



PREPARED FOR THE PLAN COMMISSION

Proposal: **Zoning Text Amendments**

Legistar File ID #: [36337](#), [36338](#), [36340](#), [36341](#) and [36342](#)

Prepared By: Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

[36337](#) – Amending Sections 28.211 and 28.137 of the Zoning Code to amend the definition of Planned Multi-Use Site

The proposed amendment to the definition simplifies what constitutes a planned multi-use site in Section 28.211. The language in the definition to be struck is included in the more detailed general regulations in Section 28.137. The amendment also clarifies the role of the Urban Design Commission in the review of planned multi-use sites, including when the regulations for large-format retail establishments in MGO Section 33.24 apply as part of the UDC review. Staff believes that the existing references to the UDC and large-format retail establishments in subsections (e) and (f) are redundant and confusing, and recommends approval of the text amendment as presented.

The full general regulations for planned multi-use sites as proposed for amendment are as follows:

“Planned Multi-Use Sites.

The purpose of this subsection is to allow efficient and economical design and greater coordination and flexibility in the development of a variety of building types and land uses, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.

- (a) A planned multi-use site, as defined, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
- (b) An existing planned multi-use site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development, or approval of the Plan Commission.
- (c) The uses allowed within a planned multi-use site are limited to those uses that are allowed within the zoning district(s) in which the site is located.
 - 1. A property containing a non-conforming residential use shall not be made part of a planned multi-use site.
- (d) Every planned multi-use site shall front on a public street.
- (e) A planned multi-use site containing more than forty thousand (40,000) square feet of gross floor area and where twenty-five thousand (25,000) square feet of gross floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval ~~and be subject to review~~ following a recommendation on the design of any specific proposal by the Urban Design Commission ~~under the provisions of Sec. 33.24(4)(f), MGO.~~

- (f) All new retail establishments with a total gross floor area (GFA) of forty thousand (40,000) square feet or more that are part of a planned multi-use site are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f).
- (g) A plan for building placement, shared parking and access and any easement documents necessary to facilitate those plans shall be submitted. Plans shall show the following:
1. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities, open spaces and any ground-mounted signage.
 2. Identification of uses within the site and the gross square footage of building sites, either for the overall development or for the individual sites within the planned multi-use site.
 3. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public resulting from the planned development. The planned multi-use site plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO.”

36338 – Creating Section 28.150 of the Zoning Code to ensure consistency between Chapter 28 and Chapters 16 and 20 regarding park impact fees.

Pursuant to MGO Sections 16.23(8)(f) and 20.08, all new residential development is required to pay impact fees for the acquisition and development of City parks.

The proposed section of the general regulations will replace language currently found in the conditional use section of the new Zoning Code (Sec. 28.183(6)(b)4), which applies only to residential units approved as conditional uses. The current language in the new code closely follows language from the conditional use section of the 1966 Zoning Code (Section 28.12(11)). However, unlike the old code, which required that any dwelling with 3 or more units receive conditional use approval, the new code allows dwellings as permitted or conditional uses depending on the zoning district. The proposed language will apply to all new residential units created regardless of whether those units are permitted or conditional uses, and will ensure that the new code is consistent with MGO Sections 16.23(8)(f) and 20.08.

Staff recommends approval of the text amendment as presented.

36340 – Amending Section 28.211 of the Zoning Code to modify the definition of “Machinery Equipment Sales and Service.”

This amendment clarifies the zoning definition for *Machinery Equipment Sales and Service* establishments, to include the outdoor display of inventory for the establishment. The intent of the amendment is to specifically recognize the outdoor display of machinery or equipment associates with this use is integral and part of the principal use that is a *Machinery Equipment Sales and Service* establishment. For other uses that do not include “outdoor display” in their definition, the outdoor display on-site is a separate accessory use, requiring a separate approval process.

Staff supports the proposed amendment.

36341 – Amending Sections 28.151 and 28.032 of the Zoning Code to allow temporary outdoor events as permitted/conditional uses in Residential Districts

At its special meeting on September 4, 2014, the Plan Commission discussed this potential text amendment, which was identified as Item 2.1 of the “Zoning Code Text - Issues for Further Study and Revision Memo” dated September 4, 2014. During that discussion, the Commission directed staff to draft this text amendment for formal consideration at an upcoming regular meeting. Members of the Commission requested that the number of days for community events in residential districts be reduced to 25 days per year or 5 consecutive days unless approved as a conditional use, and to clarify “traveling carnivals” to make sure it clear that a school/ church/ etc. can hold its own carnival.

The amendment submitted for formal approval will allow temporary outdoor events in residential districts subject to the same supplemental regulations for temporary outdoor events in other districts, with the added restriction that events lasting more than 25 days per calendar year or 5 consecutive days require conditional use approval. These types of events include, but are not limited to seasonal holiday sales, church, neighborhood or community events, traveling carnivals, and accessory promotional events. Staff recommends approval of the text amendment as presented, which it feels addresses the revisions requested by the Commission.

36342 – Amending Sections 28.151 and 28.032 of the Zoning Code to allow non-accessory parking facilities as a conditional use in Residential Districts excluding Traditional Residential-Rural and Traditional Residential-Planned Districts.

This ordinance will allow non-accessory parking facilities as a conditional use in most residential zoning districts in Section 28.032 except for TR-R and TR-P districts, subject to supplemental regulations in Section 28.151 that are very similar to the requirements that governed accessory automobile parking lots in residence districts under the 1966 Zoning Code beginning in the R1 Single-Family Residence District. Under the proposed supplemental regulations, parking would be limited to automobiles, motorcycles, and bicycles in clearly marked spaces and the Plan Commission could place limits on the number of parked vehicles and the ultimate duration of the use.

Most properties where these lots were approved under the 1966 code were planned for residential uses as well as zoned for them. Such parking facilities have been approved as recently as 2012 under the old code, and Planning believes that it is necessary to incorporate this use into the new code as a conditional use to provide conformity for those lots previously approved by the Plan Commission, and to create a regulatory framework to consider alterations to those lots as well as new lots that may come forward in the future. As with the 1966 code, it may be appropriate to allow an off-site parking lot in a residentially zoned area for a nearby non-residential use without the need to rezone the parking lot to a non-residential district that may be contrary to a residential land use recommendation in an adopted plan. By not rezoning a property in such an instance, staff feels that there is a greater likelihood the off-site parking lot in residential zoning will eventually develop with residential uses than if the lot was zoned commercially.

At its special meeting on September 4, 2014, the Plan Commission discussed this potential text amendment, which was identified as Item 2.12 of the “Zoning Code Text - Issues for Further Study and Revision Memo”

dated September 4, 2014. During that discussion, the Commission directed staff to draft this text amendment for formal consideration at an upcoming regular meeting. Members of the Commission requested that the proposed supplemental regulations for these lots be clarified to allow the parking of motorcycles and bicycles as well as passenger automobiles and for an additional supplemental regulation to be added that noted that the Commission could consider limiting the duration of the conditional use approval for such a lot in addition to other conditions that it may require.

Staff recommends approval of the text amendment as presented, which it feels addresses the revisions requested by the Commission.