

LEGISTAR File No. 62966 – Substitute Body

DRAFTER'S ANALYSIS: This ordinance creates a new zoning district, the Regional Mixed Use (RMX) District. This district is intended to provide opportunities for high-intensity mixed-use centers supporting a variety of multifamily housing options and commercial activities that serve the needs of the region. These areas typically include large-scale sites supportive of multistory buildings and should be the most intensively developed areas in the city outside of the downtown. Staff believes this district will fill a gap not covered by the other mixed-use and commercial districts. As part of creating the RMX district, this ordinance also amends various existing provisions of the Zoning Code to add regulations pertaining to the RMX, including, importantly, determining what uses are allowed in the district either as permitted or conditional uses. The Planning Division and Zoning Administrator will provide a thorough explanation of the planning and zoning policy related implications of this new district.

This Substitute was necessary to make changes to the ordinance suggested during the Legislative Process, as summarized in the Zoning Administrator's Report related to this Substitute.

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

1. Subsection (2) entitled "Mixed-Use and Commercial Districts" of Section 28.021 entitled "Establishment of Zoning Districts" of Subchapter 28B entitled "Zoning Districts and Map" of the Madison General Ordinances is amended by amending therein the following:

- “(2) Mixed-Use and Commercial Districts.
 - (a) LMX Limited Mixed-Use.
 - (b) NMX Neighborhood Mixed-Use District
 - (c) TSS Traditional Shopping Street District
 - (d) MXC Mixed-Use Center District
 - (e) CC-T Commercial Corridor - Transitional District
 - (f) CC Commercial Center District
 - (g) RMX Regional Mixed-Use District”

2. Table 28D-2 of Section 28.061 entitled "Mixed-Use and Commercial Districts Uses" of Subchapter 28D entitled "Mixed-Use and Commercial Districts" of the Madison General Ordinances is amended by amending therein the following:

“28.061 - MIXED-USE AND COMMERCIAL DISTRICTS USES.

- (1) Table 28D-2 lists all permitted and conditional uses in the mixed-use and commercial districts.
 - (a) "P" means permitted in the districts where designated.
 - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
 - (c) Uses indicated as "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.

- (d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.
- (e) "LMX" means Limited Mixed-Use District.
- (f) "NMX" means Neighborhood Mixed-Use District.
- (g) "TSS" means Traditional Shopping Street District.
- (h) "MXC" means Mixed-Use Center District.
- (i) "CC-T" means Commercial Corridor - Transitional District.
- (j) "CC" means Commercial Center District.
- (k) "RMX" means Regional Mixed Use District.

Table 28D-2.

	Mixed-Use and Commercial Districts							Supplemental Regulations
	LMX	NMX	TSS	MXC	CC-T	CC	<u>RMX</u>	
	Offices							
Artist, photographer studio, etc.	P	P	P	P	P	P	<u>P</u>	
Insurance office, real estate office, sales office	P	P	P	P	P	P	<u>P</u>	
General office, professional office	P	P	P	P	P	P	<u>P</u>	
	Medical Facilities							
Clinic - Health	C	P	P	P	P	P	<u>P</u>	
Hospital				C	C	C	<u>C</u>	Y
Medical laboratory				P	C	C	<u>C</u>	
Physical, occupational or massage therapy	P	P	P	P	P	P	<u>P</u>	
Veterinary clinic, animal hospital	C	P	P	P	P	P	<u>P</u>	Y
	Retail Sales and Services							
Animal boarding facility, kennel, animal shelter					C	C	<u>C</u>	Y
Animal day care		C	C	C	C	P	<u>P</u>	Y
Animal grooming	C	P	P	P	P	P	<u>P</u>	
ATM	P	P	P	P	P	P	<u>P</u>	Y
Auction rooms			P	P	P	P	<u>P</u>	
Bank, financial institution	P	P	P	P	P	P	<u>P</u>	
Bicycle-sharing facility	P	P	P	P	P	P	<u>P</u>	Y
Building material sales		C	C	C	P	P	<u>P</u>	
Business sales and services	C	P	P	P	P	P	<u>P</u>	

Contractor's business with showroom or workshop			C	C	P	P	<u>P</u>	Y
Dry cleaning plant, commercial laundry					P	P	<u>P</u>	
Farmers' market	P	P/C	P	P	P	P	<u>P</u>	Y
Food and related goods sales	P	P	P	P	P	P	<u>P</u>	
Free-standing vending	P/C	P/C	P/C	P/C	P/C	P/C	<u>P/C</u>	Y
Furniture and household goods sales	C	C	P	P	P	P	<u>P</u>	
Garden center		C	C	P	P	P	<u>P</u>	Y
General retail	P	P	P	P	P	P	<u>P</u>	
Greenhouse, nursery		C	C	P	P	P	<u>P</u>	Y
Laundromat, self-service		P	P	P	P	P	<u>P</u>	
Liquor store		P	P	P	P	P	<u>P</u>	
Mobile grocery store	P	P	P	P	P	P	<u>P</u>	Y
Mortuary, funeral home		P	P	P	P	P	<u>P</u>	
Non-accessory temporary outdoor events			C	C	C	C	<u>C</u>	Y
Package delivery service					P	P		
Payday loan business					C	C		Y
Photocopying	P	P	P	P	P	P	<u>P</u>	
Post office	P	P	P	P	P	P	<u>P</u>	
Service business	P	P	P	P	P	P	<u>P</u>	
Small appliance repair	P	P	P	P	P	P	<u>P</u>	
Small engine repair			C	C	C	C	<u>C</u>	
Sporting goods store, bait shop	P	P	P	P	P	P	<u>P</u>	
Storage locker (personal)	P	P	P	P	P	P	<u>P</u>	Y
Telecommunications center					P	P		
Tobacco retailer		P	P	P	P	P	<u>P</u>	Y
Food and Beverages								
Brewpub	C	C	P	P	P		<u>P</u>	
Catering	C	C	P	P	P	P	<u>P</u>	
Coffee shop, tea house	P	P	P	P	P	P	<u>P</u>	
Incidental Alcohol Sales	C	C	P	P	P	P	<u>P</u>	
Nightclub	C	C	C	C	C	C	<u>C</u>	Y
Restaurant	C	P	P	P	P	P	<u>P</u>	
Restaurant-nightclub	C	C	C	C	C	C	<u>C</u>	Y
Restaurant-tavern	C	C	P	P	P	P	<u>P</u>	Y

Bakery, wholesale					C	C		
Laboratory, research and development			C	C	C	C	<u>C</u>	
Limited production and processing			C		C	C	<u>C</u>	Y
Mail order house					C	C		
Printing and publishing		P	P	P	P	P	<u>P</u>	
Warehousing and storage						C		
Wholesale establishment				C	C	C		
Residential - Family Living								
Dwelling units in mixed-use buildings	P/C	P/C	P/C	P/C	P/C	C	<u>P/C</u>	Y
Live-work unit	P	P	P	P	P	P	<u>P</u>	Y
Multi-family dwelling (4 dwelling units)		P/C	C	P	C	C	<u>P/C</u>	
Multi-family dwelling (5-8 dwelling units)		C	C	P	C	C	<u>P/C</u>	
Multi-family dwelling (>8 dwelling units)		C	C	C	C	C	<u>P/C</u>	Y
Residential building complex					C	C	<u>C</u>	Y
Single-family attached dwelling (3-8 dwelling units)		C	C	P	C	C	<u>P/C</u>	
Single-family attached dwelling (>8 dwelling units)		C	C	P	C	C	<u>P/C</u>	
Single-family detached dwellings		P/C	P/C		P/C			Y
Three-family dwelling - three-unit		C	C		C		<u>P/C</u>	
Two-family dwelling - two unit		P/C	P/C		P/C			Y
Two-family dwelling - twin		P/C	P/C		P/C			Y
Residential - Group Living								
Adult family home		P/C	P/C		P/C		<u>P/C</u>	Y
Assisted living, congregate care, skilled nursing facility				C	C	C	<u>C</u>	Y
Cohousing community		P/C	P/C	P/C	P/C	P/C	<u>P/C</u>	Y
Community living arrangement (up to 8 residents)		P	P		P		<u>P</u>	Y
Community living arrangement (9-15 residents)		C	C		C		<u>C</u>	Y
Community living arrangement (>15 residents)			C		C		<u>C</u>	Y
Convent, monastery or similar residential group		P	P		P		<u>P</u>	Y
Daytime shelter		C	C	C	C	C	<u>C</u>	Y

Towing and wrecker service business		P	P	P	P	P	<u>P</u>	Y
Vehicle access sales and service windows			C	C	C	C	<u>C</u>	Y
Vending machines		P	P	P	P	P	<u>P</u>	Y
Walk-up service windows	C	P/C	P/C	P/C	P/C	P/C	<u>P/C</u>	Y
Wind energy systems	C	C	C	C	C	C	<u>C</u>	Y
Yard sales	P	P	P	P	P	P	<u>P</u>	Y”

3. Section 28.069 entitled “Regional Mixed-Use (RMX) District” of Subchapter 28D entitled “Mixed-Use and Commercial Districts” of the Madison General Ordinances is amended by creating therein the following:

“(1) Statement of Purpose.

This district is intended to provide opportunities for high-intensity mixed-use centers supporting a variety of multifamily housing options and commercial activities that serve the needs of the region. These areas typically include large-scale sites supportive of multistory buildings and should be the most intensively developed areas in the city outside of the downtown.

“(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the downtown and urban districts.

“(3) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<u>Regional Mixed-Use District</u>	
<u>Front Yard Setback</u>	<u>See (a) below</u>
<u>Side yard setback: Where buildings abut residentially-zoned lots at side lot line</u>	<u>Minimum side yard required in the adjacent residential district</u>
<u>Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line</u>	<u>One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width</u>
<u>Side yard setback: other cases (i.e., infill between party wall storefront buildings)</u>	<u>none unless needed for access</u>
<u>Rear yard setback</u>	<u>The lesser of 20% of lot depth or 20 feet</u>
<u>Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district</u>	<u>The required rear yard setback shall be the same as the required side yard setback</u>
<u>Maximum lot coverage</u>	<u>90%</u>
<u>Minimum height</u>	<u>2 Stories</u>
<u>Maximum height</u>	<u>5 stories/78 feet See (c) below</u>

<u>Usable open space</u>	<u>None</u>
<u>Lot area (for exclusive residential use)</u>	<u>None</u>

(a) Front Yard Setback. The following setbacks shall apply to zoning lots with one principal building. When more than one principal building is developed on a zoning lot, additional buildings shall be exempt from the front yard setback requirement if approved and constructed concurrently with or after a building or buildings that comply with the front yard setback requirements below and occupy 30% of each street frontage on the zoning lot. Front yard setbacks on the zoning map may also be designated as a specific location (build-to-line) or as a range.

1. A minimum of fifty percent (50%) of the street-facing building wall shall be set back no more than twenty-five (25) feet.

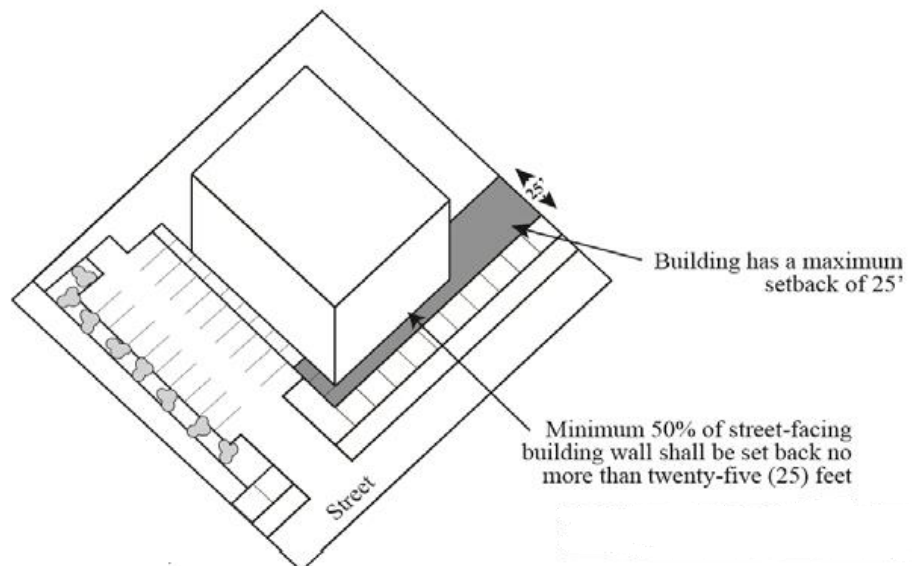


Figure D16: Maximum Setback Illustration

(b) Rear or Side Yard Height Transition to Residential Districts. Where the RMX 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)

(c) Additional Height. Building height exceeding the maximum may be allowed with conditional use approval.

(4) Site Standards.

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

- (a) For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind, beside, or below the building, or in a common parking court in the interior of a block. If 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 on the front facade of the building.
- (b) For all Building Forms other than (a) above, parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting primary street frontage is limited to forty percent (40%) of lot frontage.
- (c) Parking buildings shall be designed with ground-floor retail or office uses fronting primary streets.

(5) 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.
- 5. Bicycle-sharing facilities.
- 6. Auto service stations.
- 67. Agricultural activities.
- 78. Temporary outdoor events.
- 89. Solar energy systems and wind energy systems.
- 910. Walk-up service windows.
- 104. Yard sales.
- 112. Composting
- 123. Keeping of chickens and keeping of honeybees.
- 134. Outdoor recreation.”

4. Table 28D-3 of Section 28.062 entitled “Mixed-Use and Commercial Districts Building Forms” of Subchapter 28D entitled “Mixed-Use and Commercial Districts” of the Madison General Ordinances is amended by amending therein the following:

“Table 28D-3.

BUILDING FORM	LMX	NMX	TSS	MXC	CC-T	CC	RMX
Commercial Block Building	✓	✓	✓	✓	✓	✓	✓
Civic or Institutional Building	✓	✓	✓	✓	✓	✓	✓
Residential - Commercial Conversion	✓	✓	✓	✓	✓		✓
Live-Work Building	✓	✓	✓	✓	✓	✓	✓
Single-Family Attached Building		✓	✓	✓	✓	✓	✓
Small Multi-Family Building		✓	✓	✓	✓	✓	✓

Courtyard Multi-Family Building		✓	✓	✓	✓	✓	✓
Large Multi-Family Building		✓	✓	✓	✓	✓	✓
Single-Family Detached Building		✓	✓		✓		
Two-Family Building - Twin or Two Unit		✓	✓		✓		
Parking/Liner Buildings			✓	✓	✓	✓	✓
Free-Standing Commercial Building	✓			✓	✓	✓	
Podium Building		✓	✓	✓	✓	✓	✓
Flex Building				✓	✓	✓	✓

5. Table 28I-2 of Subsection (3) entitled “No Minimum Parking Required” of Section 28.141 entitled “Parking and Loading Standards” of Subchapter 28I entitled “General Regulations” of the Madison General Ordinances is amended by amending therein the following:

“Table 28I-2 – Districts With No Minimum Automobile Parking Requirements; Exceptions.

District/Area	Parking Requirement	Exceptions
Central Area	No minimum	
Neighborhood Mixed-Use (NMX)	No minimum	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Limited Mixed-Use (LMX)	No minimum	
Traditional Shopping Street (TSS)	No minimums	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area for an individual establishment or twenty-five thousand (25,000) square feet floor area for a mixed-use or multi-tenant building. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Mixed-Use Center (MXC)	No minimum	
Commercial Center (CC)	No minimum	
<u>Regional Mixed-Use District (RMX)</u>	<u>No minimum</u>	<u>1. Buildings, uses, or additions exceeding twenty-five thousand (25,000) square feet floor area.</u> <u>2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.</u>

Traditional Employment (TE)	No minimum	1. Buildings, uses, or additions exceeding twenty-five thousand (25,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Employment Campus (EC)	No minimum	
Suburban Employment Center (SEC)	No minimum	
Industrial - Limited (IL)	No minimum	
Commercial Corridor-Transitional (CC-T)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Suburban Employment (SE)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Industrial - General (IG)	No minimum"	

6. Section 28.151 entitled "Applicability" of Subchapter 28J entitled "Supplemental Regulations" of the Madison General Ordinances is amended by amending therein the following:

"Housing Cooperative.

- (b) In the SR-V1, SR-V2, NMX, TSS, ~~and~~ CC-T, and RMX Districts, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than twenty (20) requires conditional use approval.
- (c) In the TR-V1, TR-V2, NMX, TSS, ~~and~~ CC-T, and RMX Districts, a Housing Cooperative may locate in a single-family dwelling with conditional use approval.

Sewerage System Lift Station, Water Pumping Stations, Towers, and Electric Substation, Gas Regulator Systems, and Mixing and Gate Stations.

- (a) A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where a permitted use or the Plan Commission when a conditional use.
- (b) In the NMX, MXC, TSS, CC-T, CC and ~~CC~~ RMX Districts, above-ground lift stations require conditional use approval.

Vehicle Access Sales and Service Windows.

- (a) In CC-T, RMX, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)
- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
- (c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (g) Bicyclist use of sales and service windows shall not be prohibited.”

7. The table entitled “Zoning Districts Listed in Order of Most Restrictive to Least Restrictive, by Subchapter” of Section 28.182 entitled “Text and Map Amendments” of Subchapter 28L entitled “Procedures” of the Madison General Ordinances is amended by amending therein the following:

“Zoning Districts Listed in Order of Most Restrictive to Least Restrictive, by Subchapter

	Residential Districts Subchapter	Commercial and Mixed Use Districts Subchapter	Employment Districts Subchapter	Downtown Districts Subchapter
More Restrictive Districts	TRR	LMX	TE	DR1
	SRC1	NMX	SEC	DR2

	SRC2	TSS	SE	UOR
	SRC3	CCT	IL	UMX
↓	TRC1	CGRMX	IG	DC
	TRC2	MXC*CC	EC*	
Less Restrictive Districts	TRC3	<u>MXC*</u>		
	TRC4			
	TRV1			
	SRV1			
	SRV2			
	TRV2			
	TRU1			
	TRU2			
	TRP*			

* Master Planned Districts”