



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments

Legistar File ID #: [37325](#), [37326](#), [37327](#), [37397](#), [37398](#)

Prepared By: Planning and Zoning Staff

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

[37325](#) – Allow “Place of Worship” in Employment districts

Staff believes that the omission of this use from the non-industrial employment districts was an oversight in the adoption of the code. This amendment would include “place of worship” as a permitted use in the Traditional Employment (TE), Suburban Employment (SE), Suburban Employment Center (SEC), and Employment Campus (EC) districts. Staff notes that “Recreation, Community, and Neighborhood Centers” are permitted in these same districts, and that these uses are dealt with similarly in other zoning districts.

Staff supports this amendment.

[37326](#) – Allow “Private Ambulance Service” in various districts

Staff believes that the omission of this use was an oversight in the adoption of the code. There are a few of these places of business currently in the city, located in the Mixed-Use and Commercial districts and the Employment districts. The amendment allows the use as conditional in certain Mixed-Use and Commercial districts and as a permitted use in Employment districts.

Staff supports this amendment.

[37327](#) – Clarify definitions of “Floor Area”

Staff notes that the zoning code has at least four variations on the definition of “floor area” and references to “gross floor area”, which often results in confusion when a potential development or redevelopment proposal is conceptualized. In order to have one consistent definition, this amendment would remove conflicting definitions and clarify floor area to be the sum of all gross horizontal areas under the roof of a building. The amendment also authorizes the City Attorney to remove all references in the code to “gross floor area”.

Staff supports this amendment.

[37397](#) – Revisions to the Planned Development (PD) District

In October 2014, the Plan Commission reviewed and provided guidance for the language in this proposed amendment, which clarifies and improves the PD District ordinance, as summarized in the drafter’s analysis. Specifically, this ordinance:

- a) clarifies that there are no predetermined zoning requirements for PDs, but that such requirements may be made as part of the approval and may be recorded against the property;
- b) expands upon PD standards regarding provision of municipal services, aesthetic compatibility, and open space;

- c) specifies that in addition to the PD standards, General and Supplemental regulations in the Zoning Code also apply, unless specific exceptions are requested and approved;
- d) adds requirements for the General Development Plan (GDP) and clarifies how decisions on GDPs are made;
- e) adds requirements for the Specific Implementation Plan (SIP) and clarifies how decisions on SIPs are made; and
- f) clarifies certain aspects of recording and altering PDs.

The only change not yet reviewed by the Plan Commission involves language regarding alterations to General Development Plans (GDPs), which clarifies that if a proposed alteration to a GDP does not encompass the entire Planned Development District, information shall be provided to describe the impact of the proposed change on the implementation of the rest of the approved district.

Staff supports this amendment.

37398 – Regulations for tobacco retailers

The City's zoning code currently permits tobacco shops in certain Mixed-Use and Commercial districts. However, the code does not specifically define tobacco shops and does not provide specific regulations for them. Nor does the code specifically address e-cigarettes, which the Common Council recently added to the City's ban on indoor smoking.

This amendment will create new definitions for Tobacco Retailer, Tobacco Paraphernalia, and Tobacco Products, which will include and incorporate e-cigarette products. Tobacco retailers (currently referred to as tobacco shops) will continue as permitted uses in certain Mixed-Use and Commercial districts, and tobacco retailers established after the effective date of this ordinance will be subject to supplemental regulations pertaining to locating and operating such establishments.

The amendment also establishes supplemental regulations for tobacco retailers, requiring a buffer from sensitive uses and other tobacco retailer places, to limit the density of such uses. Finally, the ordinance contains supplemental regulations regarding the display and sale of tobacco products and paraphernalia.

Staff supports this amendment.