

Village of Waunakee Zoning Amendment Considerations

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The Village is considering amendments to several sections of the zoning ordinance. These ordinances have been in place for 20+ years and have sometimes been a source of discussion and debate when new projects are proposed that are affected by these sections of our code. With the recent update to our comprehensive plan, this is a good time to revisit and consider adjustments to the ordinance.

1. Include objective standards for Village ordinances that already allow exceptions to height restrictions by conditional use permit.

Background

Currently the zoning code allows for office and multifamily residential buildings to exceed height standards of 35 or 45 feet, by conditional use, but the code does not include any standards to evaluate the conditional use application. Proposals for increased height often face neighbor and neighborhood opposition. A change in state statutes in late 2017 has made the conditional use permit process more rigorous, and limits the Village's ability to consider public complaint in the decision to approve or deny a conditional use permit (CUP).

Current ordinance language

Sec. 133-374 defines Conditional uses in the R-5 Multifamily District, including: *"Buildings over 45 feet in height"*

Sec. 133-458 defines Conditional uses in the O-3 Administrative Office and Research and Development District, including: *"Buildings over 45 feet in height"*

Sec. 133-525 defines Conditional uses in the C-1 General Commercial District, including: *"Office buildings exceeding 35 feet in height"*

Sec 133-586 and 133-609 have a similar policy for the I-1 and I-2 Industrial Districts: *(1) Maximum building height. The maximum building height shall be 45 feet for the principal building and shall be 20 feet for a detached accessory building, except where taller buildings are approved as conditional uses.*

Sec 133-838 has similar but slightly different language for the S-1 Senior Housing District that would seem not to allow increased heights for principle buildings: *(1) Maximum building height. The maximum building height for a principal building shall be 45 feet; for a detached accessory building, the height shall be 20 feet, except where taller buildings are approved as conditional uses.*

Article V – Conditional Uses describes nine "Standards for Approval", including the following most relevant standards:

(1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use and the proposed use is compatible with the use of adjacent land

Comprehensive Plan

The Comprehensive Plan does not directly address this issue. The only policies relevant to height in O-3 zoning are those emphasizing the importance of quality design in business parks. For residential development the plan seeks compatibility with surrounding residential neighborhoods:

Page 73 - 7. *New residential developments that adjoin existing neighborhoods should include housing that is compatible with adjoining established neighborhoods on portions of the development parcel adjoining the existing neighborhoods.*

Also relevant, from Page 43: 2.4. *Work with developers proposing infill residential development, and adjacent residents, to ensure compatibility with the existing neighborhood. Compatibility is determined case-by-case and includes consideration of architectural design strategies to blend larger structures with existing homes.*

Possible Ordinance Changes

The conditional use standards in Article V could be expanded to more directly address issues related to building height. The recent changes to the C-1D district addressing this topic could be used (see Attachment A). Also, consider changes to make the language describing allowances for increased height consistent across all districts.

Potential Impacts

- Greater predictability for all parties
- Lower risk of legal challenge
- Less flexibility for the Plan Commission

2. Review restrictions on rezoning for multifamily use (Section 133-16) and relation to Comprehensive Plan. Policy may need to include entire Village, and not just identified districts, and consider exceptions for senior living facilities.

Background

Currently the zoning code allows rezoning to R-4, R-5 or PUD with multifamily use only if multifamily is less than 25% of all housing units within the Village. There is strong demand for multifamily units right now, and many have been approved and/or built downtown in the C-1D District. This demand is further documented by a the 2017 housing study prepared for the Village by CARPC (see Attachment B). Based on data from the American Community Survey (ACS), 2012-2016, about 17% of Waunakee units are in buildings with 3 or more units. For reference, that figure is 44% in Middleton, 38% in Sun Prairie, 45% in Fitchburg, 22% in DeForest, 27% in Verona.

Current ordinance language

Sec. 133-16. - Restriction on rezoning for multifamily use.

(a) Intent. It is the intent of this section to promote the health, safety, and general welfare of the residents of the village by limiting the total number of multifamily units, defined as three or more attached dwelling units, available for occupancy in the village so that there will continue to be a predominance of the population living in detached single- or two-family residences.

(b) Determination for rezoning. No additional rezoning to R-4, R-5, or PUD with multifamily units shall be allowed which would have the effect of allowing more than 25 percent of the total dwelling units to be multifamily units. Dwelling units designed and approved as owner-occupied condominiums for which the condominium declaration under Wis. Stats. § 703.09 prohibits the rental

thereof shall not be considered single-, two- or multifamily residences for purposes of the determination under this subsection. Any other condominium dwelling units shall be considered multifamily dwelling units under this subsection. In implementing this subsection, the plan commission may either deny or modify a proposed zoning amendment or conditional use permit or direct the building inspector to not issue additional building permits, unless such issuance would be consistent with the intent of this section.

(c) Applicability. This section shall not apply to properties that were rezoned to R-4, R-5 or PUD with multifamily units prior to December 31, 1997.

Comprehensive Plan

The Comprehensive Plan addresses this topic most directly in the section on Housing, Page 43:

2.5. Maintain regulations that require new developments maintain a ratio of 75 percent detached, single family units and 25 percent attached units. Redevelopment projects and senior housing projects are exempt from this policy.

Also relevant in the Housing section:

1.1. Encourage housing developers to integrate different housing types and levels of affordability, especially within larger developments. This could include smaller, more affordable units accessible to first-time homebuyers.

1.3. Allow the development of low-income and moderate-income housing units when integrated appropriately with the surrounding neighborhood. Avoid concentrating such units in one location and avoid isolating such units from other housing.

1.1. Encourage senior housing in the community so that life-long residents of the Waunakee area have opportunities to remain in the community.

Possible Ordinance Changes

- Clarify that the 25/75 balance refers to total *Village* housing units
- Apply to all zoning districts that allow multifamily units
- Clarify that this standard could be applied to the entirety of a plat or development under common control, not just the portion zoned for multifamily units, meaning that new multifamily units can be balanced by new single family and duplex units in the same development
- Exempt senior housing from this ordinance
- Exempt redevelopment projects
- Revise to focus on *occupied* housing units, allowing for 1% vacancy in owner-occupied units (most of which are single-family) and 5% vacancy in renter-occupied units (most of which are in multi-family structures)

Potential Impacts

- Including C-1D in this ordinance could prevent the long-term concentration of multifamily units downtown
- Exempting redevelopment from this standard would negate the inclusion of C-1D in the ordinance, because this is generally used only in areas already developed
- Exempting senior housing removes a potential impediment to such housing; if the Village were to develop many new senior housing units, this could eventually limit the construction of new multifamily units for other households

3. Clarification of lot area standard for C1-D zoning.

Background

Currently the zoning code requires 1,200 square feet of lot area for each dwelling unit on the parcel in the C1-D district. Recognizing the spatial challenges of redevelopment in the downtown area, the Village has previously approved a project based on an interpretation that “lot area” can include multiple parcels if those other parcels are part of the same development and serving purposes required by that development such as stormwater management and parking. An ordinance revision could clarify and affirm this interpretation of the ordinance (see Attachment C email exchange on this topic).

Current ordinance language

Sec. 133-491. – Height and area requirements

(4) Lot area. The lot area per dwelling unit shall be 1,200 square feet.

Comprehensive Plan

The Comprehensive Plan does not directly address this issue. The most relevant policy is in the Central Business District/Historic Downtown Planning Areas section on Page 78:

5. Encourage site planning that is “pedestrian-friendly” and provides both sidewalks and interior pedestrian circulation pathways.

The relevance is that allowing flexibility in the location of parking and stormwater facilities can improve the improve site design and function on the most visible and higher-traffic parts of the site.

Possible Ordinance Changes

- Revise the description of “lot area” to include multiple parcels, consistent with past practices
- Add additional standards such as a distance limit between parcels and/or restriction to specific uses

Potential Impacts

- Fewer exceptions granted by Plan Commission
- Consistency with peer communities
- Improved site design on priority street frontages
- Increased density on the site with the dwelling units

4. Clarification of minimum lot area requirements for PUD zoning.

Background

Currently the zoning code has a minimum lot size of either 2 or 5 acres depending on the uses involved. There are sometimes smaller parcels that could benefit from flexibility in zoning standards. PUD zoning is a process through which Plan Commission and applicant work together to negotiate site and building standards that do not fit standard zoning requirements, such as lot size, setbacks and uses. The resulting development still needs to be consistent with the Comprehensive Plan.

Current ordinance language

Sec. 133-893. - General requirements.

(a) Minimum total area requirements. *Areas designated as PUDs shall contain a minimum total development area as follows:*

<i>Principal Uses</i>	<i>Minimum Area of PUD (in acres)</i>
<i>Residential PUD</i>	<i>5</i>
<i>Commercial PUD</i>	<i>2</i>
<i>Industrial PUD</i>	<i>5</i>
<i>Mixed use</i>	<i>5</i>

Comprehensive Plan

The Comprehensive Plan does not directly address the issue of PUD minimum size, but there are several objectives and policies that call for compact development, and high quality development. These are relevant because the PUD process is a tool that can be used to allow the more efficient use of a site, and also to achieve higher-quality design. Applicable text from the General Land Use Goals, Objectives and Policies:

Page 64: Objective 1.2 – Development will generally be compact, to make efficient use of land and infrastructure while also protecting green spaces, farmland and community separation

Page 66: 4.1. Development along the community’s primary entrance corridors requires special attention and design effort in the development process to ensure a strong and attractive entrance. This should include the selection of high quality materials and designs for buildings, exceptional landscaping, and buffering techniques to obscure the view of features not intended for view from a highway, such as residential rear yards, garage doors and loading docks.

Possible Ordinance Changes

- Reduce the minimum area for all PUD types, or at least the residential and mixed use types, to 2 acres
- The Plan Commission may want to exclude the use of PUD zoning in certain parts of the community

Potential Impacts

- More efficient use of land
- Higher-quality materials and design
- A larger number of sites with unique zoning to track over time

5. Consider height standards for buildings in lots that abut more restrictive district boundaries (rules similar to existing Section 133-12(d) that addresses setbacks).

Background

Currently the zoning code sets height limits in each district, but has no special requirements to provide a transition between a more permissive district that allows greater height, and a more restrictive district with lower height limits. This can result in conflict and complaint when taller buildings are proposed, especially next to single family and duplex residential uses.

Current ordinance language

The only current language addressing this issue is in Article I, under Sec. 133-12 – Site Regulations:

(d) Lots abutting more restrictive districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than 60 feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.

Comprehensive Plan

The Comprehensive Plan anticipates potential conflict between different uses and between new and existing residential uses. Because the plan encourages diverse housing types within neighborhoods, the conflict of greatest concern is between new and existing housing.

Housing, Page 43: *2.4. Work with developers proposing infill residential development, and adjacent residents, to ensure compatibility with the existing neighborhood. Compatibility is determined case-by-case and includes consideration of architectural design strategies to blend larger structures with existing homes.*

Community Residential Land Use, Page 73: *7. New residential developments that adjoin existing neighborhoods should include housing that is compatible with adjoining established neighborhoods on portions of the development parcel adjoining the existing neighborhoods.*

The Plan also addresses the potential for conflict between commercial and residential uses, though this is more focused on buffering of ground-floor activities.

Page 74: *2. Land uses and developments adjoining residential uses must be compatible with these uses and provide a buffer and visual screen between adjacent residences and commercial storage or parking areas.*

Possible Ordinance Changes

- Consider the addition of various strategies to improve compatibility where district abuts a more restrictive district, including:
 - A maximum difference in height relative to the adjacent development and/or relative to the limits of the adjacent district (e.g. no more than one story or 15 feet taller than what the adjacent district allows)
 - Greater setbacks for height or stories above that allowed by the adjacent district
 - For larger multifamily buildings, architectural strategies to reduce the apparent massing of the building near smaller-scale development

Potential Impacts

- Improved architectural transitions and compatibility between development types
- Less conflict during approval processes

6. Consideration of modified parking standards for the C1-D zoning district.

Background

The Village’s parking standards have been in place for more than 20 years, and generally exceed what planners typically recommend for new development today. Current planning and development practices seek to provide enough parking while also avoiding the negative consequences of excess parking supply, such as inefficient land use, unattractive site design, and additional stormwater runoff. The Plan Commission currently has the authority to grant parking exceptions and as a practice for larger projects has used a reduced parking standard for the downtown area, citing various reasons (see, for example, the Zoning Administrator’s comments supporting one such decision in Attachment D). Ordinance changes could reduce the number of exceptions granted and improve consistency with practices in nearby communities.

Current ordinance language

Current parking standards are described in Sec. 133-995 – Parking Requirements. The full list is available online¹, and a sample follows:

<i>Use</i>	<i>Minimum Parking Required</i>
<i>Dwellings: Multifamily</i>	<i>2.0 stalls for each dwelling unit</i>
<i>Dwellings: Elderly housing</i>	<i>1.2 stall for each dwelling unit</i>
<i>Retirement homes, nursing homes, convents, monasteries</i>	<i>1 stall per resident</i>
<i>Restaurants, bars, clubs and lodges, places of entertainment</i>	<i>1 stall for each 200 square feet of floor area used for customer seating or 1 stall for every 3 seats available for customers, whichever is greater</i>
<i>Retail business and commercial services</i>	<i>1 stall per 200 square feet of floor area used for customer sales or service</i>
<i>Office buildings and professional offices</i>	<i>1 parking space per 300 square feet of floor area</i>
<i>Manufacturing and process plants (including meat and food processing), laboratories, and warehouses</i>	<i>1 stall per 1,000 square feet of floor area</i>
<i>Day care centers and other similar facilities for children or adults</i>	<i>1 stall per employee during the maximum shift, plus 1 stall per 10 students or persons licensed to attend</i>

¹ https://library.municode.com/wi/waunakee/codes/code_of_ordinances (search “parking” or “133-995”)

Comprehensive Plan

The Comprehensive Plan does not directly address the amount of parking that is required, instead simply directing compliance with Village ordinance. For example, this language:

Commercial Land Use section, Page 75: *8. Commercial developments must meet all signage and parking requirements of the Village Zoning Ordinance, unless granted waiver or variance as afforded by the Village Ordinance.*

However, the Plan addresses the desire for more efficient parking here:

Economic Prosperity, Page 45: *2.4. Encourage shared-use of parking facilities between uses with complementary peak use periods.*

Also addressed is the design and location of parking, which would be easier to satisfy if less parking is required:

Central Business District/Historic Downtown Planning Area, Page 78: *c. Require parking to be located in the rear or side yards, preserving lawn in the front yards.*

And also on Page 81: *Parking*

- *Parking is discouraged in front yard setback areas.*
- *Rear lot parking should be used. Parking adjacent to Main Street or other streets should be screened.*

Possible Ordinance Changes

- Review and revise the standards to require less parking, with comparison to nearby communities
- Consider various strategies to use land for parking more efficiently, for example:
 - Shared parking between complementary uses
 - Credit for adjacent, on-street parking
 - Credit for proximity to public off-street parking

Potential Impacts

- Better site design
- Lower cost of development
- Greater risk of parking scarcity during peak demand periods or events

7. There may be additional items that are a result of discussions over the next few weeks.

As the Village Plan Commission and staff work through these changes to the zoning code, we anticipate there will be additional changes proposed to our zoning ordinances.