



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendments

**Legistar File ID #:** [39124](#), [39125](#), [39126](#), [39127](#), [39131](#), [39158](#)

**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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**[39124](#) – Adaptive reuse of buildings constructed as places of worship**

The ordinance currently allows for buildings in residential zoning districts that were formerly used as schools or municipal buildings to be adaptively reused for non-residential institutional and office uses, either as a permitted or conditional use. This ordinance amendment would broaden the applicability of the existing ordinance to include adaptive reuse of buildings constructed as places of worship for the same uses. Permitted uses would include daycare facilities, many educational uses, and government and non-profit offices. Conditional uses in these buildings would include business and professional offices. Across the city, there are many places of worship in residential zoning districts that may be difficult to retrofit for residential uses otherwise allowed in these districts. This amendment will allow for their adaptive reuse for relatively low-impact commercial or institutional uses without a rezoning to a commercial or mixed-use district that may not be consistent with adopted plans and surrounding land uses. Staff recommends approval of this Zoning Text Amendment.

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**[39125](#) – Keeping of honeybees in Employment districts**

This amendment allows the keeping of honeybees in all employment districts as either a permitted principle or accessory use. This amendment also amends the supplemental regulations for keeping of honeybees to limit the number of hives allowed to six unless the keeping of honeybees is determined to be the principle use of the lot. This amendment has been recommended by the Pollinator Protection Taskforce. Staff recommends approval of this Zoning Text Amendment.

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**[39126](#) – Use status for adult family homes and community living arrangements**

Wis. Stat. § 62.23(7)(i) provides that community living arrangements and adult family homes may locate in residential zones without obtaining special permission from the City. The zoning code currently requires conditional use permits in certain zones where it is not allowed to require special permission. This amendment ensures that city ordinances are consistent with state law. For example, adult family homes and community living arrangements serving up to 8 residents are permitted uses in any residential zone. Community living arrangements serving 9-15 residents are permitted uses in any residential zone except those exclusively zoned for single-family or 2-family residences, where state law allows the city to require conditional use approval. For community living arrangements serving more than 15 residents, state law allows the city to require conditional use approval. Accordingly, the code does not need to be amended for these establishments. This amendment also amends the supplemental regulations to reflect these changes. Staff recommends approval of this Zoning Text Amendment.

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### **39127 – Flood prevention for window wells**

City engineering is routinely called to citizens' homes whose basements have flooded due to water entering window wells situated in the side yard setback. This often happens in areas where closely adjoining homes have less area for water to flow in between houses. Rather than eliminating the ability for houses to have window wells projecting into the side yard setback, City engineering believes the problem can be addressed by requiring such window wells to be built up at least 6 inches above the adjoining grade. This ordinance provides that requirement. The Planning Department believes this solution is preferable because eliminating the ability to have side yard egress windows have the unintended consequence of encouraging front yard egress windows, which is a less desirable aesthetic option. Staff recommends approval of this Zoning Text Amendment.

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### **39131 – Referrals of Planned Development alterations to UDC**

For requested alterations to approved Planned Development, this amendment simply allows the Director of the Department of Planning, Community, and Economic Development to refer such requests to the Urban Design Commission for an advisory recommendation. Staff believes that this flexibility would be very useful, particularly when a requested alteration pertains to a design detail that had been discussed and deliberated by the Urban Design Commission throughout the original review of the Planned Development. Staff recommends approval of this Zoning Text Amendment.

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### **39158 – Downtown setback requirements for Planned Developments**

For the Downtown and Urban Zoning Districts, the ordinance includes maximum heights for development on all properties, and detailed setback requirements for upper levels of buildings along specific corridors. These corridors include King Street, State Street, and others radiating from the Capitol Square toward the lakes.

The ordinance currently allows the flexibility for the Plan Commission and Council to consider requests for modifications to the height requirements only when a rezoning to the Planned Development zoning district is being requested, and such requests are subject to the standards for approval of Planned Developments. There is currently no such provision for utilizing the Planned Development process to request modifications of the setback requirements.

This amendment would afford that flexibility, but only under very limited circumstances, for example, where infill and redevelopment on a vacant lot would alleviate assemblage pressure on historic structures.. In order to seek flexibility through the Planned Development process for the established setback requirement, the entire subject property must be a corner parcel, either vacant or improved only for surface parking, with no buildings demolished since the effective date of this proposed ordinance amendment. Staff recommends approval of this Zoning Text Amendment.