

DRAFTER'S ANALYSIS: This proposed set of Chapter 28 changes would update existing rules that require upper stories of larger multi-family buildings to step down when adjacent to a residential district. This helps create a buffer, or more gradual transition from a zoning district with lower heights to one with higher heights. These changes align the height of required step downs with the maximum allowed building height in the adjacent residential district.

This proposal would change the text under the Rear or Side Yard Height Transition to Residential Districts section from "two (2) stories/twenty-five (25) feet" to "the maximum height in feet allowed in the abutting district as a permitted use" for the following commercial or mixed-use zones: Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Mixed Use Center (MXC), Commercial Corridor – Transitional (CCT), Commercial Center (CC), Regional Mixed-Use (RMX), Traditional Employment (TE), Suburban Employment (SE), Industrial – Limited (IL), and Industrial – General (IG).

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

1. Subdivision (d) entitled "Rear or Side Yard Height Transition to Residential Districts" of Subsection (3) entitled "Dimensional Requirements" of Section 28.064 entitled "Neighborhood Mixed-Use District" of the Madison General Ordinances is amended as follows:

- "(d) Rear or Side Yard Height Transition to Residential Districts. Where the NMX 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~~ the maximum height in feet allowed in the abutting district as a permitted use. 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)

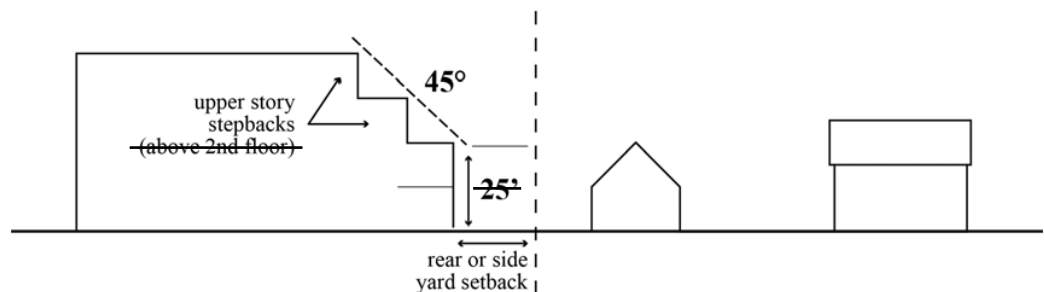


Figure D12: Rear or Side Yard Height Transition"

2. Subdivision (b) entitled "Rear or Side Yard Height Transition to Residential Districts" of Subsection (3) entitled "Dimensional Requirements" of Section 28.065 entitled "Traditional Shopping Street (TSS) District" of the Madison General Ordinances is amended as follows:

- "(b) Rear or Side Yard Height Transition to Residential Districts. Where the TSS 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~~ the maximum height in feet allowed in the abutting district as a permitted use. From this point, building height may increase at a ratio of one foot of rise to one

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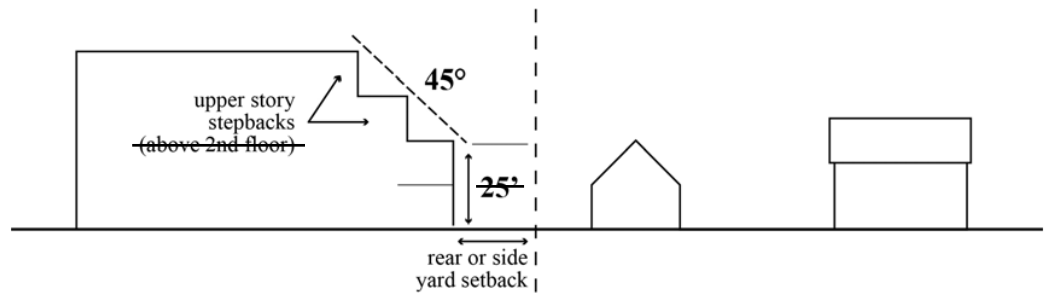


Figure D12: Rear or Side Yard Height Transition”

3. Subdivision (b) entitled “Rear or Side Yard Height Transition to Residential Districts” of Subsection (5) entitled “Dimensional Requirements” of Section 28.066 entitled “Mixed Use Center (MXC) District” of the Madison General Ordinances is amended as follows:

- “(b) Rear or Side Yard Height Transition 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~~ the maximum height in feet allowed in the abutting district as a permitted use. 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)

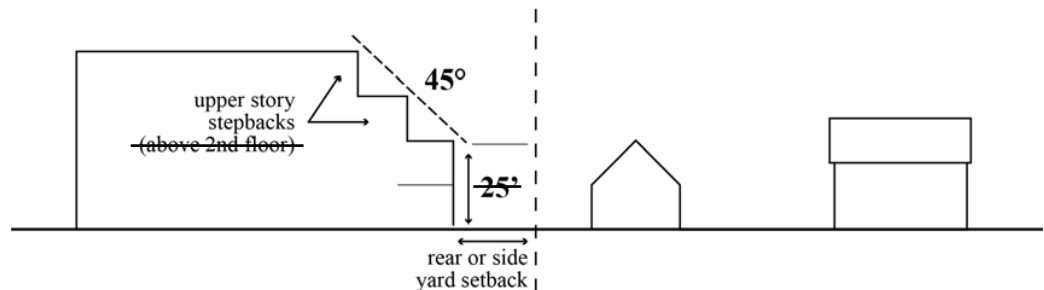


Figure D12: Rear or Side Yard Height Transition”

4. Subdivision (c) entitled “Rear or Side Yard Height Transition to Residential Districts” of Subsection (3) entitled “Dimensional Requirements” of Section 28.067 entitled “Commercial Corridor - Transitional District” of the Madison General Ordinances is amended as follows:

- “(c) Rear or Side Yard Height Transition to Residential Districts. Where the CCT 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~~ the maximum height in feet allowed in the abutting district as a permitted use. From this point, building height may increase at a ratio of one foot of rise to one

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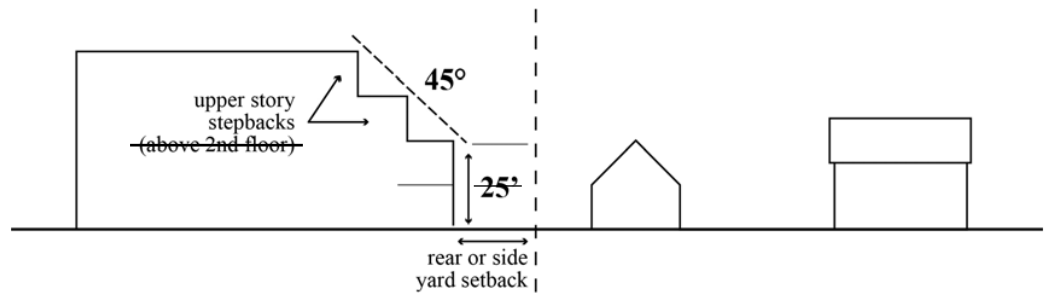


Figure D12: Rear or Side Yard Height Transition”

5. Subdivision (c) entitled “Rear or Side Yard Height Transition to Residential Districts” of Subsection (3) entitled “Dimensional Requirements” of Section 28.068 entitled “Commercial Center District” of the Madison General Ordinances is amended as follows:

- “(c) Rear or Side Yard Height Transition to Residential Districts. Where the CC 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~~ the maximum height in feet allowed in the abutting district as a permitted use. 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)

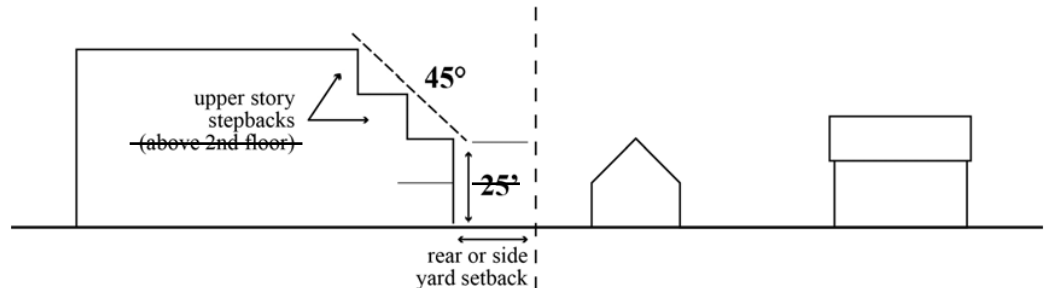


Figure D12: Rear or Side Yard Height Transition”

6. Subdivision (b) entitled “Rear or Side Yard Height Transition to Residential Districts” of Subsection (3) entitled “Dimensional Requirements” of Section 28.069 entitled “Regional Mixed-Use (RMX) District” of the Madison General Ordinances is amended as follows:

- “(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~~ the maximum height in feet allowed in the abutting district as a permitted use. 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)

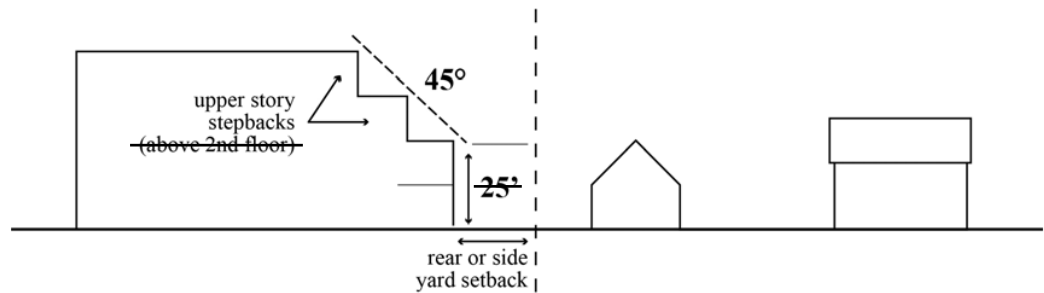


Figure D12: Rear or Side Yard Height Transition”

7. Subdivision (b) entitled “Rear or Side Yard Height Transition to Adjacent Residential Districts” of Subsection (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.084 entitled “Traditional Employment District” of the Madison General Ordinances is amended as follows:

- “(b) Rear or Side Yard Height Transition to Adjacent Residential Districts. Where the TE District abuts a residential district, building height at the rear or side yard setback line shall not exceed ~~two (2) stories/twenty-five (25) feet~~ the maximum height in feet allowed in the abutting district as a permitted use. 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. (See Figure D12)

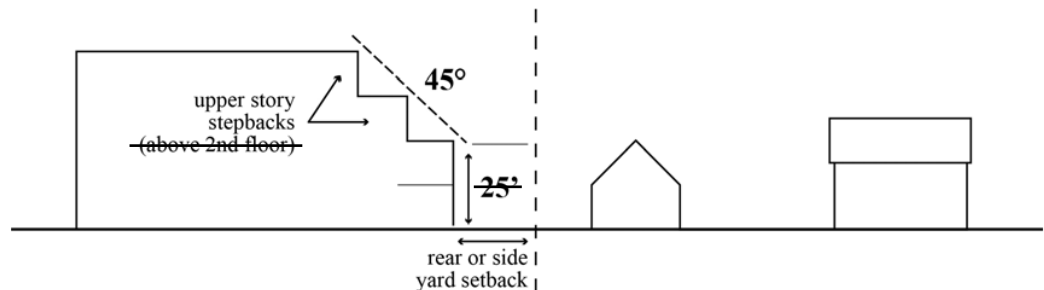


Figure D12: Rear or Side Yard Height Transition”

8. Subdivision (c) entitled “Rear or Side Yard Height Transition to Adjacent Residential Districts” of Subsection (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.085 entitled “Suburban Employment District” of the Madison General Ordinances is amended as follows:

- “(c) Rear or Side Yard Height Transition to Adjacent Residential Districts. Where the SE District abuts a residential district, building height at the rear or side yard setback line shall not exceed ~~two (2) stories/twenty-five (25) feet~~ the maximum height in feet allowed in the abutting district as a permitted use. 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. (See Figure D12)

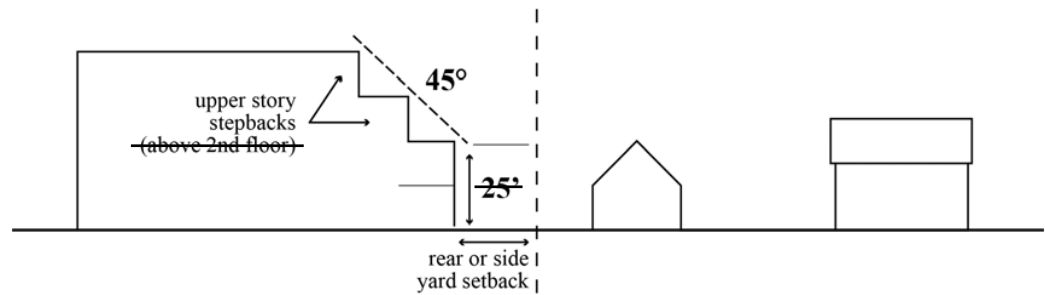


Figure D12: Rear or Side Yard Height Transition”

9. Subdivision (b) entitled “Rear or Side Yard Height Transition to Adjacent Residential Districts” of Subsection (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.088 entitled “Industrial - Limited District” of the Madison General Ordinances is amended as follows:

- “(b) Rear or Side Yard Height Transition to Adjacent Residential Districts. Where the IL District abuts a residential district, building height at the rear yard setback line shall not exceed ~~two (2) stories/twenty five (25) feet~~ the maximum height in feet allowed in the abutting district as a permitted use. 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. (See Figure D12)

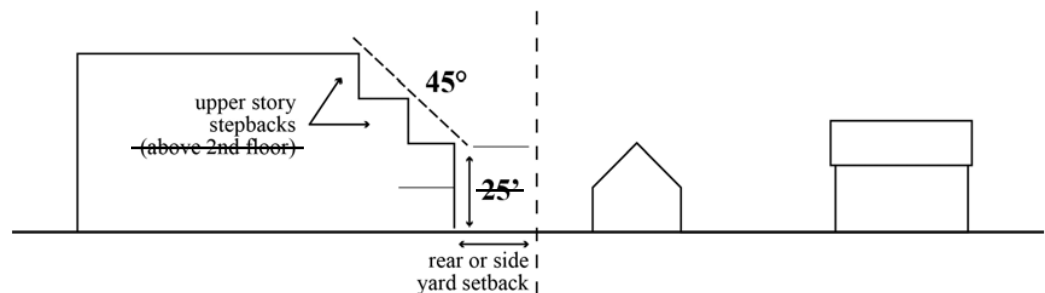


Figure D12: Rear or Side Yard Height Transition”

10. Subdivision (a) entitled “Rear or Side Yard Height Transition to Adjacent Residential Districts” of Subsection (3) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.089 entitled “Industrial - General District” of the Madison General Ordinances is amended as follows:

- “(a) Rear or Side Yard Height Transition to Adjacent Residential Districts. Where the IG District abuts a residential district, building height at the rear yard setback line shall not exceed ~~two (2) stories/twenty five (25) feet~~ the maximum height in feet allowed in the abutting district as a permitted use. 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. (See Figure D12)

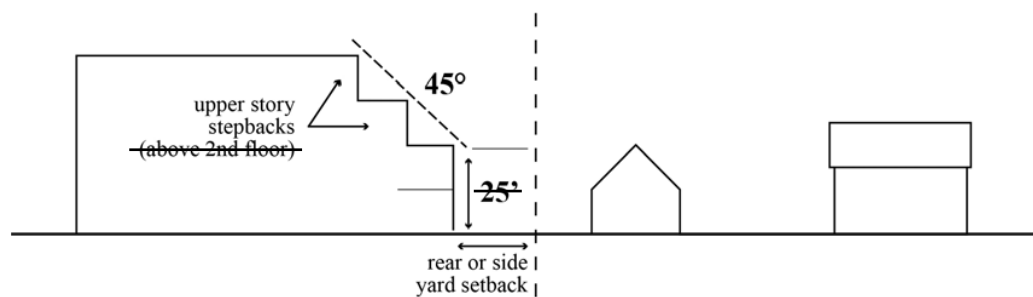


Figure D12: Rear or Side Yard Height Transition"