

Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Community Development Director

Re: ACTION RE: ADOPTION OF ORDINANCE 2022-01 AMENDING SECTION 475-306B OF THE VILLAGE ZONING ORDINANCE, RELATING TO THE RIVERFRONT BUILDING REGULATIONS IN A RIVERFRONT MIXED-USE (MXR) DISTRICT AND A RIVERFRONT OFFICE-RESIDENTIAL MIXED-USE (GXR) DISTRICT (T. Fuller) (from VB 01/18/22)

Date: 25 March 2022

The proposed amendment is to Section 475-306 of the village zoning ordinance, relating to the building regulations of a riverfront building in a Riverfront Mixed-Use (MXR) District and a Riverfront Office-Residential Mixed-Use (GXR) District. The amendments are being requested by the projected developer for 2222 Riverside Drive. The parcel is zoned GXR.

The intent of the proposed amendments would be to allow additional height for riverfront buildings, lessen the ground floor transparency requirement (from 15% to 0%), increase the build-to zone, change the minimum primary frontage principal entrance requirements, and eliminate the parking placement requirements on the site. The Comprehensive Plan mentions the need for smaller setback requirements, pedestrian scale development, and parking in the rear or side of the building several times throughout the document. The Riverside Drive and Webster Avenue Corridor Study (amended as a part of the Comprehensive Plan in 2015) does suggest that buildings that are three to five stories in height would be the typical scale presented by a developer, but that additional height should be considered through a conditional use type process if changes to setbacks, improved access to trails, or other community benefits are required.

The Plan Commission had previously reviewed some of these suggested changes at the October 11, 2021 and December 20, 2021 meetings. The Village Board has also reviewed suggested changes at the November 16, 2021 and December 21, 2021 meetings. The attached ordinance includes the proposed changes requested and was presented at the Village Board for a public hearing on January 18, 2022. Any additions to the ordinance presented will need to go through a public hearing. The Village Board has 90 days to take action on the proposed changes following a public hearing, without the proposed amendment dying or the need to send it back to Plan Commission for further review and a new public hearing.

Village Counsel reviewed the proposed amendments prior to the public hearing. Attorney Peterson's comments noted that some of the Village Board members mentioned leaving the story height at 12'. The Mariner group is requesting the option for 14' on the upper two levels. She did not mention concerns with the legality of the proposed amendments, only that she was uncertain how the Board and community will respond to these new issues.

Staff has reviewed the proposed changes. The Comprehensive Plan is not specific regarding height requirements in this area of the village. Staff would recommend approval of the proposed changes specific to building and floor height. However, the Comprehensive Plan specifically requests the need for smaller setback requirements, pedestrian scale development, and parking in the rear or side of the building. Staff opinion is that the proposed changes would contradict the goals of the Comprehensive Plan and, therefore, staff does not recommend the approval of the other proposed changes as presented.

Plan Commission reviewed the proposed amendment at the December 20, 2021 meeting and recommended approval with some additional changes. Those changes were incorporated into the ordinance prior to the public hearing draft being published.

The Village Board is asked to review the proposed amendment to Section 475-306 and approve, not approve, or approve with conditions.

ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING SECTION 475-306B, RIVERFRONT BUILDING OF CHAPTER 475, ZONING OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTION 475-306B BE AMENDED TO READ AS FOLLOWS:

SECTION 1. § 475-306B Riverfront building.

Regulations. Riverfront buildings are allowed in those districts indicated in Table 3-2. Riverfront buildings are subject to the regulations of general applicability specified in § [475-302](#) and the building type-specific regulations of [Table 3-3 Table 3-6](#) (further illustrated in Figure 3-11). See § [475-1502](#) for how compliance with applicable regulations is measured.

**Table 3-6
Riverfront Building Regulations**

Regulation		MXR District	GXR District	References
BUILDING AND PARKING SITING				
1	Minimum primary frontage coverage (%)	80%	80%	See § 475-306C for allowed courtyards. See § 475-306C for primary frontages in MXR.
2	Primary frontage build-to zone (feet)	5 to 20	10 to 30 (includes accessory structures)	See § 475-302 for explanation of primary and nonprimary frontages. See § 475-306C for minimum streetscape area. See § 475-306C for allowance for outdoor dining/seating.
	River/trail frontage build-to zone (feet)	15 to 25	15 to 30 50	
3	Nonprimary frontage build-to zone (feet)	10 to 20	15 to 25	
4	Minimum side setback (feet)	5	7.5; 15 abutting R District	
5	Minimum rear setback (feet)	Not applicable		See § 475-306C for riverfront facade treatment.
6	Maximum site impervious coverage (%)	80%	80%	See Chapter 453 for floodway and floodplain regulations.
	Additional semipervious coverage (%)	15%	15%	
7	Surface or accessory parking yard location	Interior yard, limited side yard, and up to 10% being allowed in primary frontages		See § 475-1502 for explanation of limited side yard parking. See § 475-1502 for definitions of yards.
8	Allowed parking location within	Permitted fully in any	Permitted in the basement, the ground floor,	See § 475-1502 for definition of occupied

	building	basement and behind required occupied space of all other stories	or in an accessory structure, without a requirement for occupied space	space.
9	Minimum depth of occupied building space along primary frontage facade (feet)	20; not required in any basement or half story	20; not required in any basement or half story, including unoccupied space	
10	Refuse and recycling, utilities, and loading yard location	Interior only		See Article IX for screening regulations.
11	Permitted driveway access location permitted garage entry facade location	1 per 200 feet of primary street frontage interior or interior side facade		See § 475-302 for driveway access exception.

HEIGHT

12	Overall: Maximum Minimum height (stories)	2		
	Maximum height (stories)	5; additional stories permitted with Village Board approval through the Public Hearing design exception process and in no case will an exception be granted for a building with occupied space measuring taller than 102 feet		
		5; additional 6th story permitted with public hearing design exception approval		See § 475-306C for explanation of measuring height for this building type and conditions of design exception approval.
	Upper stories set back	Above 3.5 stories, set back minimum 50 feet of any R1 District lot line		
13	Ground story: Minimum height (feet)	14	9	
	Maximum height (feet)	18	14	
14	All other stories: Minimum height (feet)	9	9	
	Maximum height (feet)	12	12, with an exception of the top 2 stories which can be up to 14	Stories are measured floor to floor.

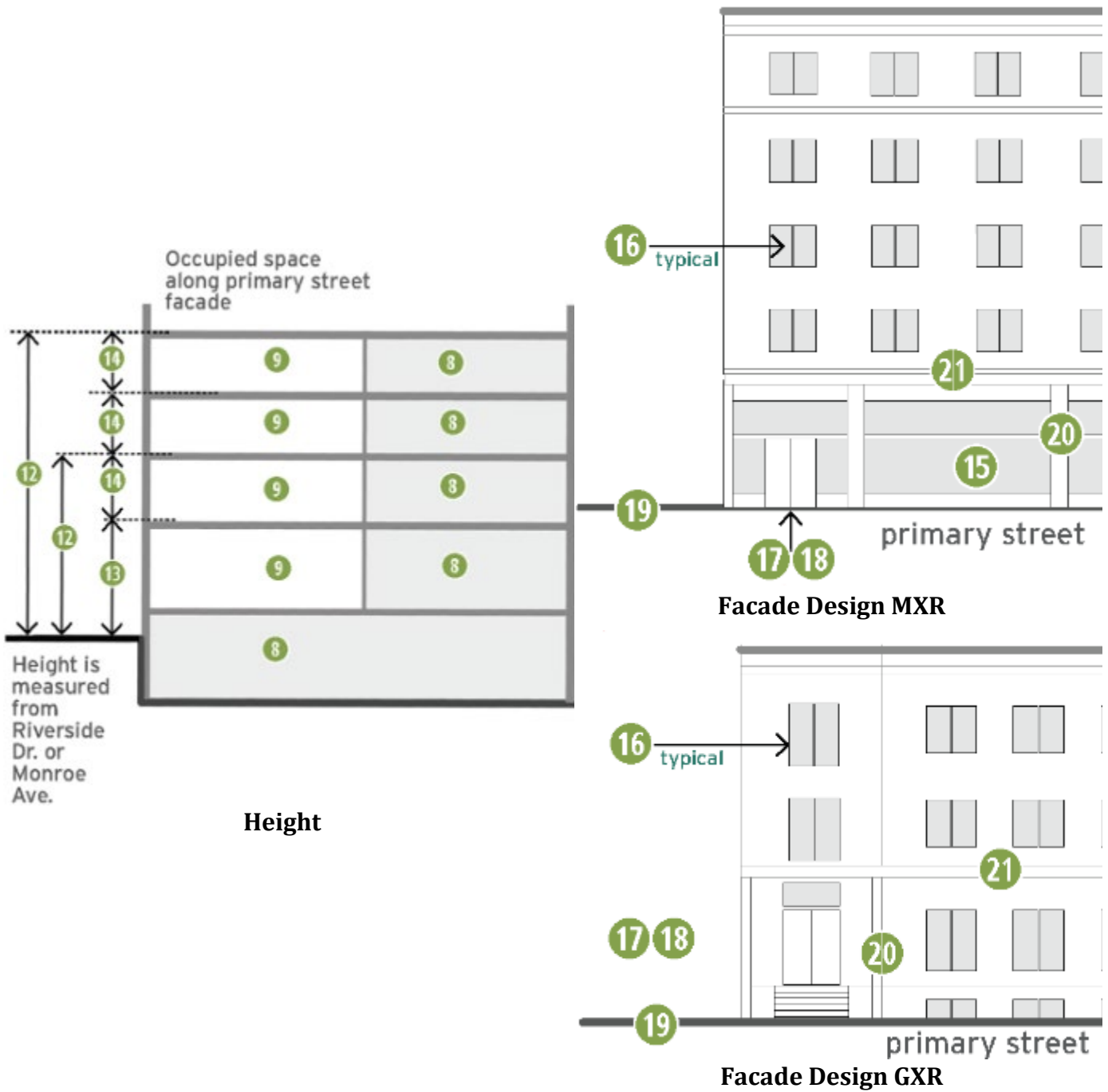
FACADE AND CAP REQUIREMENTS

15	Minimum transparency: ground-story, primary river/trail frontage facades (%)	55%, measured between 2 and 8 feet above sidewalk	10% to 15%, measured per story	§ <u>475-302</u> requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per § <u>475-1502</u> .
16	Minimum transparency: all street facades and river/trail frontage facades (%)	15%, measured per story of all stories		
17	Minimum primary frontage principal entrances	Principal entrances 1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide	Principal or gated entrances 1 per every 120 feet of façade	See § <u>475-901K</u> for principal entryway regulations.
18	Minimum river/trail frontage principal entrances			
19		Within 1.5 of adjacent sidewalk or trail grade	Within 30 inches of adjacent street sidewalk or trail average elevation or between 30 inches and 5 with visible basement (transparency required)	See § <u>475-1502</u> for measuring.
20		1 shadow line per every 60 of facade width	1 shadow line per every 120 of facade width	See § <u>475-901L</u> for building articulation, including building variety.
21		1 shadow line within 3 feet of the top of the ground story on any street facade		
22	Permitted cap types	Parapet, flat, pitched; tower permitted		See § <u>475-309</u> for cap type regulations.

Figure 3-11
Riverfront Building



Building and Parking Siting



SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 18th day of January, 2022.

James F. Rafter, Village President

ATTEST:

Carrie C. Zittlow, Village Clerk-Treasurer