PLANNING DIVISION STAFF REPORT

April 23, 2018

PREPARED FOR THE PLAN COMMISSION

Proposal: **Zoning Text Amendments**

Legistar File ID #: 50348, 50630, 50920

Prepared By: Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments related to Health/sports clubs in residential districts, single family attached dwellings, and parking placement in the SE district.

50348 Health/Sports club in certain residential districts *substitute*

This ordinance allows Health/Sports Club, Fitness Center or Studio as a Conditional Use in the SR-V2, TR-V2, TR-U1, TR-U2, and TR-P Districts with supplemental regulations. At its March 5 2018 meeting, the Plan Commission recommended approval of a similar amendment. After closer examination, staff determined this substitute was necessary to change the use category from the *accessory use* to the principal use category *retail, service, recreation and other use,* and to include *lodging house* as a *principal use* to which the health club can be incidental.

Staff supports this amendment.

50630 Single-Family Attached Homes on Individual Lots and associated amendments.

As the drafter's analysis indicates, this collection of changes to the Zoning Ordinance (MGO Chapter 28) and the Subdivision Ordinance (MGO Chapter 16) work together to allow for an alternative form of construction for single-family attached homes (frequently referred to as row houses or townhomes). This amendment allows for the development of single-family attached homes on individual lots which can be purchased and sold individually, rather than rented as part of a multifamily building on one lot, or purchased and sold only as condominium units.

The changes to the zoning code to allow for this use include only zoning districts where multi-family residential uses are already allowable (SR-V1, SR-V2, TR-V1, TR-V2, TR-U1, TR-U2). As drafted, the ordinance essentially maintains existing thresholds between permitted and conditional uses in each relevant zoning district based on the number of dwelling units. For example, in the Traditional Residential-Varied 2 (TR-V2) District, multi-family buildings with up to four (4) units are currently permitted, while multi-family buildings with five (5) or more units require conditional use approval. Similarly, a row of up to four (4) townhomes on individual lots would be a permitted use in the TR-V2 District, while a row of five (5) or more townhomes would require conditional use approval.

The substantive changes to the Zoning Code within each relevant district for this specific use, are as follows:

- Elimination of the required side yards between buildings

- Rationale – In order to have attached single family homes on individual lots, the side yards between buildings must be eliminated so that the homes can be immediately adjacent to one another at their shared lot line.

During the process of identifying changes to allow for this use within specific zoning districts, staff also found that a few general requirements in the code related to rear yards would preclude the logical site design for this use. Specifically, attached or detached garages and the rear driveways leading to them will necessarily occupy most or all of the required rear yard. Thus, the draft ordinance removes general requirements related to maximum coverage of accessory buildings and paved areas within required rear yards.

The substantive changes to the Zoning Code to the general requirements, are as follows:

- Reduction in the usable open space requirement
  - Rationale – The anticipated site design for single-family attached homes, particularly those with attached alley-fed garages, allows for relatively little usable open space on the ground. Side yards will be nonexistent as usable open space areas between buildings, and rear yards will be much smaller, particularly if the home is alley-accessed with an attached garage. Importantly, while required front yards do not count toward usable open space requirements in the zoning code, required front yards will remain consistent with all other buildings by zoning district, which will result in physical green space in front of each home.

- Increase in the allowable lot coverage
  - Rationale – Similar to the usable open space reduction, the anticipated site design allows for less pervious surface on each individual site. Thus, the lot coverage requirement needs to be relaxed/increased in each relevant zoning district in order to allow for practical implementation of this building type.

- Eliminate maximum percentage (50%) of the rear yard setback that may be covered by detached accessory buildings.
  - Rationale - This requirement dates to the 1966 zoning ordinance. The requirement is redundant to Lot Coverage and Usable Open Space requirements that apply to all residential uses and lots, and has little practical effect in consideration of the size and location of an accessory structure otherwise allowed on a lot. Minimum setbacks and maximum size limitations will ensure that accessory structures are generally appropriate to the size of the lot and home. A single-family attached lot might have challenges meet this requirement if the garage were detached and placed near the alley or easement, because the garage would inevitably cover more than 50% of the rear yard area, in consideration of the narrowness of these lots.

- Clean up language that allows 30% projection into rear yard setback for one-story garage purposes only clause.

  - Rationale – The language in the ordinance states a rear yard setback is 35', which is correct for some districts but not for all districts. The amendment strikes the statement that the required rear yard setback is 35', because the rear yard setback varies district by district, often less than 35'. For example, all "TR" districts, but for one, have a rear yard setback of 30' or less.

- Eliminate maximum 40% of rear yard setback that may be covered by parking
  - Rationale – This requirement dates to the 1966 zoning ordinance. The requirement is redundant to Lot Coverage and Usable Open Space requirements that apply to all residential uses and lots, and has little practical effect in consideration of the amount of paving for parking otherwise allowed on a lot. A series of single-family attached lots could not meet this requirement, particularly if the homes had two car garages and associated two-car wide driveways to access the garage that crossed the rear yard setback area.

Changes to the Subdivision Ordinance

Individual homes will not have driveways from the street or garages facing the street, and must instead be served by public alleys or private shared driveways leading to the rear of the homes. From a practical standpoint, staff believes that the alley-accessed model will be more prevalent in new platted subdivisions, where alleys could serve long stretches of single-family attached homes. On infill redevelopment sites, the number of attached homes is likely to be smaller, and groups of homes will more likely be accessed via private shared driveways. As drafted, the Subdivision Ordinance (MGO Chapter 16) includes new parameters for public alleys, which can provide efficient vehicular access to the garages of single-family attached homes. In order to work well for this use, alleys must be adequately wide, free of clutter, and configured in such a way as to accommodate basic City services such as trash and recycling pick-up and snow removal.

Staff supports the collection of ordinance changes to allow for this new use as an opportunity to expand home-ownership options and housing types in new and redeveloping residential areas.

Staff supports this amendment.

50920 Parking placement in the Suburban Employment District

In the Suburban Employment (SE) District, the parking placement rule in Sec. 28.084(4) requires the placement of a surface parking lot meet certain requirements relative to the abutting streets, and particularly the street that a development may take access, rather than the most appropriate place to situate surface parking relative to the orientation and placement of the building on the lot.

The existing character and design of SE zoned places in the city tends to vary by location. Staff has analyzed all areas zoned SE in the City, both to understand the existing development pattern and also

understand how the parking placement rule could drive a desired or undesired development pattern (or change to existing development pattern) in these SE zoned places. Most sites are located near major highways or arterial streets, often without street access to these highways and streets. Developers tend to want to place/orient buildings at or near the major street, and place parking behind. In this scenario, the parking placement requirement conflicts with the desire place the building.

Case study: Suburban Employment zoned lands between Packers Avenue and Pankratz Street:
In this example, North is to the top, Packers Avenue is to the left and Pankratz Street is to the right. All buildings in this block have been oriented to Packers Avenue, with parking to the side or toward Pankratz Street. All development is pre-2013, when the parking placement requirement was introduced with the new zoning ordinance. (NOTE: this entire block is located within Urban Design District no. 4, and although not necessarily relevant to the zoning requirements, each of these development has been reviewed and approved by the Urban Design Commission prior to construction)

The only example in this block of a complaint parking placement per current ordinance is the building to the south, which happens to be a one-story office building that currently houses a Montessori school and some small offices. This site complies because the lot is shallower in depth and the building spans nearly the entire width of the lot, with parking placed to the side of the building.

The center development (between two blue "X" lots) is nonconforming because the majority of parking is between the building and the street and the parking is located between Pankratz Street and the front of the building, and is more than two rows/one access aisle and a maximum of 70 feet of width. The brewery property at the top (north) has a similar nonconforming condition. The development south of the lower blue "X" conforms to the parking requirement today, but will not as soon as parking is expanded. From a design perspective, all three of these lots are developed as they should be, with the building oriented to Packers Avenue and parking to the practical rear yard, but from a zoning code perspective the Pankratz Street side of the lots is considered the "front."

The two vacant lots (labeled with blue "X") have no access to Packers Avenue, so the only qualifying "street" is Pankratz Street. The current zoning ordinance language will encourage building placement toward Pankratz Street and require the parking to be placed alongside the building or toward Packers Avenue (the rear). This result in an inconsistent development pattern in this block. Ideally, the city

would want to see the blue "X" lots develop with buildings placed toward Packers Avenue and parking placed alongside the buildings and toward Pankratz Street.

This amendment will give property owners some flexibility to match existing development in circumstances where there are two more or less parallel and opposite public street lot lines, either of which could realistically be considered the "front" lot line from a parking placement perspective, regardless of whether or not the lot has access to both streets.

Staff supports this amendment.