



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendment

Legistar File ID #: [90552](#) (TOD 3-4 Units, Auto-Oriented Uses, & Drive Through Building Design)

Prepared By: Zoning and Planning Staff

[90552](#) – This zoning code amendment includes changes to the Transit Oriented Development (TOD) Overlay District to:

- allow three- and four-unit buildings in all residential base zoning districts where the use is not already allowed;
- prohibit standalone surface private parking lots, car washes, auto sales and rental businesses; and
- require new drive throughs to be in or on buildings that are at least three stories and that cover at least 60% of lot area.

Additional Proposed Alternate

3 and 4 Unit as a Conditional Use in University Hill Farms National Register Historic District

[90552- Tishler proposal](#), and [Map](#) -- In this proposed alternate, 3 and 4-unit buildings proposed within the TOD Overlay within the University Hill Farms National Register Historic District would be reviewed as a conditional use rather than a permitted use. The purpose is to provide additional oversight of changes within this National Register Historic District.

Staff notes that the Plan Commission may only approve, deny or conditionally approve a requested conditional use under the standards of approval in MGO 28.183. Staff notes that changes in zoning and land use are not necessarily at odds with maintenance of an historic district. As a national register historic district, guidance comes from the Secretary of the Interior's Standards. These standards are not focused on a property's use, but rather the ability to preserve portions or features of structures which convey its historical, cultural, or architectural values. There are a number of examples in the city of building modifications to incorporate additional dwelling units within a formerly single-family structure, additions, creation of ADUs or other modifications to National Register-listed properties that have not diminished the property's historic value. In fact, those changes are often eligible for Federal and State Preservation Tax Credits.

Staff believes that there are other tools to address concerns about building changes within an historic district. If more control of architectural design is desired in this area, a local historic district could be created. Within a local historic district, the Landmarks Commission would review changes to the exterior of structures in the district to ensure consistency with specific building standards. Additionally, the existing demolition approval process allows for oversight of the demolition of principal buildings. When a demolition is proposed, the Landmarks Commission reviews for historic value and significance. If the Landmarks Commission determines that there is historic value or significance, the Plan Commission then reviews the demolition application and determines whether the application can be approved.

Staff does not support this proposal.