PLANNING DIVISION STAFF REPORT

July 24, 2023

PREPARED FOR THE PLAN COMMISSION

Proposal: **Zoning Text Amendment**

Legistar File ID #: 78659 (TOD Exemption for Parks), 78688 (Door & Window Opening Standards Exemption for Civic and Institutional Buildings), and 78690 (Missing Middle Dimensional Standards)

Prepared By: Planning and Zoning Staff

78659 – This amendment would exempt City of Madison-owned and Dane County-owned parks from the Transit Oriented Development (TOD) Overlay District.

Transit Oriented Development (TOD) is pedestrian-oriented, compact, mixed-use development that is centered on quality public transit. It typically includes a mix of housing, office, retail, neighborhood amenities, and other uses within walking distance of a transit station. The requirements in the overlay district are primarily intended to intensify development near high-frequency transit corridors and to produce building and automobile infrastructure design that prioritizes transit-riders and pedestrians, supporting transit efficiency and decreasing automobile dependency.

Parks are functionally different from other types of uses in that the use of parks occurs primarily outside of buildings. Parks buildings are often oriented towards natural features, such as lakes and native plantings, or recreational spaces, such as playgrounds and trails. Additionally, automobile parking is often developed on parks sites that do not have a principal building. The TOD Overlay's requirements for principal buildings to be oriented towards and setback no more than 20 feet from the primary street and for automobile parking to be located behind principal buildings may then come in conflict with some development within parks that is considered typical and desirable.

Parks development is already subject to significant oversight through the Parks Department's robust planning and public outreach process and through the Board of Park Commissioners. Additionally, the Urban Design Commission reviews all public buildings proposed to be built or expanded by the City of Madison or Dane County. The TOD Overlay adds unnecessary additional regulation where existing processes are already working well.

The inclusion of parks in the TOD was an oversight in the drafting process which was identified with the Imagination Center project at Reindahl Park. This code change would allow all parks in the TOD Overlay to continue to develop as they currently do, recognizing that parks are different from other uses of land within the overlay.

Staff supports this amendment.

78688 - This proposed code change would add an exemption for Civic and Institutional Buildings from having to meet certain door and window opening requirements.

As a reference, Madison General Ordinance (MGO) Sections 28.060 and 28.071 include detailed design standards for developments within zoning districts in the "Mixed-Use and Commercial" and "Downtown and

Urban" categories, respectively. These standards address a variety of considerations, including design requirements related to entrance orientation, façade articulation, exterior building materials, and door and window opening requirements. Such standards are in addition to the underlying bulk requirements for each zoning district or other specified building form requirements. These are not standards that can be waived or modified by the Urban Design Commission or Plan Commission.

Specifically related to door and windows, the Downtown and Urban Zoning District standards require that for street-facing facades with ground-story non-residential uses, the ground-story door and window openings shall comprise a minimum of fifty percent of the facade area, and that for all buildings, upper story openings shall comprise a minimum of 15% of the façade per story. In the Commercial and Mixed Use zoning districts, upper level standards are very similar to the Downtown and Urban standards, while the ground level standards include a more complex formula requiring 60% total glazing along the length and at least 40% of the areas of the ground floor of the primary street façade, plus at least 50% of the windows on the primary street façade must have a lower sill within three feet of grade.

The proposed exemption is limited only to the aforementioned standards related to Door and/or Window Openings and would only apply to Civic or Institutional Buildings. As noted above, the current standards include relatively prescriptive requirements regarding the percentage of door and window openings required on a façade; requirements that are typically largely reflected in residential, office, hotel, and mixed-use building forms. Due to their prescriptive nature, such standards do not always reflect design considerations related to other types of building forms such as places of worship, museums, auditoriums/halls, or other uses that may traditionally have different window patterning or limitations beyond those of a typical residential or mixed-use building as a result of their use. While such benchmarks can be important to promote active facades, staff does not believe that the strict application of these standards for the relatively small number of civic and institutional buildings would necessarily result in more context-appropriate design, or a design that positively reflects form and function.

As far as background, staff notes that this amendment has been proposed in response to the Wisconsin History Center development on the Capitol Square. While that development appears likely to meet the ground floor glazing requirements, as a result of the programming needs of the use, it has proven difficult to meet the upper level floors glazing requirements. While this code modification would impact that development, Planning staff believes such a change could also provide flexibility for Civic and Institutional Building forms throughout the City.

Staff supports this amendment.

78690 – This amendment would provide consistency between the dimensional requirements for single detached housing and other housing types within the same zoning district.

As housing options such as duplexes, triplexes, and quads were proposed to be created or expanded, staff identified that the code had stricter standards for these housing types than for single detached. This code

change seeks to set equal standards for all housing options allowed within a zoning district, removing a barrier to missing middle housing.

An example of these inconsistencies is that in many zoning districts single detached houses have a minimum side setback of 10% of lot width if the lot width is under a certain standard. However, duplexes have a minimum side setback of 10% of lot width if the lot width is under a certain standard *only if* they existed at the time the zoning code was enacted in 2013. New construction duplexes must have a larger side setback even if they are located on a narrower existing lots.

Additionally, the code often requires wider lots for missing middle housing than for single detached, making it difficult to build these housing types on existing lots within areas that historically included missing middle housing. In discussions with the City's Preservation Planner, she shared that the proposed dimensional standards would allow housing development more consistent with historic development patterns. Today, the zoning code can be an obstacle to preserving these patterns, which historically allowed for greater density and a variety of housing choices.

Staff supports this amendment.