



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments
Legistar File ID #: 32704, 32705, 32708, and 32709
Prepared By: Planning and Zoning Staff

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

32704 – Regulation of Wind Energy Systems

Pursuant to Wis. Stat. § 66.0401(4)(g), a City that chooses to regulate wind energy systems shall enact an ordinance that is no more restrictive than the applicable standards established by the Public Service Commission. This ordinance allows the City to regulate wind energy systems in accordance with state law. The Planning Division recommends approval.

32705 – Two-Family Twin Dwelling Units in the Traditional Residential – Consistent 4 (TR-C4) District

This amendment adds a “two-family -- twin” dwelling, also known as a side-by-side duplex, as a permitted use and building form in the TR-C4 district. It also creates a supplemental regulation prohibiting attached garages with doors facing a street in such buildings in TR-C4, and a requires two-family-twin dwellings to be 300 feet from other two-family twin dwellings, similar to the rule in the SR-C3, SR-V1, and TR-V1 districts.

This amendment was proposed upon staff learning of a side-by-side “townhouse-style” twin duplex within a TR-C4 zoned district. This example was built in 1928 and is similar in character with surrounding older single family homes. There are limited examples of similar townhouse-style twins in older areas of the City. However, these are considered “two-family twin” dwellings and not currently permitted in this district.

The “Traditional” residential districts currently prohibit all two-family twin dwellings, primarily over concerns over compatibility with traditional building forms. Contemporary examples of side-by-side twins typically include prominent garages along street-facing façades and are considered a suburban building form. The more traditional or urban form is more commonly a “flat” style residence with one dwelling unit on the ground floor and one on the upper floor. The less common “townhouse-style” twins are side-by side residences but do not typically have attached garages, with or without garage doors facing streets.

Staff recommends approval noting that there are some existing traditional “townhouse-style” side-by-side duplex homes already in older neighborhoods. Staff believes this is an appropriate building form and this text amendment would allow them. The prohibition of attached garages with street-facing doors is an important character distinction that restricts the development of suburban-style twins in this district.

32708 – Establishing the Order of Zoning Districts from Most to Least Restrictive

In Section 28.182(5)(a)4.a, the zoning code allows for the Plan Commission, in their consideration of a rezoning request, to recommend a more restrictive zoning district than the district proposed by the applicant.

This provision has existed long before the new zoning code became effective in 2013, and offers the Plan Commission (and applicant) an alternative to placing on file a rezoning request, if the Plan Commission believes that a more restrictive zoning district is appropriate than what is being requested. In the new zoning code, the order of districts from most to least restrictive is not readily apparent, because aspects such as bulk requirements and allowable uses do not run along on a single, consistent continuum. By separating districts into sub-groups (residential districts, commercial and mixed-use districts, employment districts, and downtown districts), they become much easier to organize.

This amendment includes a table which clarifies the order of zoning districts from most to least restrictive within each subchapter of the code. The table is generally self-explanatory, with two nuances. First, while they are arguably more restrictive than most districts due to the fact that they require a master plan, the Traditional Residential – Planned (TRP), Mixed-Use Center (MXC), and Employment Campus (EC) Districts have been placed at the “least restrictive” end of relevant lists. This suggestion is based on the understanding that the Plan Commission may wish to consider an array of conventional districts, if unable to support a master planned district. For instance, if an applicant is requesting TRP zoning for a residential subdivision, but the Plan Commission believes it would be more appropriately zoned as a defined mix of TRC4, TR-V2, and TR-U1, they could recommend these districts to the Common Council. Second, “Special Districts” (Planned Development, Campus-Institutional, and other unique districts in Subchapter 28G) are omitted from this provision altogether, due to the difficulty in placing them along any one continuum.

Staff recommends approval of the amendment, so that it is clear to the Plan Commission which alternative districts they might recommend when considering a rezoning request, if the rezoning requested is not supportable.

32709 – Design-Based Criteria of Approval for Conditional Uses

Staff recommends approval of this amendment, which provides two important improvements to the Procedures section of the zoning code. First, it provides a design-based conditional use standard by which the Plan Commission can review conditional use requests. Since the advent of the new zoning code, many proposals which would previously have been reviewed under the design-related standards for Planned Unit Development zoning are now being reviewed as conditional use requests in conventional zoning districts. Architecture and site design are often of interest during the review of these proposals, but with the exception of the Downtown Core and Urban Mixed-Use Districts, conditional use review by the Plan Commission does not clearly involve any standards related to design. In some cases, there are design requirements clearly outlined in the zoning code, or guidance provided in adopted plans that can help inform Plan Commission review. However, in other cases, there is very little guidance related to design for the Plan Commission to consider.

Second, the amendment provides better guidance for the Urban Design Commission in their review of conditional use proposals. Currently, the ordinance provides the Plan Commission with the opportunity to request comments and an advisory recommendation from the Urban Design Commission for any conditional use request involving new construction or an addition to an existing building. However, there is very little direction given as to when the Plan Commission should refer an item to the UDC for a recommendation, or by what standards the UDC should then review these proposals. The language in this amendment can be cited by the Plan Commission when a proposal is referred to the UDC, and UDC comments can be based on it.