

PLANNING DIVISION STAFF REPORT

May 9, 2016



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments

Legistar File ID #: [42393](#), [42394](#), [42395](#), [42396](#), [42397](#)

Prepared By: Planning and Zoning Staff

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

[42393](#) – Bulk requirements for group living arrangements

The Zoning Code currently allows community living arrangements, housing cooperatives, and lodging houses but does not provide bulk requirements (lot area, useable open space, setbacks, lot coverage, etc.) for these uses like it does for single- and two-family dwellings. This was not intended when the Zoning Code was written and limits the City's ability to ensure that these uses fit properly with their surroundings. This amendment generally applies the multi-family dwelling unit bulk requirements to these uses. It also reclassifies "dormitory" to the more appropriate civic and institutional use. This amendment will ensure that the code specifically provides bulk requirements for all residential uses in all zoning districts, not just for single-, two-, and multi-family dwellings.

Staff supports this amendment.

[42394](#) – Art studios/taverns

The amendment allows an arts studio or similar places where the activity of "painting" (paintings or pottery, for example) to serve alcohol as an accessory component of the use. Current zoning only allows the service of alcohol at these places if they are defined as "taverns." The amendment clarifies and narrows the definition of "tavern" and creates a definition for "artist, photographer studio." The Zoning Code already allows "artist, photographer studio" but lacks the definition.

This amendment matches a recent state law change, which allows places where "painting" occurs to obtain a "Class B" liquor license. This amendment will allow art studios to be classified as other uses in the use list tables, such as "Artisan workshop" or "artist, photographer studio", and will allow for the Class B alcohol sales to occur. Note: A liquor license is still required, to be approved by Alcohol License Review Committee and the Common Council, similar to any other Class B license.

Staff supports this amendment.

[42395](#) – Underground parking in setbacks

This amendment allows underground parking in any zoning district to extend into the rear yard setback if it is located completely below pre-construction existing grade or under a slope of no greater than 1 to 3 feet to the lot line, and is completely covered by landscape. This amendment was recommended for drafting by the Plan Commission at a work session in April 2015.

Staff supports this amendment.

42396 – Parking requirement for daycare uses

Recent daycare projects have shown the parking requirement is too low for the uses, often triggering a need to obtain conditional use approval for parking in excess of the required maximum. This is primarily because the number of parking stalls required relates only to the number of clients enrolled at the facility. Staff has studied this closely and believes that requiring a daycare center to provide 1 auto parking stall per 2 employees in addition to the existing requirement of 1 stall per 15 enrollees will result in a more realistic parking requirement for such uses and reduce the need for new centers to receive conditional use approval related to parking.

Staff supports this amendment.

42397 – Planned Development pre-design conferences and the Landmarks Commission.

Under the current Zoning Code, concepts for Planned Developments must be presented to the Urban Design Commission for informational purposes prior to formal submission. In some cases, Planned Developments are located in local historic districts or contain a landmark or landmark site. There is no language in the ordinance directly speaking to the Landmarks Commission as part of this process. This amendment will require for those Planned Developments involving a landmark or landmark site, or proposed in a local historic district, that the concept must be presented to the Landmarks Commission for informational purposes ***before*** being presented to the Urban Design Commission for informational purposes. Having the Landmarks Commission review the project first ensures that the design direction advice and suggestions that come forward as part of the review process start with the Landmarks Commission to ensure that the Planned Development is consistent with the character of the historic resource before receiving input from the Urban Design Commission. The Landmarks Commission must issue a Certificate of Appropriateness for the Planned Development as part of the Historic Preservation Ordinance, whereas the Urban Design Commission often provides only a recommendation on the Planned Development, which is ultimately reviewed by the Plan Commission and approved by the Common Council.

Staff supports this amendment.