodate a majority of growth through infill and redevelopment.
 - Redevelopment should be integrated into corridors and established and transitioning Activity Centers identified on the Growth Priority Areas map, consistent with this Plan and adopted sub-area plans. (Page 39)
 - Strategy 1 (Culture and Character), Create vibrant and inviting places through creative architecture and urban design.

- Action c. Use the City’s development review standards and processes to ensure that redevelopment and infill projects result in interesting, high-quality buildings and spaces and harmonious design relationships with older buildings.
 - Every infill and redevelopment site has an existing context. Designers must understand how a new building will fit into that existing environment when developing concepts for new buildings. Context-sensitive design is particularly important in neighborhoods with an established character and where redevelopment or infill is occurring in close proximity to buildings of historic or architectural value. Restoration of historic assets can be an important part of context-sensitive design ... (page 75)
- Strategy 2 (Culture and Character), Preserve historic and special places that tell the story of Madison and reflect racially and ethnically diverse cultures and histories.
 - Actions c. Identify ways to retain older buildings and places that contribute to the special character of an area, or are associated with diverse cultures, through the adoption of sub-area plans prior to redevelopment pressures. (Page 76)

A commercial block, flex, or podium building form is not a context-sensitive design in residential neighborhoods.

As just one example, below is an existing SR-V1 building, and a commercial block building that could replace it (should this portion of the ordinance be adopted).



925 Magnolia Lane, last in a row of seven 4-unit apartment buildings, next to a home zoned SR-C4. Across the street are five similar 4-unit apartment buildings. The lot is large enough to house 6 units.



2229 Atwood, a TSS building with a commercial block form. This building is about 42' in width. It could be built at 925 Magnolia Lane, at a width of about 60 feet, with a 25' front yard setback. With setbacks, the commercial block building could have a footprint of about 2,700 square feet. Per MGO 28.173(1), commercial block buildings "are typically designed with storefronts or arcades at ground floor."

Both small and large apartment buildings require that: "Massing, proportions and articulation of small multi-family buildings *shall respond to existing residential buildings in their vicinity.*" For small apartment buildings (4-8 units), that responsiveness specifically includes "features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. Building facades shall be articulated vertically and horizontally for visual interest."

Commercial block, flex, and podium buildings are not required to respond to existing residential buildings.

Mixed-use buildings

The staff memo states that this "change will allow non-residential uses that are already allowed within these districts (daycare centers, places of worship, schools, etc.) to be combined within the same building as dwelling units."

- Day Care Centers are a conditional use across all zoning categories, as are schools. As a conditional use, the supplemental regulations provide that "an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood."
- A place of worship is required to have vehicular access to a collector or higher classification street. The same holds true for schools.

There are very few non-residential uses permitted within a residential building in a residential district. For example, in SR-V1 tourist rooming houses, radio broadcast service facilities, public safety or service facilities, and real estate sales office are the only non-residential uses that are permitted uses. (The permitted non-residential uses are substantially similar across all nine of the zoning districts that could be affected by adoption of this ordinance).

The same holds true for conditional non-residential uses within a residential building in a residential district. Conditional uses are: health/sports club, fitness center or studio; library; schools; bed and breakfast establishments; offices for human services programs; and, recreational, community, and neighborhood centers.

There is one interesting difference in conditional uses. In SR-V2, TR-V2, TR-U1 and TR-U2, management offices, restaurants, limited retail, and recreation facilities within multi-family buildings (under accessory uses) are a conditional use. Clearly, the possibility of a "mixed-use" building already exists in 4 of the 9 districts under this proposed ordinance. Rather than giving wholesale support to mixed-use buildings, would it not be better to determine which non-residential mixed-uses are appropriate for each district, then create a comparable provision under the accessory uses? This would also help ensure that the non-residential uses do not become the primary uses.

Even home occupations in residential districts are subject to 13 restrictions, including: "The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes *so as to protect the integrity and residential character of neighborhoods.*" (MGO 28.151, emphasis added). If a home occupation can threaten the integrity and residential character of neighborhoods, how much more would mixed-use buildings threaten that integrity and character?

The staff memo also states that "at this time, no changes to the permitted or conditional use status for non-residential uses is proposed." "At this time" may well be a key phrase, for without expansion of non-residential uses, a mixed-use building would have limited applicability.

Respectfully Submitted,
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