



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0540

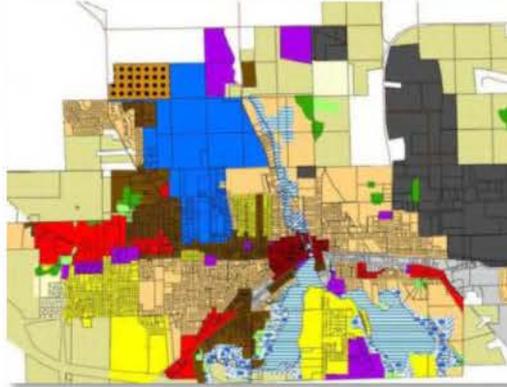
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ZONING REWRITE MEETING  
Joint City Council and Plan Commission Workshop  
Agenda

City of Whitewater Municipal Building  
Community Room  
312 W. Whitewater St., Whitewater, Wisconsin  
June 11th, 2012  
6:00 p.m.

1. Introduction
2. Overview of the project – scope and schedule
3. Review of items discussed at the Zoning Steering Committee meetings
4. Public comments
5. Discussion and direction from the City Council and Plan Commission

Anyone requiring special arrangements is asked to call the Neighborhood Service Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items, but unable to attend the meeting are asked to send their comments to Latisha Birkeland, 312 W. Whitewater Street, Whitewater, WI, 53190 or [lbirkeland@whitewater-wi.gov](mailto:lbirkeland@whitewater-wi.gov).



# Contract Scope

## **Public Participation Plan**

1. Public participation – ONGOING
2. Website information – ONGOING

## **Project Orientation**

1. Staff meeting – COMPLETE
2. Steering committee meeting – COMPLETE

## **Issue Identification**

1. Analysis of issues – COMPLETE
2. Stakeholder interviews – COMPLETE
3. Written summary of key issues – COMPLETE (spreadsheet)
4. Steering committee meeting – COMPLETE

# Contract Scope

## **Zoning Code Audit and Analysis**

1. Annotated list of issues, options, approaches – COMPLETE (spreadsheet)
2. Summary of key issues – COMPLETE
3. Staff & steering committee meeting – COMPLETE
4. PC/Council meeting – TONIGHT

## **Annotated Zoning Code Outline**

1. Annotated code of issues, options, approaches – ONGOING, track changes
2. Concepts for maps and illustrations – ONGOING
3. Memorandum of approach – ONGOING
4. Staff meeting – COMPLETE
5. Steering committee meeting – COMPLETE
6. PC/Council meeting

# Contract Scope

## **Code Drafting, Review, Revisions (2)**

1. Draft code changes – ONGOING, track changes
2. Draft map changes – ONGOING
3. Design illustrations (if needed)
4. Testing focus groups (3)
5. Staff meetings (2)
6. Steering committee meetings (2)
7. PC/Council meeting (City staff conducts)

## **Public Hearing**

1. Draft code
2. Memorandum of process and changes
3. Plan Commission public hearing
4. Plan Commission consideration

# Contract Scope

## **Revision, Council, Adoption**

1. Final code
2. Common Council hearing
3. Common Council consideration

## **Implementation**

1. Presentation aids and illustrations
2. Digital materials
3. Web-based materials
4. Training workshop



# Stakeholder Interviews (1 ½ day)

The following bullets summarize comments made during the stakeholder interviews for the City of Whitewater's Zoning Update. The interviews were held November 9 and 10, 2011 and included a cross-section of public and private stakeholders in the community including: University of Wisconsin-Whitewater, Downtown Whitewater, Inc., banks/lenders, realtors and brokers, landlords, developers, and various neighborhood associations.

Individuals Interviewed included:

Mitch Simon

Chancellor Telfar

Frank Bartlett

James Caldwell

John Kachel

John Tincher

Bob Freiermuth

Matt Kuel

Ed Kowalski

Terry Larson

Mike Kachel

Tamara Brodnicki

Geoff Hale

Chris Grady

Kim Adams

About 20 residents from various neighborhoods:

(Historic Starin Park Neighborhood Association, Parkcrest Neighborhood Association, south of campus)

# Stakeholder Interviews (1 ½ day)

## University Housing

- On campus impact on off campus housing
- Concern about conversions of single family units to rental units immediately east of campus
- Some support to focus student housing south and west of campus
- Maintenance and enforcement issues remain a concern
- Discussion of R-2 zoning allowing one unrelated individual per bedroom (not added bedrooms)
- Some support for higher density housing immediately west of campus
- Density of R-3 should be better defined, including parking
- If permitted density is followed, conditional use should not be required
- Current property owners should be protected
- Zoning should accommodate the potential for growth, both student and non-student

## Non-University Housing

- Concern that housing in Whitewater is more expensive than adjacent communities
- City should explore incentives and funding for maintenance (non-zoning issue)
- Mixed opinion if there are enough options in the \$200,000 to \$400,000 range

# Stakeholder Interviews (1 ½ day)

## **Zoning Process – Review & Approval**

- Too much back and forth, makes it less competitive to develop in Whitewater compared to adjacent communities
- Regulations should be simplified
- More staff approvals should be explored
- Review conditional uses and what could be permitted
- Staff responses to submittals should allow time for applicant to respond prior to the PC meeting
- Overall process should be streamlined

## **Planned Community Development (PCD) District**

- Should not be used just to increase density
- Should be used for mixed-use projects or unusual circumstances

## **Downtown**

- Enough parking but not always evident where it's located (non-zoning issue)
- Review weekend and overnight parking policies
- Additional housing would provide options and continue to enhance downtown
- Signage review process should be reviewed, staff approvals in some cases

# Steering Committee Meetings

**October 26, 2011**

**December 7, 2011**

**February 1, 2012**

**May 9, 2012**

# Existing Zoning

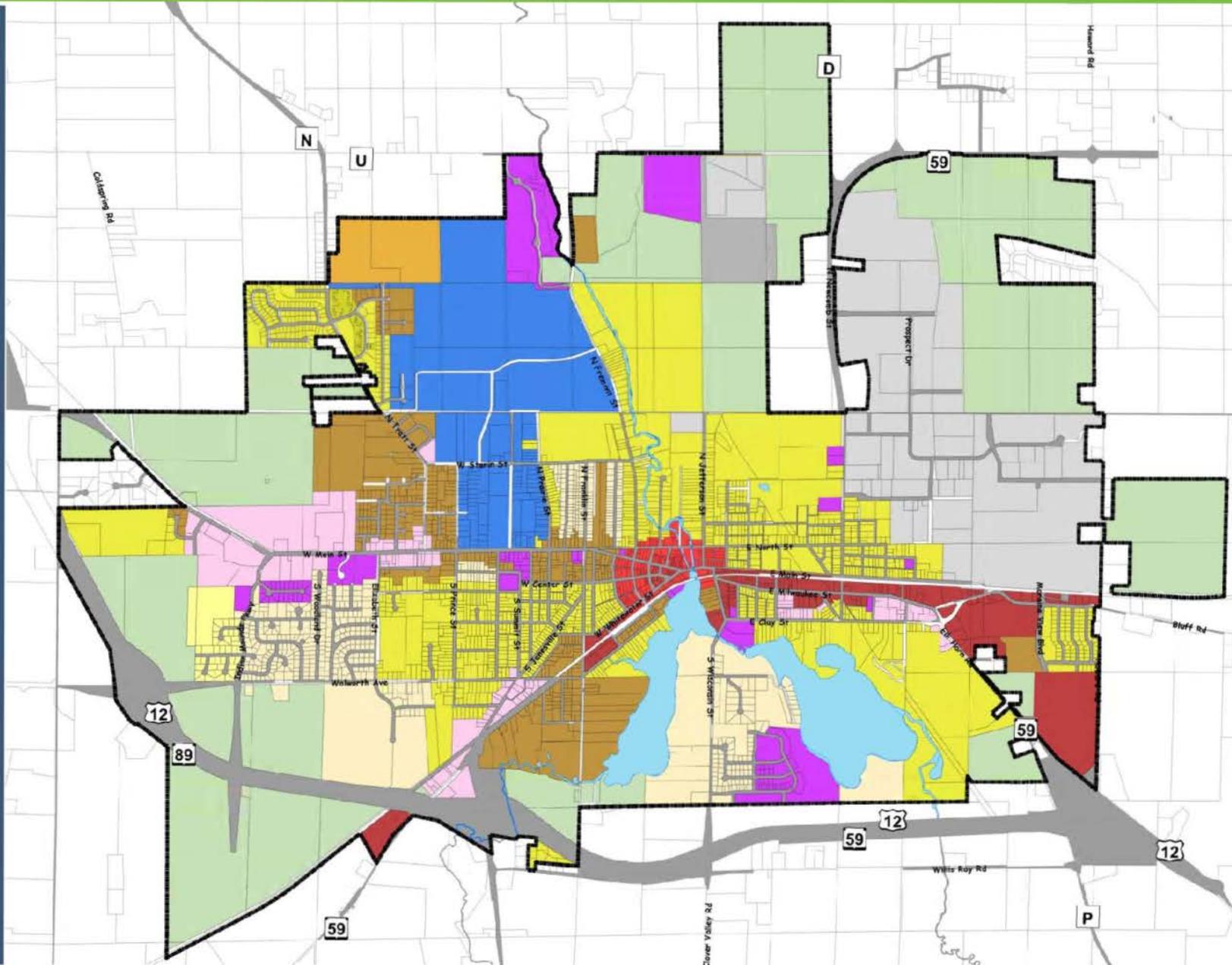
ZONING MAP  
EXISTING ZONING  
CITY OF WHITEWATER  
WISCONSIN

- AT
- B-1
- B-2
- B-3
- I
- M-1
- M-2
- PCD
- R-1
- R-1x
- R-2
- R-3
- R-4



1 in = 1,200 ft

GRAEF



# Zoning Issues based on input

## WHITEWATER ZONING UPDATE

Continued Discussion -- Remaining Issues

### MAJOR PRIORITIES

#### 1 University Housing and Neighborhood Preservation

##### Issues

- a) # of unrelated individuals in units in and adjacent to R-1
- b) Parking on-site, # of vehicles
- c) Conversions from single family to rental
- d) Enforcement of unrelated individuals and maintenance
- e) Where to locate new housing?
- f) Appropriate density

##### Potential Solutions

higher R-3 density, immediately south of Starin Neighborhood  
review R-3 - make use "permitted" when the permitted density is followed  
establish site planning and development criteria for developments over 4 units  
university neighborhood overlay district for multi-family/mixed-use areas  
R-2 regulate unrelated individuals by number of original bedrooms, south of campus  
reduce parking requirements for R-3

##### Relevant Zoning Sections

- 19.48 I - Institutional
- 19.15 R-1 One-Family Residence
- 19.18 R-2 One and Two-Family
- 19.21 R-3 Multifamily Residence
- 19.25 R-O Non-family Residential Overlay

#### 2 Review Process & Approval

##### Issues

- a) Review and approval of signage
- b) Review process is confusing, lot of back and forth
- c) Review and approval of site layout
- d) Fairness
- e) Efficiency

##### Potential Solutions

certain submittals, staff only review & approval  
use a checklist of criteria for pre-submittal meetings  
streamline review, limit trips to Plan Commission  
require pre-meeting with staff to review concept before submittal

##### Relevant Zoning Sections

- 19.54 Signage

#### 3 Neighborhood Districts

##### Issues

- a) Lot coverage/lot size/floor area ratio
- b) Number of units per building – limit in certain districts/areas
- c) Older houses may be considered non-conforming
- d) Increase housing choices near downtown

##### Potential Solutions

R-2 regulate unrelated individuals by number of original bedrooms, south of campus  
R-3 at E North and Fremont to provide an opportunity for new housing  
university neighborhood overlay district for multi-family/mixed-use areas

##### Relevant Zoning Sections

- 19.15 R-1 One-Family Residence
- 19.18 R-2 One and Two-Family
- 19.21 R-3 Multifamily Residence
- 19.25 R-O Non-family Residential Overlay

### SECONDARY PRIORITIES

#### 1 New Higher Value Housing

##### Issues

- a) Provide options for \$250,000 to \$400,000 range
- b) Desire for new housing construction

##### Potential Solutions

conservation district  
market available properties (not a zoning issue)

##### Relevant Zoning Sections

- NEW district (if needed)

#### 2 Planned Community Development District (PCD)

##### Issues

- a) Do not use PCD only to increase density
- b) Simplify review and approval
- c) Use for odd shaped lots and mixed use proposals
- d) provide incentives as part of negotiations

##### Potential Solutions

clarify purpose  
require pre-meeting with staff to review concept before submittal  
provide incentives for increased density, e.g.) more open space

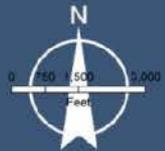
##### Relevant Zoning Sections

- 19.39 PCD - Planned Community Deve.

# Zoning: Proposed District Changes

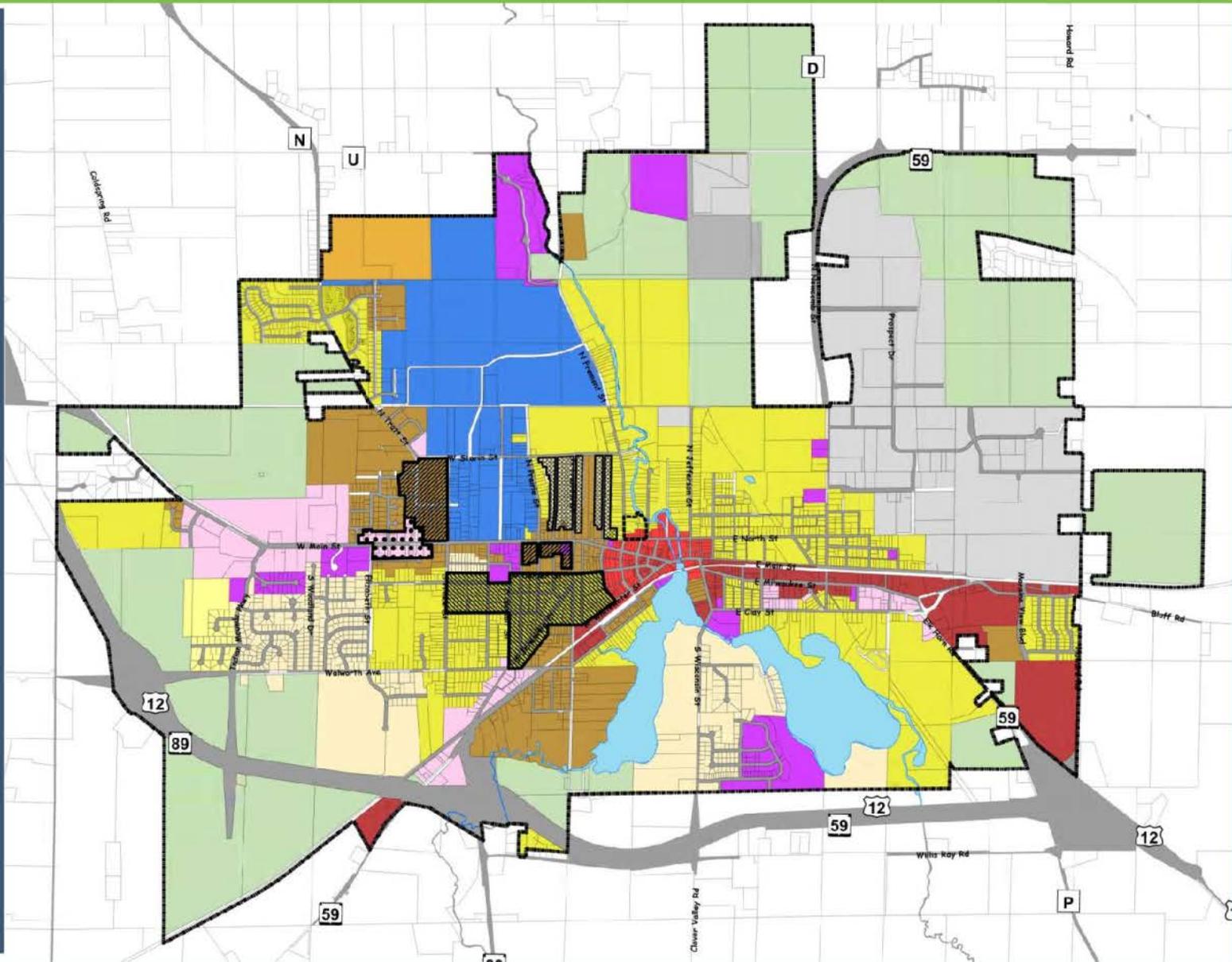
## ZONING MAP PROPOSED AMENDMENTS

CITY OF WHITEWATER  
WISCONSIN

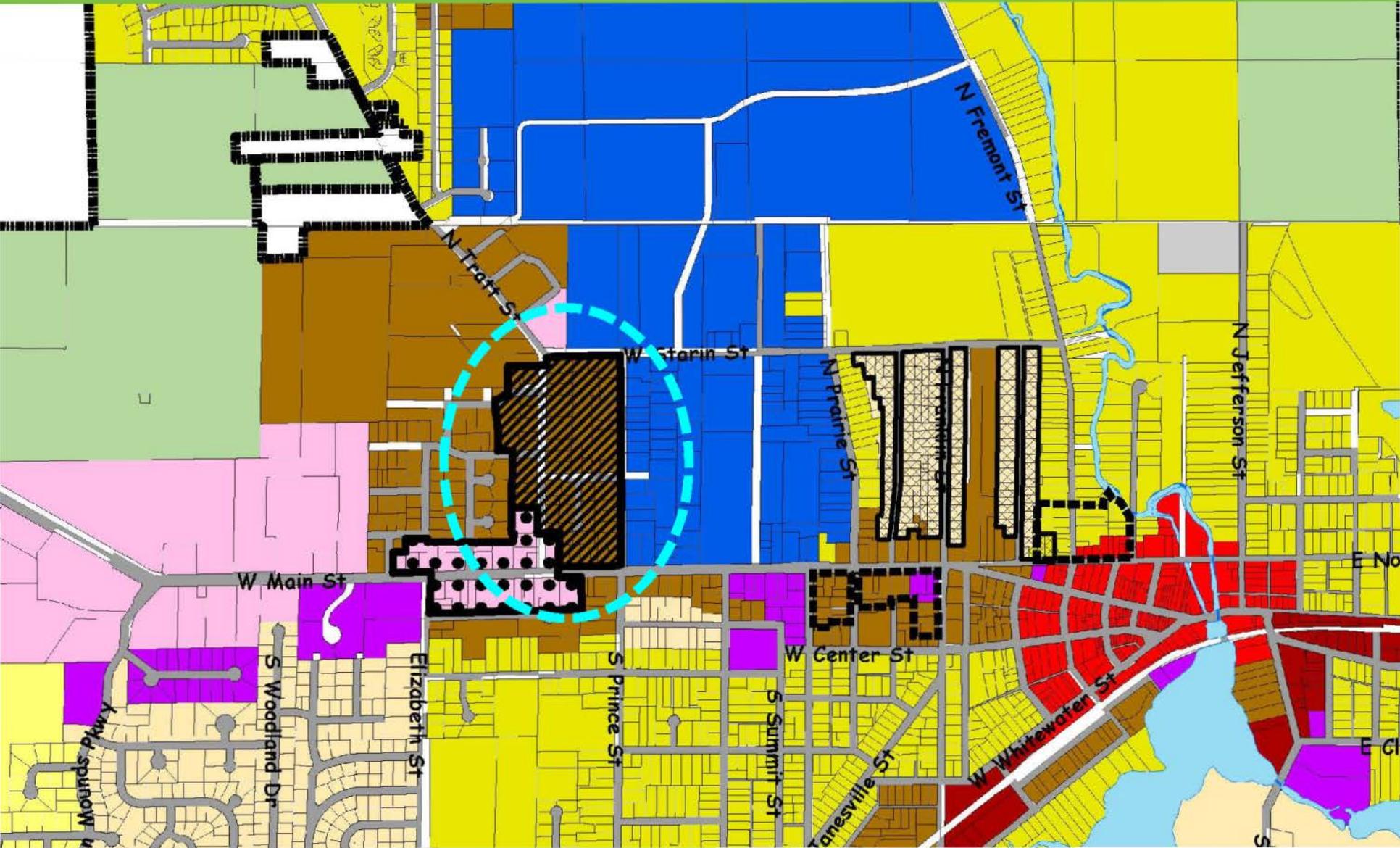


1 in = 1,200 ft

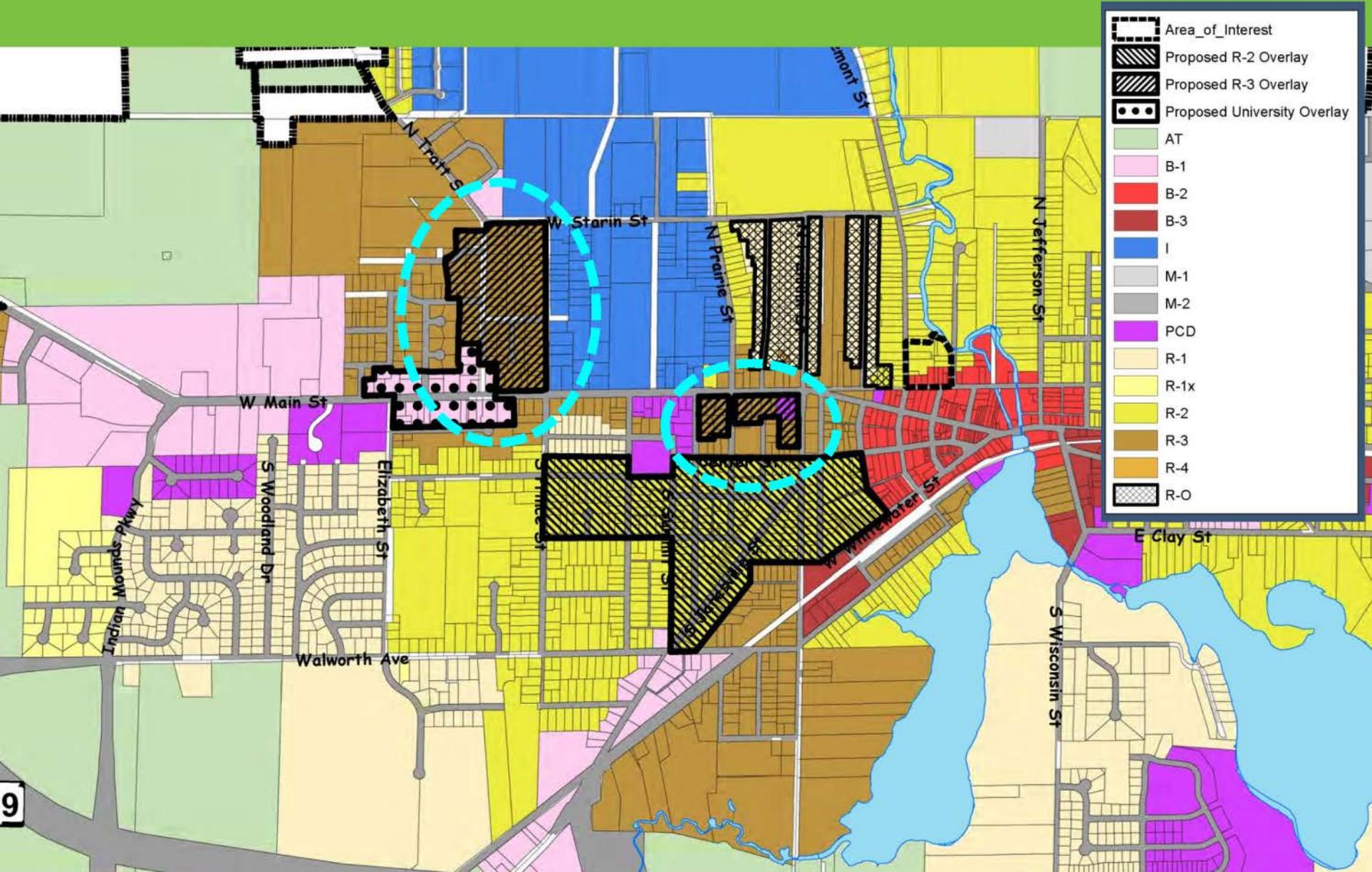
GRAEF



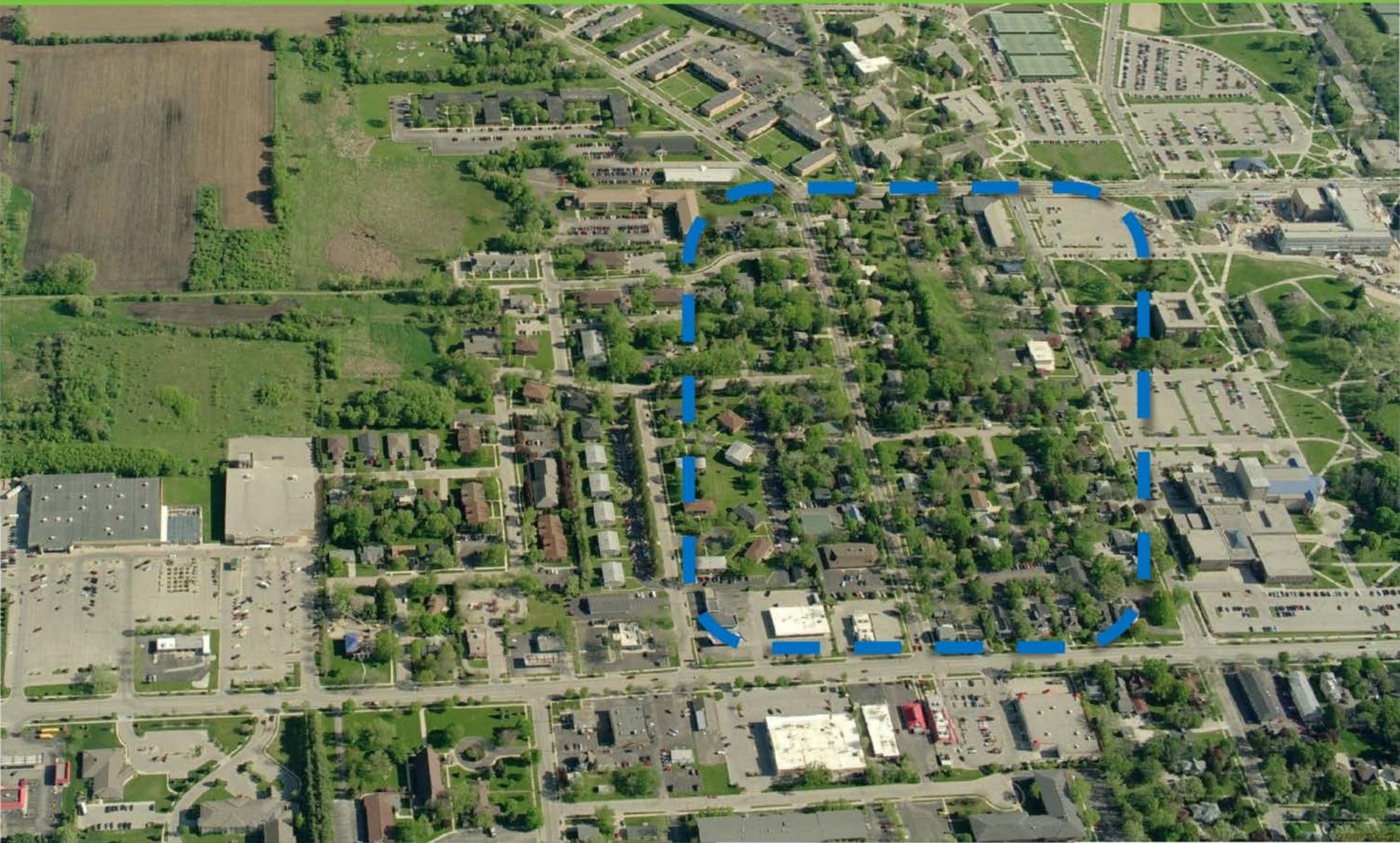
# R-5: Increased Housing Density (previous option)



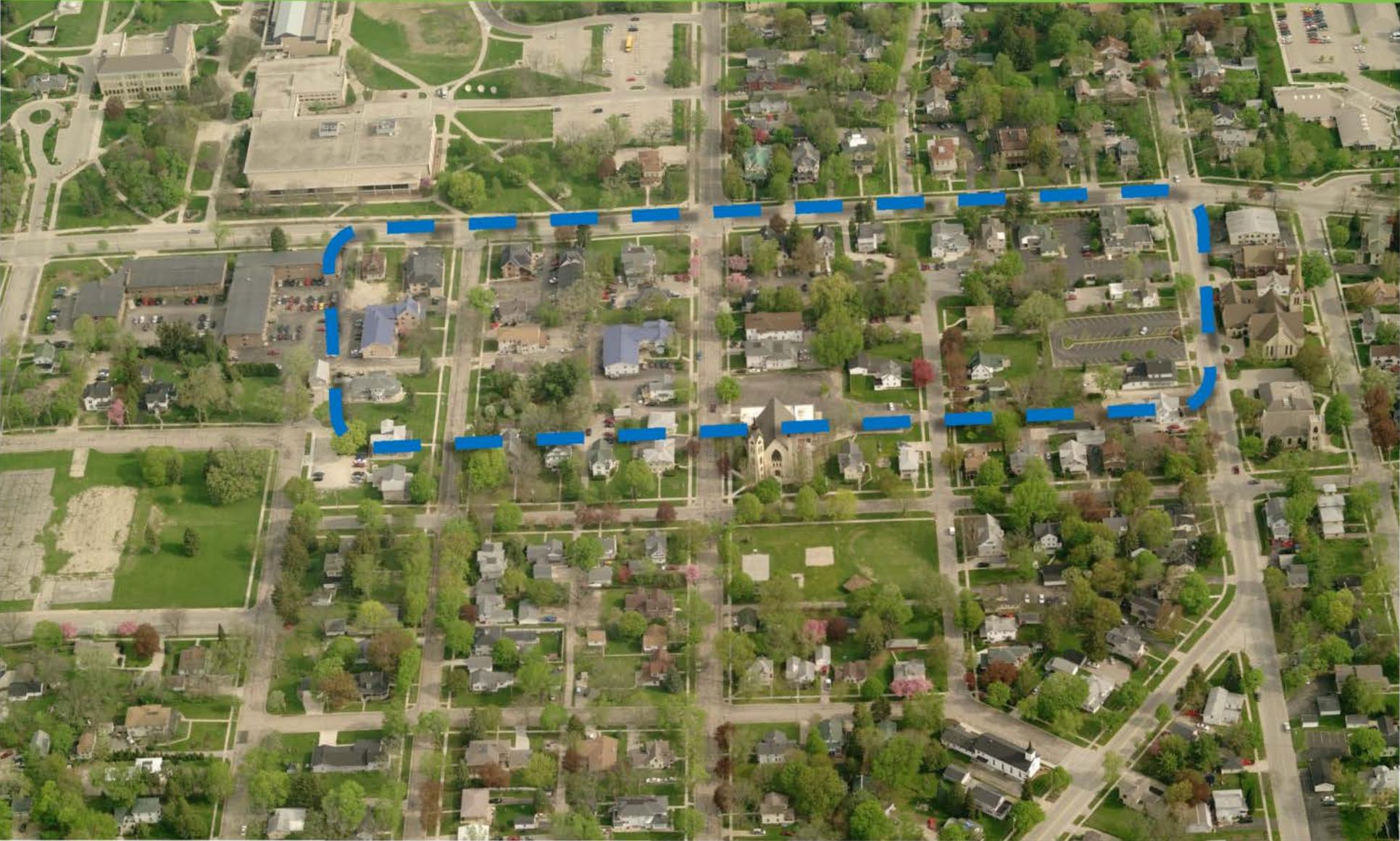
# R-3: Overlay – Increased Housing Density



# R-3: Overlay – Higher Density Housing



# R-3: Overlay – Higher Density Housing



# Proposed R-3 Overlay District

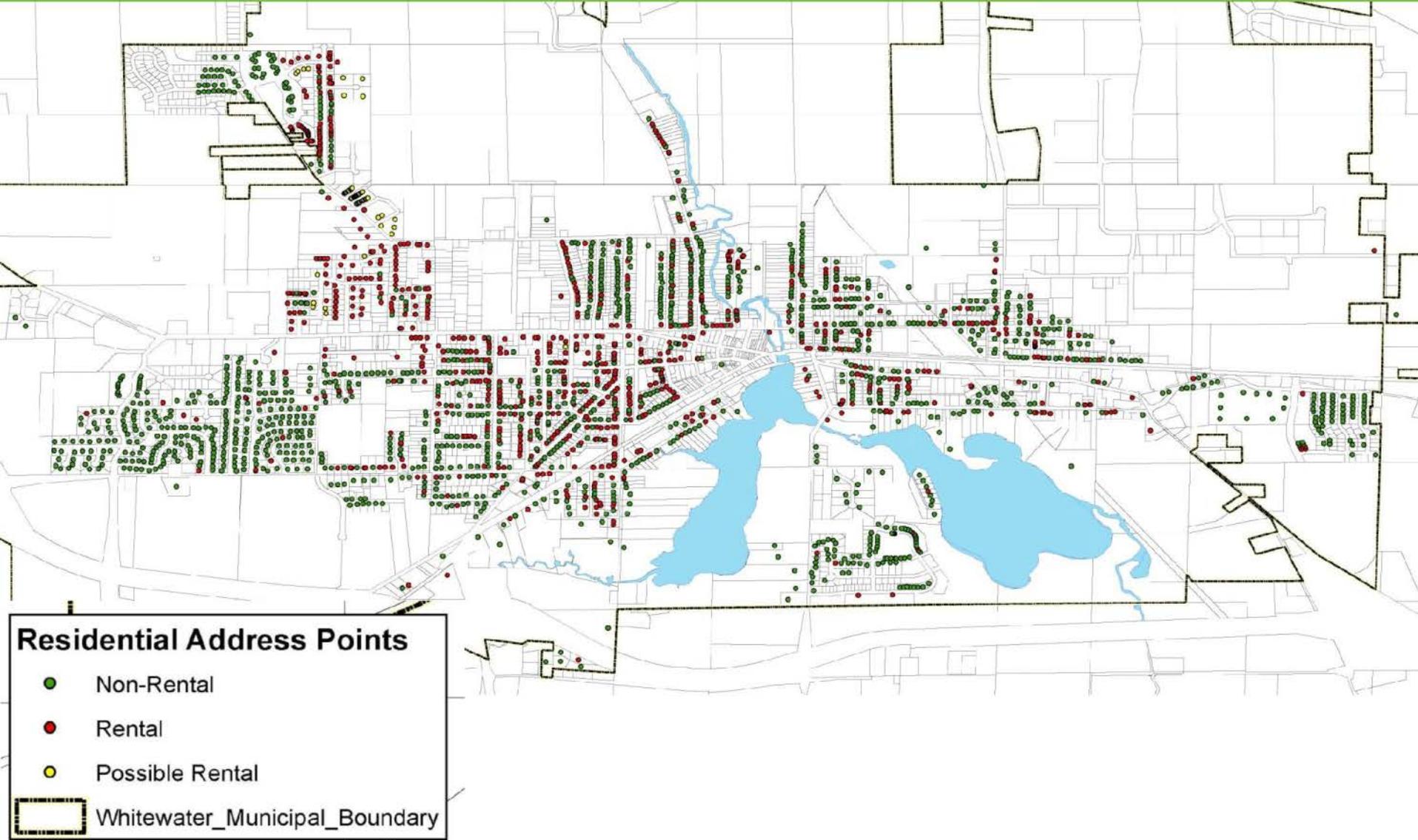
## 19.21.020 Permitted uses.

Permitted uses in the R-3 district include:

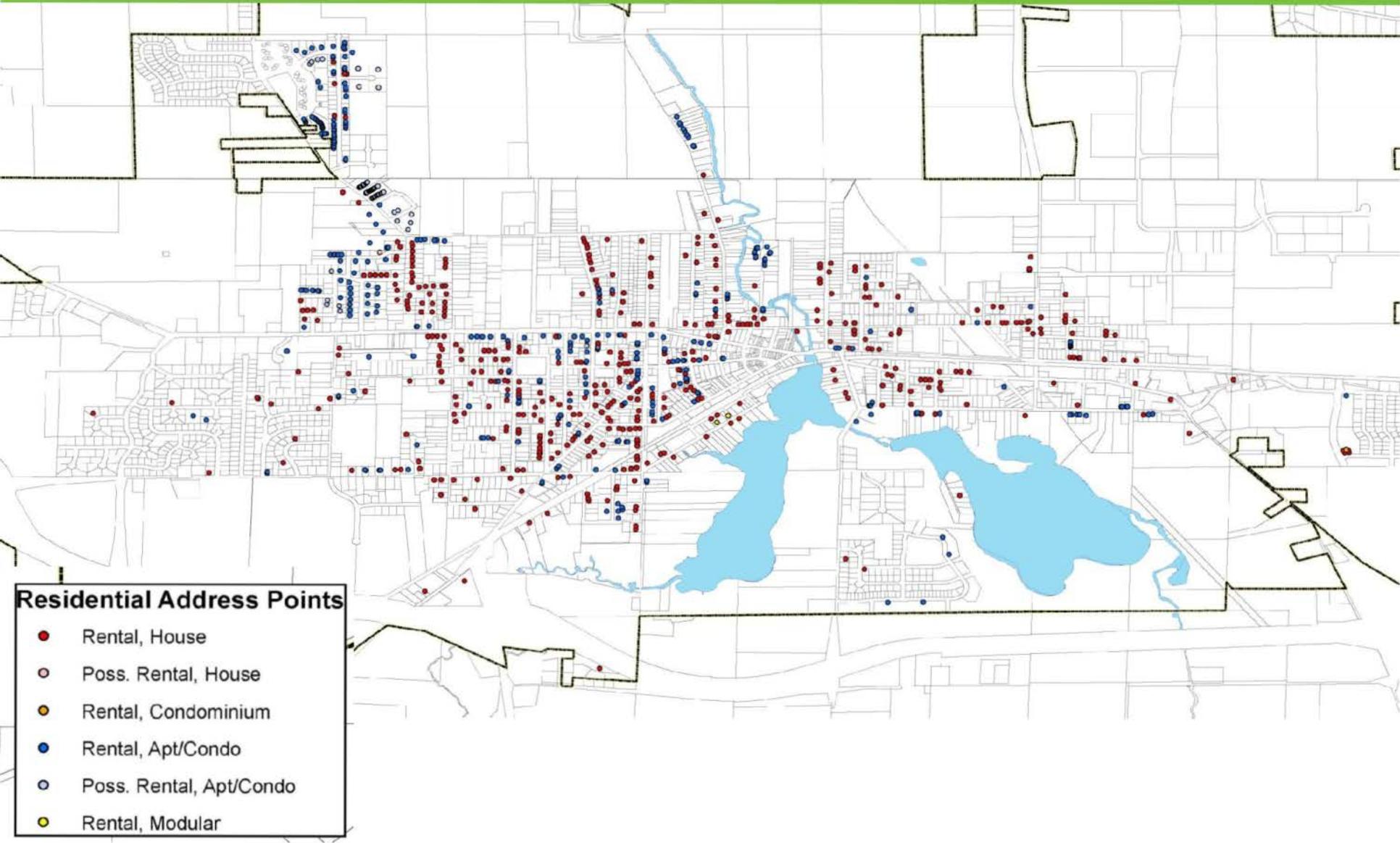
- A. One-family detached dwellings;
- B. Two-family attached dwellings (new construction);
- C. Attached dwellings, up to four (**EIGHT**) units per building. Minimum lot area requirements for such uses shall be regulated by Chapter 19.21. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;
- D. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55.

(Ord. 1499 § 8, 2001; 1174 § 4A, 1990; Ord. 1149 § 3, 1988; Ord. 994 § 3.8(A), 1982).

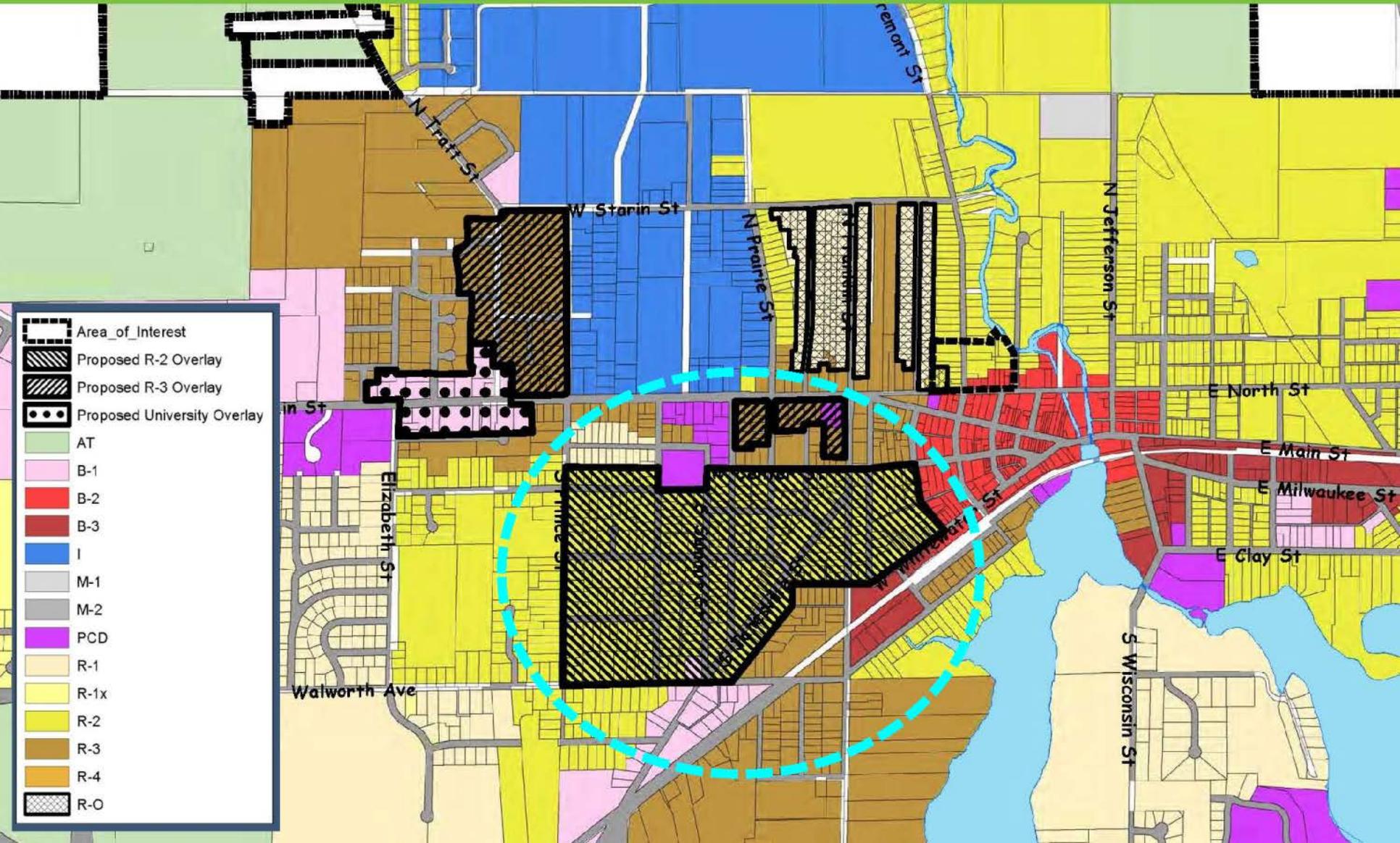
# Rental & Ownership



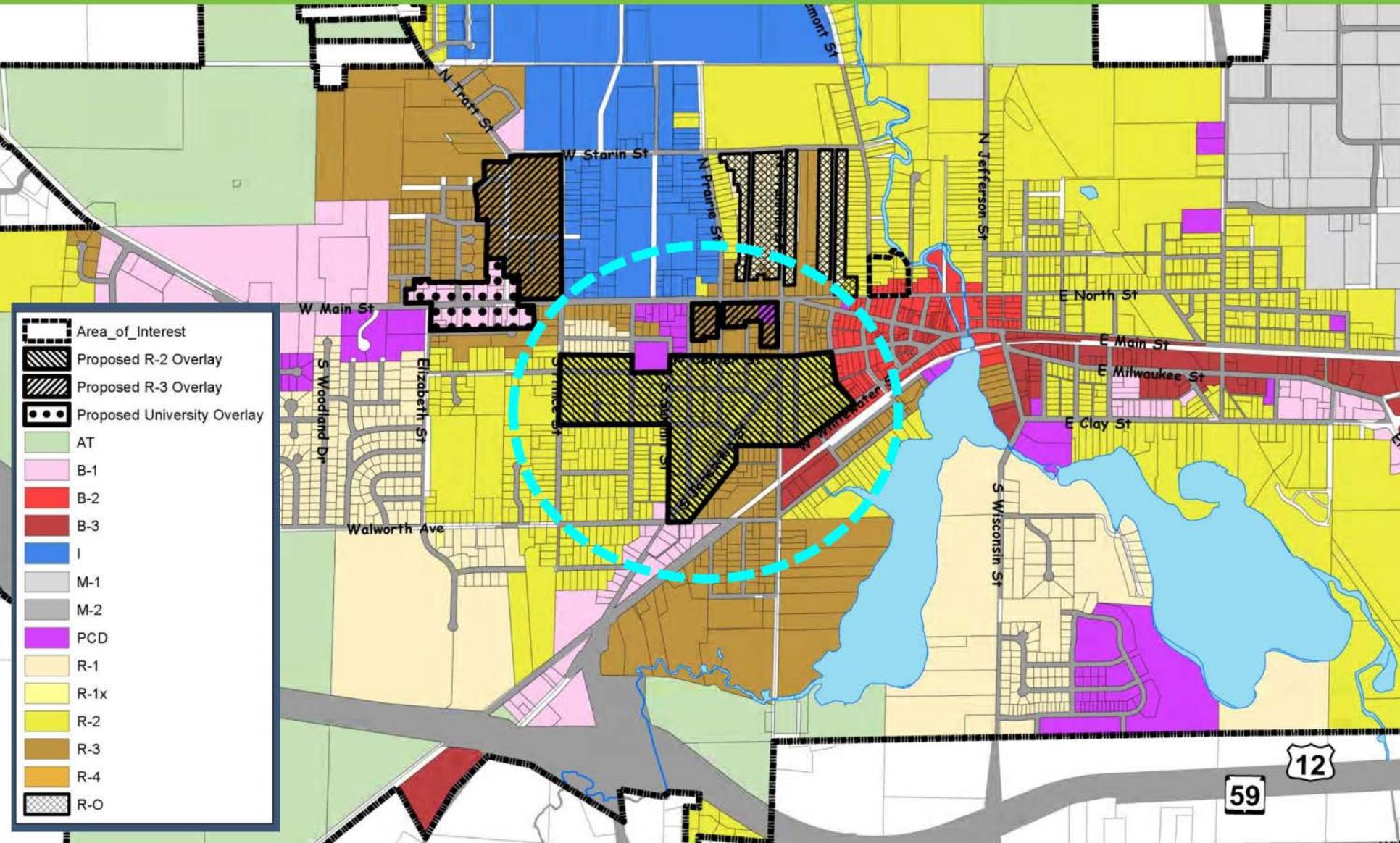
# Rental & Ownership BY BUILDING TYPE



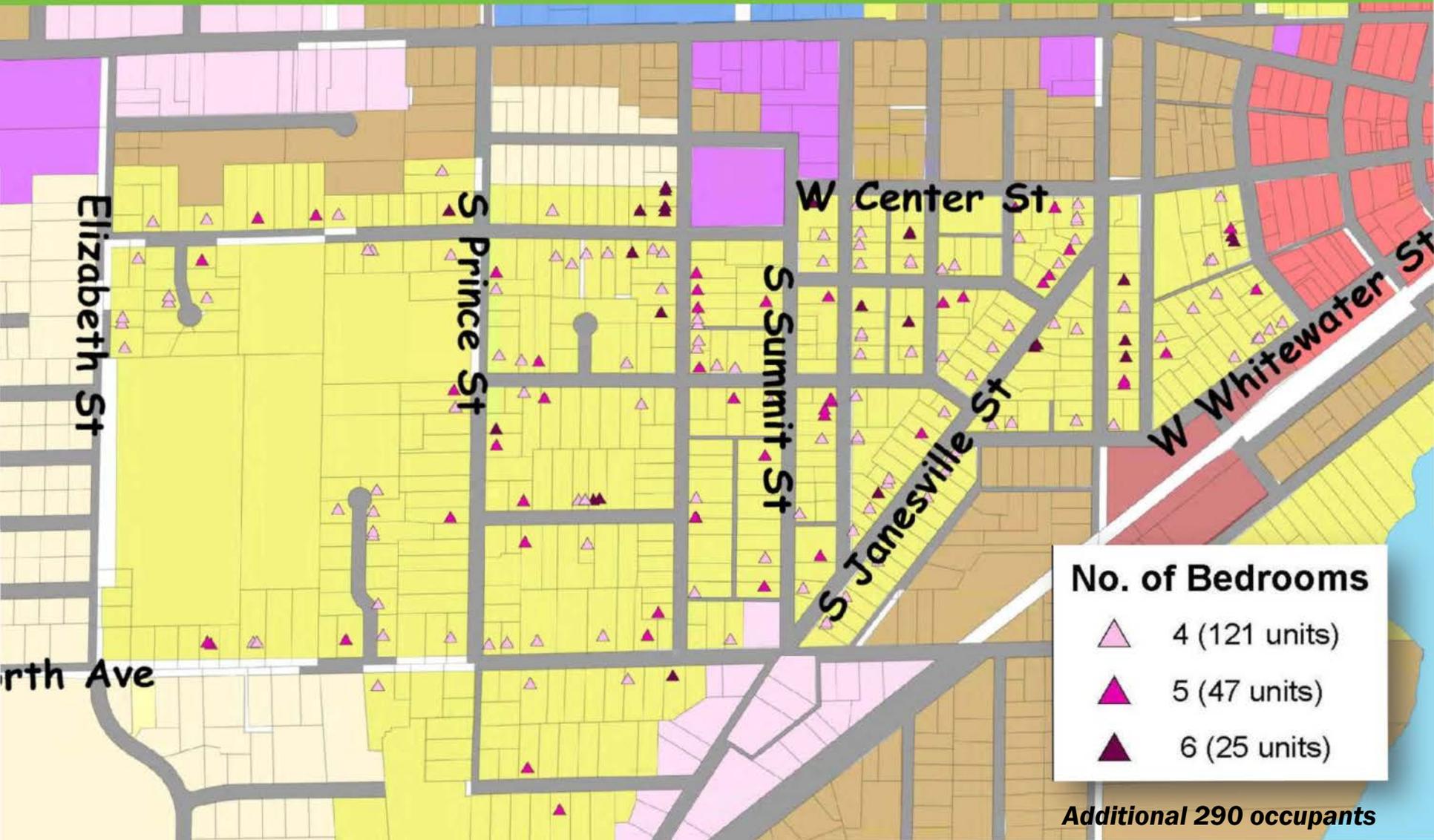
# R-2: Overlay – Occupancy based on number of original bedrooms in the housing unit (previous option)



# R-2: Overlay – Occupancy based on number of original bedrooms in the housing unit



# R-2: Overlay – Occupancy based on number of original bedrooms in the housing unit



# R-2: Overlay – Occupancy based on number of original bedrooms in the housing unit

## DEFINITIONS

19.09.520 Non-family household.

"Non-family household" means a group of individuals who do not constitute a family under the terms of this title and who live as a single household in a dwelling unit. Within the R-1 and R-2 districts, a non-family household shall be limited to three unrelated persons. (**Within the R-2 Overlay district, the number of occupants shall be limited to the number of original bedrooms, and approved through a conditional use.**) Within the R-3 district, a non-family household shall be limited to five unrelated persons. This section is meant to ensure the right of quiet enjoyment of each property owner, or resident of their home. The constant or consistent presence of visitors to a particular residence can constitute the equivalent of additional persons living there, for land use purposes, regardless if they are listed as residents on a lease or deed, if the "quiet enjoyment" of others' property rights is affected. For the purposes of this section, quiet enjoyment shall mean actions by occupants or visitors which unreasonably disturb other property owners' or occupants' enjoyment of their premises.

(Ord. 994 § 12.0(part), 1982).

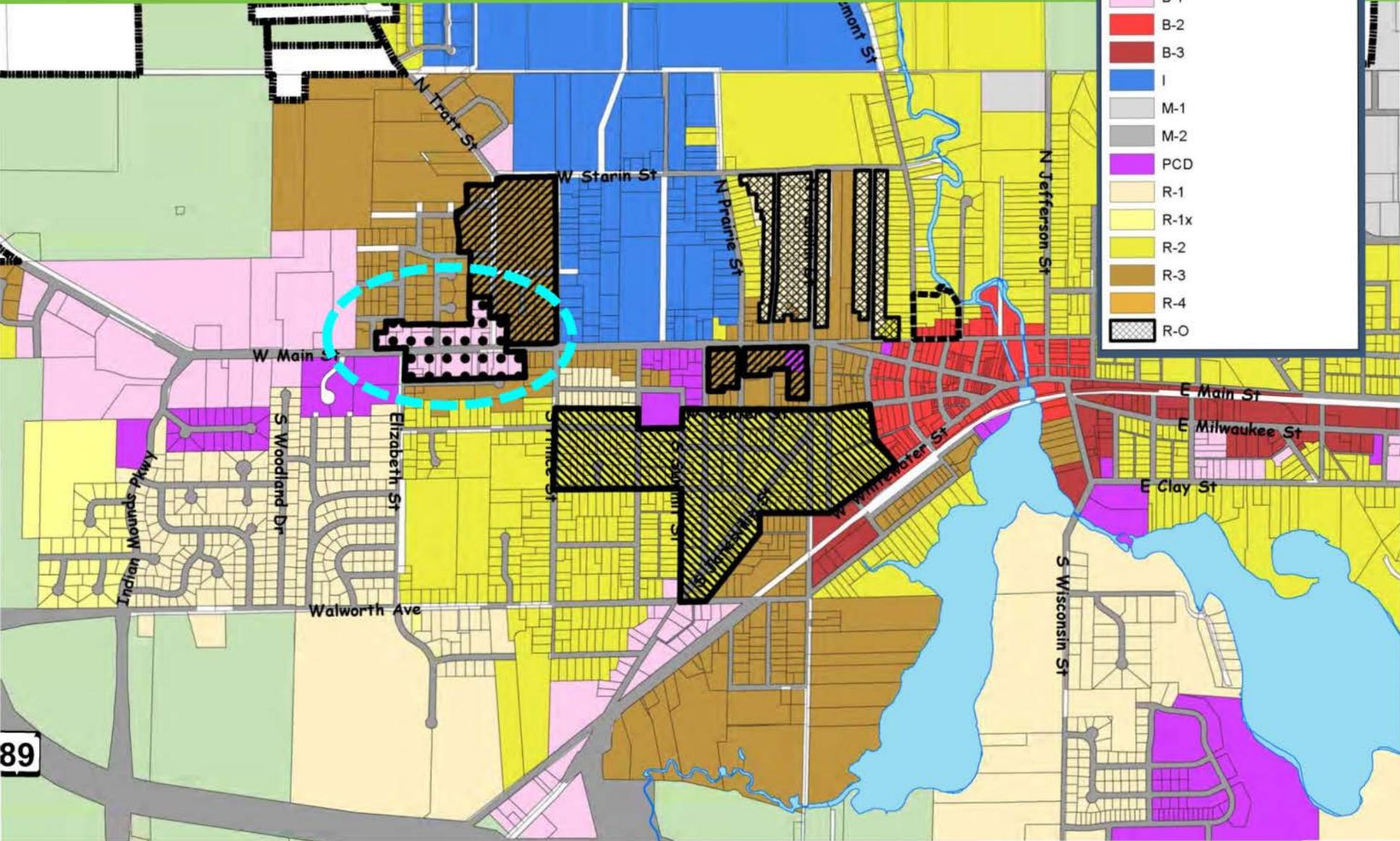
(Ord. No. 1689A, 6-17-2008; Ord. No. 1694A, 8-5-2008)

# R-2: Overlay – Occupancy based on number of original bedrooms in the housing unit

## CONDITIONAL USE CONDITIONS:

- 1. Original Bedroom** – Any space in the conditioned area of the original structure, per a building permit at the time of construction, which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room; dining room; family room; laundry room. City staff may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted.
- 2. Parking** – Permitted off-street parking shall be reviewed and approved by City staff. The permitted number of off-street parking spaces may be less than the number of bedrooms in the unit when there are more than three bedrooms.
- 3. Annual review of complaints** – The City may review any complaints received on units with more than three (3) bedrooms and determine compliance with the conditional use permit. The City will follow their policies for enforcement throughout the year and in review of complaints.

# University Neighborhood Overlay



# University Neighborhood Overlay



# University Neighborhood Overlay

## **BASED ON: 19.27 B-1 COMMUNITY BUSINESS DISTRICT**

Purpose.

The University Neighborhood Overlay district is established to accommodate a mixed-use, retail shopping, and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to the university, existing residential areas, and major traffic routes. High quality site layout, building design, and landscaping is required.

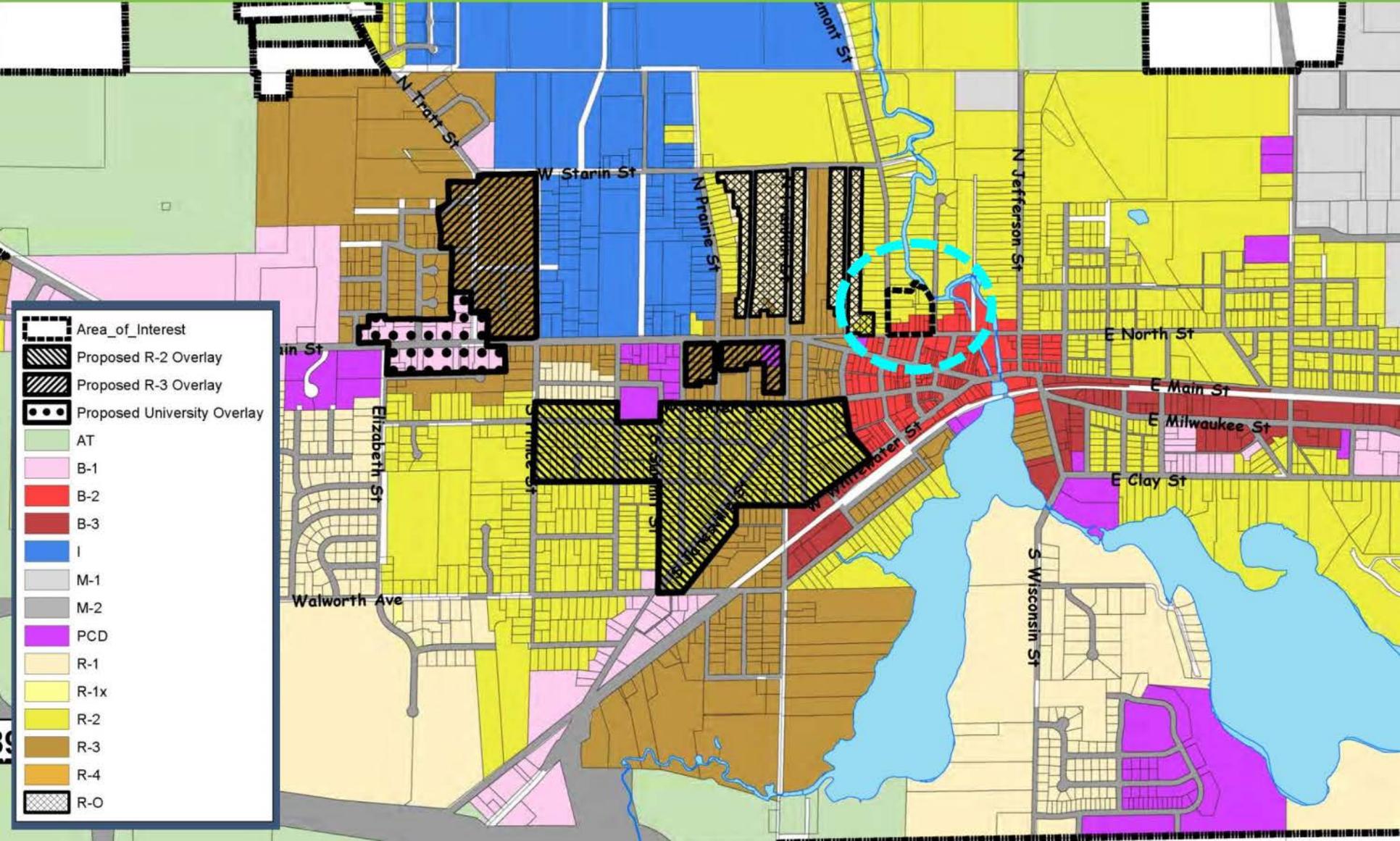
Include the following for **Permitted Uses**:

- A. Permitted Uses in the B-1 District
- B. Attached dwellings, up to eight units per building. Minimum lot area requirements for such uses shall be regulated by Chapter 19.21. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;

Include the following for **Conditional Uses**:

- A. Conditional Uses in the B-1 District
- B. Multifamily dwellings and attached dwellings, over eight units, new construction only;

# Downtown – housing options



# Downtown – housing options



# Downtown – housing options



# Downtown – housing options

## **Purpose.**

Provide housing options adjacent to the downtown area that compliment the historic downtown, while providing new construction within walking distance to the river, park system, and retail area.

## **Housing options** could include:

Owner-occupied condominiums

High end apartments

Detached condominiums



# Review of Conditional Use Permits

## **R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT**

- A. Attached (townhouse and condominium) dwellings, up to four units per building; minimum lot area requirements for such uses shall be regulated by Chapter 19.21;
- B. Two-family attached dwellings (new construction only);

## **R-3 MULTIFAMILY RESIDENCE DISTRICT**

- B. Multifamily dwellings and attached dwellings, over four (EIGHT) units, new construction only;
- E. Any building over three stories or forty feet;

## **B-1 COMMUNITY BUSINESS DISTRICT**

- H. Taverns and other places selling alcoholic beverages by the drink;
- I. New residential uses meeting the standards of the R-3 district, when mixed with commercial uses in a unified project;

## **B-2 CENTRAL BUSINESS DISTRICT**

- C. Taverns and other places selling alcoholic beverages by the drink, including expansion of existing uses;

# Steering Committee Meeting, May 9th

- **Revised meeting format and location**
- **No map changes discussed**
- **City staff overview of enforcement and review process changes**
- **Track changes of permitted, conditional use, and definition changes**

# Code Enforcement

## **Police Department and Neighborhood Services Department collaboration**

- **NSO/CSO position**
- **Consistent 'Zone' enforcement**
- **Log book creation for code violations**
- **Policy established for over occupancy investigations**

# Process Changes

- **Form changes**
- **Establish requirements for application completeness**
- **Staff review and sign off procedure**
- **Communication with applicant**

# Identify number of unrelated persons permitted (Included in R-1, R-2, R-3)

## 23 Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT

### 24 Sections:

- 25 [19.15.010 Purpose.](#)
- 26 [19.15.020 Permitted uses.](#)
- 27 [19.15.030 Conditional uses.](#)
- 28 [19.15.040 Lot area.](#)
- 29 [19.15.050 Lot width.](#)
- 30 [19.15.060 Yards.](#)
- 31 [19.15.070 Coverage.](#)
- 32 [19.15.080 Building height.](#)
- 33 [19.15.090 Park fees.](#)

34

### 35 **19.15.010 Purpose.**

36 The R-1 one-family residence district is established to stabilize and protect the essential characteristics  
37 of low-density residential areas. [A non-family household in R-1 shall be limited to three unrelated  
38 persons.](#)

39 [\(Ord. 994 § 3.6\(part\), 1982\).](#)

40

### 41 **19.15.020 Permitted uses.**

42 Permitted uses in the R-1 district include:

43 A. One-family detached dwellings;

44 B. The second or greater wireless telecommunications facility located on an alternative support  
45 structure already supporting a wireless telecommunications facility or on a pre-existing wireless  
46 telecommunications facility, with wireless telecommunications support facilities allowed as permitted  
47 accessory uses, all per the requirements of Chapter 19.55.

48 [\(Ord. 1499 § 4, 2001; 1149 § 1, 1988; Ord. 994 § 3.6\(A\), 1982\).](#)

..

# Proposed R-2 Code Changes

## (Home occupation changes also for R-3)

122 | B. Attached (townhouse and condominium) dwellings, up to four units per building; minimum lot area  
123 | requirements for such uses shall be regulated by Chapter 19.21;

124 | C. Two-family attached dwellings;

125 | D. Home occupations/professional home offices for non-retail (goods and services for businesses that  
126 | do not require customer access);

127 | E. The second or greater wireless telecommunications facility located on an alternative support  
128 | structure already supporting a wireless telecommunications facility or on a pre-existing wireless  
129 | telecommunications facility, with wireless telecommunications support facilities allowed as permitted  
130 | accessory uses, all per the requirements of Chapter 19.55.

131 | (Ord. 1499 § 6, 2001; Ord. 1174 § 3(A), 1990; Ord. 1149 § 2, 1988; Ord. 994 § 3.7(A), 1982).

132

### 133 | **19.18.030 Conditional uses.**

134 | Conditional uses in the R-2 district include:

135 | A. Attached (townhouse and condominium) dwellings, more than~~up to~~ four units per building, up to  
136 | eight units per building; minimum lot area requirements for such uses shall be regulated by Chapter  
137 | 19.21;

138 | ~~B. Two family attached dwellings (new construction only);~~

139 | C. Planned residential developments (See Section 19.15.030);

140 | D. Public and semipublic uses;

141 | E. Retail goods and services (businesses requiring customer access) hHome occupations/professional  
142 | home offices, conditions for hours of operation and parking;

143 | F. The first wireless telecommunications facility located on an alternative support structure only, per  
144 | the requirements of Chapter 19.55;

145 | G. Real estate sales offices, subject to the following requirements:

146 | 1. May only be placed within a major subdivision with twenty or more lots or a multiple-family  
147 | residential development with forty or more dwelling units,

148 | 2. Shall occupy a maximum of one building within any major subdivision, or one unit within any  
149 | multiple-family residential development,

# Minimum Lot Size Requirements

2139 **19.21.040 Lot area.**

2140 A. Minimum lot area in the R-3 district is as follows:

2141 TABLE INSET:

2142

1. One-family	8,000 square feet;
2. Two-family	12,000 square feet;
3. Multifamily	15,000 square feet;

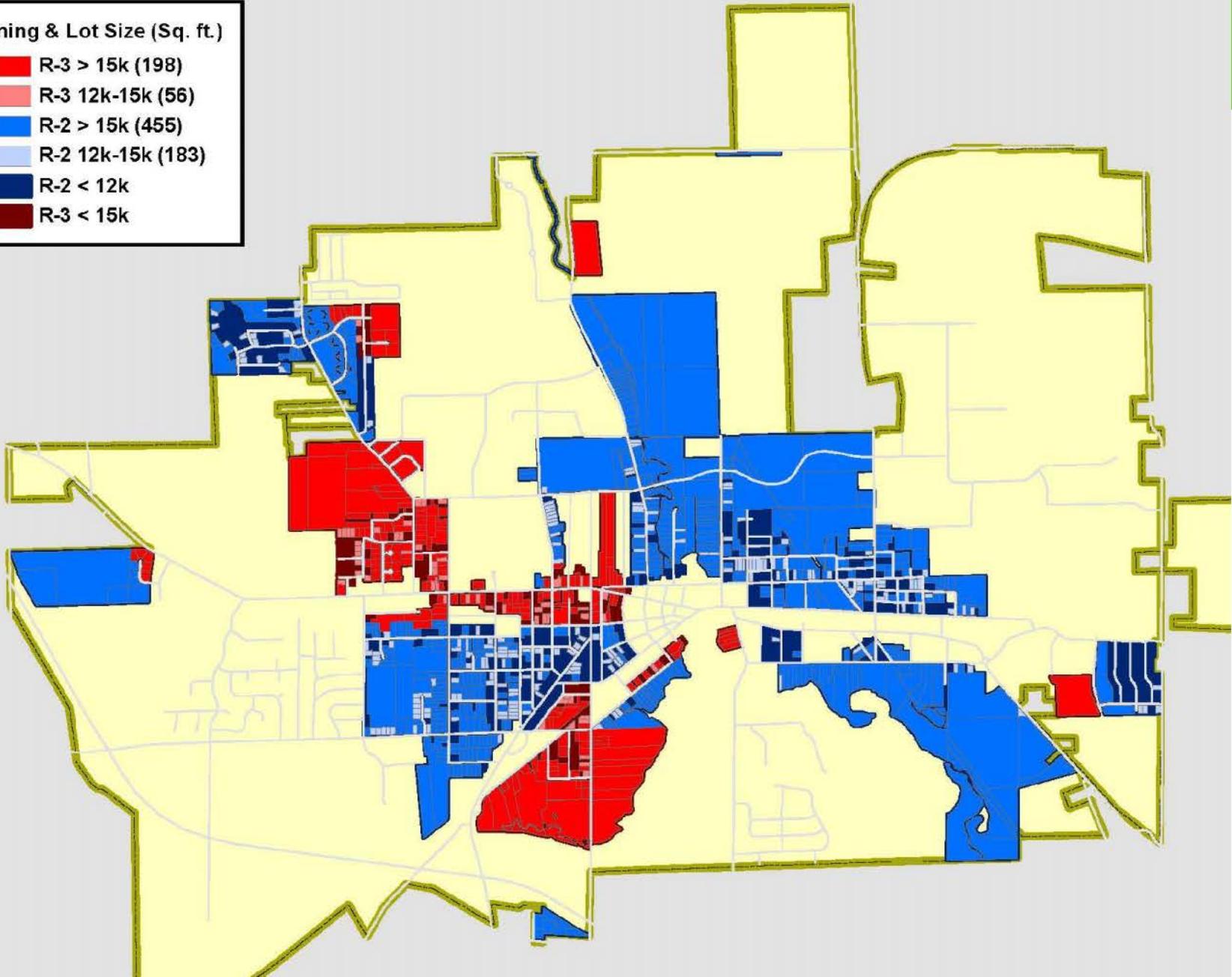
2143 Provided, however, that minimum parcel sizes for multifamily dwellings and group lodging facilities may  
2144 be increased if the following ratios indicate a larger parcel size.

2145 B. Ratios to determine minimum parcel size, (to be used if operation of the table indicates parcel size in  
2146 excess of twelve thousand square feet):

# Lot Sizes

## Zoning & Lot Size (Sq. ft.)

- R-3 > 15k (198)
- R-3 12k-15k (56)
- R-2 > 15k (455)
- R-2 12k-15k (183)
- R-2 < 12k
- R-3 < 15k



# Proposed R-3 Code Changes

169

## 170 **Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT**

### 171 Sections:

172 [19.21.010 Purpose.](#)

173 [19.21.020 Permitted uses.](#)

174 [19.21.030 Conditional uses.](#)

175 [19.21.040 Lot area.](#)

176 [19.21.050 Lot width.](#)

177 [19.21.060 Yard Requirements.](#)

178 [19.21.070 Lot coverage.](#)

179 [19.21.080 Building height.](#)

180 [19.21.090 Park fees.](#)

181

### 182 **19.21.010 Purpose.**

183 The R-3 multifamily residence district is established to provide high-density residential areas, and to  
184 allow mixing of certain compatible land uses. A non-family household in R-3 shall be limited to five  
185 unrelated persons.

186 (Ord. 994 § 3.8(part), 1982).

187

### 188 **19.21.020 Permitted uses.**

189 Permitted uses in the R-3 district include:

190 A. One-family detached dwellings;

191 B. Two-family attached dwellings (new construction);

192 C. Attached dwellings, up to ~~eight~~<sup>four</sup> units per building. Minimum lot area requirements for such uses  
193 shall be regulated by Chapter 19.21. "Attached dwelling" means a one-family dwelling attached to two  
194 or more one-family dwellings by common vertical walls;

195 D. Home occupations/professional home offices for non-retail (goods and services for businesses that  
196 do not require customer access);

197 ED. The second or greater wireless telecommunications facility located on an alternative support  
198 structure already supporting a wireless telecommunications facility or on a pre-existing wireless

# Proposed R-3 Code Changes

203 **19.21.030 Conditional uses.**

204 Conditional uses in the R-3 district include:

205 A. Professional business offices in a building where the principal use is residential;

206 B. Multifamily dwellings and attached dwellings, over ~~eight~~four units, new construction only;

207 C. Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar  
208 uses) located in a building where the principal use is residential and fronts on an arterial street;

209 (Conditional use approval under this provision shall be granted for a specified use. Any subsequent  
210 change in use or expansion shall require additional conditional use approval.)

211 D. Fraternity or sorority houses and group lodging facilities;

212 E. Any building over ~~three stories or~~ forty feet;

213 F. Planned residential developments (see Section 19.15.030);

214 G. Conversions of existing structures resulting in more than eight dwelling units;

215 H. Public and semipublic uses;

216 I. Retail goods and services (businesses requiring customer access) hHome occupations/professional  
217 home office, ~~in one and two family dwellings~~ conditions for hours of operation and parking;

# Proposed B-1 Code Change

372 **19.27.020 Permitted uses.**

373 Permitted uses in the B-1 district include:

405 FF. Tourist homes;

406 GG. Existing residences regulated by R-2 dimensional standards;

407 HH. [New residential uses meeting the standards of the R-3 district, when mixed with permitted uses in a](#)  
408 [unified project;](#)

409 IIHH. Any other similar uses not specifically listed above that are consistent with the purpose of this  
410 district;

# Proposed B-1 Code Changes

439 **19.27.030 Conditional uses.**

440 Conditional uses in the B-1 district include:

- 441 A. Entertainment establishments, including dancehalls and clubs;
- 442 B. All uses with drive-in and drive-through facilities;
- 443 C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service
- 444 within the principal building;
- 445 D. Automobile repair and service within the principal building;
- 446 E. Car washes;
- 447 F. Private recreation uses;
- 448 G. Public and semipublic uses;
- 449 H. Taverns and other places selling alcoholic beverages by the drink, the following conditions shall be
- 450 considered:
- 451 1. parking
- 452 2. type of business
- 453 3. signage
- 454 4. outdoor seating
- 455 5. provisions for avoiding noise and lighting nuisances
- 456 6. buffering and fencing;

457 I. New residential uses meeting the standards of the R-3 district, when mixed with

458 conditional~~commercial~~ uses in a unified project;

459 J. 1. Light assembly/retail uses such as:

- 460 a. Electronics,
- 461 b. Pottery,
- 462 c. Printing,

# Proposed B-2 Code Changes

561 **19.30.030 Conditional uses.**

562 Conditional uses in the B-2 district include:

563 A. Drive-in or drive-through type establishments;

564 B. Entertainment establishments, not including adult entertainment establishments;

565 C. Taverns and other places selling alcoholic beverages by the drink, including expansion of existing  
566 uses; the following conditions shall be considered:

567 1. parking

568 2. type of business

569 3. signage

570 4. outdoor seating

571 5. provisions for avoiding noise and lighting nuisances

572 6. buffering and fencing;

573 D. Liquor or tobacco stores;

574 E. Public and semipublic uses, except for parking;

575 F. Automotive servicing and repairs;

576 G. First floor residential uses are allowed as a conditional use; except as provided below:

577 First floor residential uses are prohibited in any building located in the area within the boundary of  
578 Whitewater Creek on the east (prohibited on west side of creek only), North Street on the north  
579 (prohibited on south side of street only), Fremont Street on the west (prohibited on east side of street  
580 only), Whitewater Street on the south (prohibited on north side of street only), and the portion of West  
581 Main Street from the intersection of Whitewater Street east to the Whitewater Creek (prohibited on  
582 north side of street only).

# Proposed B-2 Code Changes

604

605 | **19.30.040 ~~Development~~ Architectural design standards.**

606 | Within the B-2 district, there shall be no minimum required ordinance design and dimensional standards  
607 | or setbacks. This is being done to allow the most flexibility in the reuse and redevelopment of the  
608 | downtown. Because of the lack of predefined architectural design ~~ordinance-development~~ standards, all  
609 | proposed construction and remodeling activities requiring a zoning permit shall require the design  
610 | review and approval of the city plan and architectural review commission in compliance with Chapter  
611 | 19.63, Plan Review. Also within the B-2 district, all uses are exempted from the parking requirements of  
612 | Section 19.51.130, except if off-street parking is specifically required for a particular conditional use  
613 | under Section 19.30.030.

614 | (Ord. 1611A § 1(part), 2006).

615

# Proposed B-3 Code Changes

679 **19.33.030 Conditional uses.**

680 Conditional uses in the B-3 district include:

681 A. Taverns and other establishments selling alcoholic beverages by the drink; the following conditions  
682 shall be considered:

683 1. parking

684 2. type of business

685 3. signage

686 4. outdoor seating

687 5. provisions for avoiding noise and lighting nuisances

688 6. buffering and fencing;

689 B. All uses with drive-through facilities;

690 C. More than one principal structure on a lot;

691 D. New residential uses in conformance with the standards of the R-3 multifamily residence district;

692 E. Automobile repair and service within a principal or accessory building;

693 F. Automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental  
694 repair and service within a principal or accessory building;

695 G. Car washes;

696 H. Entertainment establishments, including dancehalls and clubs;

# Proposed PCD Code Changes

945

## 946 Chapter 19.39 ~~PCD~~PDD PLANNED ~~COMMUNITY~~ DEVELOPMENT DISTRICT\*

947 Sections:

948 [19.39.010 Purpose and intent.](#)

949 [19.39.020 Permitted uses.](#)

950 [19.39.030 Lot, building, yard and parking requirements.](#)

951 [19.39.040 Proposed developments--Criteria for approval.](#)

952 [19.39.050 Procedures for rezoning, general development plan, and specific implementation plan approval.](#)

953 [19.39.055 Design standards for traditional neighborhood developments \(PCD-TND\).](#)

954 [19.39.060 Modifications and changes.](#)

955 [19.39.070 Park fees.](#)

956 \* Prior Ordinance History: [Ords. 994, 1452, and 1481.](#)

957

### 958 **19.39.010 Purpose and intent.**

959 A. The planned ~~community~~—development (PDD) district is established to promote improved  
960 environmental design and innovative uses of land in the city. To this intent, this district allows variation  
961 in the relationship of uses, structures and open spaces in developments conceived and implemented as  
962 cohesive, unified projects.

963 B. The PDD District is intended to allow desirable innovative development activities that  
964 demonstrate cohesive site planning. This district is not intended solely to simply circumvent the intent of  
965 other zoning districts, or seek variance from other district regulations.

966 C. The following design principles are encouraged when developing a PD district. The principles reflect  
967 the character of a traditional neighborhood. The Traditional Neighborhood Development (TND) option  
968 of the PCD District is intended to promote the development and redevelopment of land consistent with  
969 the design principles of traditional neighborhoods. Lands developed under the traditional neighborhood  
970 option of the PCD District shall be labeled as PCD TND on the zoning map. Specifically, a traditional  
971 neighborhood development:

972 1. ~~Is~~Incorporates -compact design;

973 2. ~~Is~~ Designed for the human scale (sizes of buildings in proportion to sizes of people);

974 3. Provides a mix of uses, including residential, commercial, civic, and open space uses in close  
975 proximity to one another;

976 4. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and  
977 incomes;

# Proposed PCD Code Changes

986 **19.39.020 Permitted uses.**

987 | In the PCD District, any permitted or conditional use in any of the other districts in this title,  
988 | or mix of uses, may be permitted subject to the criteria listed below. ~~Within a PCD TND District, the~~ mix

21

989 | of permitted uses shall be further defined by Section 19.39.055(A). Any plans, uses, or requirements  
990 | approved by the city as part of a PCD general development plan or specific implementation plan  
991 | shall be construed to be and enforced as part of this title.

992 | (Ord. 1511 § 2(part), 2002).

993

994 **19.39.030 Lot, building, yard and parking requirements.**

995 | In the PCD District, there shall be no specified lot area, lot width, yard, height, parking or  
996 | open space requirements. Recommendations to be discussed are ~~Within a PCD TND District, the lot,~~  
997 | ~~building, yard, and parking requirements shall be further~~ defined by Sections 19.39.055(AB) through (G).  
998 | Any lot, building, yard, or parking requirements approved by the city as part of a PCD general  
999 | development plan or specific implementation plan shall be construed to be and enforced as part of this  
1000 | title.

1001 | (Ord. 1511 § 2(part), 2002).

# Proposed PCD Code Changes

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1003 **19.39.040 Proposed developments--Criteria for approval.**

1004 | As a basis for determining the acceptability of applications for rezoning to the **PCD** District,  
1005 the following criteria shall be applied to the proposed development:

1006 A. The proposed development shall be compatible with the physical nature of the site with particular  
1007 concern for preserving natural features, existing vegetation and topography.

1008 B. The proposed development shall be an asset to the community aesthetically. The buildings and uses  
1009 shall blend in with the surrounding neighborhood.

1010 C. The proposed development shall not create a traffic or parking demand incompatible with existing or  
1011 proposed facilities. The width and location of streets, other paving and lighting should be appropriate to  
1012 the uses proposed. In no case shall standards be less than those necessary to insure public safety as  
1013 determined by the city.

1014 D. The proposed development shall not place avoidable stress on the city's water supply, sanitary  
1015 sewer and storm water drainage systems.

1016 E. The proposed development shall make adequate provisions for the permanent preservation and  
1017 maintenance of open space.

1018 | ~~F. For a PCD TND development, the minimum zoning district area shall be five acres and the design  
1019 shall meet the requirements of Section 19.39.055.~~

1020 (Ord. 1511 § 2(part), 2002).

# Proposed PCD Code Changes

- 1105 | **19.39.055 Design standards ~~for traditional neighborhood developments (PCD-TND districts).~~**
- 1106 | ~~PCDPDD-TND~~ developments that meet the following design standards and any other applicable
- 1107 | ordinance provisions shall be entitled to approval or conditional approval:
- 1108 | A. ~~Allowed~~ ~~Required~~ Mix of Uses. A traditional neighborhood development ~~should~~ ~~shall~~ consist of a mix
- 1109 | of residential uses, a mixed use area, and open space areas as provided below:
- 1110 | 1. ~~Allowed~~ Mix of Residential Uses. A mix of two or more of the following uses ~~are encouraged~~ ~~shall be~~
- 1111 | ~~proposed~~ within the ~~PCDPDD-TND~~:
- 1112 | a. Single-family Detached Dwellings. Minimum lot size ~~shall~~ ~~should~~ be four thousand five hundred
- 1113 | square feet. Minimum lot width ~~shall~~ ~~should~~ be forty-five feet with an attached garage and forty feet
- 1114 | with a detached garage. Dwellings within condominium developments ~~shall~~ ~~should~~ be subject to similar
- 1115 | density standards.
- 1116 | b. Single-family attached dwellings, including duplexes, townhouses, and row houses. Minimum lot size
- 1117 | ~~shall~~ ~~equals~~ three thousand five hundred square feet per dwelling unit. Minimum lot width ~~shall~~ ~~should~~
- 1118 | equal thirty feet per dwelling unit. Dwellings within condominium developments ~~shall~~ ~~should~~ be subject
- 1119 | to similar density standards.
- 1120 | c. Multi-family dwellings, including senior housing. Minimum lot size ~~shall~~ ~~equals~~ one thousand two
- 1121 | hundred fifty square feet for ~~each efficiency~~ dwelling unit, with an additional two hundred fifty square
- 1122 | feet of lot area required for each additional bedroom in the dwelling unit.
- 1123 | ~~"Special needs" housing, including community living arrangements and assisted living facilities on~~
- 1124 | ~~lots of suitable size to accommodate the project.~~
- 1125 | 2. ~~Allowed~~ Mixed-Use Area. A mixed-use area ~~is encouraged~~ ~~shall be included within the PCD-TND. At~~
- 1126 | ~~least ninety percent of the residences within the PCD-TND shall be within 1/4 mile from a mixed use~~
- 1127 | ~~area within or outside of the project. The total gross land area of nonresidential development uses,~~
- 1128 | ~~including off street parking areas, shall not exceed twenty five percent of the area of the entire PCD-~~
- 1129 | ~~TND.~~ A mixed-use area ~~should~~ ~~within the PCD-TND shall~~ include a mix ~~of~~ ~~or~~ two or more of the following
- 1130 | uses:

# Proposed PCD Code Changes

- 1131 a. Commercial uses, such as services, retail, restaurants, and accommodations. Individual businesses  
1132 | ~~should~~ shall not exceed six thousand square feet each in primary floor area.
- 1133 b. Attached residential dwellings, including single-family attached, multi-family, second-story  
1134 residential units, live/work units, and "special needs" housing.
- 1135 c. Civic or institutional uses, such as municipal offices, libraries, post offices, places of worship, and  
1136 educational facilities.
- 1137 d. Small open space areas, such as a central square, neighborhood park, or playground.
- 1138 | 3. Open Space Area. Protected common open space, in public or private ownership, ~~should~~ shall be  
1139 | incorporated into the ~~PDDCD-TND~~. At least fifteen percent of the gross land area of the ~~PCDPDD-TND~~  
1140 | must remain as permanently protected common open space, not including private yards. Large outdoor  
1141 | recreation areas should generally be located at the periphery of the ~~PCDPDD-TND~~ rather than a central  
1142 | location. Open spaces may include environmental corridors, other protected natural areas, parks, or  
1143 | ~~stormwater~~ facilities. At least ninety percent of the residences within the ~~PCDPDD-TND~~ ~~should~~ shall be  
1144 | within one-fourth mile from a protected common open space area. The ~~PCDPDD-TND~~ ~~is~~ shall be subject  
1145 | to all city parkland dedication and fee requirements.
- 1146 | B. ~~Stormwater~~ Management. The design and development of the ~~PCDPDD-TND~~ shall meet the  
1147 | requirements of the city's ~~stormwater~~ management ordinance and demonstrate the following  
1148 | principles:
- 1149 | 1. Minimize off-site ~~stormwater~~ runoff;
  - 1150 | 2. Promote on-site filtration;
  - 1151 | 3. Utilize natural ~~stormwater~~ management systems wherever practical;
  - 1152 | 4. Utilize ~~stormwater~~ management Best Management Practices (BMPs);
  - 1153 | 5. Minimize the discharge of pollutants to ground and surface water; and
  - 1154 | 6. Maintain and protect natural topography and existing land cover to the extent reasonably  
1155 | practicable.
- 1156 | C. Lot and Block Design Standards.
- 1157 | 1. Block and Lot Size Diversity. Street layouts ~~should~~ shall provide for perimeter blocks that are a  
1158 | maximum of four hundred feet deep and eight hundred feet long. A variety of lot sizes in accordance  
1159 | with subsection (A)(1) shall be provided to facilitate housing choice and meet the requirements of

# Proposed PCD Code Changes

1156 C. Lot and Block Design Standards.

1157 1. Block and Lot Size Diversity. Street layouts ~~should~~shall provide for perimeter blocks that are a  
1158 maximum of four hundred feet deep and eight hundred feet long. A variety of lot sizes in accordance  
1159 with subsection (A)(1) shall be provided to facilitate housing choice and meet the requirements of  
1160 people with different housing needs.

1161 2. Building Setbacks.

Table 1: Building Setbacks

1162 TABLE INSET:

1164

Use Area	Maximum Front Yard Setback	Minimum Building Separation
Mixed Residential Area	25 feet	<del>150</del> feet <sup>2</sup>
Mixed Use Area	15 feet <sup>1</sup>	<del>150</del> feet <sup>2</sup>

1165 1. Commercial, civic or institutional buildings should generally ~~abut~~abut the sidewalks in the mixed-  
1166 use area.

1167 2. Minimum building separation standards shall substitute for required side and rear lot  
1168 setbacks.

1169 D. Circulation Standards. The circulation system shall allow for different modes of transportation,  
1170 provide functional and visual links among the residential areas, mixed-use area, and open space areas  
1171 within the ~~PCD~~PDD-TND; connect to existing and proposed development outside the ~~PCD~~PDD-TND;  
1172 provide adequate traffic capacity, provide connected pedestrian and bicycle routes including off-street  
1173 paths or bicycle lanes on streets; control through traffic; limit direct lot access on streets with higher

# Proposed PCD Code Changes

1213

Type of Street	Street Width, curb-face to curb-face feet	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	36 (2-sided parking)	Both sides, 2 feet wide	Both sides, min. 8 feet wide	Both sides, min. 5 feet wide*	Where required, add 4 foot wide

					lanes
	<del>32</del> 0 (1-sided parking)				
	24 (no parking)				
Minor Street	<del>36</del> <del>28</del> (2-sided parking)	Both sides, 2 feet wide	Both sides, min. 6 feet wide	Both sides, min. 5 feet wide*	None
	<del>32</del> <del>26</del> (1-sided parking)				
	<del>24</del> 0 (no parking)				
Alley	<del>20</del> <del>14</del> (no parking)	None	None	None	None

1214

\*The city also requires one foot between the edge of the sidewalk and the property line.

# Proposed AT Code Changes

## 1334 Chapter 19.42 AT AGRICULTURAL TRANSITION DISTRICT

### 1335 Sections:

1336 [19.42.010 Purpose.](#)

1337 [19.42.020 Permitted uses.](#)

1338 [19.42.030 Conditional uses.](#)

1339 [19.42.040 Lot area.](#)

1340 [19.42.050 Yard requirements.](#)

1341 [19.42.060 Building height.](#)

1342 [19.42.070 Existing residences.](#)

1343

### 1344 **19.42.010 Purpose.**

1345 The purposes of the AT agricultural transition district are to provide for the orderly transition of  
1346 agricultural land to other uses in areas planned for eventual city expansion. This district is generally  
1347 intended to apply to lands located in the city where such lands are predominantly in agricultural or open  
1348 space use but where conversion to nonagricultural use is expected to occur in the foreseeable future.

1349 (Ord. 994 § 3.15(part), 1982).

1350

### 1351 **19.42.020 Permitted uses.**

1352 Permitted uses in the AT district include:

1353 A. Dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing,  
1354 greenhouses, forest and game management, livestock and poultry raising (except for commercial  
1355 operations), road-side stands not exceeding one per farm, and similar agricultural uses;

1356 B. Two single-family dwelling units for resident owner/operators and their children, siblings, and  
1357 parents or laborers principally engaged in conducting a permitted or approved conditional use;

1358 C. The second or greater wireless telecommunications facility located on an alternative support  
1359 structure already supporting a wireless telecommunications facility or on a pre-existing wireless  
1360 telecommunications facility, per the requirements of Chapter 19.55.

1361 (Ord. 1499 § 20, 2001; 994 § 3.15(A), 1982).

1362

# Parking Code Discussion (not enough time to discuss)

5636 **19.51.080 Front and side yard parking limitation.**

5637 A. In all residential districts, except as provided in subsections B, C and D below or as otherwise allowed  
5638 by a previously granted zoning permit, not more than three vehicles shall be parked in any combination

5639 of the front or side yard area. In no case shall vehicles be parked closer than three feet to any abutting  
5640 property line (except for shared parking areas for which a zoning permit has been granted) or any lawn  
5641 or landscaped area. All parking must take place in legally established and maintained parking areas or  
5642 driveways outside of any required vehicular circulation areas.

5643 B. A legally established two-family dwelling may have up to six vehicles parked in any combination of  
5644 the front and side yard area.

5645 C. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or  
5646 otherwise allowed by a zoning permit, not more than five vehicles may be parked in any combination of  
5647 the front or side yard area. Newly constructed or reconstructed properties as of the date of this chapter  
5648 may have no more than three vehicles in front and side yards.

5649 D. The number of vehicles allowed within front and side yard areas of lots occupied by single family  
5650 residences may be increased to one per licensed driver legally occupying the property, not to exceed  
5651 five vehicles.

5652 (Ord. 1082 § 8, 1986).

5653 (Ord. No. 1688A, 6-17-2008; Ord. No. 1715A, 2-3-2009)

-----

# Proposed Definition Change (not enough time to discuss)

## **BUILDING HEIGHT definition:**

**Building height means the vertical distance measure from the main elevation of the finished lot grade along the street yard face of the structure to the highest level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.**

## **PROPOSED BUILDING HEIGHT definition:**

**Building height means the vertical distance measure from the main elevation of the finished lot grade along the street yard face of the structure to the mid-point between the eave and highest point of the roof, not including ornamental features.**

# Driveway Definition (not enough time to discuss)

5603 **19.51.040 Adequate access--Driveways.**

5604 Adequate access to a public street shall be provided for each parking space, and driveways shall  
5605 be at least ten feet wide for parking areas for less than ten vehicles, and at least two ten-foot lanes for  
5606 parking lots for ten or more vehicles, except as otherwise provided in Section 19.51.050(A)(2).  
5607 Driveways shall not exceed twenty-four feet in width at the street right-of-way line, except as otherwise  
5608 determined by the plan and architectural review commission during site plan review. No driveway may  
5609 be closer than three feet to an abutting property line, except where two adjacent lots have a common  
5610 driveway then the three-foot minimum distance shall not apply. Common, shared, and cross-access  
5611 driveways between adjacent lots are permitted, provided that such driveways are established by  
5612 recorded easement that may not be removed except by approval of the city.

5613 (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(A), 1982).

5614

# Proposed Definition (not enough time to discuss)

## **DRIVEWAY definition:**

**A paved surface, maximum of 24 feet, providing access from the street to the garage, or permitted parking area. Additional paved areas shall be made of approved pervious materials. One driveway is permitted per parcel.**

## **Approved pervious materials:**

**Pavers**

**Pervious concrete**

**Pervious asphalt**

**Grasscrete**



# Clarification Items

- 1. “Map changes” – how defined?**
- 2. Planned Community Development**
- 3. Process of review – when City staff? when Plan Commission?**
- 4. Key non-zoning issues**

# Next Steps

- **Continue track changes of proposed ordinance changes**
- **Include or discard Overlay districts based on input received tonight**
- **Integrate enforcement changes from City staff**
- **Ongoing discussion of technical issues and formatting with City staff**
- **Remaining tasks**

