

Amendments to the Substitute Ordinance Regarding Large Format Retail Establishments

As approved by the Plan Commission
January 24, 2005

Add:

Statement of Purpose

The purpose for this section is to provide a regulatory framework to ensure that large-format retail development promotes the efficient use of land and preserves and enhances the urban fabric through a more urban site and building design. In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.

Replace subsection (f)8.e., replace with:

- e. Transportation Demand Management. Any single retail business establishment of forty thousand (40,000) square feet or more with one hundred (100) or more full-time employees or full-time equivalents is required to have a Transportation Demand Management (TDM) Plan, or participate in a Transportation Management Association (TMA), if one is available in the geographic area of the establishment. This requirement shall also apply to any such existing retail business establishment proposing an addition or alteration, and that will have one hundred (100) or more full-time employees or full-time equivalents.
 - i. The TDM Plan shall generally describe the applicant's intent with respect to reducing the number of single-occupant automobile trips and list the methods the applicant intends to use. These methods shall be based on the transportation choices available and indicate if the applicant will provide for either the full price to purchase a monthly bus pass from Madison Metro, or provide for three (3) or more of the following options to all employees: ridesharing/car pool matching; preferred parking for ridesharers; secured bicycle parking, showers and lockers; employee commuting subsidies or awards; emergency ride home program; employer-subsidized bus passes; provision of real-time transit information; or other options proposed by the employer to discourage the use of single-occupant vehicles, and as approved by the City.
 - ii. The employer shall make the provisions in its Plan available to all employees.
 - iii. The Plan shall describe the traffic/parking impacts of the development and shall provide specific details on the measures the employer will use to monitor the traffic/parking impacts.
 - iv. The Plan shall be periodically updated at intervals not to exceed every two years.
 - v. The Plan shall be reviewed by the Traffic Engineer in concert with the Planning Unit Director. The Traffic Engineer shall provide comments and suggestions for how the Plan might be improved.

AGENDA # _____
Copy Mailed to Alderpersons _____

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED March 16, 2004
REFERRED Plan Commission, UDC

**creating new Section 33.02(4)(f),
renumbering current Sections 33.02(4)(f) - (h)
to Sections 33.02(4)(g) through (i),
respectively, and amending Sections
33.02(4)(b), 28.04(24)(b) and 28.09(3)(d)24.** of
the Madison General Ordinances to create
design requirements for large retail
establishments.

REFERRERED Plan Comm., UDC, CC
Mtg. 7-15 (4-15); Plan Comm., UDC, EDC,
Recessed P.H., CC Mtg. 10-21 (7-15); Plan
Comm., UDC, EDC, Recessed P.H., CC Mtg.
12-2 (10-21); Plan Comm., UDC, EDC,
Recessed P.H., CC Mtg. 2-24 (11-18); Plan
Comm., UDC, EDC, Recessed P.H., CC Mtg.
3-30 (2-24); Plan Comm., UDC, EDC,
Recessed P.H., CC Mtg. 7-6 (3-30); Plan
Comm., UDC, EDC, Recessed P.H., CC Mtg.
10-5 (7-6); Plan Comm., UDC, EDC, Recessed
P.H., CC Mtg. 12-14 (10-5)

Drafted by: Katherine C. Noonan
Assistant City Attorney

Date: November 11, 2004

Fiscal Note: No significant fiscal impact is
anticipated. Staff currently reviews
such developments under current
processes.

REPORTED BACK 4-15-03; 7-15-03;
10-21-03; 11-18-03; 2-24-04; 7-6-04; 10-5

SPONSORS: Aids. ~~Powell~~ and Golden and
Webber and Konkel

ADOPTED _____ POF _____
RULES SUSP. _____ TABLED _____
PUBLIC HEARING _____

* * * *

MAYOR SIGNED _____
PUBLISHED _____

* * * *

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By _____
Comptroller's Office

* * * *

SUBST. ORD. NUMBER _____
ID NUMBER 33543

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

1. New Subdivision (f) entitled "Large Retail Developments" of Subsection (4) entitled "Powers and Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances is created to read as follows:

"(f) Large Retail Developments.

1. Applicability. All new retail development that is on a single zoning lot and has with a total gross floor area (GFA) of ~~fifty thousand (50,000)~~ forty thousand (40,000) square feet or more shall be

Approved as to form:

subject to ~~this ordinance, the requirements below~~ Total GFA shall be calculated by adding the GFA of all buildings on a zoning lot ~~that are part of a single business establishment~~. When applying the requirements below, the Urban Design Commission, Plan Commission, and staff shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans.

- a. Any single retail business establishment that has a total GFA of forty-thousand (40,000) or more square feet shall be subject to Paragraphs 2 through 13 below.
 - b. All development on a single zoning lot shall be subject to Paragraphs 6 through 13 below.
 - c. The Plan Commission may waive one or more of the requirements in Par. 3 through 13 below, if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.
 - d. Proposals for additions, exterior building alterations, or site alterations to existing structures currently used for, or originally designed to accommodate, a retail development that has a GFA of forty thousand (40,000) or more square feet shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structures.
 - e. Proposals for alterations to existing developments that currently exceed or are proposed to exceed the maximum building footprint, as described in Par. 2, below, shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structure
2. Maximum Building Footprint. No single new retail business establishment shall exceed a building footprint of one hundred thousand (100,000) square feet as defined by the exterior walls. Other separately-owned retail business establishments, entertainment, office, and residential uses not associated with the proposed business establishment shall not be counted towards the one hundred thousand (100,000) square foot limit.
- a. Notwithstanding the above, the Plan Commission may consider a single retail establishment exceeding one hundred thousand (100,000) square feet if the design includes one or more of the following elements:
 - i. Multi-story development.
 - ii. Mixed use development.
 - iii. Structured or underground parking facilities.
 - b. Other design features that the Urban Design Commission and/or Plan Commission may consider in support of a single retail establishment exceeding one hundred thousand (100,000) square feet include:
 - i. Stormwater management plans with on site treatment and retention well in excess of current requirements.
 - ii. Energy efficient design
 - iii. Green building design.
 - iv. Green roof.
2. 3. Facades and exterior walls. The requirements of this section shall apply to any single retail business establishment of that has a GFA of forty thousand (40,000) or more square feet. These ~~The following~~ requirements apply to facades that are visible from a public street, or adjacent properties, or rights-of-way.
- a. Facades greater than ~~one hundred (100)~~ seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent 3% of the total length of the facade and extending at least 20 percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed ~~one hundred (100)~~ seventy-five (75) horizontal feet.
 - b. Ground floor facades that face or abut public streets with pedestrian and vehicular access shall incorporate the following types of ~~have arcades, display windows, entry areas, awnings, arcades, or other~~ such features along no less than 60 percent of their horizontal length in a manner determined sufficient by the Plan Commission:
 - i. Arcades.
 - ii. Windows for vision, display, or daylighting.
 - iii. Customer entrances, in addition to the requirements of Par. 6., below.
 - iv. Awnings, canopies, or porticos.
 - v. Outdoor patios, or community features as described in Par. 11.a.

- c. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements:
 - i. Color change
 - ii. Texture change
 - iii. Material module change
 - iv. Expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib.
 - d. At least one (1) of the above elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
- 3 4. Roofs. Requirements of this section shall apply to any single retail business establishment that has a GFA of forty thousand (40,000) or more square feet.
- a. Rooflines shall be varied with a change in height every ~~one hundred (100)~~ seventy-five (75) linear feet in the building length.
 - b. Roofs shall have no less than two (2) of the following have features such as:
 - i. Parapets, ~~mansard roofs~~, gable roofs, hip roofs, or dormers that shall be used to conceal flat roofs and roof top equipment from public view. The average height of parapets shall not exceed fifteen percent (15%) of the height of the supporting wall, and parapets shall not at any point exceed one third (1/3) of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - ii. ~~Overhanging eaves, that extending no less than three (3) feet past the supporting walls. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run, and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.~~
 - iii. Three (3) or more roof slope planes, with varying lengths and designs.
- 4 5. Material and Colors. ~~The following~~ Requirements of this section apply to facades that are visible from a public streets, or adjacent properties, or rights-of-way on any single retail business establishment that has a GFA of forty thousand (40,000) or more square feet. ~~a.~~ Predominant exterior building materials shall be high quality materials, including, but not limited to brick; wood; stone; tinted and textured concrete masonry units. ; and e. Exterior insulation and finish systems (EIFS) may not be used but only on the lower three (3) feet of any facade.
- ~~b. Facade colors shall be low reflectance subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.~~
 - ~~c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.~~
 - ~~d. Predominant exterior building materials shall not include smooth faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.~~
- 5 6. Customer Entrances.
- a. Each principal building on the site shall have a clearly defined, highly visible, customer entrance featuring no fewer than three (3) of the following:
 - i. Canopies or porticos
 - ii. Overhangs
 - iii. Recesses / Projections
 - iv. Arcades
 - v. Raised corniced parapets over the door
 - vi. Display windows
 - vii. Peaked roof forms
 - viii. Arches
 - ix. Outdoor patios
 - x. Architectural details, such as tile work and moldings that are integrated into the building
 - xi. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - ~~b. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements.~~
 - ~~e. b.~~ All sides of a principal building that directly abut a public or private right-of-way that provides vehicular and pedestrian access to the site shall feature at least one (1) customer entrance. The entry may utilize a pedestrian plaza, entry portico, or other community feature as described in Par. 11, below, between the building and sidewalk. Where a

~~principal building directly abuts more than two (2) or more public or private rights-of-way, this requirement shall apply to the two (2) at least one sides of the building that abuts the most traveled rights of way providing pedestrian and/or vehicular access to the site. Corner entrances may be considered to meet this requirement.~~

6 7. Site Design. The following requirements apply to the entire zoning lot.

- a. At least 50 percent (50%) of adjacent street frontage shall be occupied by building facade(s) with a maximum setback of twenty (20) feet. This requirement may be met using any combination of buildings on the zoning lot. No off street parking facilities shall be located between the facade(s) directly abutting the street and the adjacent street. Where a zoning lot directly abuts two (2) or more public or private rights-of-way, this requirement shall apply to one (1) frontage that abuts a right of way providing pedestrian and vehicular access to the site.
- b. The minimum setback for any building façade not directly facing a street shall be thirty-five (35) feet from the property line. Where a façade abuts property used or zoned for residential purposes, an earthen berm or retaining wall no less than four (4) ~~six (6)~~ feet in height shall be provided. The berm or area behind the retaining wall shall be planted, at a minimum, with a double row of evergreen (or a combination of evergreen and deciduous) trees at intervals of fifteen (15) feet on center, or in clusters or clumps.
- c. One (1) street tree shall be planted every thirty (30) feet along that part of the perimeter of the parcel that abuts a public right of way. These trees may be planted in clusters.
- d. The requirement of Subparagraphs a. and b. above, shall be in addition to other applicable landscape requirements as set forth in Sec. 28.04 of these ordinances.

7 8. Parking Lots. The following requirements apply to the entire zoning lot.

- a. No more than 50 percent (50%) of any street frontage may be utilized for off street parking facilities. of the off-street parking area for the entire property shall be located between the front façade of the principal building(s) and the primary abutting street.
- b. The design and appearance of parking structures must complement the structures they serve and minimize their utilitarian appearance by using design treatments such as colonnades, arcades, awnings, and street furniture or other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, lighting, and signage shall be part of all garage facades.
- c. Any provided parking that exceeds the minimum requirements by more than ten percent (10%) shall include one (1) or more of the following, as approved by the Plan Commission, to sufficiently offset the negative effects of additional paved surfaces:
 - i. A stormwater infiltration plan that may include such solutions as bioretention swales or permeable paving materials.
 - ii. Landscaped areas in addition to existing requirements.
 - iii. A Transportation Demand Management Plan focusing on employees.
 - iv. Structured parking.
- d. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer that includes trees, shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high quality materials.
- e. Transportation Demand Management. Any single retail business establishment of forty thousand (40,000) square feet or more with one hundred (100) or more full-time employees or full-time equivalents is required to have a Transportation Demand Management (TDM) Plan, or participate in a Transportation Management Association (TMA), if one is available. This requirement shall also apply to any such existing retail business establishment proposing an addition or alteration, and that will have one hundred (100) or more full-time employees or full-time equivalents.
- f. For every twelve (12) to fifteen (15) parking stalls in a continuous row, at least one canopy tree shall be required in an interior parking island pursuant to the requirements of Sec. 28.04 of the ordinances.

8 9. Outdoor Storage, Trash Collection, Loading Areas and Mechanical Equipment. The following requirements apply to the entire zoning lot.

- a. Areas for outdoor storage, truck parking, trash collection or compaction loading, or other such uses shall not be visible from public or private abutting rights-of-way.
- b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public or private street, public sidewalk, or internal pedestrian way.

- c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection (i.e. dumpsters), trash compaction, and other service functions shall be incorporated into the overall building design of the building and the use of screening and/or landscaping so that the visual and acoustic impact of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials shall not be different from or inferior to the principal materials of the building and landscape.
- d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the colors and materials of the covering shall conform to those used as predominant materials and colors on the building(s).

9 10. Pedestrian Circulation. The following requirements apply to the entire zoning lot.

- a. Sidewalks at least ~~eight (8)~~ six (6) feet in width shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.
- b. Continuous internal pedestrian walkways at least ~~eight (8)~~ six (6) feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all ~~principal~~ buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.
- c. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any ~~façade~~ abutting ~~public~~ parking areas and shall provide at least eight (8) feet in width clear from any merchandise, vending, or other obstructions. These sidewalks shall be located at least six (6) feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades, ~~or~~ entryways, or community features, as defined in Par.11, below, are part of the facade.
- d. Internal pedestrian walkways provided in conformance with ~~2. Par. 10.b.,~~ above, shall have weather protection features, such as awnings or arcades within thirty (30) feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas.
- e. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Walkway materials shall be of durable, low-maintenance surface materials, such as pavers, bricks, or scored concrete. Signs shall be installed to designate pedestrian walkways.
- f. Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.
- g. Sidewalks shall be provided along the full length of any side of a building adjoining a parking lot.

10 11. Central Features and Community Spaces. The following requirements apply to the entire zoning lot.

- a. At least ~~two (2)~~ one (1) of the following central features and community spaces ~~and public spaces~~ shall be provided for each forty thousand (40,000) GFA of building on the zoning lot. A minimum of two (2) per establishment is required and each central features and community space shall each occupy a minimum of 400 square feet in area.
 - i. Patio / seating area
 - ii. Pedestrian plaza with benches
 - iii. Transportation center
 - iv. Window shopping walkway
 - v. Outdoor playground area
 - vi. Kiosk area
 - vii. Water feature
 - viii. Planter walls
 - ix. Other deliberately shaped area and/or focal feature or amenity that adequately enhances the community and public spaces.
 - x. Outdoor employee amenities, such as a break area.

- b. All of the above, except outdoor employee amenities, shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

44-12. Delivery/Loading Options. The following requirements apply to the entire zoning lot.

No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB or less, as measured at the lot line of any adjoining property.

12-13. Smaller Retail Establishments. Where principal buildings contain additional separately owned or franchised establishments that occupy less than twenty five thousand (25,000) square feet of GFA and have separate exterior customer entrances the following shall apply: All individual retail business establishments that have a GFA of less than forty thousand (40,000) square feet and have an exterior entrance shall have a first-level facade that is

- a. ~~The street level facade of such establishments shall be transparent between three (3) feet and eight (8) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade.~~
- b. ~~Windows shall be recessed and should include visually prominent sills, shutters, or other forms of framing."~~

2. Current Subdivisions (f) through (h) of Subsection (4) entitled "Powers and Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances are renumbered to Subdivisions (g) through (i), respectively.

3. Subdivision (b) entitled "Planned Developments" of Subsection (4) entitled "Powers and Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(b) Planned Developments. The Urban Design Commission shall review the design of all proposed developments ~~which that~~ are considered planned developments under provisions of the Zoning Ordinance. In exercising this power, the commission shall be bound by the provisions of Sec. 28.07(4), (5) and (6), Sec. 33.02(4)(f) and Sec. 28.12(10)(k) and shall report its findings to the City Plan Commission and Common Council."

4. Subdivision (b) entitled "General Regulations" of Subsection (24) entitled "Planned Commercial Site" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"(b) General Regulations: A planned commercial site created after October 6, 1998 shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development, or approval of the Plan Commission. Every planned commercial site shall front on a public street. In every planned commercial site containing more than ~~fifty thousand (50,000)~~ forty thousand (40,000) square feet of gross floor area and where ~~twenty-five thousand (25,000)~~ forty thousand (40,000) square feet of gross floor area is designed or intended for retail use or for hotel or motel use, the Urban Design Commission shall review said site and make a recommendation to the Plan Commission regarding all development within the site. All new retail establishments with a total gross floor area (GFA) of fifty thousand (50,000) forty thousand (40,000) square feet or more that are part of a planned commercial site are subject to the provisions of Sec. 33.02(4)(f).; and ~~and~~ The Urban Design Commission and the Plan Commission shall retain continuing jurisdiction over the entire site."

5. Paragraph 24. of Subdivision (d) entitled "Conditional Uses" of Subsection (3) entitled "C2 General Commercial District" of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

- “24. Any new construction of a building or buildings on a zoning lot or an addition to an existing building or buildings which results in the total square footage of all buildings on the zoning lot exceeding ~~fifty thousand (50,000)~~ forty thousand (40,000) square feet in gross floor area and where twenty-five thousand (25,000) square feet or more of the gross floor area is designed or intended for retail use or for a hotel or motel use. This conditional use and the one hereafter are established to allow consideration of the potential impacts of the proposed conditional use on the transportation system and on the policy objectives for transportation and land use, including noise, air quality and appearance. In addition to the requirements of Section 28.12(11), “Conditional Uses,” the applicant shall provide an analysis in accordance with the guidelines established by the City Department of Transportation of the proposed development’s impacts on the transportation system and associated recommended solutions to the Plan Commission. The Urban Design Commission shall review the design and appearance of the proposed conditional use and provide recommendations to the Plan Commission. If a new retail establishment under this section has a gross floor area (GFA) of ~~fifty thousand (50,000)~~ forty thousand (40,000) square feet or more, the requirements in Sec. 33.02(4)(f) shall apply.”