

Legistar File No. 75911 Body

DRAFTER’S ANALYSIS: This proposed ordinance amends sections of MGO Sec. 28.071 “General Provisions for Downtown and Urban Districts” and MGO Sec. 28.134 “Height and Bulk Requirements.” First, the change removes the maximum floor-to-floor story height and instead adds height limits in feet. Projects must be at or below the maximum height and maximum number of stories. Second, it adds an affordable housing incentive when a project has a voluntary contractual Land Use Restriction Agreement (“LURA”) with the City of Madison. Those projects may exceed the maximum number of stories as long as the project does not exceed the maximum height in feet. Third, the change removes ground floor elevation restrictions in the zoning code. The Urban Design Commission will be able to use the Downtown Design Guidelines instead for downtown sites with elevation slopes. Finally, it clarifies, but does not change, how height in the downtown is measured and adds a graphic illustration.

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

1. Subsection (2) entitled “Downtown Height, Stepback, and Setback Requirements” of Section 28.071 entitled “General Provisions for Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

“(2) Downtown Height, Stepback, and Setback Requirements . Building height within the Downtown, as defined, is established by the Downtown Height Map, Table 28E-3 and the Downtown Stepback Map, which establish maximum building heights and stepback requirements. Building setbacks within the Downtown, as defined, are established by the Zoning Code as supplemented by the Downtown Setback Map.”

2. Subdivision (a) entitled “Downtown Height Map” of Subsection (2) entitled “Downtown Height, Stepback, and Setback Requirements” of Section 28.071 entitled “General Provisions for Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

“(a) Downtown Height Map and Table.

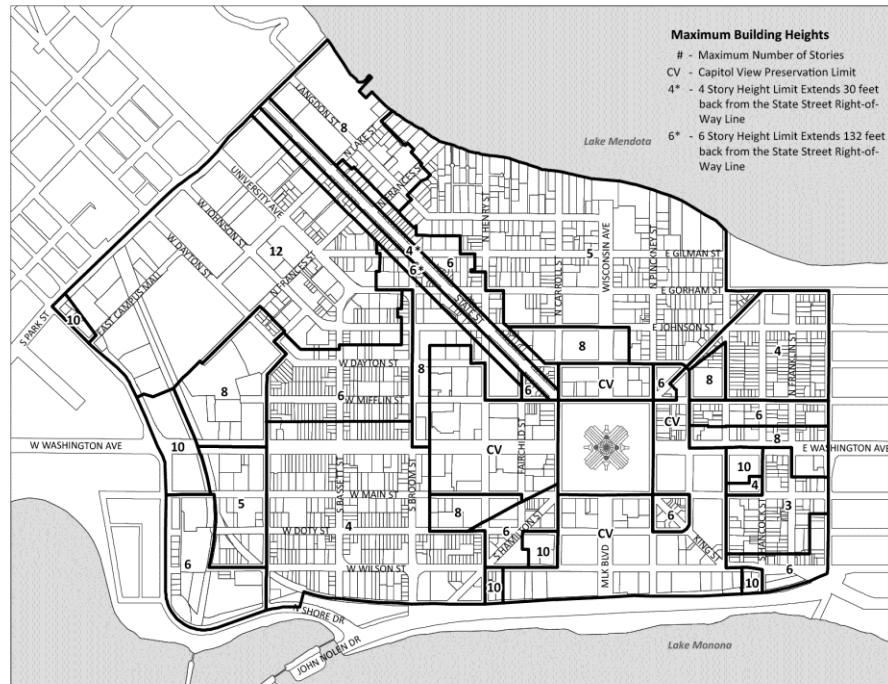


Table 28E-3.

<u>Maximum Height</u>
<u>3 stories/46 feet</u>
<u>4 stories/60 feet</u>
<u>5 stories/74 feet</u>
<u>6 stories/88 feet</u>
<u>7 stories/102 feet</u>
<u>8 stories/116 feet</u>
<u>9 stories/130 feet</u>
<u>10 stories/144 feet</u>
<u>11 stories/158 feet</u>
<u>12 stories/172 feet</u>

1. Buildings must meet both the maximum number of stories in the Downtown Height Map and the maximum height in Table 28E-3. In the CV area in the Downtown Height Map, the maximum height shall be the Capitol View Preservation Limit.
2. Buildings with a voluntary contractual Land Use Restriction Agreement (“LURA”) with the City of Madison to provide income and rent-restricted dwelling units (“affordable units”) may exceed the maximum number of stories, provided the building remains at or below the maximum height in feet in Table 28E-3. To exceed the maximum number of stories, the building shall meet the following requirements:
 - a. Any development or redevelopment with City of Madison funding to support affordable units; or
 - b. For buildings without City funding to support affordable housing funding:

- i. The cumulative interior square footage of the affordable units shall be greater than or equal to fifty percent (50%) of the total interior square footage of all units and common amenity space, such as community rooms and fitness rooms, above the maximum number of stories in the Downtown Height Map. Subject to the details in the LURA, the cumulative square footage of the affordable housing units may be distributed throughout the building.
- ii. The affordable units shall be rented to households with an income at or below sixty percent (60%) area median income limits and at or below rent limits for sixty percent (60%) area median income as specified in the LURA.
- iii. The effective period of the LURA must be at least thirty (30) years.

43. Existing buildings as of January 1, 2013 that are taller than the maximum building heights allowed by Section 28.071(2)(a) Downtown Height Map and Table 28E-3 may be redeveloped at the same height, volume and mass provided the new building is approved under the requirements of Section 28.183 Conditional Uses.

24. Existing zero-lot line buildings as of January 1, 2013 as depicted on the Parcel Analysis Map in the City of Madison Downtown Plan may be redeveloped at up to a maximum of five (5) stories, plus an additional story if stepped back on all sides if approved under the requirements of Section 28.098 Planned Development District.”

3. Paragraph 1. of Subdivision (b) entitled “Additional Height Areas Map” of Subsection (2) entitled “Downtown Height, Stepback, and Setback Requirements” of Section 28.071 entitled “General Provisions for Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

“1. The Additional Height Areas Map defines eight (8) areas where buildings may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met. Table 28E-3 shall be used to determine the maximum height in feet.”

4. Subdivision (d) entitled “Story Heights and Treatment” of Subsection (3) entitled “Design Standards” of Section 28.071 entitled “General Provisions for Downtown and Urban Districts” of the Madison General Ordinances is amended as follows:

“(d) Story Heights and Treatment .

- ~~1. For all buildings, the maximum ground story height is eighteen (18) feet, measured from the sidewalk to the second story floor. An atrium that exceeds eighteen (18) feet will be considered more than one (1) story.~~
- ~~2. Upper stories shall not exceed fourteen (14) feet floor to floor.~~
31. For all buildings, the minimum ground story height is twelve (12) feet, measured from the sidewalk to the second story floor.

4. ~~For non-residential uses, the average ground story floor elevation shall not be lower than the front sidewalk elevation nor higher than eighteen (18) inches above the sidewalk elevation.~~
52. For ground-story residential uses, landscaping, steps, porches, grade changes, and low ornamental fences or walls or similar treatments shall be located between the sidewalk and the front door to create a private yard area.”

5. Subdivision (d) of Subsection (1) entitled “Height Measurements” of Section 28.134 entitled “Height and Bulk Regulations” of the Madison General Ordinances is amended as follows:

- “(d) Height in the DC, UOR, UMX, DR1 and DR2 districts shall be measured from the highest ground elevation point along a building setback line paralleling any street adjacent to the site at the building base adjacent to any street facing facade to the highest point on the roof of the building or structure, including all parapets. In these districts accessible roofs, including the minimum structure necessary to provide access, shall not be counted as a story. However, this provision shall not be applied in violation of the Capitol View Preservation Section 28.134(3).

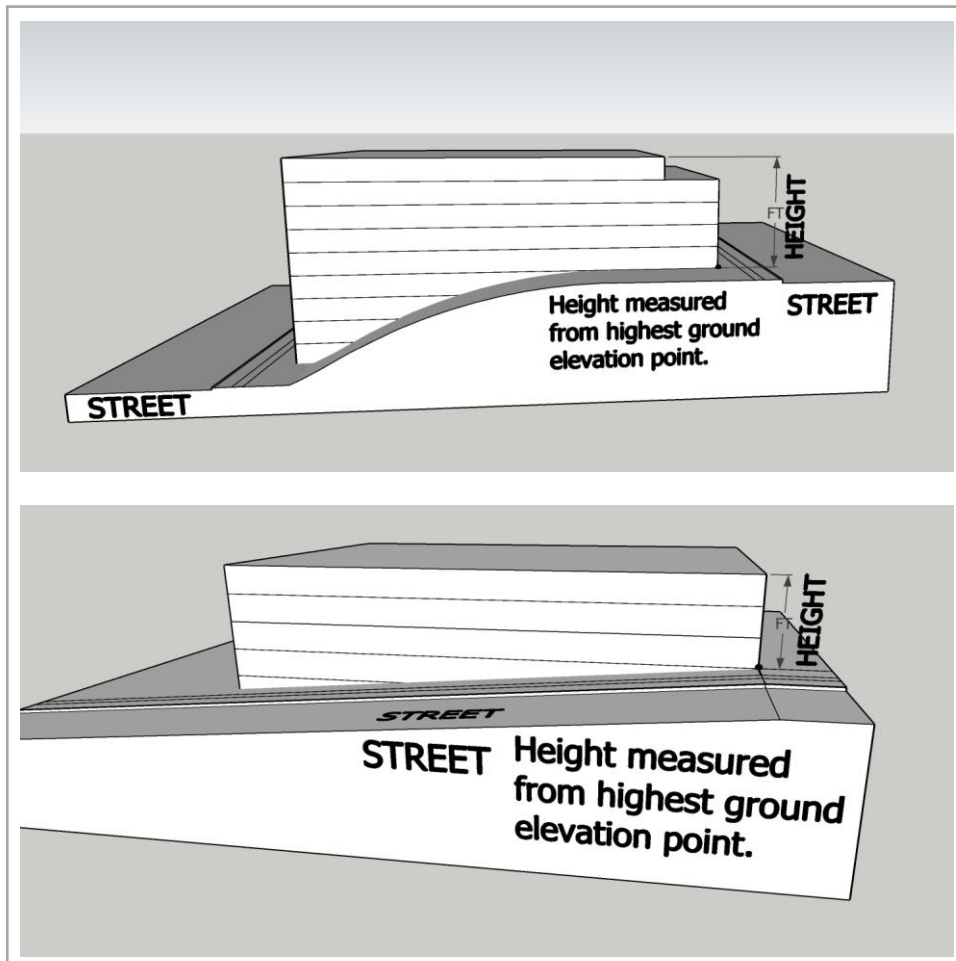


Figure I18: Downtown Building Height.”