

Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: DISCUSSION OF ZONING CODE PROJECT

Date: 23 March 2017

The Plan Commission has discussed the need to update or rewrite the Zoning Code and review the zoning districts. The purpose for this work would be to align our Zoning Code with our Comprehensive Plan, as well as to streamline development.

Beginning in 2010, Wisconsin State Statutes require amendments or additions to the official map, subdivision, or zoning ordinance to be consistent with the community's comprehensive plan (SS 66.1001). A comprehensive plan is a local government's guide to community physical, social, and economic development. Comprehensive plans are not meant to serve as land use regulations in themselves; instead, they identify clear expectations for local land use decisions with a twenty-year vision for future planning and community decisions.

Rebecca Roberts from the Center of Land Use Education (CLUE) presented at the September Plan Commission meeting on the different types of zoning codes that are commonly used (see attached), strengths and weaknesses of our Zoning Code, and recommended the Plan Commission perform a self-audit to identify exactly what type of zoning code will meet the needs of the village.

Roberts recommended the commission ask the following questions as part of the self-audit:

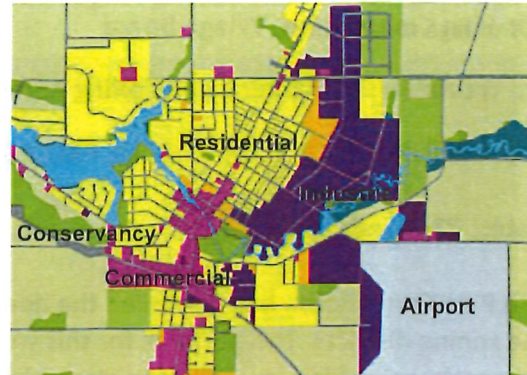
1. How often do applicants seek variances, conditional uses, and other modifications? For what purpose?
2. Are there any standards, language, or procedures that are ambiguous/subject to interpretation?
3. Is your code consistent with state law, comprehensive plan, and other codes?
4. What do staff, local officials, and constituents complain about the most?
5. What do you want to address that is not contained in the current plan or ordinance?

Emailed to the Village Board, was the 2010 UWGB student report, *Strengthening a Community's Identity: Analysis of Discrepancies between the Village of Allouez's Comprehensive Plan and Zoning Ordinance*, to aid in discussion (print copies are available at request).

Zoning Methods and Approaches

Zoning practice has evolved to encompass a variety of methods and approaches. Each has advantages and disadvantages, and many are used in combination.

Conventional Zoning Codes are sometimes called "Euclidean," referencing the 1926 Supreme Court decision (*Village of Euclid, Ohio, v. Ambler Realty*) that provided a legal basis for zoning as a means of promoting community health, safety and welfare. Conventional zoning divides a city into specified geographic districts with uniform standards for allowed uses, lot dimensions, and standards such as setbacks, height, and density or intensity of use. Most zoning codes in Wisconsin are conventional, classifying land into residential, office, commercial, manufacturing, and other districts.



Overlay Zoning Districts are districts that overlap the base residential, commercial and industrial districts to establish additional standards to protect natural resources or to create incentives for certain types of development. Examples include Wellhead Protection Districts, Floodplain Districts, and Historic Preservation Districts.

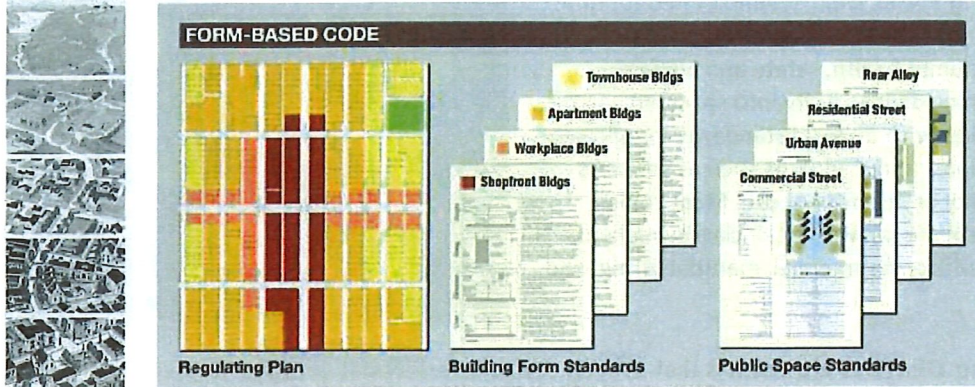


Planned Unit Development (PUD) regulations typically merge zoning and subdivision controls so that large areas can be master planned with design flexibility in meeting zoning requirements for uses, density, dimensional standards and other development regulations in order to achieve more creative design and greater public benefits. PUDs are typically planned and zoned on a case-by-case basis, resulting in a set of specific negotiated standards for each project.



Traditional Neighborhood Development (TND) regulations, like PUD regulations, are typically intended for large master-planned sites, but with the intent of creating walkable mixed-use neighborhoods designed according to the principles of New Urbanism. Wisconsin state statutes define TND as "a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other." The statutes authorize creation of a model TND ordinance and require that cities and villages with populations over 12,500 adopt a similar ordinance by 2001.



Form-Based Zoning is a relatively new term applied to codes that emphasize the regulation of urban form. Form-based codes emphasize the relationship of buildings to each other, to streets and to open spaces, with a lesser focus on land use. Most form-based codes to date have been applied to a specific district such as a downtown, transit station area or corridor, and are frequently tied to a master plan or regulating plan that links building design standards to street types, streetscape standards and block frontage requirements.



Performance Zoning is another method that deemphasizes regulation of land use in favor of a focus on the impacts of development. This may include environmental, traffic or stormwater impacts. The codes can address impacts directly or indirectly. A direct impact system would limit development to the carrying capacity of limited resources, such as street or transit capacity, or pollutant concentration levels of nearby stream or water systems. An indirect system uses ratio or similar metrics, such as maximum impervious cover, to limit development impacts. Some communities use point systems to measure the qualitative aspects of development.

Traditional Standard	Performance Standard
	
<p>"Impervious surface coverage shall be limited to 25% of the lot to minimize runoff."</p>	<p>"All stormwater runoff shall be retained on site. Treatments may include swales, filter strips, ponds, wetlands, or underground storage."</p>
<p>Result: 75% of lot is maintained in green space; most runoff directed to storm drains.</p>	<p>Result: Vegetative swale, no curbs, and landscaping combine to provide on-site infiltration.</p>

Hybrid Zoning blends elements of different types of regulatory systems, such as conventional and form-based codes. Many form-based codes are actually 'hybrid' since they apply to discrete districts and corridors within a larger community where conventional zoning continues to apply.

