



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 13, 2018

Common Council Public Hearing Date: April 4, 2018

Item: Zoning Text Amendments – Chapter 23 of the Municipal Code, Article VI. Commercial Districts, Section 23-114 CBD Central Business District

Case Manager: David Kress

BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The *Comprehensive Plan* includes several recommendations on potential changes to the City's Zoning Ordinance and encourages additional residential development within the downtown area. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community and Economic Development Department staff prepared amendments to Section 23-114 CBD Central Business District.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

OBJECTIVE 5.5 Housing and Neighborhoods:

Promote downtown housing as a means to grow the tax base, support local businesses, and increase the overall vitality and image of the area.

Policy 5.5.3 Amend the Central Business District zoning regulations to allow for ground floor residential development in some areas of downtown.

OBJECTIVE 10.3 Land Use:

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for “complete”

neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

Policy 10.3.4 Amend the Central Business District zoning classification to allow for ground floor residential uses, except for properties fronting College Avenue.

Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:

Strategy 3.1 – Encourage mixed-use and mid-density residential redevelopment on underutilized or marginal sites on the edge of downtown.

Strategy 3.4 – Evaluate the need to amend the Zoning Code and other tools to facilitate redevelopment in mixed use areas bordering the downtown Central Business District.

3.4.B Revise CBD zoning classification to permit first floor dwellings on parcels within the district which do not front College Avenue.

Strategy 3.8 – Promote a broad spectrum of residential housing types within the downtown study area.

On February 27, 2018, the Plan Commission reviewed and discussed initial draft amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District. The Plan Commission directed staff to prepare the necessary public hearing notices for these Zoning Ordinance text amendments.

PROPOSED TEXT AMENDMENTS

Staff offers the following text amendments. The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strike through~~. Staff commentary is identified in *italics* to provide insight regarding that specific amendment/change.

Sec. 23-114. CBD central business district.

(a) **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, ~~and~~ governmental and residential uses. A broad range of uses is permitted to reflect downtown’s role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living or retirement homes. • Nursing or convalescent homes. • <u>Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage.</u> 	<ul style="list-style-type: none"> • Clubs. • Day care, group. • Educational institutions; college or university. • Governmental facilities. • Museums. • Places of worship. • Public park or playgrounds. • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> • Automobile maintenance shops. • Commercial entertainment; excluding sexually-oriented establishments. • Drive through facilities pursuant to §23-49. • Hotel or motels. • Multi-tenant building. • Offices. • Personal services. • Printing. • Professional services. • Restaurants (without alcohol).

		<ul style="list-style-type: none"> • Restaurant, fast foods. • Retail businesses. • Shopping centers. • Urban farms pursuant to §23-66(h)(17) • Veterinarian clinics.
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(c) **Accessory uses.** Accessory uses in the CBD district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the CBD district.
- (2) Residential dwellings at least ten (10) feet above the street grade of the building.
- (3) Home occupations pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.

Comments: Adding multi-family dwellings to the list of principal permitted uses would allow for standalone residential development to occur in some areas within the CBD Zoning District. However, by including a specific area limitation, ground floor residential uses will not be allowed along College Avenue. For lots fronting on or located near College Avenue, residential dwellings would only be allowed as an accessory use at least 10 feet above street grade, which is consistent with current regulations.

RECOMMENDATION

Pending public comments, staff recommends the text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District, as identified in this report, **BE APPROVED**.