



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendments

**Legistar File ID #:** [44251](#), [44254](#), [44255](#), [44257](#), [44258](#), [44496](#)

**Prepared By:** Planning and Zoning Staff

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

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**[44251](#) – Outdoor recreation as a Conditional Use**

This amendment changes various use charts to clarify that Outdoor Recreation is a Conditional Use, where allowed, either as a principal use or an accessory use.

Typically, outdoor recreation includes swimming pools, tennis courts, and volleyball courts, or similar outdoor activities or facilities that allow such activity to be conducted. The characteristics of the use, such as the hours of operation and the nature of the activity, are generally unique or vary, result in potential adverse impact on surrounding uses. For this reason, the use should be consistently classified as a *Conditional Use* in the Zoning Code.

Staff supports this amendment.

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**[44254](#) – Emergency electric generators (Substitute)**

This amendment changes from *Conditional* to *Permitted* the on-site use of emergency electric generators in the Mixed-Use and Commercial districts. This amendment also allows emergency electric generators in all districts to project into the side and rear yard setbacks. Finally, this amendment eliminates the requirement that there be a 20 foot buffer from any residential use and, because this is now a permitted instead of conditional use, eliminates supplemental regulation (d) pertaining to noise mitigation where approved as a conditional use.

Most new buildings require emergency backup generators to support elevators and fire suppression systems and other critical parts of a building during power interruption. These generators are located inside or outside of a building, depending on specific approvals, space needs, and placement opportunities. These generators are only needed during the rare event of power interruption, and otherwise run for a short time periodically as part of a test cycle. In all cases, the generators will be operating very rarely, which is why there is little concern over them in terms of a *Conditional Use*. If they are operating outside of the event of need, often, they are not meeting the definition of “emergency electric generator” and would be a zoning violation.

After initial drafting and introduction of this amendment, staff was approached by MG&E with concerns relative to the amendment, which resulted in a substitute ordinance. The substitute was necessary because staff learned that MG&E uses several emergency electric generators to provide off-site energy to support the power grid during emergency situations. In making revisions to the definition of emergency electric generator in Section 28.211 deleting reference to the provision of off-site energy, staff never intended to impact MG&E’s operations in this way. Therefore, this substitute removes the changes made by the initial ordinance to the definition of “emergency electric generator.”

Staff supports this amendment.

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**44255 – Building entrance orientation at residential building complexes**

In residential building complexes with multiple buildings, it is not uncommon for certain buildings in the complex to be located such that they do not front a public street. Nevertheless, the Zoning Code requires these buildings to orient entrances toward the public street, even when an alternative orientation, perhaps toward a courtyard, open space, or other common amenity, might provide for better overall design. This amendment will allow the Plan Commission to approve alternative entrance orientations for certain buildings in a residential building complex as long as any modification results in orientation to a courtyard, open space, or other common amenity. Importantly, by stating that this is only allowed for buildings that do not front a public street and are located behind buildings that do front a public street, this amendment ensures that the buildings in a residential building complex that are located nearest the street will still be oriented toward the street.

Staff supports this amendment.

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**44257 – Leasing of off-street parking facility accessory to a residential use to non-tenants in the UOR, DR1, and DR2 Districts**

This amendment corrects an oversight discovered after the zoning code re-write by allowing, as a *permitted use*, the leasing of off-street parking facility accessory to a residential use to non-tenants in the UOR (Urban Office-Residential), DR1, and DR2 (Downtown Residential) districts. It was never intended to treat these three districts differently than the other three Downtown and Urban Districts.

The leasing of off-street parking accessory to residential uses in the subject districts (and previous zoning code correlating districts) has been occurring for decades. The supplemental regulations for this use remain unchanged with this amendment:

- (a) *The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.*
- (b) *Adequate useable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area.*
- (c) *Occupants of the principal use shall have first right of refusal for the parking facilities.*
- (d) *The lessee shall provide the owner of the facility documentation establishing his/her place of residence.*
- (e) *All new parking facilities shall comply with City standards for design, paving, and screening.*

Staff supports this amendment.

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**44258 – Residential Points System in DR1 district**

To ensure a variety of housing types in the downtown area, a “residential points system” exists in the zoning ordinance, with greater values attached to larger units and smaller values attached to smaller units. This amendment changes the phrase “development site” to “building” in the DR1 District. This makes the DR1

district consistent with the DR2 district with respect to how points are calculated in the “residential point system.”

With this change, each individual building on a zoning lot must meet or exceed the 1.5 points requirement, not the combined total of all units in all buildings, which is how the language is currently worded for DR1.

Staff supports this amendment.

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**[44496](#) – Allow colleges and universities and schools, arts, technical or trade as a permitted use with supplemental regulations in the SEC District**

This ordinance changes the status of these uses, from *Conditional Uses* to *Permitted Uses* in the SEC (Suburban Employment Center) district only. The amendment includes a modification to the *Supplemental Regulations* for these uses to require a Traffic Demand Management Plan be reviewed and approved by the Traffic Engineering division to ensure the use has appropriately addressed its traffic, parking, and transit needs.

Under the previous zoning code, lands in the City that are now zoned SEC were zoned RPSM (Research Park Specialized Manufacturing District) or the Office districts, and these uses were allowed as *Permitted Uses*: Colleges and Universities were a *Permitted Use* in RPSM, and the business or trade school was a *Permitted Use* in the O-3 (Administrative Office), O-4 (Administrative Office) and RDC (Research and Development Center) districts.

Staff supports this amendment.