



TO MEMBERS OF THE PLAN COMMISSION:

There will be a Regular Plan Commission Meeting on Monday, October 15, 2018 at 5:00 p.m. held in the Council Chambers at Altoona City Hall.

Agenda:

- I. Call Meeting to Order.
- II. Roll Call.
- III. Citizen Participation Period.
- IV. Discuss/consider approval of minutes of the September 10, 2018 Regular Plan Commission Meeting and the October 1, 2018 Special Plan Commission Meeting. [Sept 10 Minutes >>](#) [Oct 1 Minutes >>](#)
- V. UNFINISHED BUSINESS.
- VI. NEW BUSINESS
 1. Discuss/consider process for negotiation with Casey's General Store regarding a Final Implementation Plan in the Hillcrest Greens Planned Community Development. [Summary >>](#)
 2. Discussion regarding Accessory Dwelling Units and other Accessory Uses, possible advisement to staff regarding ordinance revisions (no action). [Summary >>](#) [Materials >>](#)
 3. Discussion of zoning enforcement regarding paving of parking and driving areas (no action). [Summary >>](#) [Materials >>](#)
 4. Update on Altoona Place Plan (Parks Plan, Bicycle & Pedestrian Plan) (no action). [Summary >>](#) [Materials >>](#)
 5. 2018 Community Planning Month (no action). [Summary >>](#)
 6. Update on Chippewa Valley Housing Task Force (no action). [Summary >>](#)
- VII. Miscellaneous Business and Communications.
- VIII. Adjournment.

Cindy Bauer
City Clerk

Dated: October 12, 2018

Note: If you are unable to attend, please contact 715-839-6092.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk's Office at 715-839-6092 with as much advance notice as possible.

NOTE: It is possible that members of other governmental bodies of the municipality may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Speak Your Peace: The Civility Project

The Common Council of the City of Altoona, Wisconsin, recognizes and has adopted by *Resolution 3B-15* that the nine tools of civility, drafted by *Speak Your Peace: The Civility Project* will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our city. These tools include the following:

*Pay Attention | Listen | Be Inclusive | Don't Gossip | Show Respect | Be Agreeable
Apologize | Give Constructive Criticism | Take Responsibility*

###

DRAFT UNOFFICIAL MINUTES

**MINUTES OF THE ALTOONA, WI
REGULAR PLAN COMMISSION MEETING
September 10, 2018**

(I) Call Meeting to Order.

The meeting was called to order by Mayor Brendan Pratt at 6:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Roll call.

Members present: Brendan Pratt, Andrew Schlafer, Matt Biren, Dean Roth, Bill Hoepner, Andraya Albrecht, and Barbara OasHolmes.

Also Present: City Planner Joshua Clements
City Clerk Cindy Bauer
Jerrod Bohm, CUP Applicant for Brewery
Representatives from Casey's General Store

(III) Citizen Participation Period.

Motion by Roth/Hoepner to close Citizen Participation Period. **Motion carried.**

(IV) Approval of minutes.

Motion by Hoepner/Roth to approve the minutes of the August 13, 2018 Plan Commission meeting. **Motion carried.**

(V) Unfinished Business

(1) Discuss/consider removing from the table the approval of temporary promotional banner placement per 19.58.100 E of Altoona Municipal Code as requested by Little Minds Matter Childcare. (Tabled at the August 13, 2018 Plan Commission Meeting).

City Planner Clements explained that the following item was tabled during the August 13, 2018 Plan Commission meeting per request of the petitioner, who was unable to attend. City Clerk Bauer reminded Plan Commission Members that since the motion on August 13 was to table this item until the September 10th Plan Commission Meeting, the Plan Commission needs to make a motion to remove it from the table and take up the issue at the specified time.

Motion by Biren/Roth to remove from the table the approval of temporary promotional banner placement per 19.58.100 E of Altoona Municipal Code as requested by Little Minds Matter Childcare. **Motion carried.**

City Planner explained that Gwen Sweeny of Little Minds Matter Childcare, 3085 Meadowlark Lane #10 in River Prairie, desires to deploy two temporary promotional banners at their business location. Little Minds Matter Childcare is located on the western end of Meadowlark Lane, across the street from the Prairie Event Center. The architecture and construction of the building does not facilitate secure display of a banner on the building façade.

There are two applicable ordinance/standards elements for consideration. Altoona Municipal Code sign standards provides for temporary promotional banners (Section 19.58.100E). The River Prairie Design Guidelines and Standards allows for temporary signs, but defines temporary signs as those on the interior of the building (e.g. window treatments). Altoona Municipal Code includes signs affixed to fences as prohibited signs (19.58.110 B).

19.58.100 Temporary Signs

E. Promotional Banners. A single banner made of flexible materials such as cloth, plastic, or vinyl may be displayed on-premise by a business to promote a product, sale or event. Such a banner may

be a maximum of 40 sq. ft. and may only be displayed on the wall of the principal building except that the Plan Commission may approve another location. A banner may be displayed for a maximum of sixty calendar days per year; (permit required).

River Prairie Design Guidelines and Standards [RPDG]

IX 5 – Business Sign Design Standards and Guidelines

B – Applicability (2) The sign design guidelines are intended to help ensure quality signs that communicate their message in a clear fashion. The Sign Guidelines are not, however, intended to limit creativity or prevent installation of signs that meet the intent of the Guidelines. The Council and Plan Commission may interpret the Sign Guidelines with some flexibility in their application to specific signs/projects, as not all design criteria may be workable or appropriate for each sign or project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the Plan Commission or Council to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the Sign Guidelines are followed.

E – Allowed Signs (5) Temporary Signs. Temporary signs are signs which are only permitted to be displayed the interior of a business establishment for 30 days or less, and can take the form of banners, window graphics cards integrated into a window display.

The potential justification for denying the appeal may be that:

- Temporary signs are defined as those interior to buildings in the RPDG;
- Little Minds Matter has existing windows in their tenant space that face Meadowlark Lane and the adjoining private parking area, and the RPDG provide for temporary signs in windows;
- The River Prairie Drive Sign is in close proximity to their tenant space and will be operational as soon as Xcel completes power equipment installation, and that sign will allow for (pending policy approval) businesses in the NW Quadrant to lease space on the electronic message center;
- Avoid “slippery slope” of permitting temporary business signs in River Prairie

The potential justification for approving the appeal may be that:

- Building tenant space windows are partially occupied by other content and do not stand out from overall building façade;
- Grand opening banners have been permitted on the exterior of buildings for limited periods of time;
- Primary entrance faces the private parking lot, away from Meadowlark Lane and the interior of the River Prairie neighborhood.
- City staff, working off of support and direction of the Mayor and Commission, has been active in ensuring temporary signs deployed in River Prairie are promptly removed.

Recommended Conditions, should the appeal be approved:

1. Banners must be comprised of durable materials, maintained in like-new condition, and securely affixed to posts placed in landscape areas immediately adjacent to the tenant space on private property;
2. Banner shall not exceed total area of 16 square feet;
3. Banner posts shall be removed when sign is not deployed;
4. Landscape area must be maintained and long grasses trimmed consistent with surrounding lawn or landscaped area;
5. Banners may be deployed for up to 30 days total per calendar year and not longer than 10 days per quarter;

6. Apply for City of Altoona sign permit illustrating sign dimensions, duration, and placement; and to re-apply if any conditions are proposed to change;

Motion by Hoepner/Roth to approve use of temporary banners at Little Minds Matter with the enclosed conditions. **Motion carried.**

(VI) New Business

(VI)(2) Public hearing at 6:05 p.m. (or as soon thereafter as is practical) regarding a Conditional Use for property located adjacent to Winchester Way (parcel #201-1033-05-040) as requested by Jerrod Dohm. The request is to allow a Brewery in the C Commercial District as regulated per Section 19.40.020 A. 28 of Altoona Municipal Code.

Mayor Pratt opened the public hearing at 6:12 p.m.

City Planner Clements referred to the following information:

- Staff Report
- Appeal for a Conditional Use Permit
- PB&J LLC Site Plan

City Planner Clements explained that the Applicant Jerrod Bohm is proposing to locate a brewery in a multi-tenant commercial building under construction off Winchester Way, address to be determined. This business is proposed to be a “nanobrewery” to produce product on-site in a light manufacturing environment with on-site sales (similar to Modicum Brewery). Clements noted that the site was approved for two multi-tenant commercial buildings on 2018 April 9 each with approximately 23,555 sf². Mr. Dohm proposes to locate this brewery in the western end of the western building, closest to Winchester Way. The proposed 3,350 sf² suite layout is provided in the accompanying staff report, reflecting 74 percent dedicated to serving area and 26 percent to brewing. The layout also includes an outdoor patio that is approximately 810 sf². The enclosed staff report details how the proposal compares to the standards for conditional uses (19.59) as well as criteria for a brewery (19.40.020 A.28).

Pete Score, 336 Saxonwood, Altoona, asked the hours of operation of the Brewery. He was concerned with the potential noise in the late hours of the evening.

Jerrod Bohm was present to answer any questions. Bohm mentioned that the tentative days the brewery will be open will be on Thursday, Friday, Saturday, and Sunday.

Motion by Schlafer/Hoepner to close the public hearing at 6:20 p.m. **Motion carried.**

(VI)(3) Discuss/consider approval of a Conditional Use Permit application as requested by Jerrod Dohm for parcel #201-1033-05-040 for a Brewery.

City Planner Clements recommends that the Plan Commission **Approve with Conditions** of the appeal for conditional use permit for a brewery as submitted by Jerrod Dohm with the following approval conditions:

- (1) Future outdoor seating area will have sufficient, aesthetically appealing safety barrier between customer seating area and vehicle travel area.
- (2) No amplified outdoor sound, other than ambient music, without City of Altoona event permit.
- (3) Not less than 4 bicycle parking spaces shall be provided meeting the placement and design requirements of Altoona Municipal Code 19.52.060.
- (4) Building/property owner shall submit revisions to the landscape plan portion of the approved Site Plan for staff review/approval prior to landscape installation and building occupancy due to addition of outdoor seating area.

Motion by Biren/Oas-Holmes to approve the Conditional Use Permit for a Brewery on parcel #201-1033-05-040 with Staff recommended conditions. **Motion carried.**

(1) Discuss/consider recommendation to City Council regarding Final Implementation Plan for Casey's General Store in the Hillcrest Greens Planned Community Development.

City Planner Clements referred to the Enclosed Documents:

- Staff Report
- Staff Correspondence – Casey's General Store Procedural Memo (2018-08-06)
- Plan Commission Minutes, 2013-02-11 & 2013-03-11
- City Council Minutes, 2013-02-28 & 2013-03-14
- Hillcrest Greens General Implementation Plan Summary
- Hillcrest Greens Master Plan
- Chapter 19.56 "Planned Community Development"
- Casey's Response Letter
- Site Plan
- Landscape Plan
- Building Elevations
- Exterior Lighting Layout
- Dave Walter Traffic Memorandum Comments
- Traffic Memorandum
- Received Public Correspondence

City Planner Clements explained that the petitioner is the corporate entity for Casey's General Stores, which owns and operates over 1,000 gas station/convenience store locations through the Midwest. The headquarters is located in the Des Moines, IA area.

The proposed convenience store is approximately 4,686 sf², generally arranged to face Highway 12, and perpendicular to the primary frontage and egress from St. Andrews Drive. The site proposal includes a 1,350 sf² single-bay carwash to the south side of the building. The proposed building architecture is brick façade with vertical stone accents at the corners, with a shingled hip roof.

This proposed action includes subdividing the 3.7 acre Lot 93 in the Hillcrest Greens Planned Community Development to 2.303 acres for Casey's and 1.45 acre remaining lot to the west. The Lot is located at the corner of St. Andrews Drive and Highway 12, is bordered by Sawgrass Place to the south, and an existing retention pond to the west. The total proposed site area is 2.303 acres (100,337 sf²), with 64,667 impervious sf² (64.5%). The abbreviated stormwater report assumed 85% impervious site conditions. The Hillcrest Greens II development (the property west of St. Andrews Drive, principally The Classic and pad-site preparation) included construction of a regional two-bay stormwater pond, which is located west of the site at the end of Sawgrass Place. Stormwater from the site is designed to be conveyed via existing storm infrastructure. Utilities are available at the site and the site is "pad ready".

City Planner Clements noted that a substantially similar proposal was considered as a Conditional Use by the Plan Commission on 2018 July 16. The Plan Commission voted 4-2 to deny the conditional use request with the following justification:

- (1) Insufficient evidence of measures taken to identify, limit or manage sound trespass from carwash and vacuum elements of the site [19.59.040 B.]
- (2) Insufficient evidence provided to limit light trespass from vehicle circulation, most specifically at ingress and egress points during overnight hours [19.59.040 B.]
- (3) Insufficient evidence that ingress, egress, and traffic circulation is so designed as to minimize congestion and hazard in the public streets [19.59.040 E.]

DRAFT UNOFFICIAL MINUTES

City Planner Clements commented on the enclosed Staff Correspondence – Casey’s General Store Procedural Memo (2018-08-06) concerning the distinction between Conditional Use and Final Implementation Plan, and why this proposal is being considered under a different procedure.

Since the Conditional Use Permit hearing, Casey’s held a public neighborhood meeting on August 8th at City Hall. Casey’s has revised the original proposed Site Plan to substantially incorporate recommended staff approval conditions from the CUP hearing. Changes include:

- Correcting driveway geometry to City Standards
- Adding 32 canopy trees (35 had been recommended)
- Remove vehicle vacuum station
- Remove one automobile parking space to add bicycle parking (4 racks)
- Added striped crosswalk and stop sign at multi-use trail crossing
- Add landscape buffer along the rear of three parcels across the street (14 arborvitae and 8 balsam fir)
- Replaced 60 HP carwash motor with 30HP and 7.5 HP motors and add closed-door system operation

Additional information provided:

- Updated the 2013 Traffic Impact Study to account for proposed use (see Traffic Memorandum)
- Proposed operational hours of the convenience store of 5:00 a.m. to 12:00 a.m. (see Response Letter)
- Reduce operational hours of carwash to 6:00 a.m. to 9:00 p.m. (see Response Letter)
- Manufacturer sound specifications of carwash

Staff report listed the following:

Sound

As further described in the Staff Report, the revised proposal reduced the motor size of the carwash, specified a closed-door operational system, and proposed limited hours. Although the City of Altoona does not have defined operational parameters for sound trespass, the proposed carwash unit appears to be within those parameters defined in comparison jurisdictions examined.

Light

The property owner has accepted Staff recommendation to plant an evergreen buffer along the rear of three vacant residential parcels across the street to the east (see Staff Report and Response Letter). This will be a second or third tier of light buffering. The petitioner has largely incorporated staff recommended landscaping, including the addition of 32 trees, in part to reduce light trespass.

Staff has confirmed all sight lighting is high-performance, downcast and full-cut-off as specified in the Exterior Lighting Layout.

Traffic Study

TDI, the firm that completed the initial 2013 traffic impact study for Hillcrest Greens, updated their model and report to replace the retail use (which had been the assumption for the purpose of modeling) for Casey’s. The full report is enclosed, as well as Public Works Director Dave Walter’s summary. In sum, TDI finds:

- “all movements at the study area intersections are expected to operate safely and efficiently with the Hillcrest, the super convenience market/gas station and off-site development and with the identified recommended improvements” (pg. 5). Those recommended improvements are to lengthen the northbound turn lane on St. Andrews Drive by 50 feet through pavement markings.
- The infrastructure is expected to function and operate acceptably at the same level of service rating as initially designed.

St. Andrews Drive is the main (and only) through road for Hillcrest Greens. It is a major, signalized intersection at Highway 12. Traffic is anticipated. The roadway was designed for the projected volume and vehicle queuing. Motorists waiting for traffic, signals, and other queuing motorists is by acceptable design. This is the product of hierarchal roadway design and automobile-oriented development patterns, made more acute the limited access “choke points” forced by the Highway. The intersection is functioning as designed and projected to continue to do so. Traffic volume will continue to increase as the development approaches planned build-out conditions.

Safety

The Altoona Police Department has reviewed this proposal and do not have any concerns. The Altoona Police Department reports that the existing gas station convenience stores in Altoona (Kwik Trip #828 Spooner Avenue and #208 River Prairie, Mega Holiday), do not exhibit any unusual issues with crime. Each of these three facilities are open 24 hours.

Casey’s utilizes a modern security system with 22 camera angles to monitor the premises. The proposed hours of operation are 5:00 a.m. to midnight, and staff come in prior to opening to operate the kitchen and prepare food. The site will be monitored electronically 24/7, and staff will be on site over 20 hours per day.

Evaluation Process

The evaluation criteria in existing Altoona Municipal Code are illustrated in the enclosed Staff Report. The staff report includes point-by-point review. Those three items cited by the Plan Commission (sound, light, traffic) in permit denial are briefly summarized above.

A permit application is an opportunity to determine whether the specific instantiation of the proposed use can be accomplished within the standards identified by the zoning ordinance. It is not appropriate to base a decision on what the “preferred” use may be for the parcel, especially in the context that the Hillcrest Greens General Implementation Plan illustrated the use as “commercial” and the original, approved traffic impact analysis modelled the use as “retail”.

Salient Considerations:

General Development Plan

The General Development Plan for Hillcrest Greens as approved in 2013 illustrates this area as commercial use, without any further use, character, or performance restrictions. Following entry for Altoona Municipal Code briefly describes the role of the General Development Plan:

19.64.170 Approval of zoning and general development plan.

Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a final implementation plan, and shall not make permissible any of the uses as proposed until a final implementation plan is submitted and approved for all or a portion of the general development plan.

As far as consideration of the Final Implementation Plan, the approval of the General Development Plan established “the basic right of use of the area in conformity with the plan as approved”.

Standards & Evidence

Standards for development review are found throughout Altoona Municipal Code, organized either by form (such as parking, landscaping, fences) or by function (use). Altoona's zoning mechanics generally utilize zones to determine use and setbacks (a form control), while character and performance standards (form) are predominately found in site plan, parking, and other functional chapters. On those elements that an approved PCD plan is silent, it is generally understood that those standards and criteria that apply to development generally shall control.

As discussed in greater depth later in this Meeting Summary, the State of Wisconsin defines for Conditional Uses, a state-defined zoning permit, there are

"Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. (WI Stats § 62.23(de)).

While this Statute is understood to not apply to the Planned Community Development process, this Statute provides a "test" upon which rationale for permitting decisions should be clearly articulated.

City Planner Clements noted that it is the advisement of Staff that the decision of the Plan Commission and Council be clearly based upon the performance criteria as established by ordinance. The enclosed Staff Report includes a more thorough examination of the criteria as applied to this proposal, as the City standards are interpreted and recommended by staff. This standard of evidence does not remove discretion of officials from interpreting standards, but does emphasize that these interpretations be based on "facts and information... directly pertaining to the requirements and conditions" and that "personal preferences or speculation" does not meet this test. The use preferences of the neighbors or HOA is not a criterion for approval.

The evaluation must also be based upon the specifics of this proposal within the context of the approved GIP. It is not appropriate to speculate as to other future or more desirable uses (desirable to whom?) and utilize that as an evaluation criterion.

This is not to suggest that the Plan Commission or Council would not identify one or more points that this proposal is deficient based upon interpretation of standards and criteria.

This process emphasizes the importance of directing the generation of development standards and land use plans to balance the adopted vision and goals of the comprehensive plan, to the hubris and pragmatic flexibility of property owners to utilize their property for private enterprise.

Representatives from Casey's General Store gave a presentation on their proposed site plan. Kendra Meyers, Zach Michaels, Amy Costello.

Kendra Meyers noted changes to the site plan that was originally proposed in July. All changes were noted below in the summary provided by City Planner Josh Clements.

Zach Michaels summarized the traffic analysis that was included in the Plan Commission packets.

Amy Costello, Legal Counsel commented that they would voluntarily add Stage One Recovery as a requirement of their specification/condition should they be approved.

The following people spoke:

Jerry Southworth, 1887 St. Andrews Drive spoke on behalf of a majority of the Hillcrest Greens residents that were present at the meeting that were opposed to a gas station on the proposed property.

Southworth referred to a petition that was circulated throughout the Hillcrest Greens subdivision.

City Planner Clements responded on the traffic study that was done.

Dennis Bennett, 2285 St. Andrews Drive, commented on the evaluation criteria. Another topic he touched base on was a Current Environmental Health Report.

City Planner Clements responded to and commented on the Current Environmental Health Report.

Attorney Gierhart clarified to the Plan Commission legal counsel. Whatever the outcome/recommendation by the Plan Commission, Council has the ultimate say if the plan gets approved or not.

Gabe Otterson, 1301 Whistling Straits Court commented that he also circulated a petition in support of a gas station on the proposed lot.

Bill Albrecht, Developer of Hillcrest Greens Subdivision gave some background information on the development of the subdivision. Albrecht commented that he spoke to the Residents of the Classic regarding the proposed site plan and mentioned that some of the residents were in favor of a gas station.

A daughter of a resident that resides at The Classic had concerns and issues.

Karen Dolan, 2801 E. Princeton Avenue, Eau Claire, WI, daughter of a resident at The Classic, is not in favor of Casey's.

Melissa Seaton, 2324 St. Andrews Drive.

Deb Swan, 2081 St. Andrews Drive spoke in opposition of Casey's in regards to safety issues.

Dean Larsen, Broker representing Rooney Properties for the development of the lot commented on safety issues in other areas

Anita Norha, 3701 E. Clairemont Avenue, (Retreat Center to the west of the Classic) commented on her well and the potential effect of water runoff.

George Faunce, 2110 St. Andrews Drive, commented on the petition circulated by Gabe Otterson and other materials and comments by City Staff.

Charles Slobodnik, 1413 Whistling Straits Court distributed a document listing gas stations within a 2 mile driving radius of the proposed Casey's station.

Staff recommends that the Plan Commission approve the Final Implementation Plan and forward to the City Council for consideration with the following approval conditions:

A. General Conditions

- (1) The Final Implementation Plan, including any conditions of approval thereupon, shall be utilized to review construction permit application materials to ensure consistency. Construction plans shall be consistent with any/all approval conditions and Altoona Municipal Code. Construction permits shall not be issued prior to satisfactory consistency review.
 - a. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Zoning Administrator or his/her designee and if, in the opinion of the Zoning Administrator, such change or additional constitutes a substantial alteration of the original plan, the procedure provided in Section 19.64.160 and in this subsection shall be required [19.64.190]. Any minor alterations between the approved plans and materials submitted to acquire permits may be approved by the Zoning Administrator and/or City Engineer, provided these changes are consistent with all approval conditions and other applicable ordinances and standards.
 - b. Satisfactory completion of all elements illustrated in an adopted or amended Final Implementation plan, including all approval conditions, shall be complete within 60 days of final building occupancy inspection.
- (2) The carwash facility shall not operate between 9:00 p.m. and 6:00 a.m., as proposed.
 - a. This operational condition is premised on limiting sound trespass to nearby residential use properties during nighttime hours.

B. Access

- (1) St. Andrews Drive Driveway
 - a. Prior to acquiring City construction permits, the petitioner shall provide illustrations to the City's sole satisfaction and written acceptance that reflect how a right-in right-out vehicle turning restriction may be accomplished at a future date. The City, at its sole and absolute discretion, may require that the property owner implement the turn restriction alternative at the owner's cost if future conditions warrant. [19.54.060 A., 19.59.030 D.]
- (2) Remove and replace curb sections in its entirety at each driveway.

C. Pedestrian Circulation

- (1) Clarify and confirm that the public sidewalk, including that proposed along the Sawgrass Place, shall be contained within a perpetual easement.
- (2) All signs, markers or painting or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a coherent and clearly legible condition.

D. Parking

- (1) Bicycle parking fixtures shall be "U Stand" or "Rounded A" design, or substantially similar, as described in *Altoona Municipal Code* Chapter 19.52.
 - i. Site Plan incorporates bicycle parking spaces (8 spaces, 4 fixtures) in the location and arrangement recommended by City Staff to the Altoona Plan Commission for Conditional Use hearing, July 16, 2018.

E. Landscaping

- (1) Placement of additional trees is provided in the accompanying *Illustration A* and *Illustration B* (see Staff Report), subject to appropriate arrangement relative to walkways and utilities according to urban horticultural best practices and described herein. Final/modified landscaping plan shall be reviewed by Staff for consistency prior to issuance of building permits.
 - a. Add two additional native canopy trees located on the subject property between the existing multi-use trail and the vehicle circulation area.
 - b. Add two additional native canopy trees located east of the Sawgrass Place driveway.
- (2) Minimum species diversity - To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area, the maximum percentage of any one tree species on the site shall be 33%. All species shall be native or native hybrid as recommended by the WI Department of Natural Resources. Maple species are discouraged as a predominate selection due to relative abundance in the region.
- (3) Landscape areas shall be maintained in healthy and growing condition. Trees, shrubbery and other features indicated on final approved plan subsequently damaged or removed shall be replaced.

F. Building & Utilities

- (1) Specification for water service shall be HDPE.
- (2) Means to prevent discharge of petrochemicals to municipal storm water facilities shall be provided by use of an oil/water separator, onsite water treatment basin, or comparable means approved by the City Engineer. The area of particular treatment interest are Post 3 and Post 4 as indicated in the submitted abbreviated stormwater report (fuel pump area and canopy). If treatment and biofiltration basin is utilized, it shall attractively landscaped with appropriate and attractive plant selections for retention facilities, utilizing standard and contemporary design

and planting manuals. Bio-retention facilities shall not be comprised solely or primarily of turf grasses.

- (3) All electrical and air conditioning structures, including blowers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design.
 - a. The architectural renderings submitted show roof-mounted building equipment so located and visible from the south elevation. This equipment shall be completely screened such that they are not visible.
 - b. Site plan does not identify ground-located equipment, including electrical service transformers. All equipment subsequently installed shall be screened and concealed.
- (4) Refuse and recycling enclosure materials, design and architecture shall be consistent and compatible with the principal building.
- (5) Fire Department Connections (FDC) shall be 4" STORZ.
- (6) Install and sign not less than one electric vehicle charging station (for free or at a fee, at the operator's discretion), DC fast charge, supercharger, or equivalent. Provide evidence that the site arrangement and features are resilient to changing transportation environment and expansion of electric and high-efficiency vehicles, such as capacity to expand charging stations to sustain operations.

G. Signs

- (1) All building and ground signs shall require sign permits. No signs or sign locations are approved through this zoning permit review due to insufficient information.

Motion by Oas-Holmes/Albrecht to recommend to Council denial of the proposed Final Implementation Plan for Casey's General Store in the Hillcrest Greens Planned Community Development due to two criterias: Environmental Hazardous and compatibility to the neighborhood. Roll call vote, 7 ayes, Albrecht, Biren, Oas-Holmes, Schlafer, Hoepner, Roth, Pratt, 0-nays. **Motion carried 7-0.**

(VI)(4) – Discuss October meeting date of the Plan Commission.

City Planner Clements explained that the regularly scheduled Plan Commission meeting is Monday, October 8th. The American Planning Association Wisconsin Chapter Annual Conference is taking place in Madison on October 8th and 9th. City Planner Clements will be attending and moderating a session. As a related side note, the 2019 APA-WI Annual Conference will take place in Eau Claire, and City Planner Clements is serving as Conference Co-Chair. The current Planning Department 2019 operational budget request includes funding to support attendance at the conference by Plan Commissioners and Councilpersons.

City Planner Clements had mentioned there are two Specific Implementation Plan projects in River Prairie that have requested expedient permitting considerations in order to begin work this fall. Clements wanted to originally schedule another meeting the end of September, but that will not be necessary at this time.

City Planner Clements gave some recommended October Plan Commission dates for consideration. Consensus of Plan Commission Members was to reschedule the Plan Commission Meeting from October 8th to October 15 at 5 p.m. Any referred action would be considered at the October 25th City Council meeting.

City Planner Clements will send out notices confirming the date and time of the October Plan Commission meeting.

(VI)(5) Discuss Conditional Uses (No Action)

City Planner Clements referred to the following:

- *Conditional Use Permits After 2017 Wisconsin Act 67 (Ohm, 2018a)*
- *Conditional Use Permits and the "Substantial Evidence" Standard (Ohm, 2018b)*

The consideration and rejection of Conditional Use Permit for Casey's General Store at the 2018 July 9 Plan Commission meeting, as well as consideration of other items before the Commission, staff recommends a discussion and review of the mechanics of conditional uses.

Conditional Uses are uses of property that are defined by the Zoning Ordinance that "allows a property owner to put property to a use which the ordinance expressly permits if certain conditions specified in the zoning ordinance are met. Conditional uses may be expressly permitted by the ordinance so long as conditions are met, but this does not render them 'permitted uses'" (Ohm, 2013).

"Conditional uses are certain land use types that are of a special nature and the impact of which are so depending on specific circumstances that determination in advance of where and when they should be permitted is impractical." (...) To be considered a conditional use, the use must be listed as such in the zoning ordinance, along with the standards and conditions that it must meet" (Ohm, 2013).

As is further discussed in the enclosed 2018 publications by Prof. Ohm, 2017 Wisconsin Act 67 made some meaningful changes in the Statutes governing conditional uses:

"Substantial Evidence". While this has been the "by the book" good government and planning decision-making standard, there was no such definition or requirement per Statute until Act 67. Now, conditional uses introduced the definition, and goes on to say that decisions regarding conditional uses, including those conditions added as conditional of permit approval, must be based on substantial evidence ([WI Stats § 62.23\(de\)](#)).

62.23 (de) Conditional use permits.

1. In this paragraph:

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2.

- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

The substantial evidence standard applies in multiple ways:

1. The petitioner must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied;
2. Decisions to approve to deny the permit must be supported by substantial evidence;
3. Any condition imposed must related to the purpose of the ordinance and be based on substantial evidence;
4. Persons seeking to influence a decision must provide "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions" that "reasonable persons would accept in support of a conclusion".
5. While substantial evidence requires more than speculative information, substantial evidence does

not require absolute certainty (Ohm 2018b).

While Act 67 attempts to limit discretion in consideration of conditional uses (Ohm 2018a):

1. "Local governments still have discretion in terms of whether or not something is listed as a conditional use in the zoning ordinance;"
2. Have the authority to deny a permit or attach conditions;
3. Have the authority to determine the codified evaluation criteria (although, should be re-examined in light of the "substantial evidence" test);
4. May adopt ordinances (recommended) that refer to the purposes, goals and objects of the Comprehensive Plan as an additional evaluation tool.
5. "Act 67 does not prohibit the use of general standards so local governments should still include them. They just will need to provide substantial evidence to justify why the condition is necessary to protect public health, safety, and welfare".

Act 67 clarified that if a petitioner can or agrees to meet all the conditions outlined by ordinance or imposed by the Plan Commission (based upon ordinance standards), the zoning permit *shall* be issued (WI Stats § 62.23 (de) 2.a.)

This raises the questions regarding Conditional Uses:

1. This new statutory language emphasizes the importance of having clear purpose statements in the zoning ordinance. Some comparison communities have particular standards for certain types of uses, such as the conditional use standards recently created for breweries, wineries, and distilleries (this is most typically contained within a stand-alone ordinance chapter or section listing all the uses and their standards).
2. Prof. Ohm suggests "Local governments should review the requirements of their ordinance to consider adding to or revising the conditions listed in the ordinance to ensure that the local government will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed on a specific application with substantial evidence" (Ohm 2018a).
3. "Act 67 states that requirements and conditions imposed on a conditional use permit must be reasonable. Is it reasonable to expect that there will be no decrease in the value of the adjacent parcel? The local government's comprehensive plan may also provide a helpful context. If the local government's comprehensive plan promotes infill development in the area of the proposed conditional use, is it reasonable to expect that the parcel (...) will remain undeveloped?" (Ohm 2018b)

Select examples from Prof. Ohm:

(1) For example, say an ordinance has general standards for CUPS like "protect public health, safety, and welfare." The zoning board uses that standard to say "we should not allow this project because it will lead to traffic congestion leading to unsafe traffic conditions." Under Act 67, the local government can't deny it unless they back it up with substantial evidence. The local government decides to conduct a traffic study. The traffic study concludes that if truck traffic to the site is limited to certain hours, there will be no congestion. The applicant proposes a condition to limit truck traffic based on the findings of the study

There needs to be an opportunity for some back and forth between the applicant and the local government -- for example, the local government says we're concerned about water quality. They will

need to provide specific facts about the water quality impacts. They may use that information to impose a specific condition that will address the water quality issue or it might be that the local government identifies the threat posed by the conditional use and the applicant responds by saying "I've hired a hydrologist, here is their report about the water quality impacts. The hydrologist recommends we do x, y, and z to address those impact. We propose doing that". The applicant develops the alleviating conditions.

What Act 67 changes is that in the past a group of citizens who are opposed to a project would say "deny the CUP because it will have traffic impact" and the local government would deny the CUP. Act 67 changes that. Local governments can't just say, "We have a standard in our ordinance that a CUP promote public health, safety, and welfare. We think there are traffic impacts so we deny the CUP." Local governments need substantial evidence that there will be traffic impacts. That evidence will provide the basis for more specific conditions imposed by the local government or suggested by the applicant. There are engineering solutions for many impacts so it will be difficult for there to be no condition that could be imposed to meet the ordinance standards. It may be extremely expensive to follow the condition -- that might stop the project. Perhaps the hours of operation end up being so limited the applicant drops the project. That may lead the applicant to argue the condition is unreasonable. Resolution of that issue will take further litigation. (Ohm, 2018a).

(2) The Wisconsin Court of Appeals decision O'Connor v. Buffalo County Board of Adjustment, 2014 WI App 60, involved a citizen's challenge to the County's granting of a CUP for a frac sand mine operation. One of the concerns raised was that the many trucks leaving the mine on a daily basis would decrease traffic safety on the roads. At the request of the County, the Wisconsin Department of Transportation (DOT) conducted a Traffic Safety Impact Assessment. A DOT representative testified that while the DOT could not say the road will be absolutely safe or absolutely unsafe, the Assessment found that the road could handle the increased traffic volumes and that the truck traffic would not move the roads into a different statistical range for crashes or safety. The Court of Appeals upheld the granting of the CUP. While the Assessment cannot guarantee the roads will be safe, it provides information that reasonable persons would accept in support of a conclusion. (Ohm, 2018b)

Citation: Brian Ohm, 2013. Wisconsin Planning and Land Use Law, 2nd Ed. University of Wisconsin Law School Press.

Attorney Gierhart commented on the recent meetings of the Municipal Attorneys Association which focused on the question of the substantial evidence test and what this may mean for other zoning permits. The general consensus was that the changes were intended to apply specifically to conditional uses; however, there is uncertainty and not yet any case law as to how a judge might rule on a case seeking to apply the standard to other zoning actions. Generally, the substantial evidence test is a good rule to follow regarding zoning decisions in order to render defensible rulings.

(VI)(6) Discussion regarding City of Altoona procedures regarding Plan Commission items for which the Commission takes a final decision, and those that are recommended for Council action (no action).

City Planner Clements referred to a Staff Report Regarding Municipal Planning and Permitting Procedures. Clements explained that during the 2018 August 13 meeting of the Plan Commission, Council Person Schlafer and Commissioner Oas-Holmes inquired about the balance of procedures for which the Plan Commission renders a final decision, and those that are recommended to the Council.

Recall also that the Commission and Council have discussed revising those procedures which may seem to be unnecessary due to their nature and existence of standards for review upon which staff could administer. The specific procedure discussed at the 2018 July 16 Plan Commission meeting was Certified Survey Maps, for which most are routine and consume the time of elected officials. As reflected in the attached Staff Report, Eau Claire procedures allow staff to review and approve CSMs which do not

create land or easements dedicated to the public, including those within the extraterritorial jurisdiction.

For example, City staff reviews constructions permits, as well as permits for fences, driveways, signs, and many other activities for which standards exist, and approve administratively. For some, there are options for a property owner to petition to the Plan Commission to approve a permit based upon the particular context of the case, the procedure and parameters of which are typically defined by ordinance (such as conditional uses for certain signs). While some of these standards, such as construction, are set by State Building Code and/or State Statue, those defined by ordinance are determined by the City Council and often heard by the Plan Commission as well. The Council sets the policy direction and standards, and staff implements.

As outlined in greater detail in the enclosed staff report, some procedures are defined by State Statue as to whom makes the final decision, and when a recommendation is required. Others, there are enabling Statues with the ability of the Council to define certain terms of procedure, such as requiring a CSM be reviewed by the Commission and approved by the Council, when Statue only requires Council approval under certain conditions. Other procedures are nearly entirely defined by local ordinances.

Clements noted that the City is due to update the City's Comprehensive Plan in the next 18 months. The consensus was for staff to look at items for which Plan Commission Members could review.

(VI(7) Update on Chippewa Valley Housing Task Force (no action).)

City Planner Clements commented that the second meeting of the Chippewa Valley Housing Task Force took place at the CVTC Energy Center on August 30th. A total of 37 attended, ranging from executives in area finance and construction businesses, public health officials, to elected officials and affordable housing advocates. Since the first task force meeting on June 29th, City Planner Clements and Eau Claire Community Development Director Scott Allen have been meeting with stakeholders multiple times per week to gather insight into the housing market and develop connections.

An inventory of publicly available housing-related data compiled by Altoona Planning Assistant Carolyn Lovelace was distributed in advance of the meeting. The next steps will include an examination and analysis of the data to determine what recommendations may be drawn and where gaps in information may persist. Over the next month, Clements and Allen will work with key stakeholders to host focused group meetings on specific issues, concerns, and opportunities. This input will be assembled for the next meeting. In addition, additional information and insights will be pursued.

The envisioned intent is that sometime later this year, after two or three additional Task Force whole meetings, a report will be generated from among the stakeholders that will present the major data and insights, as well as recommendations. This report is not envisioned as the "end" of the Housing Task Force work or of housing conversations and efforts, but rather serve as a benchmark and tool to improve collaboration & communication and inform private and public sector decisions.

The role of the report is expected to be to include:

- Reflection of commitment of the participants to elevate communication & collaboration;
- Consensus principles of the Task Force participants;
- Initial analysis of impediments and opportunities;
- Summarize the relevant available data;
- Recommended short-, medium- and long-term policies and actions;
- Identify areas for further study.

For the City of Altoona, the work of this Task Force, including recommendations, may appear as business or policy discussion items before the Plan Commission. These will particularly relate to text updates of the Zoning Ordinance, potential rezoning actions, and future updates to the Comprehensive Plan.

City Planner Clements noted that the next meeting of the Task Force is likely to be scheduled for mid to late October. Regular updates will be provided to Plan Commissioners and Councilpersons. Mayor Pratt commented on a couple of lots that might be available for affordable housing. City Planner Clements will provide an updated list of vacant/under-utilized vacant property that could possibly be available for redevelopment.

(VI)(8) 2018 Community Planning Month (no action).

City Planner Clements noted that October of each year is designated as Community Planning Month. This year's theme is ***Housing as Community Infrastructure*** and highlights the importance of housing as part of our community fabric, and underscores the critical role planning plays in delivering the housing and communities that benefits the public good.

Ensuring that all residents in a community have safe and affordable housing options advances

Ensuring that all residents in the community and region have safe and affordable housing options advances economic and social equity goals. Inclusive growth planning and policies can give current residents a genuine stake in housing and development, while helping new residents access housing opportunity.

Planners work with professionals from different fields such as public health and safety, finance, recreation and engineering and consider what is best for the entire community to make communities safer, stronger, healthier, and more resilient.

While area planners do not yet have specific outreach or educational events planned in the Chippewa Valley, conversations are ongoing regarding an elevated and coordinated communication effort.

Plan Commission Members were given a copy of the proposed Proclamation of Community Planning Month that will be included in the September 13th City Council agenda.

(VII) Miscellaneous Business and Communications.

Oas-Holmes asked for an update regarding the conditional use permit with Arnie's Service Station. City Planner Clements updated the Plan Commission Members regarding deadlines that will be approaching. Consensus was to ask Paul Johnson to appear before the October 15 to discuss his deadlines.

(VIII) Adjournment.

Motion by Biren/Oas-Holmes to adjourn at 9:12 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk

DRAFT UNOFFICIAL MINUTES

**MINUTES OF THE ALTOONA, WI
SPECIAL PLAN COMMISSION MEETING
October 1, 2018**

(I) Call Meeting to Order.

The Special Plan Commission Meeting was called to order by Mayor Brendan Pratt at 5:30 p.m. held in the Council Chambers at Altoona City Hall.

(II) Roll call.

Members present: Brendan Pratt, Andrew Schlafer, Dean Roth, Bill Hoepner, Andraya Albrecht, and Barbara OasHolmes. Matthew Biren arrived at 5:35 p.m.

Also Present: City Administrator Mike Golat
City Planner Joshua Clements
City Clerk Cindy Bauer
Attorney Christopher Gierhart

(III) Citizen Participation Period.

Motion by Roth/Hoepner to close Citizen Participation Period. **Motion carried.**

(IV) New Business**(1) Discuss/consider recommendation to Council regarding an Amendment to a Specific Implementation Plan for River Prairie Wealth Management as submitted by Everyday Surveying and Engineering.**

City Planner Clements referred to the following:

- Staff Report
- Proposed SIP Amendment
- Approved SIP (2012)
- Minutes 2012 October 8 Plan Commission
- Minutes 2012 October 11 City Council

Clements explained that the River Prairie Wealth Management occupies Lot 2 of CSM 2869, parcel #201-2354-04-010 of the CottageWood General Implementation Plan in the River Prairie Mixed Use District. Southside Holdings, LLC is the building owner, Orgel Wealth Management is the building tenant. The Specific Implementation Plan for this site was approved with modifications by the Plan Commission on 2012 October 8 and City Council on October 12. The minutes from those meetings are enclosed. Clements said the proposal entails seeking an exception to the parking standard, per River Prairie Design Guidelines IX 1.K.4. to enlarge the parking area from 54 spaces to 78 spaces. Based upon the size of the building, 14,000 sf², a total of 49 spaces would be permitted. The maximum spaces permitted is 3.5 spaces per 1,000 sf². The proposed amendment is 59 percent greater than the maximum standard. The procedure for review and consideration of an exception to the parking standard is illustrated in the enclosed Staff Report with analysis. This proposal is thus a major amendment, requiring review and approval by the Plan Commission and City Council.

Clements further explained that the nature of business has changed in multiple ways that create challenges in applying a single, square-footage based automobile parking volume standard impractical. The exception procedure built into the Design Guidelines provide this context in how to approach this calculation. Orgel has grown since permitting of the building in 2012. This growth has included a number of employees who are mobile and work out of the primary office much of the time. Flexible office and conference spaces are available for these employees when they are on-site. Parking is needed to accommodate this larger, mobile workforce when they return and assemble at the principal office.

In a related review, there are SIP approval conditions (2012) which have yet to be fully implemented. They are material to safe circulation around the site for pedestrians, as well as to meet landscape standards associated with parking areas. The landscaping is complete for most of the site that meets the Design Guidelines; however, there are areas that remain to be completed. In addition, the internal site walkway is not connected to the public sidewalk, as required. The staff recommended approval conditions address these elements.

Planning Department recommends the Plan Commission **approve** the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications and conditions:

- A. Letter designates general review category
 1. Number heading denotes recommended approval condition
 - a. Small numeral subheading denotes subordinate or reference condition
 - i. (i) indicates staff comment or ordinance reference.
- A. Any changes from the approved SIP submittals (2012) or proposed and approved SIP amendment shall be reviewed by City of Altoona staff, per River Prairie Design Guidelines & Standards [RPDG] amendment process [VIII]. Minor changes may be reviewed by staff, major changes will require review by the Plan Commission and Council. Appropriate building permits shall not be issued until City staff successfully reviews and approves of final plans (erosion control; stormwater; grading) to ensure conformance with River Prairie Design Guidelines & Standards and consistency with the amended SIP approval conditions herein.
- B. **Access, Circulation & Parking** (RPDG IX. 1)
 1. The internal sidewalk shall be extended to provide uninterrupted connectivity with the existing sidewalk along Rivers Edge Drive.
 - i. Site plan as presented lacks pedestrian connection from the building and interior site circulation to public/regional facilities. This is a core requirement of the RPDG site design principles and standards. The CottageRidge Development General Implementation Plan affirms that the commercial area will feature internal connecting sidewalks. The RPDG require maximum pedestrian safety, access, directness, ease and convenience of circulation, specifically RPDG IX 1 C (5)(a-b).
 - ii. This item was an approval modification (condition) in the Specific Implementation Plan (2012).
 2. Not less than 4 handicap parking spaces shall be provided [RPDG IX. 1 (K)(5)] **Plan Commission waived the requirement of additional handicap parking spaces 10/1/18).**
- C. **Landscaping** [RPDG IX 6]
 1. **A Landscape Plan that meets the River Prairie Design Guidelines and Standards shall be prepared and reviewed/approved by City Staff.** The landscape plan shall be received by City Staff no later than 2019 March 1, and installation of all elements completed no later than 2019 June 1 (**19.46.050**). The City Council hereby specifically delegates further review and approval authority to City Staff. The accompanying staff report includes an illustration approximating recommended placement of landscape and site features to meet these approval conditions. The petitioner may appeal staff review decisions/conditions to the Plan Commission and City Council as a “minor amendment to the Specific Implementation Plan” per RPDG VIII 3.
 - i. The landscaping as installed generally and predominately meets the River Prairie Design Guidelines and Standards. However, deficiencies persist.
 - ii. Whereas: “All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet

of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage” [RPDG IX 6 (D)].

- iii. Whereas: “In approving the required landscape plan, the Council, with the Plan Commission’s input, shall have the authority to determine the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing [based upon 12 criteria]” [RPDG IX 6 (G)]
2. Any landscape element that dies, or is otherwise removed, shall be promptly replaced [RPDG IX 6 (H)].
3. Tree selection shall be native species with minimum diversity and planting size as illustrated in the RPDG [IX 6 (D)].
4. Native canopy trees shall be planted between the south parking area and River’s Edge Drive approximately as illustrated in the concept landscape plan (dated 2012-0928) at not greater than 30-foot average spacing [RPDG IX 6 (D), (E), (G)].
5. Native canopy trees shall be planted along the east curblane of River’s Edge Trail at not greater than 30-foot average spacing [RPDG IX 6 (D), (E), (G)]. Placement may be offset from the pavement cognizant of the underlying water main location.
6. Native canopy trees shall be planted along the southern curb of the south parking area at not greater than 25-foot average spacing [RPDG IX 6 (E)(4), (5)], recognizing complementary spacing of existing lighting and stormwater fixtures, in order to maximize shade of pavement.

City Administrator Golat referenced the additional handicap parking spaces. Golat said that the Plan Commission has the latitude to waive requirements if it’s a River Prairie Design Guidelines.

Motion by Hoepner/Oas-Holmes to recommend to Council the approval of the proposed Amendments to the Specific Implementation Plan for River Prairie Wealth Management as being in substantial conformance with the River Prairie Design Guidelines & Standards with staff recommended modifications and to amend Section B2 above noting that the Plan Commission waived the requirement of additional handicap parking spaces.

(VI)(2) Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(g)

1. Casey’s General Store Development.

Motion by Biren/Hoepner to convene in closed session at 5:44 p.m. Roll call vote, 7 ayes-, Roth, Oas-Holmes, Albrecht, Hoepner, Biren, Schlafer, Pratt, 0-nays. **Motion carried 7-0.**

(VIII)(3) Motion to reconvene to Open Session.

Motion by Biren/Roth to reconvene in open session at 7:21 p.m. Roll call vote, 7-ayes, Pratt, Schlafer, Biren, Roth, Hoepner, Albrecht, and OasHolmes, 0-nays. **Motion carried.**

(V) Miscellaneous Business and Communications.

(VI) Adjournment.

Motion by Roth/Hoepner to adjourn at 7:23 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk



MEMORANDUM

TO: Plan Commission Members

FROM: Mike Golat, City Administrator

DATE: October 11, 2018

SUBJECT: October 15, 2018 Plan Commission Meeting Items

Provided below for your consideration is a summary of the October 15, 2018 Regular Plan Commission Meeting agenda items.

(V) OLD BUSINESS

(VI) NEW BUSINESS

ITEM 1 – Discuss/consider process for negotiation with Casey’s General Store regarding a Final Implementation Plan in the Hillcrest Greens Planned Community Development. [Agenda >>](#)

As you may recall, the City Council considered the proposed Casey’s General Store as a Final Implementation Plan in the Hillcrest Greens Planned Community Development on 2018 October 11 meeting. The Council moved 6-0 to refer the proposal back to the Plan Commission for further negotiation per City PCD Ordinance 19.64:

19.64.190 Final implementation plan—Approval.

A. Following a review of the final implementation plan, the plan commission shall recommend to the council that it be approved as submitted, approved with modifications, or disapproved.

B. Upon receipt of the plan commission's recommendation, the council may approve the plan and authorize the development to proceed accordingly, add or modify approval conditions, or disapprove the plan and send it back to the plan commission for further negotiation with the developer.

The recommendation provided by the City Council to the Plan Commission is to appoint a smaller committee to engage in direct negotiation with the developer regarding modifications and/or approval conditions that achieve the standards and guidelines provided in ordinance. The rationale is that it is not workable to engage in an informed back-and-forth during a single public meeting.

City Staff provided recommended modifications and conditions. Attorney Ben Lane reviewed these conditions from a position of legal perspective as well as illustrated additional conditions to consider. These may serve as a starting point for negotiation, but are not exhaustive.

The next Plan Commission meeting is 2018 November 12. Depending upon the progress of a negotiating committee, if appointed, a revised Final Implementation Plan may be considered at that time.

Suggested motion: I move to appoint _____ to represent the Plan Commission in negotiations regarding the Final Implementation Plan for Casey’s General Store.

ITEM 2 – Discussion regarding Accessory Dwelling Units and other Accessory Uses, possible advisement to staff regarding ordinance revisions (no action). [Agenda >>](#) [Materials >>](#)

See Enclosed:

- Staff Memo, Accessory Dwelling Units 2018-1011
- Draft Chapter 19.61 Accessory Buildings and Uses
- “Accessory Dwelling Units- Model State Act and Local Ordinances”, AARP & APA (2000)
- Accessory Dwelling Units Case Study, U.S. HUD (2008)
- Guidance on Implementing The Accessory Dwelling Units Requirement, State of Oregon (2018)
- Administrative Review for an ADU, Minneapolis
- “ADUS and Dont’s”, Sightline Institute (2013-0315)
- “Accessory Dwelling Units: A Smart Growth Tool for Providing Affordable Housing” (2016)

Accessory Dwelling Units (ADUs) are defined as secondary housing units on the same parcel as a larger, principal dwelling. These are known by many names, including “granny flat”, “mother-in-law suite”, and others. An ADU must meet all requirements of the Uniform Dwelling Code as a complete dwelling unit, meaning bathroom, cooking area, ventilation and egress.

ADUs have been widespread throughout history of human settlement. However, as standard zoning ordinances were adopted throughout the United States in the 1930s through 1960s, ADUs became prohibited in most places as single-family homes became the emphasis and priority of suburban zoning.

In 2000, the American Planning Association (APA) and American Association of Retired Persons (AARP) collaborated to create a policy document regarding ADUs. Many other studies have been conducted since, including by U.S. Housing and Urban Development Administration (HUD). In September, APA and AARP announced a collaboration to renew and update policy guidance regarding ADUs in response to ongoing nationwide affordable housing crisis.

The Plan Commission discussed ADUs on 2017 December 11 during the discussion regarding setbacks and references to housing types as well as on 2018 April 9 during specific discussion of policies and zoning as they relate to housing. ADUs were also briefly discussed during 2018 July 16 and 2018 September 10 Plan Commission meetings during update and discussion regarding the Chippewa Valley Housing Task Force.

Permitting ADUs have been part of the larger housing policy, program and tactics discussion during the Housing Task Force meetings as well as in interviews with participants and stakeholders. Generally, there is widespread support of Task Force participants to enable ADUs, provided appropriate neighborhood context standards are included.

The City of Eau Claire is also studying ADUs with regard to enabling within its existing zoning structure, and there is open dialogue between Altoona and Eau Claire regarding how this might be accomplished for reasonable consistency between jurisdictions.

ADUs continue to be permitted and widespread in historically more urban and/or expensive housing markets (Portland, San Francisco, Denver, Seattle, etc.) as well as destination communities (Aspen, Park City, etc.) as a way to enable generation of more affordable small dwelling units in existing suburban or low-rise neighborhoods. Given current housing challenges nationally, ADUs have become much more studied and widespread.

Please see the enclosed Staff Report regarding discussion items relating to ADUs.

Please see also enclosed studies and articles relating to ADUs.

ITEM 3 – Discussion of zoning enforcement regarding paving of parking and driving areas (no action).

[Agenda >>](#) [Materials >>](#)

See enclosed:

- Plan Commission 2017-0517 Minutes
- Plan Commission 2017-1113 Minutes
- 2351 Spooner Avenue Conditional Use Permit (2017-1113)
- 2351 Spooner Avenue Site Plan (2017-1113)
- Paul Johnson Notice of Nuisance and Reminder 2018-0601
- Paul Johnson Reminder Letter 2018-0816
- Clements email reminder to Johnson 2018-1002
- Clements email reminder to Johnson 2018-1012

This agenda item is scheduled per Plan Commission direction at the September 10 meeting.

As you may recall, in 2017 the Plan Commission directed City Staff to conduct enforcement action at 2351 Spooner Avenue, Arnie's Service Center, regarding unpaved parking areas, accumulation of damaged and disabled vehicles, and related matters. Ultimately, a public hearing was held and the Conditional Use Permit and Site Plan was amended on 2017 November 13. That amended conditional use removed impound and storage of vehicles as a permitted use. The site plan requires all areas for parking or driving of vehicles to be paved and screening be completed, with a two-tier implementation timeline: November 2018 Phase I and November 2019 Phase II.

As you are aware, the initial conditional use for 2351 Spooner was issued in 2006, and the property has been the subject of multiple hearings and discussions before the Plan Commission. Multiple conditions of the 2006 permit remained unsatisfied up to the revised permit in 2017, and yet remain incomplete. The municipal citation for violation of 19.52.040 (parking on unpaved surface) is \$200.50, which can be levied daily.

Staff conducted similar enforcement action at other commercial sites around the City exhibiting erosion due to unpaved parking and driving areas. Those addresses with current status are summarized below:

1604 Spooner Avenue (Jason Manz)

Mr. Manz collaborated with Mr. McCrackin (1704 Spooner) to complete paving of driving areas on each parcel. A chain remains installed between posts to prohibit through-traffic on unpaved areas. Completion of paving parking and driving areas is substantially complete. Staff will follow-up with Mr. Manz should conditions or use be observed or reported that violate Altoona Municipal Code or the terms of an approved plan.

Substantially Complete.

1704 Spooner Avenue, Happy Days Auto (Mike McCrackin)

See above.

The rear lot behind 1704 Spooner (1604) still features graveled parking and driving area. This area will yet need to be paved within the initial two-year window (by November 2019).

Substantially Complete.

2003 Spooner Avenue, Hannic LLC

Written correspondence delivered, dated August 17, 2017. The property owner did not attempt to contact City Staff. The owner implemented paving of parking and driving areas sometime in July.

Substantially Complete.

2351 Spooner Avenue, Arnie's Service Center (Paul Johnson)

Multiple written and email reminders have been furnished to Mr. Johnson regarding the impending deadline of November 1 to complete the first phase of the site plan and conditional use approved on 2017 November 13.

Incomplete.

2437 Spooner Avenue, Local Ad Saver

City staff provided a written notice to Tim Heinz, property owner, dated 2017 October 11. This letter confirmed a phone discussion with Mr. Heinz regarding the deadline to pave all areas utilized by vehicles no later than 2019 November 1. Mr. Heinz has since verbally confirmed his understanding of this deadline, and has discussed what paving may need to be done.

Incomplete.

1027 N. Hillcrest Parkway, Mega Holiday

Joshua Clements met with Mike Buck, CEO Mega Co-op, on-site on 2017 September 5. Mr. Buck reported that the existing pavement is nearing the end of its life and that replacement is planned in approximately two years. Mr. Buck is receptive and cooperative concerning resolution. As you may be aware, there are areas primarily around the perimeter of the parking area that are deteriorated due to vehicles leaving the pavement and causing damage to landscape and substrate, generating erosion and tracking of materials.

Following-up on that meeting, Mr. Buck caused the commercial dumpsters to be relocated from an unpaved area within the public right-of-way to be within the parcel. Staff is in contact with Mr. Buck regarding timing for completion of the site improvements.

Incomplete.

1420 N. Hillcrest Parkway, Transport Garage

Written correspondence delivered, dated August 17, 2017. **No response yet received by staff.**

Incomplete.

ITEM 4 – Update on *Altoona Place Plan* (Parks Plan, Bicycle & Pedestrian Plan)(no action).

[Agenda >>](#) [Materials >>](#)

See Enclosed:

- Place Plan Chapter 2: Introduction (Draft v1.7)
- Place Plan Chapter 5: Open Space Inventory (Draft 2018-0605)
- Place Plan Bicycle Route, Trail & Park Map (Draft 2018-1012)

City Staff begin working on the initiative to write a new Parks Plan in summer 2016. By the fall the initiative had evolved into a combined planning effort incorporating traditional parks, recreation and open space planning together with bicycle and pedestrian planning as a “unified open space strategy” currently called *Altoona Place Plan*.

Enclosed is the current working draft of the ***Introduction Chapter*** and Bicycle Route, Trail and Park Map. The introduction chapter is intended to provide the general framework for the approach to open space planning. A substantially similar version of the chapter and of the map was previously reviewed by the Parks Board approximately one year ago.

ITEM 5 – 2018 Community Planning Month (no action). [Agenda >>](#)

As discussed at the September 10 Plan Commission meeting, October of each year is designated as Community Planning Month. This year's theme is ***Housing as Community Infrastructure*** and highlights the importance of housing as part of our community fabric, and underscores the critical role planning plays in delivering the housing and communities that benefits the public good. At the APA Policy and Advocacy Conference, September 24 & 25, APA announced the launch of *Planning Home*, a coordinated policy and research effort to advance housing. Mayor Pratt proclaimed October as Community Planning Month during the September 13th City Council agenda.

Ensuring that all residents in the community and region have safe and affordable housing options advances economic and social equity goals. Inclusive growth planning and policies can give current residents a genuine stake in housing and development, while helping new residents access housing opportunity.

Planners work with professionals from different fields such as public health and safety, finance, recreation and engineering and consider what is best for the entire community to make communities safer, stronger, healthier, and more resilient.

As part of this effort, Planner Joshua Clements attended the American Planning Association's Policy and Advocacy Conference in Washington DC, September 22 – 25th. Clements received updates and training regarding housing and related policies at the national and local level from experts and colleagues. Clements met with representatives from Sen. Baldwin, Sen. Johnson and Rep. Kind to advocate for funding for housing and infrastructure related programs as well as provide examples of how these programs are utilized in Altoona and the Chippewa Valley.

City staff is working on education and outreach activities for Community Planning Month. These include (but may not be limited to):

- Ribbon cutting of the new Devney Park Playground (date TBD)
- Ribbon cutting / walk on the new River Prairie Trail Loop (date TBD)
- Tri-County Bicycle & Pedestrian Plan, Eau Claire Open House, November 14th 5:30 at Eau Claire County Government Center (open houses in Dunn and Chippewa Counties on Nov 12 and 15, respectively).

Update regarding these and other events will be distributed via email as more information is available.

ITEM 6 - Update on Chippewa Valley Housing Task Force (no action). [Agenda >>](#)

The third meeting of the Chippewa Valley Housing Task Force is scheduled for **November 1st from 8 to 10am** at the River Prairie Center. Each commissioner should have received a "save the date" email the week of October 1st. The third meeting will be designed to focus on reviewing a summary of the input received thus far and begin to craft recommended policies and strategies. The outcome, before the end of the year, is intended to be a report generated from among the stakeholders that will present the major data and insights, as well as recommendations.

This report is not envisioned as the "end" of the Housing Task Force work or of housing conversations and efforts, but rather serve as a benchmark and tool to improve collaboration & communication and inform private and public sector decisions.

The role of the report is expected to include:

- Reflection of commitment of the participants to elevate communication & collaboration;
- Consensus principles of the Task Force participants;
- Initial analysis of impediments and opportunities;
- Summarize the relevant available data;
- Recommended short-, medium- and long-term policies and actions;
- Identify areas for further study.

The discussion regarding accessory dwelling units earlier in this meeting is example of how this larger Task Force can inform and advance local policy decisions. It is expected (and designed) to inform the City of Eau Claire, Eau Claire County, Altoona and other jurisdictions, as well as private sector partners and citizens.

Additionally, the City of Eau Claire Housing Division has contracted with Erin Healy, a well-known homelessness expert, to consult with the City regarding strategies to reduce homelessness. Clements will take part in focus group meetings with Healy and City of Eau Claire staff. In addition, there is a **Housing and Homelessness Public Form** scheduled for 1 – 3pm on October 25 at RCU (RSVP required).

As noted above, APA has launched the *Planning Home* initiative (www.planning.org/home/action/). The following is a brief summary of the structure of that initiative:

Six Principles Drive APA's Action Agenda

1. Modernize State Planning Laws

Update state laws to promote local planning efforts and provide housing resources to solve our most pressing affordability challenges.

2. Reform Local Codes

Modernize codes and rules to respond to the growing need for more housing — no matter the type or cost.

3. Promote Inclusionary Growth

Provide everyone with a fair opportunity to access affordable housing and economic prosperity, while addressing the effects of gentrification.

4. Remove Barriers to Multifamily Housing

Adopt local plans that not only expand family housing choices but also make them easier and more affordable to access.

5. Turn NIMBY Into YIMBY

Transform community engagement and involve everyone in the planning process from the start.

6. Rethink Finance

Promote innovative thinking about how to fund affordable housing in the future.

NO MATERIALS

Joshua Clements, AICP City Planner

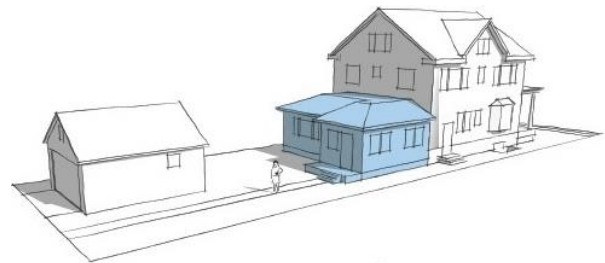
Accessory Dwelling Units (ADUs) are defined as secondary housing units on the same parcel as a larger, principal dwelling. An ADU must meet all requirements of the Uniform Dwelling Code as a complete dwelling unit, meaning bathroom, cooking area, ventilation and egress. An ADU may be renovated or retrofitted to an existing lot, or constructed along with the principal dwelling.

ADUs are known by many other common names, such as: mother-in-law suite, carriage house, granny flat, guest house, laneway house, secondary suite, backyard cottage and others.

ADU Typology (see illustration)

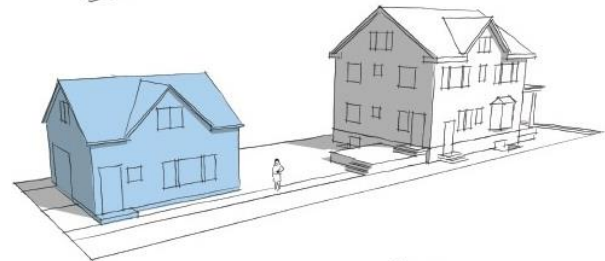
Attached

An attached ADU is typically an addition to an existing principal dwelling unit with separate entrance. Typically, they required to match the materials and design of the principal dwelling. They may have a completely separate exterior entrance or may be accessed through a shared entrance with the principal dwelling.



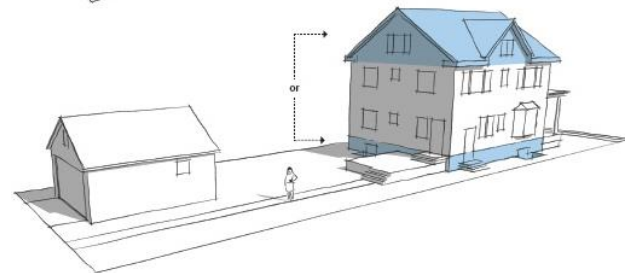
Detached

A detached ADU is a free-standing structure, secondary in size, and may be attached to or above a garage.



Internal

An internal ADU is a complete dwelling unit that is within the envelope of the original principal dwelling structure. As a renovation, it may be in the basement or attic (but not necessarily).



Function

Accessory dwelling units provide many benefits to communities, such as allowing for more efficient use of our existing housing stock and infrastructure. ADUs can increase the housing stock in existing neighborhoods in a way that fits with the scale of existing structures in the neighborhood. Detached ADUs offer a housing option with many of the characteristics of a small single-family house: a single unit with no shared walls in a lower-density residential neighborhood.

Due to their smaller size and lack of additional land and infrastructure cost (road, utilities, etc.), ADUs can provide a more affordable option for housing in neighborhoods where homes are often unaffordable to many people. Encouraging ADU production helps provide housing at an income level not available in many single-family neighborhoods. ADUs provide additional opportunities for rental housing and income diversity in neighborhoods that are often affordable only to high-income households. Furthermore, the additional income from renting out an accessory unit can help some homeowners afford to remain in their homes.

Encouraging production of ADUs also increases the inventory of housing suitable for a range of household types, including singles, couples, and families. Located in neighborhoods that typically have calmer streets and access to

parks, DADUs offer a family-friendly housing type. ADUs also help homeowners respond to changing family needs and smaller households. Multi-generational or senior households may find ADUs particularly appropriate for their needs since they provide flexibility for aging in place or living with extended family. The addition of a cottage can make it easier for elderly people to remain in neighborhoods where they might otherwise be priced out.

ADUs support many of the housing goals and policies in the City's 2009 Comprehensive Plan. For example, increasing production of a more affordable rental housing option in single-family neighborhoods supports Goal 2.1.2.1 which directs the City to encourage and plan for "safe, attractive and affordable housing" and multiple associated policies regarding supporting infill and redevelopment, and encourage a range of development to meet needs of residents of various income, age and health status. Goal 2.1.2.2 includes objectives and policies to promote design of mixed-use neighborhoods that provide a range of housing types and densities, integration of varied housing types and lot sizes and blends of housing types within the same development.

ADUs have been a topic of discussion during the Chippewa Valley Housing Task Force as a specific tactic to improve the environment for creation of affordable and workforce housing.

"Tiny Homes" are an additional area of interest of affordable housing advocates. While no strict definition exists, these are typically single-family dwellings that are much smaller than average homes constructed in recent decades. Some advocates define tiny homes as those under 500 sf². Vendors have begun to design and factory fabricate tiny homes, driving down costs as well as achieving very thoughtfully designed arrangements. A DADU may be an option to site-construct or deliver a manufactured or modular small home (although they must be on a permanent foundation). Tiny homes are also available as kits and plans available for purchase.

Due to small footprint, ADUs are advocated by some sustainability, smart growth, and simple living advocates as an affordable method to reduce one's household environmental impact. A community of designers have prepared guidance and plans for "green ADUs" as well as providing results of testing of environmental impact.

There are many strategies to create standards for the permitting of ADUs in order to address concerns raised by neighbors as well as provide for contextual integration into the character purposes of particular zoning districts. These concerns typically relate to the relative size, location, design and materials utilized in the ADU as being complementary to low-density neighborhoods. These standards must be balanced in such a way as to seek contextual balance while not be overly restrictive.

Research by Altoona staff into ADU ordinances initially began in late 2017. Staff focused research on ADU studies completed by the American Planning Association, U.S. Housing & Urban Development Administration (HUD), AARP, and other organizations; examining cities with long-standing ADU ordinances; as well as those with recently updated and seemingly complete ordinances (such as Minneapolis).

Examples of elements of ADU ordinances:

- Number per lot (1 or 2)
- Minimum size
- Maximum size (either in absolute terms, or as ratio of size of principal structure)
- Setbacks
 - Setback from lot lines
 - Setback from principal structure (for detached units)
- Character
 - Location of entrances and/or stairs
 - Compatible & durable materials
- Ownership (owner of the property must live on site – creates City regulation challenges)

ADUs are encouraged by AARP for the purpose of providing safe and more affordable “aging in place” opportunities for older adults, to provide additional income for fixed-income persons seeking to stay in their homes, among other stated reasons.

ADU vs Duplex

What’s the difference between an attached or internal ADU and a duplex? This is a complicated question. In both cases, they are separate, complete dwelling units. An ADU may also be constructed at the same time as the principal dwelling (although some jurisdictions prohibit this).

Opinions vary widely, and zoning may inform the decision. For example, if an ADU is “secondary” to the primary dwelling, however defined in zoning, then it is an ADU. If the dwelling units are not primary / secondary distinction due to comparable size or arrangement, then it is a duplex. Typically, a duplex unit is purpose-built and of relatively comparable size and arrangement with relationship to entrance location. ADU ordinances often place size and entrance restrictions to define the ADU as secondary.

Current Zoning

The following is the entry in Chapter 19.24 “Districts – Generally” referred to accessory buildings and to accessory dwelling units:

“Reductions in the size of American households, along with changes in their composition and economic circumstances, warrant consideration of zoning policies that encourage the more efficient use of the nation’s infrastructure and supply of single-family homes to meet current and future housing needs. States and localities are also seeking ways to assure the independence and security of older residents with a minimum of public investment. ADUs provide a potential resource for addressing these issues by making more effective use of existing housing stock and providing older homeowners with a potential source of income to maintain their independence.”

- AARP/APA¹ (2000)

19.24.050 Accessory buildings and uses—Conditions.

A. Accessory buildings and uses and those customarily incidental to permitted uses, such as public and private ways and easements, essential services, dwelling units for servants employed on the premises or for private guests, private garages, stables and pump houses, boat houses, docks and other noncommercial marine facilities, structures for yard and garden ornamentation, and private recreation areas and facilities are permitted in any district, provided that:

1. No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall such use impair the use, enjoyment or value of any property; and
2. Solid fuel (wood burning and other) heating appliances serving one and two family dwellings as regulated by the Uniform Dwelling Code Comm 23.045 shall not be located outside the dwelling. (Ord 10A-05, 2005).
3. No accessory dwelling unit in any R district shall be let for living purposes for compensation.

B. Home gardening and crop growing may be an accessory use on any dwelling lot or the principal use on any vacant lot or parcel.

C. A home occupation or home professional office, as defined in Chapter 19.08, is permitted in a dwelling, provided that in a residential district there shall be no external evidence thereof, except a nameplate. (Ord. A-56 § 12(A), 1970)

19.24.060 Basement dwellings prohibited.

No basement dwellings shall be permitted after July 7, 1970 in any district, except for temporary use for not more than a two-year period. (Ord. A-56 § 12(B), 1970)

The inferred presumption in Chapter 19.24 is that ADUs are permitted, but not in basements, and cannot be leased. In the R1 District, there are limitations placed on accessory buildings regarding size and height, but does not otherwise address the use of an accessory building for a dwelling (19.28.090). Therefore, it would be possible

in R2 and R3 districts to legally construct an ADU so long as it is not leased, creating enforcement challenges regarding the terms of occupation. Additionally, current zoning requires a minimum of 720 sf² for a single-family dwelling in the R1 or R2 District.

Zoning Mechanics

There are a few different ways to accomplish regulations regarding ADUs. Discussion regarding mechanics is critical because of how the entire zoning title is constructed, how terms are defined, and how uses and form standards are processed and enforced.

Revising the existing zoning title to incorporate ADUs, if supported by the Plan Commission and Council, should proceed in light of the existing structure of the zoning ordinances, as well as how ADUs may fit into anticipate evolution of development regulation. Like all ordinance revisions, zoning should be constructed to work as a supportive and integrated system, rather than a series of pieces without continuity.

The 2000 report by APA and AARP provides one such model ordinance¹ (beginning on page 28 of that report). That model ordinance provides commentary on each standard in the ordinance based upon research in that time period. These characteristics can be seen in recently adopted or modified ordinances. However, this is an area of changing regulation, and as such, there is both convergence on certain standards as well as divergence on others due to local considerations or experimentation.

Option 1: Define All Uses

Defining standards for all uses is commonplace in many comparison zoning codes reviewed to date. These provide specific standards for a use regardless and independent of those found in site plan, landscaping, or zoning district. These standards can form the basis for both permitted uses, as well as additional standards upon which conditional uses may be evaluated. This can be accomplished in a variety of ways:

A: The City of Madison Subchapter [28J “Supplemental Regulations”](#) provides for “supplemental regulations [are established] to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted”.

This is helpful as some uses may be the principal or the accessory use on a parcel. Further, the use may be permitted or conditional depending upon zoning district. Therefore, to update standards that apply to a specific use, this chapter can be referred and updated without hunting and changing references through the Title.

The City of Madison’s zoning code mechanics differ from Altoona (and from Eau Claire) in meaningful ways. This code was completely re-written in 2013 after nearly five years of study as a hybrid of use and form -based standards. As such, in addition to defining specific uses as well as including a wide variety of recognizable zoning districts, there are form standards that apply generally to certain building types. Some of these form and performance standards are utilized similarly as the River Prairie Design Guidelines (which were adapted from Fort Collins, CO). These form standards are separate from and complementary to site plan standards.

Therefore, the creation of such a chapter and populating it incrementally with uses and standards would allow for each zoning district to refer to this single chapter regarding performance standards for a specific use, regardless of permitted or conditional, primary or accessory. Given recent discussion regarding how particular uses are defined and regulated, such as gas stations, this may be a particularly appealing and timely update to the zoning title. Staff would study and refer to comparison communities as to how to accomplish this.

This method could be accomplished independently, and be supportive of, updating and/or creating a chapter regarding form-based standards.

This zoning procedure would not be a dramatic departure from certain portions of Altoona’s existing zoning. For example, the recently added entry of “breweries” in the commercial district zone chapter include form-based and performance standards. The definitions section of the zoning title also provides a test for certain uses, such as home occupations, that might be expanded upon in a chapter dedicated to use-based standards.

B: The “Conditional Uses” Chapter of the City of Eau Claire (18.35) has “general provisions” which apply to all conditional uses, and “specific provisions” which apply to specific uses, such as day cares, home occupations, etc.

The pitfall of this method is that Eau Claire defines accessory uses in a separate Chapter, and that the conditional use chapter applies only to conditional uses. The method utilized by Madison largely avoids this confusion and potential duplication or contradiction. For example, a use could potentially be either an accessory or primary use of a lot, and may be permitted in one zoning district but conditional in others.

Option 2: Define Accessory Uses

As identified earlier in this memo, references to accessory uses are found in various places throughout the existing zoning title. Unlike most comparison cities, Altoona zoning districts do not define what is permitted as an accessory use, or under what standards.

For example, the City of Eau Claire zoning code features a stand-alone Chapter titled “Accessory Uses” (18.30). This chapter includes specific standards for a wide variety of uses, including but not limited to: ADUs, Ag uses, fences, detached garages, swimming pools, solar arrays, and others. The zoning chapters in Eau Claire include tables that illustrate permitted, conditional or accessory uses (see below). Madison is among comparison communities with a similar table.

P :	Permitted Uses						
A :	Accessory Uses (See 18.30)						
C :	Conditional Uses (See 18.35)						
--:	Prohibited Use						
		<u>R-1A</u>	<u>R-1</u>	<u>R-2</u>	<u>RM</u>	<u>R-3</u>	<u>R-4</u>
1.	Accessory dwelling unit, detached	A	A	A	--	--	--
2.	Agricultural uses (see definition) P	--	--	--	--	--	--
3.	Agricultural uses, commercial (see definition)	C	--	--	--	--	--
4.	Antennas or satellite dishes, private	A	A	A	A	A	A
5.	Antennas or satellite dishes, private (in excess of accessory use standards)	C	C	C	C	C	C
6.	Bed and breakfast house	C	C	C	C	C	C
7.	Cemeteries	C	C	C	C	C	C
8.	Christmas tree sales	C	C	C	C	C	C
9.	Churches, parish houses and convents	P	P	P	P	P	P
10.	Damaged Landmarked Properties	C	C	C	C	C	C
11.	Day care center	C	C	C	C	C	C

Above: example of use table for residential districts in Eau Claire (55 total lines).

The drawback of this approach is that many uses might be the primary or the secondary (accessory) use of a property depending upon zoning district or particular circumstances of the use.

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Residential - Family Living																
Addition of dwelling unit to single family home									C							
Multi-family dwelling (4 dwelling units)				P	P					P	P	P	P		P	
Multi-family dwelling (5-8 dwelling units)				C	P						C	P	P		P	
Multi-family dwelling (>8 dwelling units)					C						C	C	C		P	
Residential building complex					C						C	C	C		C	Y
Single-family attached dwelling (3-4 dwelling units)				P	P					P	P	P	P			
Single-family attached dwelling (5-8 dwelling units)				C	P						C	P	P		P	

Above: example of use table for residential districts in Madison (over 80 entries)

Policy Questions for Further Discussion and/or Staff Direction:

- Zoning Mechanics:
 - Create chapter on use standards (similar to Madison)*;
 - Create separate chapter on accessory uses (similar to Eau Claire)*; or,
 - No action
- * Changes in Chapters may necessitate adding references to these chapters elsewhere in the Title.
- ADU (see staff draft of “19.61 Accessory Buildings and Uses” for example standards).
 - Permit or Conditionally Permit ADUs?
 - What zoning classification(s)?
 - Min / Max size parameters
 - Building Form standards
- Should staff prepare language and revisit this as either a discussion item or proposed action at future Plan Commission meeting?

Resources

1 American Association of Retired Persons, American Planning Association, 2000. "Accessory Dwelling Units: Model State Act and Local Ordinance".

2 – McCormick, Kathleen. 2016. "Gentle Infill". *Land Lines*, Lincoln Institute of Land Policy. July 2016.

American Planning Association – Accessory Dwelling Units

www.planning.org/knowledgebase/accessorydwellings/

City of Minneapolis – Accessory Dwelling Units www.ci.minneapolis.mn.us/cped/projects/ADU

City of Portland – Accessory Dwelling Units www.portlandoregon.gov/bds/36676

www.accessorydwellings.org – volunteer-edited website based in Portland, OR dedicated to expanding ADUs.

Additional Housing Resources:

American Planning Association "Planning Home" – Action Agenda for Affordable Housing

www.planning.org/home/action/

National Housing Conference. "Zoning and Affordable Housing" www.nhc.org/policy-guide/zoning-and-affordable-housing/

McCarthy, George. 2015. "Protecting a Share of the Housing Market". Lincoln Institute of Land Policy, July 2015.

www.lincolnst.edu/publications/articles/message-president-14

Harvard University – Joint Center for Housing Studies www.jchs.harvard.edu

Housing-Transportation Index. Center for Neighborhood Technology. <https://htaindex.cnt.org/>

"Affordable Housing" – Wikipedia https://en.wikipedia.org/wiki/Affordable_housing

National Association of Realtors – Housing Affordability Index www.nar.realtor/research-and-statistics/housing-statistics/housing-affordability-index

White House Housing Development Toolkit (2016)

www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf

National Housing Conference. 2016. "Investing in Affordable Housing to Promote Community Health."

www.nhc.org/publication/investing-in-affordable-housing-to-promote-community-health/

National Housing Conference. 2015. "The Impacts of Affordable Housing on Health: A Research Summary."

www.nhc.org/publication/the-impacts-of-affordable-housing-on-health-a-research-summary/

Schwartz, David. 2016. "The Importance of Affordable Housing to Economic Competitiveness." Economic

Development Journal, V15 N1. www.epsys.com/wp-content/uploads/2016/04/The-Importance-of-Affordable-Housing-to-Economic-Competitiveness.pdf

Chapter 19.61

ACCESSORY BUILDINGS AND USES

Sections:

19.61.010	Purpose.
19.61.020	Determination.
19.61.030	General Provisions.
19.61.040	Specific Standards.

19.61.010 Purpose.

- A. An Accessory Use is a building, structure or use which may be permitted or conditionally permitted in addition to principal uses if customarily accessory and incidental to the conduct of the principal use. Such building or structure shall be built upon, and the use conducted upon, the same lot as the principal use.
- B. Enable the flexibility of use and enjoyment of property within the City while managing those uses and conditions that may create negative impacts on health, safety, and general welfare.

19.61.020 Determination

- A. The Zoning Administrator shall make the initial determination as to whether a building, structure or use is accessory to a principal use, and shall issue a Zoning Certificate as necessary for those which are determined to be accessory and which comply with the provisions of this Title.
- B. The accessory use determination shall be based upon the relationship of the building, structure or use to the permitted principal structure or use. An accessory use shall be habitually or commonly established as reasonably incidental to the principal use and located and conducted on the same lot as the principal use. In determining whether a use is accessory, the following factors shall be used:
 1. Size of the lot;
 2. Nature of the principal use;
 3. Use made of adjacent lots;
 4. Actual incidence of similar use in the area;
 5. Potential for adverse impact on adjacent property.
- C. The Zoning Administrator shall apply standards set forth in this Chapter, as well as standards illustrated by zoning district, where applicable, in the review procedure.
- D. Those accessory uses or structures identified as a conditional use shall follow procedure set forth in Chapter 19.59.

19.61.030 General Provisions

- A. Placement. Unless otherwise specified in this Chapter or by zoning district requirements, accessory buildings may be located in the following locations:
 1. Residential Districts
 - a. In a rear yard or interior side yard setback, a minimum of four (4) feet setback from any property line.
 - b. In the front or street side yard setback of a corner lot, a minimum distance from the property line equal to the setback required for a principal building in the district, or actual setback of the principal building, whichever is less.
 - c. Accessory buildings are not permitted between the principal building and the street, except where the accessory building may be placed greater than thirty feet from the property line and meet all other placement requirements.
 - d. A minimum of four (4) feet from any principal building and any other accessory building.

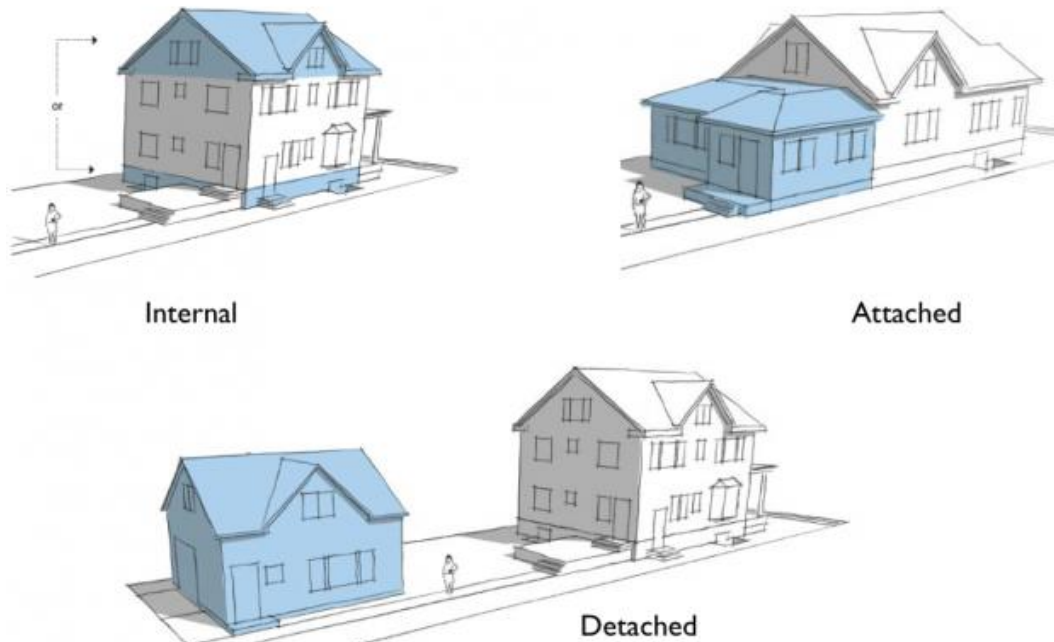
- e. Obstructions and encroachments into required setbacks as described in Chapter 19.56.
- 2. Commercial and Industrial Districts
 - a. Placement of accessory uses and structures shall be consistent with building setbacks of non-residential uses unless otherwise specified.
- B. Establishment.
 - 1. An accessory use or structure shall not be established or constructed upon a property until the accompanying principal use or structure is established.
 - 2. Exceptions. Certain accessory uses may be permitted primary uses where specified in this Chapter or by zoning district.

19.61.040 Specific Standards

The following specific form, performance, and procedural standards shall apply to those accessory uses as defined and listed. Where a construction or building alteration takes place, building permits are required unless otherwise specified.

- A. Accessory Dwelling Unit
 - 1. Definition
 - a. An accessory dwelling unit (ADU) means a secondary dwelling unit with complete living facilities (e.g., sleeping area, kitchen, bathroom, egress) sharing the parcel of a larger, principal dwelling structure, is clearly accessory and subordinate to that structure, and has been designed or configured to be used as an separate, independent dwelling unit established by permit.
 - 2. Purpose.
 - a. The purpose of this subsection is to allow for the establishment of a subordinate accessory dwelling unit in conjunction with a single family or two-family dwelling as the principal structure.
 - b. Accessory dwelling units are a means of providing more affordable housing opportunities for young families, single persons, and encourage additional investment in property with scale, context and character compatible to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more efficient use of large homes and sites.
 - 3. General Provisions
 - a. Three types of ADUs are defined: internal, attached, and detached (see illustration and description in this Section).
 - b. An ADU shall not be considered a separate principal residential structure.
 - c. ADUs shall meet all requirements of the Uniform Dwelling Code, and comply with all applicable site design, architecture and form, access and other standards applicable in the zoning district where the ADU will be located.
 - d. There shall be no more than one ADU per lot.
 - e. No subdivision of land or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the principal dwelling unit.
 - f. The minimum ADU floor area shall be three hundred (300) square feet.
 - g. Where the ADU's principal entrance faces an interior lot line, the building setback for such entrance shall be ten feet from the subject lot line.
 - h. Creation of an ADU shall not result in the creation of additional entrances on the front façade of the principal structure.
 - i. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU.
 - j. No home occupations, day care centers, or adult foster homes shall be permitted in ADUs.
 - k. Where off-street parking is provided, no additional curb cut or driveway shall be permitted.
 - 4. Accessory Dwelling Unit, Internal

- a. Internal ADUs are created by renovating a space within the existing envelope of a principal structure.
 - b. Maximum floor areas shall be the lesser of six hundred (600) square feet or fifty (50) percent of the remaining habitable floor area (e.g. not including garage space) of the principal dwelling.
 - c. Exterior stairways leading to an upper story internal ADU shall not be on street facing yard, and the finish of the railing shall match the finish or trim of the principal structure. Durable materials are required, raw or unfinished lumber shall not be permitted on an exterior stairway.
 - d. The entire interior ADU shall be located on one level.
5. Accessory Dwelling Unit, Attached
- a. Attached ADUs are created by adding space onto the envelope of a principal structure, including additions above attached garages.
 - b. Exterior materials and design shall match those, and be otherwise indistinguishable from, the principal structure.
 - c. Attached ADUs shall share a common building wall with the principal dwelling that is not less than ten feet in length.
 - d. Attached ADUs shall feature an entrance independent and separate from the principal dwelling.
 - e. The maximum floor area shall not exceed eight hundred (800) square feet or fifty (50) percent of the habitable area of the principal dwelling in existence prior to construction.
 - f. A minimum fire separation complying with Comm. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
6. Accessory Dwelling Unit, Detached
- a. Detached ADUs are freestanding structures subordinate to and spatially separate from the principal structure, and may the sole use of the accessory structure or in conjunction with a garage. A detached ADU may be created through new construction, or the conversion, addition or renovation to an existing accessory structure.
 - b. Detached ADUs shall feature a permanent foundation or basement.
 - c. Exterior materials shall be durable and residentially compatible, including but not limited to masonry, brick, stone, wood, wood composite, cement-based siding, or glass; and need not match the design or material of the principal dwelling.
 - d. Maximum footprint of the detached ADU shall not exceed the lesser of eight hundred (800) square feet or ten percent of the total lot.
 - e. Total floor area shall not exceed one thousand (1000) square feet, and; floor area shall not exceed seventy-five (75) percent of the habitable floor area of a principal structure that is a one-family dwelling, or seventy-five (75) percent of the habitable floor area of the larger unit of a two-family dwelling principal structure.
 - f. The height shall not exceed the height of the principal dwelling nor any height limit of the zoning district.
 - g. The ADU shall be not less than **ten** feet away from the principal dwelling, and meet all other accessory building setback requirements of the zoning district.
 - h. Exterior stairways leading to an upper story detached ADU shall not be on a side or rear yard relative to the ADU, and the finish of the stair and railing shall match the finish or trim of the detached ADA. Durable materials are required, raw or unfinished lumber shall not be permitted on an exterior stairway.



7. Approvals

- a. ADUs are permitted as a conditional use in the R-1, TH and PCD zoning districts, and as a permitted use in all other zoning districts, where the permitted, principal use is a one-family or two-family structure.
 - b. Application for a Zoning Certificate for an ADU shall include a residential site plan illustrating setbacks, building or renovation plans, materials, and any other detail required by the Zoning Administrator. Applications shall demonstrate that the ADU complies with all applicable standards of this Title.
 - c. No ADU shall be permitted to be added to, created within, or constructed on the same lot as the principal structure to which it is accessory without certification from the Public Works Department that the water supply and sanitary sewer facilities serving the site are adequate.
 - d. The Zoning Administrator shall conduct the administrative review of all applications for an accessory dwelling unit and issue an appropriate zoning certificate, except for those requiring conditional use. All finding and decisions of the Zoning Administrator shall be final, subject to appeal to the Board of Appeals.
 - e. Creation of an ADU without the appropriate Zoning Certificate shall be a violation of this Title and subject to penalty and enforcement consistent with Chapter 1.08.
- B. Accessory Structure, General
1. General accessory structures include any permanent structure constructed on site or manufactured and moved to the site that is not otherwise specified in this Chapter. These include, but not limited to: sheds, storage containers, and canopies.
 2. General accessory structures larger than 48 square feet require a building permit per Title 15.
- C. Deck
1. A deck is a building appurtenance constructed of horizontal planks of wood or wood composite materials elevated from the adjoining land.
 2. Decks require a building permit, shall be constructed according to the Uniform Dwelling Code.
 3. All requirements for building appurtenances in that zoning district shall be met.
- D. Fences. Refer to Chapter 19.56.

- E. Flagpoles
 1. Flagpoles are permitted within a required front setback provided the vertical structure is not less than four (4) feet from any property line.
- F. Garage
 1. A garage is an accessory structure designed for the access and storage of automobiles or other motorized vehicles as its principal function.
 2. Any detached accessory structure featuring doors sufficiently large to enable motor vehicle access shall be defined as an accessory garage.
 3. Shared Garages. A detached garage may be constructed across one or more lot lines by abutting property owners, where a garage is permitted within four (4) feet of the lot line, provided:
 - a. A joint driveway shall serve the garage, meaning the driveway shall have a single driveway apron as defined by ordinance.
 - b. The property owners shall provide a joint access and maintenance agreement for the use of the garage, and such agreement shall be recorded with each property.
- G. Gardening
 1. Recreational or home gardening and crop growing may be an accessory use on any lot with a principal structure, or the principal use on any vacant lot or parcel.
 2. Growing of fruits, vegetables, and non-invasive ornamental specimens are an encouraged accessory use of landscape areas on commercial properties.
- H. Greenhouse
 1. A greenhouse is an accessory building clad primarily or substantially of glass or hard plastic for the purpose of cultivating plants.
 2. Where the greenhouse is permanently attached to the principal structure, the greenhouse shall be regulated as an appurtenance to that structure and meet all applicable codes and standards thereof.
- I. Heating Appliance
 1. Solid fuel (wood burning and other) heating appliances serving one and two family dwellings as regulated by the Uniform Dwelling Code Comm 23.045 shall not be located outside the dwelling. (Ord 10A-05, 2005).
- J. Home Occupation
 1. Defined. The office or studio, service establishment or homecrafts located in the dwelling of the principal practitioner, but not including any display of such use outside the dwelling.
 2. The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of the neighborhood.
 3. A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
 4. No more than twenty-five percent (25%) of the floor area of the dwelling may be devoted to such home occupation.
 5. Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
 6. The exclusive indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- K. Laundry Drying Fixture
 1. Laundry drying fixture (clothing line, etc.) are permitted in all areas of rear and side yards, and in front yards provided no part of the structure is less than four (4) feet from any property line.
- L. Recreational Equipment
 1. Defined. Recreational equipment includes, but not limited to, climbing gyms, swings, and similar products utilized primarily by children for active play.
 2. Recreational equipment is permitted in all areas, provided that in the front yard or street side yard setback said equipment does not constitute a permanent structure.

M. Retaining Walls. See Chapter 15.14.

N. Signs. See Chapter 19.58.

O. Solar Array

1. Defined. A solar array is an accessory system or device that is roof or building mounted, or ground-mounted with poles or racks, used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.
2. A building-mounted arrays are permitted in all zoning districts.
3. A ground mounted array is a permitted accessory structure in all zoning districts, provided setbacks and height requirements for accessory structures in that zoning district shall be met.

P. Swimming Pool

1. Swimming pools are permitted accessory uses in all zoning districts.
2. Swimming pools shall be permitted and constructed pursuant to Chapter 15.05.

Q. Wind Energy Conversion System

1. Defined. A wind energy conversion system is a mechanical device, including pole or tower mounting fixture, used to collect kinetic energy of air movement for use in the system's energy transformation process.
2. Authorization. This Section is adopted pursuant to authority contained in Wis. Stat. §§ 62.23(7) & 66.0401 and Wis. Admin. Code ch. PSC 128.
3. Zoning Districts.
 - a. Wind Energy Conversion Systems that have a total installed nameplate capacity of not greater than 10 kilowatts are accessory uses permitted by conditional use in residential zoning districts.
 - b. Wind Energy Conversion Systems that have a total installed nameplate capacity of not greater than 100 kilowatts are a permitted accessory use in non-residential zoning districts. Units with nameplate capacity greater than 10 kilowatts require conditional use.
 - c. All installations shall be subject to the application requirements in this Section.
4. The height of the wind energy conversion system, including the rotor, shall not exceed the height limits for appurtenances in the district in which it is located nor shall the height exceed the distance of the base of such system to any lot line of adjacent residential properties, or the distance to existing structures on non-participating, non-residential properties.
5. Setbacks shall be consistent with procedures and standards established by Wis. Admin. Code ch. PSC 128.60.
6. Appropriate maintenance and abandonment agreements shall be provided.
7. The relationship of the system to public utility structures shall be considered and adequate provisions for interconnection with, and parallel generation in connection with, the public electric utility shall be required where applicable.
8. Noise and electromagnetic interference created by the system shall not adversely impact surrounding uses, as defined by Wis. Admin. Code ch. PSC 128.
9. Application Requirements. Applications for conditional use approval shall include or be accompanied by the following materials shown on site plan or otherwise:
 - a. Location of wind energy conversion system base;
 - b. Property lines;
 - c. Location of existing structures and above ground utilities within a radius of 125 percent of the total height of the system;
 - d. Schematic of electrical system associated with the system including all existing and proposed electrical interconnections;
 - e. Dimensional representation of the structural components of the tower including the base and footings;
 - f. Manufacturer's specifications and installation and operation instructions or specific wind tower design data;

- g. Certification by a registered professional engineer (or manufacturer's or state certification) that the tower design and wind machine is sufficient to withstand wind load requirements for structures as defined by the applicable codes.
- h. Evidence of insurance coverage (binder or equivalent) insuring the installation and the owner against risk of property damage or personal injury.

DRAFT

Accessory Dwelling Units

Model State Act and
Local Ordinance



A Publication of the
Public Policy Institute

Rodney L. Cobb and Scott Dvorak
American Planning Association

**Accessory Dwelling Units:
Model State Act and Local Ordinance**

by

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and

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The Public Policy Institute, formed in 1985, is part of the Research Group at AARP. One of the missions of the Institute is to foster research and analysis on public policy issues of interest to older Americans. This publication represents part of that effort.

The views expressed herein are for information, debate, and discussion and do not necessarily represent the formal policies of AARP.

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FOREWORD

Accessory dwelling units (ADUs) are independent housing units created within single-family homes or on their lots. These units can be a valuable addition to a community's housing stock. ADUs have the potential to assist older homeowners in maintaining their independence by providing additional income to offset property taxes and the costs of home maintenance and repair. Other potential benefits include companionship, the opportunity to negotiate for home maintenance or personal services in return for reduced rents, and increased personal security. ADUs also offer a cost-effective means of increasing the supply of affordable rental housing in a community without changing the character of a neighborhood or requiring construction of new infrastructure such as roads, sewers, and schools. Zoning ordinances that prohibit ADUs or make it extremely difficult for homeowners to create them are the principal obstacle to the wider availability of this housing option.

The Public Policy Institute of AARP asked the American Planning Association (APA) to develop model legislation (a state statute and a local ordinance) that would assist AARP volunteer leaders and other interested citizens, planners, and government officials in evaluating potential changes to state laws and local zoning ordinances to encourage the wider availability of ADUs. The APA is the nation's leading source of information on planning and zoning practices. Rodney L. Cobb, APA's Staff Attorney and Editor of *Land Use Law* and *Zoning Digest*, was the principal investigator for this project. He was assisted by Scott Dvorak, Research Associate, and other members of APA's research department. The authors have drawn heavily from the experiences of states and localities in developing the model legislation. As a result, many of the provisions incorporated in the model legislation have been tested in different communities and proven successful in actual practice.

The model legislation is intended to serve as a guide for communities that want to make the benefits of ADUs available to households of all ages, not just older persons. It has been drafted to meet the needs of a wide variety of communities. Optional provisions, including those that are attractive even to very cautious communities, are incorporated in the model local zoning ordinance to provide as many choices as possible for jurisdictions to consider. The materials presented here indicate that ADUs can be a cost-effective solution for meeting myriad housing needs without engendering the negative impacts sometimes associated with other forms of affordable housing development. It is our hope that the model legislation will prove to be a valuable reference for communities seeking to increase the housing choices available to their residents.

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EXECUTIVE SUMMARY

Background

Accessory dwelling units (ADUs) are independent housing units created within single-family homes or on their lots. They have the potential to assist older homeowners in maintaining their independence by providing additional income to offset property taxes and maintenance and repair costs. Other potential benefits to older homeowners include companionship, the opportunity to negotiate for home maintenance or personal services in return for reduced rents, and increased personal security. ADUs also offer a cost-effective means of increasing the supply of affordable rental housing in a community without changing the character of a neighborhood or requiring construction of new infrastructure (roads, sewers, schools, etc.) to serve development. Zoning ordinances that prohibit ADUs or make it extremely difficult for homeowners to create them are the principal obstacles to the wider availability of this housing option.

Purpose

The purpose of this report is to present model legislation for both states and local jurisdictions to use to develop their own regulations on creating ADUs. Drawing on the experience of communities that have incorporated ADUs into their zoning practices, the report reviews and evaluates potential options for changes in state laws and local zoning ordinances to increase the availability of ADUs.

Methodology

A search was conducted to collect and review existing literature on ADUs, including all state ADU legislation, local ADU ordinances, and ADU court cases. In addition, a mailing went out to some 1,600 planning agencies and consultants who subscribe to the American Planning Association's *Zoning News*, requesting copies of local ADU ordinances and information on ADU policies and regulations. (These activities took place in 1996 and 1997, with an additional review conducted in 1999 of ADU state legislation and court cases.) The researchers then analyzed the 50 local ADU ordinances and other materials collected in response to the mailing. A series of follow-up interviews with state and local officials and ADU experts were then conducted to develop further information on the key ADU issues raised by the analysis. To obtain a broad national perspective, these interviews were conducted with officials in a variety of regions and states. The Model State Accessory Dwelling Unit Act and the Model Accessory Dwelling Unit Ordinance were then drafted. Several state and local officials interviewed earlier subsequently reviewed the draft model legislation to assess its utility and feasibility in light of actual administrative practice and community experience.

Principal Findings

Regulatory barriers can be most effectively removed by adoption of a state ADU act and by encouraging localities to adopt ADU ordinances. Many communities that initially allowed limited ADU development found the experience positive enough to broaden the scope for ADUs.

Conclusion

Reductions in the size of American households, along with changes in their composition and economic circumstances, warrant consideration of zoning policies that encourage the more efficient use of the nation's infrastructure and supply of single-family homes to meet current and future housing needs. States and localities are also seeking ways to assure the independence and security of older residents with a minimum of public investment. ADUs provide a potential resource for addressing these issues by making more effective use of existing housing stock and providing older homeowners with a potential source of income to maintain their independence.

INTRODUCTION

Across the United States, communities are struggling to meet the nation's growing and changing housing needs. Three factors — changing demographics, changing economics, and changing community goals — have converged to make innovative solutions to housing issues a policy necessity.

- **Changing demographics.**
American families are growing in number but shrinking in size. People are living longer, more people are staying single longer, and married couples are having fewer children. The housing stock has not kept up with this change in family demographics. In some communities, the need for housing, especially for people with special physical and financial needs, has become acute. Underused space in single-family houses is one of the nation's largest untapped housing resources.
- **Changing economics.**
Not only is family size changing, but so are the economic circumstances of families. As the population ages, many older people find themselves living in their family homes alone. They may need additional income to pay for health care services, cover home maintenance costs, or make mortgage payments. Others may want a family member or a caretaker to live nearby, while maintaining privacy for both parties.
- **Changing community goals.**
Many communities have recognized the need to stabilize or increase population densities in certain areas in order to maintain the existing public infrastructure, services, and tax base. In addition, many communities have sought to concentrate population density in specific areas in order to encourage public transit service and reduce urban sprawl. These communities do not, however, necessarily want their single-family neighborhoods to become structurally more dense.

One approach to meeting these needs is to allow or even encourage the development of accessory dwelling units (ADUs). ADUs are constructed as either apartments or cottages, and the term "ADU" is used in this publication to include both types of accessory units. The relationship of the ADU to the single-family home, or "the principal dwelling unit," determines the type of ADU. An *accessory apartment* is built within the principal dwelling unit, whereas an *attached accessory cottage* is physically connected to that dwelling unit. A *detached accessory cottage* is located on the same lot as the principal dwelling unit but is not physically connected.

ADUs offer the potential for assisting older homeowners and others in maintaining their independence while increasing the supply of affordable rental housing within a community. Income from an ADU can offset rising property taxes, maintenance and repair costs, and other housing expenses that are often a burden for older homeowners. ADUs can also make it easier for households with children to afford the housing they need. In some situations, an ADU may

provide enough additional income so that a family can afford to buy a house in a preferred neighborhood that is safer, has better schools, or is closer to work.

Currently, ADUs are not a widely available housing option in the United States. Local zoning ordinances that prohibit ADUs or make it difficult for homeowners to create them are the principal obstacle. Although the impacts on neighborhoods from developing ADUs are minimal compared to those of other types of affordable housing, residents are often concerned about ADUs' compatibility with neighborhood character and design, the impact on parking, and the effects on property values and community services (see Sidebar A).

Yet, what today is called an accessory dwelling unit was once a rather typical housing arrangement. ADUs were relatively common before World War II. Many accessory units were created by middle-aged and older persons, often widows, seeking to take in roomers or boarders after their children moved out. Following the war, however, the explosive growth of the suburbs was guided by zoning ordinances that focused almost exclusively on the housing needs of the traditional nuclear family, and most communities prohibited ADUs.

Ironically, those same suburban homes were frequently constructed with unfinished space, so that homeowners could modify their living space as their needs changed. Many of these suburban homes have had additions and modifications — bedrooms, finished basements, and recreation rooms to accommodate growing families — over the past 50 years.

Current zoning ordinances, however, often maintain rigid prohibitions against ADUs. These ordinances now limit the expansion and modification options of homeowners and prevent communities from making effective use of their current housing stock to meet the changing needs of families. For older persons living in the suburbs today, the inability to continue to adapt their homes to suit their needs may mean they cannot “age in place.” Yet, consumer preference surveys conducted by AARP consistently indicate that 80 percent or more of older households would like to remain in their current homes.

In addition, a recent AARP housing preference survey of persons 50 and older indicated that over one-third of the respondents (36 percent) would consider modifying their home to include an ADU in the event they needed assistance as they grew older. The potential for construction of ADUs by older homeowners is significant. The latest American Housing Survey (1997) revealed that some 16.5 million older households (age 65 and older) own their homes, and single-family detached homes make up 88 percent of these units. This survey indicates that these homes could accommodate accessory units. Single-family detached dwellings among homeowners age 65 and older (including mobile homes) had a median area of 1,665 square feet.

In fact, though ADUs are illegal in many U.S. communities, some homeowners create them anyway. Since creating an accessory apartment does not require any changes to the outside of the dwelling, an illegal unit is not likely to draw the attention of local officials. Overall, ADUs are an important part of annual additions to the nation's housing stock; it is estimated that between 65,000 and 300,000 such units are created each year (Howe 1990, 70).

Sidebar A. DALY CITY, CALIFORNIA

In 1979, Daly City officials, like many civic leaders in the San Francisco Bay area, were concerned about the lack of affordable housing. To help remedy the problem, city officials offered to acquire land and build a public housing project. After a hearing with 400 residents, many of them protesters, the project did not go forward. City officials were still searching for answers to the affordable housing problem when the California legislature passed a law in 1982 pushing local governments to adopt ADU regulations. In 1983, Daly City passed its own ADU ordinance, citing three reasons: to help meet housing needs, to conform to the state legislation, and to legalize illegal ADUs that posed health and safety hazards to residents.

Before launching its ADU program, Daly City officials were worried that too many ADUs might cause nuisances, parking problems, and demands too great for existing community services. The city established a number of requirements to meet these concerns. Because small lots dominate the city's neighborhoods, only accessory apartments, not detached units, were allowed in residential zones. Four parking spaces were required on premises with an ADU, with two being for the principal unit. These spaces, however, could be accommodated with tandem parking (one car in front of another in driveways) and could be located in any area of the yard. Daly City also limited the maximum size of an accessory apartment to 25 percent of the living area of the principal dwelling unit.

A further city requirement that owners occupy the premises has proven critical to preventing nuisances. Officials reasoned that with the ADU owners on the premises, many nuisances that tenants might otherwise create would not be tolerated. Although realtors have tried to repeal the owner-occupancy requirement, Daly City officials have made it clear that an owner's presence on premises with an ADU is a must.

A cornerstone of Daly City's ADU program is its Project Homesafe, which received an award from the California League of Cities as an innovative community development program. This project was initiated by the city in 1992 to rid neighborhoods of fire and structural risks posed by illegal ADUs that did not conform to building and electrical codes. Out of an estimated 5,000 illegal units, 1,055 have been legalized, meaning that many safety hazards have been eliminated.

In addition to legalizing existing ADUs, the city's efforts have led to the creation of 288 new legal units. Early in its ADU program, the city sowed the seeds of success in fostering new units by minimizing applicant fees and red tape. It charges only \$100 for ADU application fees, which is even less than the fee required to add a bedroom to a house. To cut red tape, the city designed a process that takes about 20 minutes. An applicant describes the particulars of his proposal and may then obtain a preliminary approval. A hearing is not required. Permits are permanent, and conditions (like the owner-occupancy requirement) are recorded in the title to the property in order to notify subsequent owners of the conditions. The city also promotes new ADUs with a low-interest loan program for low-income owners who agree to install ADUs and to lease the units only to other low-income persons for a period of at least five years.

Other advantages of Daly City's ADU program are at the human level — in its social benefits. Many senior citizens who were empty nesters living on fixed incomes were able to create accessory apartments, live in them, and rent out the remainder of their homes to persons who often became part of their extended family. One homeowner with Alzheimer's was able to trade ADU quarters for medical services from an ADU tenant, a nurse, who was also delighted by the arrangement. The city's young citizens have gained from ADUs because Bay Area housing costs are quite high and one viable option for them is to rent an ADU. For some laid-off blue-collar residents, ADU rental income has actually allowed them to keep their homes.

The model legislation contained in this publication authorizes and provides guidelines for all forms of accessory units. The *model state act* provides the justification and authorization for ADUs and establishes rules that local officials must follow in adopting a local ADU ordinance. The *model local ordinance* offers provisions that local officials can include in their existing zoning ordinance to specify what a homeowner must do to obtain a permit to build an ADU. The model local ordinance is intended to be implemented in tandem with the model state act.

Resources searched or consulted to develop the model acts include all existing American state ADU legislation, model ADU ordinances, and ADU court cases. These sources are noted in parentheses in the text of the model legislation, and a complete reference list appears at the end of the document.

The Model State Act on Accessory Dwelling Units

The model state act sets the terms for what communities can and cannot do in regulating ADUs via local ordinances. It consists of five sections:

1. General Provisions

Section 1 establishes as state policy the encouragement of ADUs in a manner that enhances residential neighborhoods. This section incorporates the act's findings, purposes, and definitions of terms.

2. Regulatory Authority

Section 2 authorizes localities to adopt ADU ordinances and specifies the powers they may exercise in regulating ADUs. This section authorizes local governments to allow ADUs in single-family or multi-family zoning districts; to require that either the ADU or the principal dwelling unit be owner-occupied; to impose standards with regard to parking, height, setback, lot coverage, architectural review, and other considerations; to define the application procedure for creating ADUs; and to set maximum and minimum sizes for attached and detached ADUs.

3. Limiting Regulatory Authority

Section 3 prohibits localities from regulating ADUs in ways that violate the intent of the act. This section requires localities to justify bans on ADUs, exempts ADUs from growth-limitation measures, and establishes guidelines for parking requirements and fees that localities may impose.

4. Default Provisions

Section 4 establishes procedures and standards for obtaining a permit to create an ADU if a locality does not adopt an ADU ordinance. This section prohibits localities that do not have an ordinance in place from imposing standards beyond those in the state law. Section 4 also requires publication of a quarterly notice indicating the availability of the public official responsible for processing ADU permits.

5. State's Role in ADU Policies

Section 5 presents the option of giving the state a stronger role in encouraging ADUs. This section authorizes state review and certification of local ADU ordinances, collection of data on local ADU efforts, preparations of a State Annual Report that would make recommendations to the legislature and governor for improving the ADU act, and creation of a State Advisory Board on ADU policies.

Italicized notes are included in the text to assist readers in understanding various provisions of the act. Some of the explanations refer to the related model ADU local ordinance, which is designed to complement the model state act.

The Model Local Ordinance on Accessory Dwelling Units

The model local ordinance is designed to implement the policies of the model state ADU act. It will also help guide communities in drafting their ADU ordinances, even if the state does not have legislation governing ADUs. It attempts to balance the need to specify clear, rigorous standards that protect the community with the need to avoid requirements so onerous that no one will apply to install an ADU.

The ADU ordinance specifies what a homeowner must do to get a permit to build or create an ADU. Typically, a community adopts an ADU ordinance as an amendment to its zoning ordinance. (Some local governments refer to zoning regulations as “codes” or “bylaws” or “unified development regulations.”)

The provisions of the model local ADU ordinance are organized into the following three categories:

1. General Provisions

Section 1 establishes that the purpose of the ordinance is to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods. Section 2 provides a definition of terms.

2. Permits: Eligibility and Application

Sections 3 through 6 inform homeowners of the steps they must take to obtain, keep valid, and renew an ADU permit. In addition, these sections specify what types of proposed ADUs (apartments, attached or detached cottages) are eligible for permits in various zoning districts.

3. Standards

Sections 7 through 23 specify standards that a homeowner's application must meet before a permit to build or create an ADU is approved. These standards address the issues of lots (Sections 7 through 9), occupants (Sections 10 and 11), building standards (Sections 12 through 19), parking and traffic (Section 20), public health (Section 21), density limits (Section 22), and legalizing illegal and nonconforming ADUs (Section 23).

In the model local ordinance, the duplication of general zoning provisions is avoided because communities typically adopt an ADU ordinance as part of their general zoning ordinance or code. For this reason, the model local ADU ordinance does not contain provisions setting up zones or laying out application and enforcement procedures, and it does not provide routine definitions of basic zoning ordinances (such as definitions of “permit” or “lot”). It is assumed that the general zoning ordinance of which this model local ordinance will become part provides that all building construction is subject to the range of other typical community laws — e.g., building codes, fire codes, electrical codes, and housing codes.

The model local ADU ordinance presents options for dealing with key ADU issues. These options acknowledge that conditions vary in different communities. They are evaluated as “optimal,” “favorable,” or “minimal” (see below), based on their potential to increase the availability of ADUs in a community. For each option, a commentary is provided about the issues involved. Some comments are predicated on the assumption that the model local ordinance is adopted in a state that has already enacted a state accessory dwelling unit law.

1. Optimal

Provisions labeled “optimal” provide the fewest restrictions on the development of ADUs;

2. Favorable

Provisions labeled “favorable” address the concerns of the legislative body and neighbors while imposing relatively modest requirements for the installation of ADUs;

3. Minimal

Provisions labeled minimal address the concerns of the legislative body and neighbors but in a manner that is likely to reduce the potential incentives for homeowners to create ADUs.

Sorting among these provisions will allow policymakers and community members to draft ordinances that reflect their desires and concerns. Historically, communities have tended to adopt somewhat strict standards in the beginning and then to amend their ordinances with standards that more readily encourage homeowners to develop ADUs (Hare 1989, 17-18). The research conducted for this report indicates that the fear of negative impacts is greatly diminished as local officials and neighbors have the opportunity to see firsthand the benefits of ADUs for citizens. Given this experience, many communities may become interested in increasing the number of ADUs (see Sidebar B).

Sidebar B. MONTGOMERY COUNTY, MARYLAND

Like many rapidly developing suburban counties, this area outside of Washington, DC has experienced a tremendous increase in the cost of housing. With this increase in cost comes more restricted access to housing for people of low and moderate incomes. To address this problem, the county established a committee in 1983 to study how to use the existing housing stock more efficiently. One of the study results was the adoption of an accessory apartment ordinance in 1984. Since then, more than 600 special-exception applications have been submitted for accessory apartments. By 1996, the county had about 400 legal accessory apartments; since 1989, more than 360 affidavits of compliance for registered units have been filed for rent-free units used by relatives or in-home workers.

To ensure acceptance of the original ordinance, the county was very careful about establishing the criteria under which it would allow accessory apartments. The ordinance has since been amended seven times for various reasons, including allowing ADUs in cellars, reducing lot-size minimums, requiring the posting of signs when a house with an accessory apartment has been sold and the new owner intends to maintain the accessory apartment, and eliminating the requirement for an annual status report to the county council. The county found that requiring a minimum lot size is a good idea; however, the minimum lot did not need to be as large as officials initially thought.

As in any community, residents were concerned with neighborhood quality, particularly property values and parking. Montgomery County addresses these issues by requiring two off-street parking spaces or proof of adequate on-street parking and by limiting the number of accessory apartments approved in any one neighborhood. Officials have not established a hard-and-fast rule for accessory apartment spacing, but it has used a guide of no more than two units on any one block. The county also requires that owners occupy the premises.

In order to ensure the success of its accessory unit program, the county published a guidebook in 1991 designed to assist applicants seeking permits for accessory apartments. The book details who is allowed to construct an accessory apartment, the information needed to obtain a permit, and what to expect during the application process. The Montgomery County accessory apartment program started with thorough research backing up the need for this type of housing, followed by an ordinance that addressed the main concerns of residents but could be amended as needed. The county government supported the ordinance by publishing guides to getting accessory apartments approved and by maintaining on staff a program specialist responsible for coordinating the program and assisting the public.

MODEL STATE ACT ON ACCESSORY DWELLING UNITS

I. General Provisions.

A. Findings.

The Legislature finds and declares that:

- i. There is a large and growing unmet need for affordable housing to shelter the State's population. (Cal. Stats. 1982, ch. 1440 Section 1);
- ii. The State's existing housing resources, particularly single-family dwelling units, are vastly underutilized due in large part to the changes in social patterns. The improved use of this state's existing housing resources offers an innovative and cost-effective solution to the State's housing crisis (Cal. Stats. 1982, ch. 1440 Section 1);
- iii. The State can play an important role in increasing the use of existing housing resources and in reducing the barriers to the provision of affordable housing (Cal. Stats. 1982, ch. 1440 Section 1);
- iv. Typical installation rates of accessory dwelling units (ADUs) are low, rarely exceeding one ADU per 1,000 single-family homes per year (Hare 1989, 1); and
- v. There are many benefits associated with the creation of legal ADUs on single-family lots (Cal. Stats. 1982, ch. 1440 Section 1). These benefits include:
 - (1) Providing a cost-effective means of accommodating development by making better use of existing infrastructure and reducing the need to provide new infrastructure (Cal. Stats. 1982, ch. 1440 Section 1);
 - (2) Increasing the supply of affordable housing without government subsidies (MRSCW 1995, 9);
 - (3) Benefiting older homeowners, single parents, young home buyers, and the disabled (Hare 1989, Report I, 3);
 - (4) Integrating affordable housing more uniformly in the community (MRSCW 1995, 9);
 - (5) Providing homeowners with extra income to help meet rising home ownership costs (MRSCW 1995, 12);
 - (6) Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement (MRSCW 1995, 12);
 - (7) Reducing the incidence of housing deterioration and community blight by preventing absentee ownership of properties (Verrips 1983, 70);
 - (8) ADUs in owner occupied single-family homes foster better housing maintenance and neighborhood stability (MRSCW 1995, 12; ERA 1987, 30);
 - (9) Residential neighborhoods can accommodate a meaningful number of ADUs without significant negative impacts because these areas were typically designed for households with more persons than are occupying these areas (Verrips 1983, iv);

- (10) ADUs provide the opportunity for increased security and companionship for older and other homeowners who fear crime and personal accidents (MRSCW 1995, 13; Cal. Stats. 1982, ch. 1440 Section 1);
- (11) ADUs help meet growth management goals by creating more housing opportunities within existing urban areas (MRSCW 1995, 12);
- (12) ADUs enhance job opportunities for individuals by providing housing nearer to employment centers and public transportation; and ADUs can enhance the local property tax base (Goldman and Hodges 1983, 7).

B. Purposes and Intent.

It is the policy of the State to promote and encourage the creation of ADUs in a manner that enhances residential neighborhoods in order for the people of the State to meet their housing needs and to realize the benefits of ADUs.

C. Definitions.

Note: We have defined both accessory apartments and cottages to guide communities in adopting ADU ordinances and because this model state act (Section 5.C.) requires municipalities to give the state statistics that distinguish between accessory apartments and accessory cottages. If a state is adopting a statute that does not require this distinction and record keeping, the state may use "second unit," as in the California statutes. We prefer the wording of "accessory" over "second" relative to these units in this model statute because the word "second" may unnecessarily have negative connotations for adjacent single-family homeowners.

- i. "Accessory" means that the ADU serves single-family dwelling purposes, rather than meaning that an ADU must necessarily be subordinate to or smaller than the principal dwelling unit on a single-family lot.

Note: The traditional legal meaning for "accessory" is that an accessory use of any type must be subordinate to a principal use. Because of this traditional meaning, we have defined "accessory" relative to ADUs to ensure that, if a community so desires, the ADU may be larger than the principal unit and the owner may live in either unit. In other words, this definition helps avoid a court ruling that the "accessory" dwelling unit must be smaller than the principal unit and must be occupied by a tenant rather than the owner of the principal unit. Letting the owner live in either unit is important because a major benefit of ADUs is income for homeowners, allowing them to maintain their homes or to "age in place." Some homeowners prefer to live in the smaller unit, usually the ADU, in order to maximize their income from the rent-producing unit. In addition, this definition supports Section 10 of the model local ordinance, which permits the owner-resident to live in either the principal dwelling unit or the ADU.

- ii. “Accessory cottage” means a type of ADU that is a house built or placed permanently on the same lot as a single-family house. An accessory cottage may be attached or detached from the house but is not built within the existing house.
- iii. “Accessory apartment” is a type of ADU that is created by converting part of, or adding on to an existing detached single-family home or row house, or by building a separate unit into a new single-family home.
- iv. “Accessory dwelling unit” (ADU) is the general term for accessory apartments and cottages. It means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling it accompanies (adapted from Cal. Gov’t Code Section 65852.2(I)(4)).
- v. “Default provisions” means the standards of Section 4 of this Act that a community must apply if it has no local ADU ordinance.
- vi. “Dwelling unit” means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
- vii. “Living area,” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure (Cal. Gov’t Code Section 65852.2(I)(1)).

Note: This definition is used in a default-provision standard of this model state act (Section 4.F.v.) that limits the floor area of an ADU to not more than 40 percent of the living area of the existing residence.

- viii. “Municipality” means a general-purpose local government created by general law or a charter, including a city, county, or village.

Note: In some states, this definition should include towns, townships, and boroughs.

- ix. “Owner-occupant” means an owner who has legal residency on the premises of a dwelling unit that contains an ADU, who resides in the home at least six months of the year, and whose portion of the dwelling is not occupied when the owner is not present.

2. General Regulatory Authority.

Municipalities may, by adopting a municipal ordinance, exercise the authorities granted in this Section of the Act.

Note: The major issue in this section is whether local governments will be mandated to adopt an ADU ordinance. As discussed in the introduction, this model state act does not mandate adoption of an ordinance by a municipality. However, section A below is recommended because it, along with the remainder of the act, strongly encourages communities to adopt ADU regulations.

A. Ordinance Adoption.

Any municipality may, by ordinance certified by the State pursuant to this Act, provide for the creation of ADUs in single-family and multi-family residential zones (see similar provisions in Cal. Gov't Code Section 65852.2(a) and Haw. Rev. Stat. Section 46-4(c)).

B. Criteria for Determining Areas.

Municipalities may designate areas within the jurisdiction where accessory units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow (adapted from Cal. Gov't Code Section 65852.2(a)(1)).

Note: At times, communities exclude ADUs from various neighborhoods without a reason related to the physical community, such as adequacy of certain services. Section 2.B. of the model state act guides local governments to consider these service factors as a basis for determining the appropriate areas for ADUs.

C. Approval Process.

Municipalities may establish a process for the issuance of a permit or a conditional use permit for ADUs (adapted from Cal. Gov't Code Section 65852.2(a)(4)).

Note: Section C deals with whether a community must allow ADUs by right, simply by making application, or must go through a conditional use permit process that often involves a hearing. Adopting a conditional permit process typically gives communities more control over ADUs than if the units are allowed by right. For more discussion of the issues related to the approval process, see the note in Section 4 of the model local ordinance.

D. Imposing Standards.

Municipalities may impose standards on ADUs that include, but are not limited to, parking, height, setback, lot coverage, architectural review, and maximum size of unit (adapted from Cal. Gov't Code Section 65852.2(a)(2)).

Note: This section clarifies that a municipality, in approving an application to create a legal ADU, may impose conditions related to the factors discussed above.

E. Requiring Owner Occupancy.

Based on the finding of this act, that premises with owner-occupants are better maintained, the legislature declares that a municipal regulation requiring properties with ADUs to be owner occupied, either in the accessory unit or the principal unit, prevents deterioration of neighborhoods and is a regulation substantially related to land-use impact. Such a requirement is, therefore, a regulation of land use rather than a regulation of the user of land.

Note: Courts may rule that a community has no zoning authority to require that a site with an ADU be occupied by the owner, on the basis that this regulates the land user rather than the land use (Ziegler 1995, 56A-8). However, on July 29, 1996, a California appeals court issued the only published court decision (issued by a court higher than a trial court) addressing the owner-occupancy requirement in the context of ADUs. In the case of Sounhein v. City of San Dimas, 55 Cal. Rptr. 2d 290, the court heard a claim by homeowners that the city's owner-occupancy requirement imposed on their ADU permit was invalid; even if it were not invalid, it applied only to the "applicant" and not subsequent owners. But the court upheld the owner occupancy requirement as a "character of the property as owner-occupied" and further ruled that the requirement applies to all subsequent owners of the premises. Id. at 296. Such a condition attaches to the land, the court explained, in order to fulfill the legislative purposes in imposing the condition. Id. The purposes of the owner-occupancy requirement, the court noted, are to discourage speculation in residential properties that can make housing less affordable, to prevent the disadvantages of absentee ownership, and to preserve residential neighborhood character. The Sounhein case means that the owner-occupancy requirement for ADUs has now been directly addressed and upheld by a state court.

In Section 2.E., the state legislature gives municipalities the specific authority to require owner occupancy on the basis that it encourages maintenance of the dwellings and premises.

F. Less Restrictive Provisions.

This Act does not limit the authority of municipalities to adopt less restrictive requirements for the creation of ADUs (adapted from Cal. Gov't Code Section 65852.2(e)).

Note: This section clarifies that the model state act generally does not cut back on a community's power to adopt provisions that are less restrictive than those in the model state act. For example, Section 3.D. of the model state act limits how many parking spaces may be required for each ADU. However, section 2.F. allows a community to be less restrictive if it so desires. For example, it may not require any parking spaces to be provided for a new ADU. Emphasizing that local ordinances may be less restrictive than the model state act allows communities to be less restrictive on ADUs if they witness their benefits and become more comfortable with the idea of ADUs in single-family zoning districts.

G. Maximum or Minimum Size.

A municipality may establish minimum and maximum unit size requirements for both attached and detached ADUs (adapted from Cal. Gov't Code Section 65852.2(d)).

Note: The size of ADUs can raise the concerns of neighbors that the units are either too large or too small (see the model local ordinance, Section 17, for more on these issues). This section of the model state act makes it clear that a community adopting its own ADU ordinance may set limits on how large or small an ADU can be. Communities not adopting their own ordinances cannot set maximum or minimum size on attached or detached ADUs. (Maximum size limits are set by the default provisions.) In other words, for communities that want to set their own standards on ADU sizes, this section gives them incentives to adopt their own ordinances.

H. Use, Density, and Plan Consistency Rules.

Municipalities may provide that ADUs do not exceed the allowable density for the lot upon which the ADU is located, and that ADUs are a residential use that is consistent with the existing community plan and zoning designation for the lot (adapted from Cal. Gov't Code Section 65852.2(a)(3)).

Note: An issue for ADUs is whether they are inconsistent with existing residential zoning, zoning density standards, and community plans. Section 2.H. authorizes communities to accommodate ADUs by stating — in the appropriate local documents (ordinances, or plans) — that the units are harmonious with local plan policies and density concerns. This is a perfectly reasonable assumption, since family size is shrinking in the U.S. and much of the space in homes and infrastructure in residential neighborhoods was originally designed for larger families and is now underused.

3. Limiting Regulatory Authority.

A. Noninterference by Other Law.

No municipality may develop, amend, or interpret other codes or regulations, such as building codes or special taxing district provisions, in ways that interfere with the intent of this Act.

Note: At times, neighbors' fears and misperceptions about ADUs can put political pressure on local elected officials to use their powers to veto homeowners' plans to develop ADUs. A wide variety of local government actions and regulations can be used for this purpose. While it is likely that only a small percentage of municipalities would misuse their powers against ADUs, this section makes it illegal for them to do so.

B. Exemption from Growth-Limitation Measures.

ADUs shall not be considered in the application of any local ordinance, policy, or program to limit residential growth (adapted from Cal. Gov't Code Section 65852.2(a)(5)).

Note: If this provision is not included in a statute, a community could adopt an ordinance allowing the creation of ADUs only to have the units banned because of existing growth limit measures, such as moratoria or quotas on

building permits. These latter growth control measures should not apply to ADUs because they can be accommodated within the present infrastructure capacities of existing residential neighborhoods.

C. Prohibiting ADUs.

No municipality shall adopt an ordinance that totally prohibits ADUs within single-family or multi-family zoned areas unless the same:

- i. Contains findings acknowledging that it may limit housing opportunities of the region;
- ii. Contains findings that the ban is justified because of specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multi-family zoned areas;
- iii. Bases the latter findings on technical reports of studies of the municipality;
- iv. Explains why such units cannot be accommodated within the present utility and service capacities of existing single-family neighborhoods; and
- v. Is certified by the State Housing Office as conforming to this Act, in the same procedure defined in Section 5. Until certification of any such ordinance, applications for approval shall be subject to the default provisions of this Act. (adapted from Cal. Gov't Code Section 65852.2(c)).

Note: Because the general policy of the statute is to encourage the development of ADUs, this section requires communities to justify any ban on them. Few communities in California banned these units following adoption of its ADU law in 1982 (CDHCD 1987, VIII-13). However, this section is stronger than the California law and makes it more difficult for a community to ban ADUs. Although, under California law, a ban on ADUs must be accompanied by specific findings, it does not have to be based on a technical report of a study of the community, as is required by this section. In addition, unlike the California law, this section requires that the state Office of Housing must certify an ordinance banning ADUs.

D. Parking Requirements.

Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, whichever is greater. Additional parking may be required, provided that a finding is made that the additional parking requirements are directly related to the use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in required residential yards, setback areas, or through tandem parking (adapted from Cal. Gov't Code Section 65852.2(e)).

Note: This section prevents communities from requiring more parking than is reasonable, and it applies to communities with and without ADU ordinances (see Section 20 of the model local ordinance for more discussion on parking).

E. Fees.

Fees for permitting construction of ADUs shall not exceed 30 percent of the fees that would be charged for creation of a single-family home in areas with similar zoning.

Note: This provision addresses the fact that high fees can be major disincentives to homeowners seeking to develop ADUs (see the note in Section 5 of the model local ordinance).

4. Default Provisions.

A municipality without an adopted state-certified ADU ordinance that receives an application for a permit for an ADU on or after [the effective date of the Act] shall accept the application and approve or disapprove the application pursuant to the default provisions of this Section 4 of the Act, unless it adopts a certified ordinance in accordance with this Act within [120] days after receiving the application.

Note: This provision tells municipalities how to process their first application to create an ADU if they do not have an ordinance that conforms to this model state act. It also gives communities the option of quickly adopting their own ordinance and getting state certification if the community prefers its own provisions rather than the model state act's default provisions. This will encourage communities to adopt their own ADU rules.

A. Only Basis for Denial.

No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under Section 4 of the Act (Cal. Gov't Code Section 65852.2(b)(2)).

Note: This provision prevents a community without an ADU ordinance from excluding an ADU on the basis of any other measure. While this section says that no other rules shall be applied (except those that apply to other residences), the next section prevents a local government from applying the default provision's standards in a stricter fashion.

B. Maximum Without Local Ordinance.

The default provisions of this Section 4 establish the maximum standards that municipalities shall use to evaluate proposed ADUs on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this section, shall be used or imposed, except that a municipality may require lots or parcels of land with an ADU to be owner occupied (adapted from Cal. Gov't Code Section 65852.2(b)(2)).

C. No Changes Necessary.

No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement the default provisions of this Act. Any municipality may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs if these provisions are consistent with the limitations of the default provisions (adapted from Cal. Gov't Code Section 65852.2(b)(4)).

Note: A community is subject to the default provisions of this model state act if it does not have an ADU ordinance of its own. But if a community without an ADU ordinance wants to amend a comprehensive plan or other ordinance, this provision allows it to do so if the amendment is consistent with the default provisions.

D. Accommodating Units.

An ADU that conforms to the requirements of the default provisions shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed a residential use consistent with the existing general plan and zoning designations for the lot. ADUs shall not be considered in the application of any local ordinance, policy, or program to limit residential growth (adapted from Cal. Gov't Code Section 65852.2(b)(5)).

Note: This provision is designed to protect ADUs from other local laws. If a community adopts its own ordinance, it may require more land area for an ADU. But if the community has no ADU ordinance and is therefore subject to the default provisions of this model state act, it cannot require an ADU to be on a lot larger than the minimum lot size for the zoning district. This is another example of how a community may gain more control over ADUs by adopting its own ADU regulations.

E. Public Notice of Public Official.

On the first Monday of each yearly quarter, each municipality of the state that has not adopted state-certified ADU regulations shall publish in the general newspaper of greatest frequency and circulation the name, title, address, and hours of availability of the public official who is responsible for processing applications for permission to develop ADUs under the default provisions of this Act.

F. Standards.

Every municipality shall grant a permit or special use or a conditional use permit for the creation of an ADU if the unit complies with all provisions of this Section 4, including the following standards (adapted from Cal. Gov't Code Section 65852.2(b)(1)):

- i. The proposed ADU is not intended for sale and may be rented (adapted from Cal. Gov't Code Section 65852.2(b)(1)(A));

Note: The issue that this standard addresses is whether the homeowner can sell only the ADU to another person while still owning the principal home and lot. By preventing the sale of the ADU, this standard is designed to prevent the creation of dual ownership of two buildings on, or from, one single-family lot (see the discussion of this issue in Section 18 of the model local ordinance).

- ii. The lot proposed to contain the ADU is zoned for single-family or multi-family use (adapted from Cal. Gov't Code Section 65852.2(b)(1)(B));

Note: This standard addresses the issue of whether ADUs will be built in commercial and industrial land zoning districts. Essentially, this standard, by allowing ADUs only on land zoned for residential uses, prevents occupants of ADUs from suffering the impacts of commercial and industrial land uses.

- iii. The lot proposed for an ADU contains an existing single-family dwelling (adapted from Cal. Gov't Code Section 65852.2(b)(1)(C));

Note: In dealing with ADUs, communities must decide if they will be allowed in new units or only in existing ones. This standard clarifies that under the default provisions, ADUs cannot be built simultaneously with, or before, a new dwelling unit (see also the discussion of similar issues in the model local ordinance, Sections 7, 13, and 14).

- iv. The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling (adapted from Cal. Gov't Code Section 65852.2(b)(1)(D));

Note: This section allows unattached ADUs. Many communities do not want such ADUs in their residential neighborhoods (see the discussion in the model local ordinance, Section 3, Authorization for ADUs by Zoning District). For that reason, this provision may encourage some local governments to push for adoption of a local ADU ordinance that leaves out this provision.

- v. The floor area of an attached ADU shall not exceed 40 percent of the living area of the existing residence (adapted from Cal. Gov't Code Section 65852.2(b)(1)(E));

Note: In the California default provisions, the increase in floor area was limited to 30 percent. For the issues related to this provision, see the model local ordinance, Section 17.

- vi. The total area of floor space for a detached ADU shall not exceed 1,200 square feet (Cal. Gov't Code Section 65852.2(b)(1)(F));

Note: See the discussion of maximum ADU size in the model local ordinance, Section 17.

- vii. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located are applicable to any ADU (Cal. Gov't Code Section 65852.2 (b)(1)(G));

Note: This section allows a local government to apply other residential construction rules to ADUs. Politics as well as practicality justifies this section — that is, exempting ADUs from standards applied to residential construction could create opposition from neighbors and local elected officials. Although the model state act limits the laws that can be applied to ADUs, this section clarifies that residential construction standards do apply to ADUs.

- viii. Local building code requirements that apply to detached dwellings, as appropriate, are to be applied to an ADU; and
- ix. Approval by the local health officer where a private sewage disposal system is being used, if required (Cal. Gov't Code Section 65852.2(b)(1)(I)).

Note: For a discussion of the public health issues related to this provision, see the model local ordinance, Section 21.

5. State's Role in ADU Policies.

A. Required Municipal Ordinance Submission.

A municipality shall submit a copy of the ordinances adopted pursuant to Section 2 or Section 3.C. to the Office of Housing within 60 days after adoption (adapted from Cal. Gov't Code Section 65852.2(h)).

Note: This section is optional for states that do not want to give themselves a strong role related to ADUs. In this section, communities are required to submit their ADU ordinances to the state whether they are regulating (Section 2) or banning ADUs (Section 3.C.).

In addition to submitting ordinances after they are adopted, municipalities are required (under Section 5.B.) to present proposed ADU ordinances prior to adoption for the state's review. Submitting the ADU ordinance is the initial step that allows the state to play its role in the remaining sections of this model state act.

B. State Certification of ADU Ordinances.

A municipality shall submit the zoning ordinance, amendments to a certified ordinance, or an ordinance banning ADUs 30 days prior to final approval of such ordinance or amendment to the State Office of Housing for an opinion on whether the ordinance conforms to this statute. This submission must include the municipality's date of planned final approval. The Office of Housing may notify other relevant agencies so that they may also comment on whether or not the municipality's draft ordinance conforms to the statute. The Office of Housing shall notify the municipality prior to its planned date of final approval of its opinion as to conformity of the ordinance to this statute. If, in the opinion of the Office of Housing, the ordinance and/or amendments reviewed do not conform to this statute, the Office of Housing shall notify the local jurisdiction of actions that must be taken to bring the ordinance(s) and/or amendments into conformity.

The jurisdiction must bring its ordinance into conformity, as recommended by the Office of Housing pursuant to the prior section, within 90 days of notification of nonconformance by the Office. If the municipality has not brought its ordinance into conformity within the 90-day period, the Office of Housing will notify the jurisdiction that it must automatically accept and process applications for ADUs under the default regulations of this Act until conformity is certified by the Office of Housing. Prior to any certification by the Office of Housing, any applications submitted under the default regulations of this Act shall be processed fully and solely under those regulations.

Amendments to a municipality's ordinance certified by the Office must be submitted and certified in the same manner and procedure as the initial proposed ordinance pursuant to this section.

C. Municipal Annual Reports to State.

Each municipality shall report annually to the Office of Housing the following statistics, on a form to be provided by the Office of Housing, the number of:

- i. Single-family structures in the jurisdiction;
- ii. Single-family structures in single-family residential zones and in multi-family residential zones in which accessory units are permitted;
- iii. Illegal accessory apartments or accessory cottages, attached and unattached, known or estimated to be in the jurisdiction;
- iv. Applications to legalize illegal accessory apartments submitted to the jurisdiction and the results of processing these applications;
- v. Legal accessory apartments and accessory cottages, attached and unattached, in the jurisdiction;
- vi. Applications for new accessory units accepted for processing;
- vii. Applications approved and/or permits issued by size, number of bedrooms, and area location;
- viii. Applications disapproved, with reasons categorized by requirements not met; and
- ix. Complaints against legal ADUs, with the complaints categorized by the perceived impacts, such as parking, aesthetics, or traffic.

D. State Annual Report.

The Office of Housing shall prepare an annual report to the Governor and the legislature from the annual reports from the municipalities, including the installation rates of ADUs and recommendations, if any, for amending the Act or other implementation measures necessary for developing ADUs as affordable housing. The annual report shall include any recommendations from the State Advisory Board on ADU policies.

E. State Advisory Board on ADU Policies.

i. Creation.

The Office of Housing shall establish an Advisory Board to monitor implementation of

the Act and to recommend amendments to the Act or model local ordinance provisions to the Office of Housing.

ii. Composition.

The Advisory Board shall be appointed by the Director of the Office of Housing in consultation with the legislature and Governor and shall include one representative from each of the following groups: remodelers, mortgage bankers, real estate agents, new home builders, first-time home buyers, home health care agencies, local permitting agencies, and organizations for the disabled, older persons, and neighborhoods.

iii. Duties.

The Advisory Board's duties shall include, but not be limited to, preparing an annual commentary on the report prepared by the Office of Housing on accessory units. The Board's commentary shall contain recommendations for furthering the purposes of the legislation and will be published and circulated with the Office of Housing's annual report.

Note: This section of the model state act is optional. It gives the state the role of encouraging ADUs and reviewing local efforts to accommodate them. This role includes action by a state agency — the Office of Housing. The model state act recommends that state Offices of Housing certify local ordinances as conforming to the statute, analyze data from annual municipal reports (Section 5.C.), and provide recommendations to the legislature and Governor for promoting ADUs.

One shortcoming of Washington State's ADU statute was that it did not provide a way for the state to assess how the statute was working at the local level (Hope 1996). This shortcoming is typical of existing ADU legislation. The optional monitoring provision here would require communities to report specific ADU data to the State Housing Office (Section 5.C., which applies to all communities within a state) and to obtain ADU policy recommendations from a State Advisory Board (Section 5.E.). With the benefit of the community data and the advisory board recommendations, the Office of Housing would prepare an annual report proposing new or amended policies to the state legislature and Governor (Section 5.D.). This optional monitoring mechanism would assist the state in assessing the law's success. Because it allows well-informed policy adjustment to be made, it should help ensure the ultimate success of the state ADU policies. The authors, however, recognize that some states would be unwilling or unable to afford such a monitoring program. Omission of these provisions, giving the state this monitoring role, would not be fatal to the purposes of the model state act.

MODEL LOCAL ORDINANCE ON ACCESSORY DWELLING UNITS

I. General Provisions.

1. Purpose and Intent.

Note: In this section of the ordinance, a community makes clear what it is trying to achieve in adopting the ordinance. This information may help in defending the ordinance in a court case or in informing citizens as to how the ordinance will benefit and protect their interests. In spite of the advantages this section can provide, communities have typically omitted it in their ADU ordinances.

If a community has no purposes that are different from those of the model state act, it may simply want to reference that act's findings (Section 1) and its purposes and intent (Section 2). We highly recommend that a community adopting an ADU ordinance copy the information in Section 1 of the model state act and present these findings (particularly the benefits of ADUs) to citizens at public hearings. In addition, the local legislative body would be wise to adopt, if this is not part of its ordinance, Section 1 of the model state act, including the benefits, into the record of its minutes when it adopts the ADU ordinance. Afterward, the public official administering the ADU ordinance can make this information available to persons inquiring about ADU permits.

If a community has public purposes that are different from those in the model state act, those purposes should be specified in the ordinance (after consulting legal counsel that they are not inconsistent with the purpose of state ADU legislation). For example, some communities use ADUs to help rehabilitate rundown areas containing large older houses; others intend for only certain groups to benefit from ADUs, such as the disabled, older persons, or family members. The model local ADU ordinance presents options (optimal, favorable, or minimal) to meet varying conditions and concerns in different communities. (See Introduction to Model State Act on Accessory Dwelling Units and the Model Local Ordinance on Accessory Dwelling Units.) We have provided a minimal option that targets only certain populations as beneficiaries of ADUs. (See the note accompanying Section 11 below related to limiting the occupants of ADUs.)

[Optimal provision] It is the policy of [name of local government] to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs.

[Favorable provision] None

[Minimal provision] It is the policy of [name of local government] to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods in order that persons [name target groups, such as older persons] can meet their housing needs and realize the benefits of ADUs.

2. Definitions.

Note: Terms in an ordinance that should be defined are those that the public may not be familiar with and those that vary from the ordinary definitions in Webster's dictionary. Since the model local ordinance must be consistent with the model state act, the latter's definitions of accessory, accessory dwelling unit, accessory apartment, accessory cottage, living area, and owner-occupant should be included in this model local ordinance. A community may simply incorporate these definitions by reference to the model state act, as we have done here to save space. However, users of an ordinance (e.g., applicants for a permit) are inconvenienced by such a practice since most do not have easy access to state laws. Therefore, it is better to repeat the model state act's definitions in the ordinance. In addition to the definitions in the model state act, the ordinance adds a definition for Zoning Administrator. Note that, because the ADU ordinance is part of a local zoning ordinance, the definitions of the zoning ordinance will apply to the ADU ordinance.

"Zoning Administrator" means the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.

Note: As discussed in Section 4 below, this model local ordinance assumes that the community Zoning Administrator has the authority to act on applications for ADUs. However, if the approval process, as discussed in Section 4 below, is the one used for a conditional use permit, the planning commission, a board of zoning adjustment, or another local body may be responsible for acting on ADU applications.

II. Permits: Eligibility and Application.

3. Authorization for ADUs by Zoning District.

Note: This section addresses allowing ADUs in specific types of zoning districts (or zones). Neighbors' fears about harmful impacts of ADUs result in some communities banning ADUs or only allowing them in one zone, while other communities are more liberal. In a 1995 survey of 150 communities in the Province of British Columbia, for example, 46 allowed ADUs only in two-family zones, 41 allowed them in single- and two-family zones, 10 allowed them only in single-family zones, and 42 prohibited ADUs (BCMHRSC 1995, 5).

The model state act allows communities to designate areas where ADUs are permitted and sets out the types of criteria for determining those areas (See sections 2A and 2B). In addition, the Act allows communities to locate ADUs in any single-family or multi-family zones.

These statutory provisions give communities wide discretion in permitting ADUs in many types of residential zoning districts. But in using this discretion, communities must make some key decisions about the capacities of various types of residential zones to absorb ADUs. Certainly, not all types of residential zones are equal in this regard. The desirability of locating ADUs in the major types of residential zones is discussed below.

Multi-family zones. *These zones are distinguished by multi-family structures that not only have common walls between dwelling units but also are atop one another. The typical principal units are apartments or condominiums in multi-story structures. ADUs are seldom, if ever, allowed in these zones because they tend to have less potential than do single-family zones for accommodating ADUs in terms of available parking, infrastructure, and unused housing space.*

Clustered single-family zones. *These zones contain single-family dwelling units that have common walls but are not atop one another. These zones may be called low-density, multi-family zones or higher density, single-family zones, and they have as principal units row houses, townhouses, or clustered single-family dwelling units. Siting ADUs in these zones is also difficult for several reasons. Parking is often inadequate in areas with townhouses, row houses, or clustered single-family units. In addition, building and fire codes often require bedrooms to have a window for exterior emergency exits by occupants. For this reason, common walls shared by dwelling units greatly reduce the potential to locate accessory apartments in zones with these types of principal units.*

Single-family zones. *These zones contain one single-family dwelling unit per lot and provide the greatest opportunities for siting all types of ADUs. Even in these zones, however, neighbors' concerns about property values and aesthetics often cause communities to ban detached accessory cottages or to allow them only on larger lots. Detached units are more expensive to build (MRSCW 1995, 34) and are usually a relatively small portion of the total number of ADUs in a community. One of the reasons that accessory apartments outnumber detached units is because illegal detached ADUs are impossible to hide. In towns with a preponderance of small lots (such as Daly City, California), not allowing detached ADUs is appropriate (MRSCW 1995, 34). Attached cottages are allowed in more communities than are detached cottages.*

None of the three model provisions allow ADUs in multi-family zones as described above. The optimal provision allows all types of ADUs in single-family zones with one principal unit per lot, but only accessory apartments in zones with single-family units sharing common walls. In the latter zones, apartments are allowed only if the applicant provides proof that the ADU conforms to fire and building code requirements. The favorable provision does not permit ADUs in zones with dwelling units that have walls in common, but in other single-family zones (districts with one dwelling unit per lot), accessory apartments and attached cottages may be built.

The favorable provision also allows detached accessory cottages in the one-unit-per-lot zones if a specified minimum lot size is met. (This authority is not extended in the favorable provision to other types of residential zones, even if that minimum lot size happens to be met by an individual applicant, because the parking problems in those zones would not strike a balance between the neighbors' concerns and those of ADU developers.) In the minimal provision, accessory apartments are authorized only in zones with one home per lot, and accessory cottages are not allowed in any zones.

In adapting the model provisions to a local zoning ordinance, a community will substitute its zoning district names (or abbreviations) for the model provisions' descriptions of zoning districts. For example, a community labeling its one-unit-per-lot zone as "Single-Family Residential Zone (SFR)" will substitute that for "zoning districts designed primarily to permit single-family homes on individual lots" in these model provisions. Similarly, "Townhouse Residential Zone (TR)" may be substituted for "zoning districts designed primarily for single-family homes with walls attached to other single family homes."

[Optimal provision] ADUs are allowed in zoning districts designed primarily to permit single-family dwelling units on individual lots. Accessory apartments may be located in zoning districts designed primarily for single-family dwelling units with walls attached to other single family homes when applicants provide written evidence from the proper fire and building officials that the proposed ADU conforms to building and fire code regulations.

[Favorable provision] An accessory apartment or an attached accessory cottage may be permitted in any residential zone designed primarily to permit single-family dwelling units on individual lots. A detached accessory cottage may be located in this same zone on a lot with a minimum lot size of [specify minimum size].

[Minimal provision] An accessory apartment may be allowed in zoning districts designed primarily to permit single-family dwelling units on individual lots.

4. Approval Process.

Note: A lengthy and burdensome application process will discourage homeowners from developing ADUs (Gellen 1985, 185; MRSCW 1995, 28). An application procedure that involves a public hearing means a loss of privacy (Gellen 1985, 185) and added time to reach a final decision on the permit (Hare 1989, 20). One study noted that application periods ranged from one day to six months (CSS 1991, 22). Advocates of ADUs argue that requiring a conditional use permit for an ADU is unfair when ADUs typically have less impact than single-family residences that are allowed by right. Neighbors, on the other hand, may prefer the conditional use permit process so they can collectively voice their concerns before local decision makers.

The two basic options available to a community are to allow ADUs through the conditional use permit (sometimes called special exception, special permit, or special land use) or to allow them by right in the zoning district. "By right" means that the process involves filling out an application and presenting it to a local building official or Zoning Administrator, who will check to see that it meets the requirements of the ordinance. No hearing or discretionary decision is involved. The conditional use permit process, however, involves a hearing preceded by public notice. The "by right" approach has the advantage of being fast and less public for ADU applicants. Of course, if there is a great deal of political resistance to adopting an ADU ordinance, the reassurance that ADUs will be subject to the conditional use process, with hearings, can persuade law makers to adopt an ordinance. Communities that are new to the process may choose the latter approach.

This model local ordinance is written with a Zoning Administrator making the decision to issue an ADU permit. If a community wants to use a conditional use approach, the provisions of this ordinance are easily convertible by substituting, in the place of the Zoning Administrator, the name of the local body that makes decisions on conditional use permits. The type of local body varies but is often a planning commission, a zoning commission, or a zoning board of appeals.

The favorable provision below is designed to speed up permit processing. A hearing will not be necessary in every case. A neighbor can choose to meet with an applicant and the building official to review the application. However, if a neighbor has serious concerns, a hearing can be conducted after the neighbor requests one in writing. Several sources have recommended this provision, which can eliminate the need for a public hearing (Hare 1989, 21; CSS 1991, 55). Another option would be to notify at least 10 adjacent property owners to check for possible objections. If none were raised, the application would not be processed via the conditional use permit procedure (CSS 1991, 55).

The optimal provision allows ADUs by right without a hearing, and the minimal provision is to make ADU applicants go through the conditional use permit process with a hearing. The full procedure for a conditional use process is not given in this section because the local zoning ordinance (of which the ADU is a part) will provide those procedures, which are often specified in the state zoning enabling act.

In choosing a procedure for ADUs, it is important to keep in mind that even ADUs allowed by right are subject to standards in the ordinance. The trend in Washington State communities that have recently adopted ADU ordinances is to allow them by right, subject to ordinance criteria (MRSCW 1995, 27).

[Optimal provision] One ADU is permitted per residentially zoned lot, provided the Zoning Administrator first approves the proposed ADU as complying with the standards of this ordinance.

[Favorable provision] One ADU is permitted per residentially zoned lot, provided the Zoning Administrator first approves the proposed ADU as complying with the standards of this ordinance, unless a property owner requests in writing that the application be processed via a conditional use permit procedure. Within five days after receiving a completed application for approval of an ADU, the Zoning Administrator shall notify by mail all property owners within 300 feet of the property proposed for an ADU. The notice to the property owners shall inform the owners that they may, at any time within 30 days of the date of mailing of the notice, in writing to the Zoning Administrator either demand and have a meeting with the applicant and the Zoning Administrator to review the application, or can cause the application to be processed with conditional use permit procedures. Within the same 30-day period, the Zoning Administrator shall meet simultaneously with an applicant and owners who have properly demanded meetings to review the application. If either the applicant or the Zoning Administrator fails to meet with such an owner, the owner may demand in writing to the Zoning Administrator that the application be processed via the conditional use permit procedure.

[Minimal provision] One ADU is permitted per residentially zoned lot by conditional use permit if the proposed ADU conforms to the standards of this ordinance.

5. Application Fees and Information.

Note: Other difficulties for homeowners contemplating installing an ADU are permit fees, complicated applications, and multiple-stop approval processes. Application fees associated with a hearing can also be much higher than are application fees unrelated to hearings. A 1989 study of 47 communities found that in the 10 communities with the greatest installation rates for ADUs, none had fees higher than \$2,000 (Hare 1989, 15). The same study revealed that in the County of Los Angeles, an applicant paid a \$3,000 fee that was nonrefundable for an ADU, and the permit was denied (Hare 1989, 21).

The model state act (Section 3.E.) does not allow the fees for ADUs to be higher than 30 percent of the application fee for a single-family residence. This section levels the playing field for ADUs. The optimal provision is consistent with the model state act, limiting the ADU fees to 30 percent of the fees for a house, but the favorable provision does not conform to the act because it allows communities to charge equal fees for ADUs and other dwelling units.

[Optimal provision] Application fees for ADUs shall not be more than 30 percent of the application fees for a single-family dwelling unit. The information required on applications for creating or legalizing ADUs shall be the same information that is required to construct a single-family dwelling unit.

[Favorable provision] Application fees and application information required for ADUs shall be less than or equal to those required to construct a single-family dwelling unit.

[Minimal provision] None

6. Permit Renewal (Monitoring).

Note: In order to make sure that an ADU continues to comply with the conditions that were a part of the permit as originally issued, some communities issue temporary permits and require periodic permit renewal. For example, in a survey of 50 communities with ADU ordinances, 14 percent issued temporary permits (APA 1996). While requiring permit renewal and inspections has the advantage of making neighbors feel more comfortable with ADUs, it increases administrative costs related to an ordinance. More significantly, this requirement discourages the creation of ADUs for reasons similar to those of limiting groups of eligible occupants, as discussed in the introduction to the model state act ("Avoiding Policies that Deter New ADUs"). Bankers and the homeowners who actually have a financial stake are more nervous about temporary permits.

For this reason, we have written optimal and favorable provisions to provide permanent permits. The optimal provision requires the ADU owner to file an annual statement that the ADU complies with the local ordinance. The favorable provision states that the permit expires if the ADU no longer conforms to the ordinance and that a complaint by a neighbor can cause a hearing to determine conformance to the ordinance. But the permit issued for an ADU under the minimal provision is only a temporary one and must be renewed. This provision is waived, however, if there are no complaints of violations made to the Zoning Administrator. Communities that want to apply a more strict provision can remove that portion of the provision that allows the ADU owner to have the permit renewal waived if no complaints are filed.

[Optimal provision] The owner of an ADU shall, on the first day of every year [or specify intervals in number of years], sign and file written statements with the Zoning Administrator that the ADU complies with the municipal zoning code.

[Favorable provision] A certificate of occupancy [or permit] issued for an ADU shall expire if the ADU does not conform to the municipal zoning code. If a complaint is made to the Zoning Administrator by a landowner within 300 feet of the ADU, the Zoning Administrator shall cause a hearing to be held within 60 days after the date of the complaint to determine if the ADU violates the municipal zoning code. Fifteen days prior to the public hearing, the Zoning Administrator shall notify all property owners within 300 feet of the site of the ADU of the hearing. Revocation of a permit by the Zoning Administrator must be based on an inspection of the ADU premises and a written record of the Zoning Administrator's findings at the hearing.

[Minimal provision] Permits for ADUs shall be issued for a period not longer than five years and must be renewed at the end of the first term of issuance and every such period thereafter. Temporary permits for ADUs do not have to be renewed if, during the time period since the date of the last renewal or waived renewal date, no complaints of violations of the municipal zoning code by the ADU are filed with the Zoning Administrator. Renewal of temporary permits requires inspection of the ADU premises by the Zoning Administrator.

III. Standards.

7. Lot Standards - Occupied by Dwelling Unit.

Note: Can a permit be issued for developing an ADU on a lot that is not already occupied by a dwelling unit? This section addresses whether an ADU can be designed and built simultaneously with the construction of a new residence. This question springs from a community's general reluctance to convert a single-family zone into a duplex zone. Many local ordinances, such as the default provisions of the model state act (Section 4.F. iii.), allow ADUs only on lots that already have dwellings. This is common (APA 1996). Some local governments, however, have begun to allow new houses to be constructed with ADUs (MRSCW 1995, 47). Communities adopting their own ordinance under the model state act can allow ADUs in, or with, new residences. Proponents of ADUs have emphasized that ADUs built in new houses are less expensive "with designs that more effectively address exterior appearance and parking issues" (MRSCW 1995, 47).

For the latter reason, our optimal provision allows ADUs to be designed and built in or related to new dwellings. The optimal option allows all types of ADUs to be developed related to new homes.

Accessory apartments, rather than either attached or detached accessory cottages, are generally more acceptable as a type of ADU built in relation to

new residences. Consequently, in the favorable provision only accessory apartments are allowed to be built related to new homes. The minimal provision requires lots to have an existing dwelling in order to be eligible for an ADU permit.

If a community does allow ADUs in new houses, as per Section 7, it would be contradictory to base eligibility for an ADU on the age of the principal dwelling or how long it has been owned. (See Sections 13 and 14 concerning standards for principal dwelling units.)

[Optimal provision] An ADU may be incorporated in either an existing or a new dwelling unit (WOC 1994, Section A.7.).

[Favorable provision] An accessory apartment may be incorporated in either an existing or a new dwelling unit.

[Minimal provision] The lot proposed for an ADU shall contain an existing single-family dwelling unit (adapted from Cal. Gov't Code Section 65852.2(b)(1)(C)).

8. Lot Standards - Minimum Size.

Note: This section addresses the lot sizes required for ADU installation. This requirement is often excessive and can greatly diminish the number of ADUs in a community. In a survey of 50 ordinances, the minimum lot size requirement varied from 4,500 square feet to one acre (APA 1996). One community allows detached ADUs only on lots that are 1.5 times the minimum lot size of the zoning district (Orange County, Fla., Zoning Code Sec. 38-1426 (f)(4)). Some communities have the same minimum lot-size requirements for all ADUs. When the requirements are not the same, greater lot sizes are required for detached units than for accessory apartments. The model state act (Section 2.H.) allows communities to exempt ADUs from lot density requirements.

The provisions below require the minimum lot size of the underlying zoning district for all types of ADUs, with two exceptions. First, the optimal provision allows ADU apartments to be on lots that are a specified number of square feet — presumably smaller than the zoning district's minimum lot size. One proponent of ADUs argues that minimum lot sizes may disqualify older homeowners, and others with homes on small lots, from installing ADUs and receiving their benefits (MRSCW 1995, 45). For this reason, the optimal provision below requires that the minimum lot size be met only for accessory cottages, while lots that are a specified size may contain dwellings with accessory apartments.

Second, in the minimal provision, communities must specify the minimum number of square feet of lot size that is eligible for detached ADUs. Some

communities may want this minimum lot size to be more than the minimum lot area required in the zoning district because neighbors are sometimes concerned about overcrowding and the impact of detached ADUs on property values and aesthetics.

Other approaches to dealing with the density of ADUs per land area are mentioned in the note to Section 22 below.

[Optimal provision] ADUs may be developed on lots meeting the minimum lot size for the respective zoning district, except that accessory apartments may be on lots that are [specify number of square feet].

[Favorable provision] ADUs may be developed on lots meeting the minimum lot size for the respective zoning district.

[Minimal provision] ADUs may be developed on lots meeting the minimum lot size for the respective zoning district, except that detached accessory cottages may be developed only if the lot size is [specify number of square feet] or more.

9. Lot Standards - Setback and Lot Coverage.

Note: ADUs are generally subject to setback and coverage requirements of zoning ordinances. For this reason, this model ADU ordinance, similar to the Washington model (WOCDC 1994), does not separately address this issue. These issues are highly related to aesthetic concerns covered in sections below.

10. Occupancy Standards - Owner of Premises.

Note: Some neighbors are concerned that allowing ADUs will cause deterioration of neighborhood properties because landlord speculators will buy up houses with ADUs and rent out both units (MRSCW 1995, 28). The fear is that tenants will not maintain the units. A popular way to allay these fears is to require the owner of the lot to reside on the premises — the majority of ADU ordinances contain this requirement (APA 1996). There is evidence that owner occupancy does lead to better maintenance of the premises (Verrips 1983, 70). Not surprisingly, neighbors tend to want the adjacent premises with ADUs to be owner occupied (Town of Babylon, New York 1979, 2). In order for owner occupancy to be most effective in fulfilling the purposes of ADUs, it is important to allow the owner to live in either unit (see the discussion in Section 1.C i. of the model state act, the definition of “Accessory”). Communities often allow homeowners to reside in either the principal unit or the ADU (APA 1996).

The optimal option includes both aspects of owner occupancy — requiring owner occupancy and allowing it in either unit — because both tend to

facilitate the development of new ADUs. For communities that may not feel comfortable allowing the owner to live in either unit, the minimal provision requires the owner to reside in the principal dwelling unit. No favorable provision is recommended.

Many communities monitor ADUs to ensure that the owner still lives on the premises. A variety of methods are used to do this monitoring (see Section 6), including registration of occupants, certification of occupancy, and annual licensing of rental units with annual inspections.

Other communities require ADU owners to record the requirements of the ADU ordinance as deed restrictions, particularly the owner-occupancy requirement. The deed restrictions accompany the title of the property and give notice to all subsequent buyers of the occupancy requirement. Both the optimal and favorable provisions below require this registration.

Various provisions of the model also address the issue of owner occupancy. Those provisions allow and support the requirement that the owner live in the larger or smaller unit (see the discussion in Section 2.E. of the model state act; also see Section 1.A.v. (7) — findings about benefits of owner occupancy — and the definitions of “Accessory” and “Owner-Occupant”). If a community adopts this ordinance but does not have a statute echoing these provisions of the model state act, it may want, with the advice of counsel, to include versions of those provisions in its zoning ordinance.

[Optimal provision] A lot or parcel of land containing an ADU shall be occupied by the owner of the premises, and the owner may live in either the ADU or the principal dwelling unit. Within 30 days of securing approval for construction of an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Zoning Administrator prior to issuance of the occupancy permit for the ADU (adapted from WOCD 1994, Application Procedures).

[Favorable provision] None

[Minimal provision] A principal dwelling unit on a lot or parcel of land containing an ADU shall be occupied by the owner of the premises. Within 30 days of securing approval for construction of an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Zoning Administrator prior to issuance of the occupancy permit for the ADU (adapted from WOCD 1994, Application Procedures).

11. Occupancy Standards for ADUs.

Note: Limiting eligible occupants of ADUs can keep the number of installations of ADUs down. In a 1996 survey of 50 ADU regulations, 18 percent of the communities limited occupancy of ADUs to persons who were elderly, disabled, or related to the owner (APA 1996). Requiring the occupant to be a relative of homeowner is the most frequent limitation.

Although these policies can have good intentions (e.g., to provide care for the special needs of the owner or occupant), the limitations can discourage investors in ADUs and can cause enforcement problems for communities. In fact, the trend in ADU regulations is away from these types of regulations (MRSCW 1995, 35). A more reasonable and legally defensible approach to occupancy limitations may be requiring a minimum number of square feet of living area of the ADU per person. But in our view, the optimal option is not to have an occupancy standard.

Some communities, however, may insist on this type of limitation; we have provided a favorable provision that, like one county ordinance, limits occupancy only during the ADU's first three years (Orange County, Fla., Zoning Code Section 38-1426 C (2) a). The community may define the number of persons and characteristics of persons who are eligible occupants (e.g., relatives, older persons, or disabled persons). The three-year limit may serve to encourage investments in ADUs since the owner will be certain of a greater pool of potential occupants after that time.

Finally, we have provided a minimal option that allows the locality to limit the occupancy of an ADU to a specified group. While we do not recommend adoption of such a provision, its inclusion may be the only way to obtain passage of an ordinance. In these cases, it should be viewed as a transitional phase allowing the locality to gain experience with ADUs and leading to further liberalization of the ordinance.

Prior to adopting a provision limiting the occupancy of ADUs, a community should obtain a legal opinion as to whether such a restriction violates the federal Fair Housing Act (42 U.S.C.A. Sec. 3601). Among the groups protected from housing discrimination by this federal law are families with children under 18 years of age.

As previously mentioned, the favorable and minimal options limit the number of occupants. In a recent survey of ADU ordinances, the limitations on the number of persons ranged from two to five, with some communities requiring occupancy by families (APA 1996). The most common limitation on the number of persons occupying an ADU was less than three.

[Optimal provision] None

[Favorable provision] During the first three years after the issuance of a permit for an ADU, the occupants of the ADU shall be limited to [specify] in number and persons who are [specify eligibility criteria].

[Minimal provision] The occupants of the ADU shall be limited to [specify] in number and persons who are [specify eligibility criteria].

12. Principal Dwelling Unit Building Standards - Minimum Floor Area.

Note: Some communities do not want smaller houses to have a related ADU because the ADU may be dominant and inconsistent with the single-family character of a neighborhood. Communities sometimes set a minimum size for the principal dwelling unit as an eligibility requirement for constructing an ADU. While a recent survey of 50 ordinances did not reveal any communities that took this approach (APA 1996), the survey did find that communities often regulate the relative sizes of the ADU and the principal unit by setting maximums on ADUs in terms of percentage of the living space of the principal dwelling or a maximum floor area size for the ADU, or both. Setting a minimum size on principal units as an eligibility requirement for an ADU is not recommended; it is better to deal with the issue of consistency with single-family character by limiting the size of the ADU in terms of a percentage of the principal dwelling unit (See Section 17 below.)

13. Principal Dwelling Unit Building Standards - Age.

Note: This section addresses the question of how soon an ADU can be installed after the principal dwelling is constructed. The discussion assumes that the ADU being built is an accessory apartment. Accessory cottages built with new houses would create the greatest amount of political resistance (more than accessory apartments), raising concerns about the single-family zone being converted to a duplex zone.

Regulations that require houses to be a certain age before becoming eligible for an ADU are adopted out of homeowners' concern that too many ADUs will overwhelm the neighborhood. The specific concern is that houses will be designed and marketed with ADUs if new houses can have them. ADUs should not be allowed in new houses, opponents say, because the intent behind them is to use the existing housing stock (MRSCW 1995, 47). To address this issue, communities sometimes set limits on how quickly ADUs can be built, based on the age of the principal dwelling units. (Even more rarely, communities use ADUs to revitalize only older neighborhoods and require the principal dwelling to be built before a certain date, such as 1976. (See Hamden, Conn., Zoning Regulations (1996) and Hare 1981, 14).

An age limitation on the principal dwelling unit will reduce the number of ADUs developed, and the optimal provision allows buildings of any age to be eligible for an ADU. The favorable provision would not permit ADUs in buildings completed in the last three years. As a minimal provision, the principal dwelling unit is eligible for an ADU after it is a specified number of years old. The age required for the principal dwelling unit is generally from two to five years (APA 1996). If a community does allow ADUs in new houses, as in Section 7, it would, of course, be contradictory to base eligibility for an ADU on the age of the principal dwelling or how long it has been owned, as in some provisions in Sections 13 and 14.

[Optimal provision] An ADU may be developed in either an existing or a new dwelling unit (WOC 1994, Sec. A.7.).

[Favorable provision] An ADU may be developed in a dwelling unit that has been completed for at least three years.

[Minimal provision] An ADU may be developed in a dwelling unit that has been completed for at least [specify] years.

14. Principal Dwelling Unit Building Standards - Term of Ownership.

Note: Requirements concerning the term of ownership are similar to those regarding the age of the principal dwelling. They deal with the question of how long the principal dwelling must be owned by the current owner before an ADU can be constructed. Neighbors can raise the concern that speculators will buy houses simply to install an ADU. Advocates for ADUs point out that term of ownership requirements bar first-time buyers from using ADU rental income to defray house mortgage or maintenance costs (MRSCW 1995, 48). Also, requiring that the principal dwelling or the ADU be owner occupied is an effective protection against speculation. As with restrictions on the age of the principal dwelling, we do not recommend term-of-ownership requirements. Requiring home ownership for a specified number of years is the minimal provision.

[Optimal provision] An ADU may be developed in either an existing or a new dwelling unit (WOC 1994, Sec. A.7.).

[Favorable provision] None

[Minimal provision] An ADU may be developed in a dwelling unit that has been owned at least [specify] years by its current owner.

15. ADU Building Standards - Architectural Design and Types of Structures.

Note: This section and the remaining sections on building standards govern the appearance of accessory cottages. Homeowners adjacent to ADUs are sometimes concerned that ADUs will erode the single-family charm of their neighborhood, and ADU ordinances commonly address many appearance issues (APA 1996), such as type of structure, architectural design, maximum size, minimum size, and whether the ADU is subordinate to the principal unit.

This section specifically deals with the type of structure (mobile home, site-built dwelling, or manufactured housing) that can be used as an ADU. It also addresses whether the ADU must be architecturally consistent with the principal unit and whether it must be consistent in appearance with a site-built single-family residence. The optimal provision maximizes the opportunities for ADUs by allowing any type of structure to be an ADU if that structure is allowed as a principal unit in the zoning district. No other appearance requirements are placed on ADUs in the optimal provision. The favorable provision is more restrictive by allowing manufactured houses to be ADUs only if they are allowed in the zone and are consistent with the appearance of a single-family residence. The minimal provision adds to the favorable provision the requirement that the ADU must be consistent with the building type of the principal dwelling unit.

[Optimal provision] A mobile home or manufactured dwelling unit may be used as an ADU in any zone in which dwelling units are permitted (adapted from WOCDC 1994, Section 9).

[Favorable provision] A manufactured dwelling unit may be used as an ADU in any zone where that type of structure is permitted if the appearance of the same remains that of a site-built, single-family dwelling unit (WOCDC 1994, Section 9).

[Minimal provision] A manufactured dwelling unit may be used as an ADU in any zone where that type of structure is permitted if the proposed ADU is consistent with the building type of the principal unit and the appearance of the ADU remains that of a site-built, single-family dwelling unit (WOCDC 1994, Section 9).

16. ADU Building Standards - Orientation of Entrance.

Note: Many ADU regulations focus on the entrance of the ADU as an aesthetic concern. Most communities discourage or prohibit entrances from being constructed on the front of principal buildings. Thus, entrances and particularly stairways are limited to side or rear yards. When a front entrance is required for physical or cost reasons, communities often demand that the front entrance to the principal dwelling must double as the entrance to both units. The options below vary in how strictly entrances and stairways are regulated. The optimal provision requires ADU entrances to be less visible than principal dwelling unit entrances, and stairways may not be on the front

of the principal dwelling unit. The favorable and minimal provisions are similar, in that both require ADU entrances not to be visible from the street view and limit ADU stairways to the rear of principal dwelling units. While the favorable provision allows ADUs to share a front entryway with the principal dwelling unit, the minimal provision does not.

[Optimal provision] If the ADU's primary entrance is not the same as that for the principal dwelling unit, it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit (adapted from WOCDC 1994, Section A.10.), and the ADU's stairways may not be constructed on the front of the principal dwelling unit.

[Favorable provision] The ADU's primary entrance shall be not visible from the street view of the principal dwelling, and the ADU's stairways may not be constructed on the front or side of a principal dwelling unit.

[Minimal provision] No entrance for an ADU shall be permitted on, or, from the front of a principal dwelling unit; the ADU's primary entrance shall be not be visible from the street view of the principal dwelling unit; and the ADU's stairways may not be constructed on the front or side of a principal dwelling unit.

17. ADU Building Standards - Size.

Note: This section deals with a number of issues related to the size of the ADU. The intentions of communities in setting size limitations are commonly to require the ADU to be subordinate to the principal dwelling unit, to control neighborhood density, and to control visual impacts.

The standards of this section set minimums on the ADU square footage and maximums on the total square footage and number of bedrooms of the ADU. A common minimum size requirement for an ADU is 300 square feet; a frequent maximum on number of bedrooms is two; and the maximum size for ADUs falls in the range of 600 to 1,200 square feet, with 800 square feet occurring most often as a maximum size (APA 1996).

This model local ordinance does not directly require the ADU to be subordinate to the principal unit but does so indirectly by setting the maximum floor space of the ADU as a percentage of the living area of the principal unit. Advocates for ADUs point out that less affluent homeowners in smaller houses may not qualify to build an ADU if their house is too small (MRSCW 1995, 30). For example, if the ADU may not be larger than 30 percent of the living area of the principal unit but may not be smaller than 300 square feet, a homeowner with a living area of only 900 square feet could not have an ADU (270 square feet is 30 percent of 900 square feet and less than the minimum required size of 300 square feet). For this reason, the favorable and minimal provisions below raise the maximum percentage to 40 percent of the living space of the principal unit. Such a maximum percentage

is not unusual (APA 1996). Communities wanting to be more strict than the minimal option can change the percentage after determining that greater limitations are needed to protect the public interest. The maximum size of an ADU in the optimal provision is 1,200 square feet and 800 square feet in the minimal provision. (The maximum ADU size allowed in a recent survey of 50 ADU ordinances was 1,200 square feet [APA 1996].)

No alternative is listed as the optimal option. Size can be limited by other regulations. The Uniform Building Code (Sections 1207 and 1208), for example, contains a minimum size for efficiency units. Similarly, lot coverage maximums and minimum lot sizes limit the size of accessory cottages. Health codes can also limit the number of bedrooms in an ADU.

[Optimal provision] None

[Favorable provision] In no case shall an ADU be more than 40 percent of the living area of a principal dwelling unit, nor more than 1,200 square feet, nor less than 300 square feet, nor have more than two bedrooms (adapted from WOCB 1994, Section A.8.).

[Minimal provision] In no case shall an ADU be more than 40 percent of the living area of a principal dwelling unit, nor more than 800 square feet, nor less than 300 square feet, nor have more than two bedrooms (adapted from WOCB 1994, Section A.8.).

18. ADU Building Standards - Not Intended for Sale.

Note: An argument of opponents to ADUs is that the owners will eventually sell them off as condominiums. While this can create double owner occupancy of the premises, it can also result in the premises being occupied only by tenants. Thus, the opponents are concerned that the premises will not be as well maintained as owner-occupied premises. Opponents also warn that turning some ADUs into condominiums makes their fear of a neighborhood of duplexes a reality. The California ADU statute has a “not intended for sale” standard (Cal. Gov’t Code Section 65852.2(b)(1)(A)), and communities occasionally impose similar requirements (APA 1996).

One concern, however, is that if a community voids an ADU permit because the ADU has been sold for a condominium, a court may reverse the community action on the basis that zoning can regulate land use but not types of land ownership (Ziegler 1995, 56A-11 and 56A-12). Before adopting this standard, legal counsel should be consulted because courts are also reluctant to uphold regulations that may limit property owners’ ability to sell their land. Since this standard basically addresses the concerns of neighbors, it is listed below as a minimal option.

[Optimal provision] None

[Favorable provision] None

[Minimal provision] The ADU shall not be intended for sale and may be rented (adapted from Cal. Gov't Code Section 65852.2(b)(1)(A)).

19. ADU Building Standards - Screening and Orientation.

Note: Privacy is at the heart of neighbors' fears about being overrun by ADUs. This standard protects neighbors' privacy by giving the permit issuer a number of factors to consider, and the ADU homeowner a variety of options, that can be used to honor any adjacent landowner's privacy. While it could be argued that this standard balances the neighbors' and the ADU owners' interests, many owners are likely to view it as inconvenient or even onerous. Such a standard is relatively rare and is listed as a minimal option because it focuses more on the neighbors' concern over the visual or privacy impacts of ADUs.

[Optimal provision] None

[Favorable provision] None

[Minimal provision] The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement (adapted from City of Olympia, Washington, Unified Development Code, Section 18.04.060 1.b. 1995).

20. Parking and Traffic.

Note: Because of the average drop in household size, traffic is not generally a problem with ADUs. Most neighborhoods that house ADUs were designed for families that would generate more traffic than today's actual occupancy levels (Verrips 1983, iv; Gellen 1985, 151-152). For this reason, we recommend no standards for controlling traffic. Communities that are concerned about traffic may want to deal with it under density controls, as discussed in Section 22 below.

The issue of parking, however, is more complicated. Parking standards are one of the most frequent concerns (Hope 1996), and one expert views parking as the most difficult issue (Hare 1989, 24). Not surprisingly, communities tend to require too many parking spaces, making parking requirements one of the major obstacles to increasing the number of new ADUs (CHCD 1989, VIII-13). For example, in a 1996 survey of local ADU ordinances (APA 1996), 4 of the 50 surveyed communities required up to three spaces per ADU. But in

suburban communities where hilly terrain does not limit parking on sites or streets, ADUs will not cause parking problems (Verrips 1983, 83).

In addition, there is a reluctance in many communities to allow tandem parking (one vehicle in front of the other in a driveway) and to allow parking in setback areas even when that is a normal practice in a neighborhood. Advocates of ADUs emphasize that single-family homes with teenagers can generate as much or more traffic, and the need for parking is often minimal as ADUs are frequently occupied by “empty nesters” and single persons who have fewer cars or no car (MRSCW 1995, 38 and 39).

The controversy over parking illustrates that communities vary tremendously in terms of physical conditions and parking norms. These norms vary from cars being invisible to cars being ubiquitous, including tandem parking, parking on sideyard parking pads, and curb parking (Gellen 1989, 172). Neighbors often vary in how much curb parking they think can be allowed before they see the neighborhood streets as overcrowded. Because neighborhoods have different standards, a performance approach is needed, allowing flexibility rather than a set rule that ignores the variety of circumstances (Gellen 1989, 172).

The optimal provision limits the number of spaces that can be required, while the favorable provision allows a flexible approach because more than one parking space may be required under certain conditions. Both of these options are consistent with the model state act, whereas the minimal provision is not. The minimal option is required by some communities. However, it focuses on neighbors’ concerns and creates difficulties for owners of ADUs because it does not allow parking in setbacks, tandem parking, or on-street parking. In addition, this requirement may be more onerous than parking requirements for the principal dwelling unit. (An assumption related to these standards is that there is only one ADU per principal dwelling unit.)

[Optimal provision] One parking space is required per ADU if:

- a. the same requirement exists for the principal dwelling unit;
- b. no other parking spaces are available in side or rear yards, by tandem parking, or on-street parking; or
- c. the use of the ADU will create the need for an additional parking space.

[Favorable provision] One parking space is required per ADU.

- a. Additional parking may be required, provided that:
 1. the Zoning Administrator finds that the additional parking requirements are directly related to the use of the ADU; and
 2. the total number of parking spaces required for an ADU does not exceed the number of spaces required for a principal dwelling unit.

- b. The Zoning Administrator may permit off-street parking in setback areas or through tandem parking if the off-street parking:
1. would not block access by emergency vehicles to the principal dwelling unit or ADU; and
 2. is permitted and occurs in the neighborhood (adapted from Cal. Gov't Code Section 65852.2(e)).

[Minimal provision] Two off-street parking spaces are required for each ADU.

21. Public Health.

Note: The adequacy of water and sewer service to ADUs is generally not an issue because ADUs, rather than creating undue burdens, usually result in more efficient use of these services (MRSCW 1995, 50). Nevertheless, an ADU ordinance standard for water and sewer services should exist if current services are near capacity or ADUs add more bedrooms to the principal dwelling unit. Public health issues are generally addressed through regulations other than zoning, but an ordinance standard can require the homeowner developing the ADU to provide proof of conformance to public health regulations. We consider this standard to be necessary for the benefit of ADU owners and the neighbors. All three options contain this requirement.

The minimal option contains an additional requirement. Because of aesthetic concerns, communities sometimes require only one electrical and one water meter per principal dwelling unit. Three communities were found to have this requirement in a recent study of 50 ADU ordinances (APA 1996). Minimizing the meters on the exterior of a building is designed to support the owner-occupancy requirement and to maintain the appearance of single-family rather than two-family houses (MRCSW 1995, 50).

[Optimal provision] Applicants for ADU permits must supply the Zoning Administrator with certification by the municipal health official that the water supply and sewage disposal facilities are adequate for the projected number of residents (adapted from WOOD 1994, Section A. 2.).

[Favorable provision] [Same as optimal provision]

[Minimal provision] Applicants for ADU permits must supply the Zoning Administrator with certification by the municipal health official that the water supply and sewage disposal facilities are adequate for the projected number of residents. In addition, only one electrical and one water meter shall be allowed to serve the principal dwelling unit and the ADU (latter sentence adapted from Edmonds, Washington, Community Development Code, Section 20.21.030 C. 1996).

22. Density Limits.

Note: Restrictions on density are designed to reduce the number of ADUs in order to minimize their projected effects on the neighborhood. Density controls may also be put in place to avoid an accumulation of ADUs in the same area or to distribute ADUs evenly through an area (MRSCW 1995, 46).

A wide range of methods are used to limit density of ADUs, including:

- *quotas on the total number of ADU permits before an ADU ordinance is repealed;*
- *quotas on the number of permits issued before an ADU ordinance is reviewed;*
- *periodic reviews of ADU ordinances to evaluate the number of permits issued;*
- *limitations on the number of ADUs per area (e.g., by block or census tract);*
- *restrictions on the number of ADUs as a percentage of the residences in an area;*
and
- *spacing requirements between ADUs.*

Advocates of ADUs may argue, however, that density rules reduce the number of ADUs unjustifiably. When the infrastructure in single-family neighborhoods is underutilized, why is it fair to say “no” to one homeowner applying to create an ADU simply because another homeowner in the area has already installed an one? Justifying the density control may be even harder if the homeowner with the ADU permit originally installed it illegally and now is issued the permit to legalize wrongdoing.

But density controls may be an essential political tool in some communities. Guarantees that neighborhoods will not be overrun by ADUs may increase support for an ADU ordinance in a community. For this reason, density controls are suggested as the minimal provision. Density limits for ADUs are not recommended as optimal options because the controls are hard to justify.

The favorable provision calls for annual reporting. This reporting can trigger a reconsideration of the ordinance if density thresholds are exceeded. This option is considered favorable because its effect, rather than vetoing an application for an ADU, is to cause a review of the ordinance for amendments to the ADU ordinance. We want to emphasize that this review calls for “amendments” rather than repeal of the ordinance.

[Optimal provision] None

[Favorable provision] The Zoning Administrator shall report annually to the municipal legislative body the number of units established, the geographic distribution of the units, the average size of the units, the number and type of complaints, and completed enforcement actions. The municipal legislative body shall reassess this ordinance for amendments every [specify number] years or sooner if records show that 20 percent of the single-family

structures within any census tract or citywide have ADUs (adapted from Tacoma, Wash., Municipal Code, Section 13.06(B)(8) (1996) in MRSCW 1995, 58).

[*Minimal provision* - choose one of the following four options] No applications for ADUs may be accepted in census tracts or areas if granting the permit would cause the percentage of single-family units with ADUs of any single-family zone in one census tract to exceed 20 percent (adapted from Seattle, Washington, Section 23.44.025, Seattle Municipal Code in MRSCW 1995, 46).

[or]

A permit for an ADU may be issued if not more than 10 percent of the existing single-family units within 1,000 feet of the proposed ADU contain existing ADUs (adapted from South Windsor, Connecticut, Section 4.7.1.g., Zoning Ordinance 1990).

[or]

A permit for an ADU may be issued if not more than [specify number] permits have been issued for ADUs over the three-year period since the adoption of these regulations (adapted from Hamden, Connecticut, Section 701 m., Zoning Regulations 1996).

[or]

The Zoning Administrator may issue a permit for an ADU if the total number of permits has not exceeded [specify number]. When this number is exceeded, the Zoning Administrator shall report to the municipal legislative body that the number is exceeded, and that body shall review the ADU ordinance for its continuance, amendment, or repeal.

23. Legalizing ADUs.

Note: An illegal ADU is one that was installed without obtaining the required permits from the local government. Some ADUs may have existed prior to any ordinance making them illegal. Those ADUs can become legal, nonconforming ADUs if they initially conformed to all public laws. However, ADUs installed after zoning regulations were adopted are illegal unless permits were obtained from the local government. After permits are available for ADUs, illegal ADUs may actually be encouraged by harsh regulations, excessive fees, and tedious application procedures. Illegal ADUs are quite common because of the pressure for affordable housing and the reluctance of many communities to legalize ADUs.

A goal of some communities that are more familiar with these issues is to legalize the illegal ADUs for safety reasons. But many ADU owners strongly resist legalization out of their fear of higher property taxes, legal sanctions, income taxes on rental income, the costs of conforming to local codes, and the possibility that code inspectors will discover a variety of code violations

(Gellen 1985, 187-191). For these reasons, programs to accommodate illegal ADUs have not been very successful (Gellen 1985, 188). In addition, most communities have limited budgets for enforcing ADU regulations, meaning that code enforcement relies on specific complaints. Thus, most communities simply ignore illegal ADUs.

A variety of approaches, however, are available to deal with illegal ADUs. First, we recommend not having harsh regulations, lengthy application processes, or high fees that will create even more illegal ADUs. In addition, the model ordinance includes the following approaches: amnesty periods from enforcement, long time periods to comply with regulations, an exemption from all but safety regulations, and the threat of stiff penalties after all else has failed. While there appears to be no optimal or even favorable provision for a community living with numerous illegal ADUs, we do suggest a minimal provision below that includes several of the above options.

Some benefits accrue to communities that legalize illegal ADUs. If illegal units are tolerated, the risk is increased that other people will be encouraged to have illegal units. In this instance, it can be quite important for community leaders to make the statement through their ADU regulation that they are committed to the public interest by requiring owners of illegal ADUs to come forward and legalize their units. Furthermore, legalizing the illegal ADUs provides the opportunity to correct dangerous safety hazards (such as inadequate electrical wiring). With these benefits in mind, we suggest the minimal provision for legalizing ADUs below.

[Optimal provision] None

[Favorable provision] None

[Minimal provision] Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within [specify number] months of the adoption of these regulations (adapted from a 1995 draft of Village of Scarsdale, New York, Zoning Code 1995).

[or]

Owners of illegal ADUs shall be guilty of a misdemeanor and subject to a penalty of [specify the maximum allowed by law]. Any existing illegal ADU will not be subject to any enforcement action if:

1. The ADU owner applies for a permit to legalize the illegal ADU permit within [specify] months of the adoption of these regulations;
2. The ADU complies with the minimum requirements of the Uniform Building Code, Section 1208, within [specify] months of the date of applying for a permit under this Section (adapted from Mercer Island, Washington, Section 19.04.0607(D); MRSCW 1995, 45);
3. The ADU complies with the minimum housing code standards within [specify] months of the date of applying for a permit under this Section of the ordinance (adapted from Tacoma, Washington, Section 13.06.196(C)(11) Code, MRSCW 1995, 44); and
4. The ADU owner supplies the Zoning Administrator with certification by the municipal health official that the water supply and sewage disposal facilities are adequate for the ADU (adapted from W OCD 1994, Section A.2.).

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Accessory Dwelling Units: Case Study

Introduction

Accessory dwelling units (ADUs) — also referred to as accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.¹ This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs.

History of ADUs

Development of accessory dwelling units can be traced back to the early twentieth century, when they were a common feature in single-family housing.² After World War II, an increased demand for housing led to a booming suburban population. Characterized by large lots and an emphasis on the nuclear family, suburban development conformed to Euclidean-type zoning codes, a system of land-use regulations that segregate districts according to use.³

Suburbs continued to be a prevalent form of housing development throughout the 1950s and 1960s. The rapid growth of suburbs reinforced the high demand for lower-density development, and ultimately led most local jurisdictions to prohibit ADU construction. In spite of zoning restrictions, illegal construction of ADUs continued in communities where the existing housing stock was not meeting demand; San Francisco was one such community. During World War II, the Bay Area experienced a defense boom that created a high demand for workforce housing, resulting in a large number of illegally constructed second units. By 1960, San Francisco

housed between 20,000 to 30,000 secondary units, 90 percent of which were built illegally.⁴

In response to suburban sprawl, increased traffic congestion, restrictive zoning, and the affordable housing shortage, community leaders began advocating a change from the sprawling development pattern of suburban design to a more traditional style of planning. Urban design movements, such as Smart Growth and New Urbanism, emerged in the 1990s to limit automobile dependency and improve the quality of life by creating inclusive communities that provide a wide range of housing choices. Both design theories focus on reforming planning practices to create housing development that is high density, transit-oriented, mixed-use, and mixed-income through redevelopment and infill efforts.⁵

In the late 1970s to the 1990s, some municipalities adopted ADU programs to permit the use and construction of accessory units. Many of these programs were not very successful, as they lacked flexibility and scope. Although a number of communities still restrict development of accessory dwelling units, there is a growing awareness and acceptance of ADUs as an inexpensive way to increase the affordable housing supply and address illegal units already in existence.



Interior ADU – located in attic space
Photo credit: Town of Barnstable, Massachusetts

¹ Municipal Research and Services Center of Washington, *Accessory Dwelling Units*, October 1995, <http://www.mrsc.org/Publications/textadu.aspx#tenant>.

² Transportation and Land Use Coalition, *Accessory Dwelling Units*, <http://www.transcoalition.org/ia/acssdwel/01.html#body>.

³ Transportation Research Board, *The Costs of Sprawl Revisited*, 1998, http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_39-a.pdf.

⁴ San Francisco Planning and Urban Research Association, *Secondary Units: A Painless Way to Increase the Supply of Housing*, August 2001, <http://www.spur.org/newsletters/0801.pdf>.

⁵ New Urban News, *The New Urbanism – An alternative to modern, automobile-oriented planning and development*, July 2004, <http://www.newurbannews.com/AboutNewUrbanism.html>.

Types of Accessory Dwelling Units

Depending on their location relative to the primary dwelling unit, ADUs can be classified into three categories: interior, attached, and detached.⁶ Interior ADUs are located within the primary dwelling, and are typically built through conversion of existing space, such as an attic or basement.

Attached ADUs are living spaces that are added on to the primary dwelling. The additional unit can be located to the side or rear of the primary structure, but can also be constructed on top of an attached garage. Detached ADUs are structurally separate from the primary dwelling. They can be constructed over existing accessory structures, such as a detached garage, or they can be built as units that are separate from accessory and residential structures.



ADU attached to the side of a garage addition
Illustration: RACESTUDIO and city of Santa Cruz

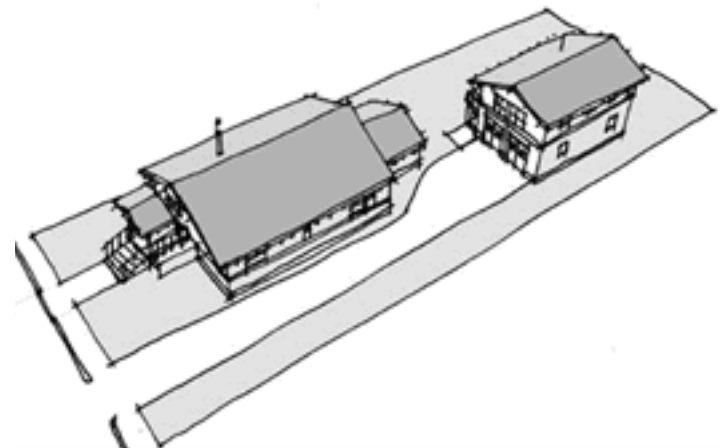
Benefits of Accessory Dwelling Units

Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents.⁷ Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable.⁸ In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.



Attached ADU
Photo credit: <http://mass.gov>

Accessory dwelling units have other advantages as well. They can be designed to blend in with the surrounding architecture, maintaining compatibility with established neighborhoods and preserving community character. Furthermore, there is no need to develop new infrastructure, since ADUs can be connected to the existing utilities of a primary dwelling. Allowing ADUs facilitates efficient use of existing housing stock, helps meet the demand for housing, and offers an alternative to major zoning changes that can significantly alter neighborhoods.⁹



Detached two-story ADU over garage
Illustration: RACESTUDIO and city of Santa Cruz

⁶ Transportation and Land Use Coalition.

⁷ Atlanta Regional Commission, *Accessory Dwelling Units*, August 2007, http://www.atlantaregional.com/documents/Accessory_Dwelling_Units_.pdf.

⁸ Ibid.

⁹ Municipal Research and Services Center of Washington.

Examples of ADU Ordinances and Programs

The following section of the case study provides an overview of ADU ordinances that have been adopted by five communities from across the nation. To gain a wider understanding of ADU programs in practice, the five communities have been chosen to represent a diverse range of geographic, demographic, and socioeconomic characteristics with different land use and growth control policies.

Lexington, Massachusetts

Lexington, Massachusetts is an affluent historic town, located 11 miles northwest of Boston, with a population of 30,355.¹⁰ According to the town's 2002 Comprehensive Plan, Lexington has largely exhausted its vacant unprotected land supply and is a highly built-out suburb with less than 1,000 acres of land available for new development.¹¹ Approximately 18 percent of the households in Lexington are eligible for affordable housing of some sort, and with a median home sales price of over \$600,000, many residents are being priced out of the housing market.¹² This limited growth potential and strong demand for affordable housing has led to the adoption of accessory apartment programs. The town implemented its first accessory unit bylaw in 1983, resulting in the construction of 60 units. In February of 2005, Lexington amended its bylaws to improve the clarity and flexibility of its ADU program.¹³ The town affirmed that the purpose of promoting ADUs is to increase the range of housing choices, encourage population diversity, and promote efficient use of the housing supply while maintaining the town's character.

The amended bylaws reduce or eliminate minimum lot size requirements, allow ADUs 'by-right' in homes built as recently as five years ago, and allow second units by special permit in new construction, or as apartments in accessory structures. The Lexington Zoning Code allows two ADUs per lot, provided the primary dwelling is connected to public water and sewer systems.¹⁴ Provisions allow absentee ownership for two years under special circumstances. In addition, a minimum of one off-street parking space

must be provided for every accessory unit. The by-right accessory apartments must be located within the primary dwelling and are allowed on lots that are at least 10,000 square feet. The maximum gross floor area of a by-right accessory apartment is 1,000 square feet and the unit cannot have more than two bedrooms.¹⁵

Increased flexibility in the program has proven beneficial to Lexington in the development of ADUs. According to Aaron Henry, Senior Planner for Lexington, the town's Housing Partnership Board is launching an education and outreach campaign for their ADU program to raise public interest.

Santa Cruz, California

Santa Cruz, California is a seaside city with a population of 54,600; it is one of the most expensive cities in the country in which to live. In 2006, the median price for a single-family home in Santa Cruz was \$746,000, which only 6.9 percent of the city residents could easily afford.¹⁶ In spite of the high cost of living, the city continues to be a desirable destination on account of its scenic location and proximity to San Francisco and the Silicon Valley. The location of a campus of the University of California — the area's largest employer — also adds to the demand for housing in Santa Cruz.¹⁷ Another contributing factor is the limited amount of land allowed for development within the city's



Detached ADU over garage — design by Boone/Low Architects and Planners

Illustration: RACESTUDIO and city of Santa Cruz

¹⁰ U.S. Census 2000, www.census.gov.

¹¹ Town of Lexington, *Comprehensive Plan*, 2002, <http://ci.lexington.ma.us/Planning/CompPlan.htm>.

¹² Town of Lexington, *Lexington Housing Strategy*, October 2007, [http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20\(Oct%202007\).pdf](http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20(Oct%202007).pdf).

¹³ The Massachusetts Smart Growth/Smart Energy Toolkit, *Accessory Dwelling Units (ADU) Suburban Case Study*, http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-adu-lexington.html.

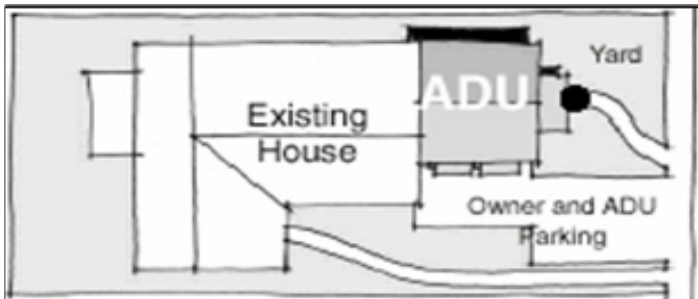
¹⁴ See Appendix A.

¹⁵ Town of Lexington, <http://ci.lexington.ma.us>.

¹⁶ City of Santa Cruz, <http://www.ci.santa-cruz.ca.us>.

¹⁷ Fred Bernstein, *Granny Flats for Cool Grannies*, February 2005, <http://www.fredbernstein.com/articles/display.asp?id=91>.

greenbelt. In order to preserve the greenbelt while accommodating new growth, promoting public transportation, and increasing the supply of affordable housing, the city adopted a new ADU ordinance in 2003.



Prototype site layout for attached ADU – ADU Manual
Illustration: RACESTUDIO and city of Santa Cruz

This ordinance sets forth regulations for the location, permit process, deed restrictions, zoning incentives, and design and development standards for ADUs. Accessory dwelling units are permitted in designated residential zones on lots that are at least 5,000 square feet in area. No more than one ADU per lot is allowed and the property owner must occupy the primary or accessory dwelling unit. ADUs that do not meet the permitting requirements stipulated in the ordinance must undergo a public hearing process. Development fees are waived for ADUs made available for low- and very-low-income households.¹⁸

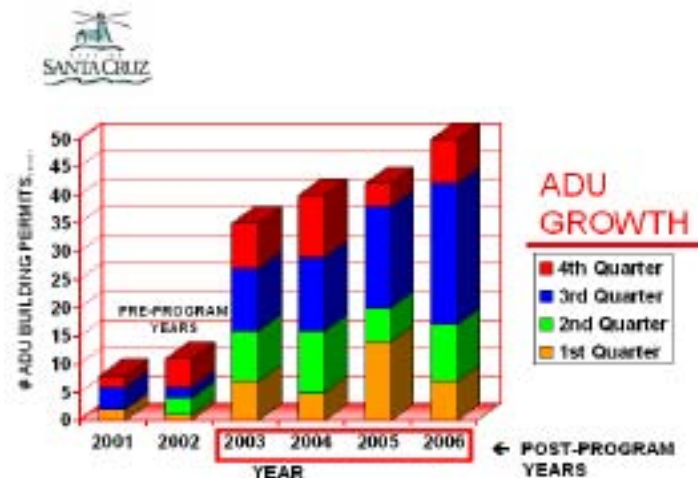
In addition to the ordinance that regulates the development of ADUs, Santa Cruz has established an ADU development program with three major components: technical assistance, a wage subsidy and apprentice program, and an ADU loan program.¹⁹ As part of the technical assistance program, the city published an ADU Plan Sets Book that contains design concepts developed by local and regional architects. Homeowners can select one of these designs and receive permits in an expedited manner. In addition, the city offers an ADU Manual, which provides homeowners with information on making their ADU architecturally compatible with their neighborhood, zoning regulations relevant to ADUs, and the permitting process.

Santa Cruz's ADU Development Program has won numerous awards and has been used as a model by other communities. According to Carol Berg, who is the housing and community development manager for the city, an average of 40 to 50 ADU permits have been approved every year since the start of the program. She attributes the program's success primarily to zoning changes that were adopted to facilitate development of ADUs, such as the elimination of covered parking requirements.

Portland, Oregon

With a population of approximately 530,000, Portland is the most populous city in the state of Oregon, and is noted for its strong land use control and growth management policies. Although Portland has had an ADU program in place for several years, ADU development was not effectively promoted until 1998, when the city amended its laws to relax the regulations governing ADUs.²⁰ The amendments eliminated the minimum square footage and owner-occupancy requirements. ADUs are now allowed in all residential zones with relaxed development standards.

Portland's regulations permit the construction of ADUs on lots with a single-family home, as long as they are smaller, supplementary to the primary residence, and no more than 800 square feet.²¹ They can be created by conversion of an existing structure or by construction of a new building. An early assistance process is available to help with project development for ADUs created through the conversion of an existing structure. ADUs that meet all the standards are permitted by right and do not require a land use review. No additional parking is required for accessory



ADU Permits approved for the city of Santa Cruz
Source: City of Santa Cruz

¹⁸ See Appendix B.

¹⁹ City of Santa Cruz, *Accessory Dwelling Unit Development Program*, <http://www.ci.santa-cruz.ca.us>.

²⁰ Barbara Sack, city of Portland.

²¹ See Appendix C.

units. Portland's ADU program guide outlines ways to bring existing nonconforming units into compliance.

The city considers ADUs to be more affordable than other housing types because of the efficiency of the units in using fewer resources and reducing housing costs. City planner Mark Bello notes that allowing more ADUs did increase the housing supply, and that city residents viewed ADUs positively and were satisfied with the changes made. He also added, "There were no significant negative issues that arose from liberalizing Portland's code."

Barnstable, Massachusetts

With seven villages within its boundaries and a total population of 47,821, the town of Barnstable is the largest community in both land area and population on Cape Cod.²² Approved in November 2000, Barnstable's Accessory Affordable Apartment or Amnesty Program is a component of its Affordable Housing Plan.²³ The program guides creation of affordable units within existing detached structures or new affordable units within attached structures. Eligibility for the program is limited to single-family properties that are owner-occupied and multifamily properties that are legally permitted.

Barnstable's amnesty program is seen as a way to bring the high number of existing illegal ADUs into compliance with current requirements. In order to bring a unit into compliance, the property owner must agree to rent to low-income tenants — those earning 80 percent or less



ADU over detached garage
Photo credit: Town of Barnstable



ADU on lower level of primary dwelling
Photo credit: Town of Barnstable

of the area median income — with a minimum lease term of one year. The amnesty program offers fee waivers for inspection and monitoring of units and designates town staff to assist homeowners through the program's administrative process. The town can access Community Development Block Grant funds to reimburse homeowners for eligible costs associated with the rehabilitation or upgrade of an affordable ADU. Homeowners are also offered tax relief to offset the negative effects of deed restrictions that preserve the affordability of the units.²⁴

Through its Amnesty Program, the town of Barnstable has successfully brought many of its illegal accessory units into compliance, with the added benefit of increasing the supply of affordable housing. Since the start of the program, Barnstable has approved 160 affordable ADUs. Beth Dillen, Special Projects Coordinator for the town's Growth Management Department, noted that "the ADU program has been very well received and there has been no neighborhood opposition." The program has been successful in converting existing illegal accessory apartments into code-compliant ADUs. According to Building Commissioner Tom Perry, "The benefit to this program is twofold. It is increasing the affordable housing supply and it also makes units, that before were unsafe and illegal, safe and legal."

Wellfleet, Massachusetts — Home of Oysters...and ADUs

Wellfleet is located in Barnstable County, Massachusetts. Located on Cape Cod, Wellfleet is a tourist town with a

²² U.S. Census 2000, www.census.gov.

²³ See Appendix D.

²⁴ Town of Barnstable, *Accessory Affordable Apartment Program*, http://www.town.barnstable.ma.us/GrowthManagement/CommunityDevelopment/AssessoryHousing/AAAP-BROCHURE_rev041206.pdf.

year-round population of 3,500, which increases to 17,000 in the summer months. Sixty-one percent of the land area in Wellfleet is part of the Cape Cod National Seashore and about 70 percent of the entire land area is protected from development.²⁵ Wellfleet also has a growing concentration of elderly residents 65 years and older. A housing needs assessment study conducted by the town in 2006 recommended the adoption of an affordable ADU program to meet elderly housing needs and to increase the supply of affordable multifamily rental units.²⁶



Interior ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

The affordable ADU bylaw for Wellfleet allows up to three ADUs per lot in any district, but requires approval of a special permit from the Zoning Board of Appeals. Secondary units may be within, attached to, or detached from a



Detached ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

primary structure, and may not be larger than 1,200 square feet. Homeowners with pre-existing attached and nonconforming accessory apartments may only make changes that increase the conformity of the structures.²⁷

Unless the provisions are specifically waived, the construction of new ADUs must conform to all zoning bylaw provisions and the owner of the property must occupy either the ADU or the primary dwelling. Detached units must comply with all setback requirements. Owners are required to rent to low- or moderate-income households. Maximum rents follow the Fair Market Rental Guidelines published by HUD and the property owners must submit annual information on rents to be charged.

To encourage participation in the ADU program, Wellfleet has instituted a new affordable accessory dwelling unit loan program.²⁸ The program offers interest-free loans for homeowners to develop affordable accessory units. The funds can also be used by homeowners to bring their ADU up to code. Wellfleet offers tax exemptions to homeowners on the portion of the property that is rented as an affordable unit. According to Nancy Vail, Assessor for the Town of Wellfleet, the combined tax savings for all ADU property owners totaled \$7,971.17 for fiscal year 2008. Sixteen units have been approved since the start of the program in November 2006.

Fauquier County, Virginia

Fauquier County is a largely rural county located about 50 miles outside of Washington, D. C. Beginning in 1967, Fauquier County adopted strict zoning regulations to limit growth to nine defined areas as a means of preserving farmland and open space; in effect, establishing growth boundaries.²⁹ However, the county population is rapidly increasing. The 2006 U.S. Census population estimate for Fauquier County was 66,170, a 20 percent increase from 2000. A needs assessment study by the Fauquier County Affordable Housing Task Force found that between 2000 and 2006, the median housing price in Fauquier County increased 127 percent, while the median household income increased 21 percent. To accommodate its growing population, especially the need for workforce housing, the county encourages infill development within the nine defined areas, and is active in reducing barriers to affordable housing.

²⁵ Town of Wellfleet, <http://www.wellfleetma.org>

²⁶ Town of Wellfleet, *Housing Needs Assessment*, 2006, http://www.wellfleetma.org/Public_Documents/WellfleetMA_LocalCompPlan/Appendix8.pdf.

²⁷ See Appendix E.

²⁸ Town of Wellfleet, *Affordable Accessory Dwelling Unit Program*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_WebDocs/AADU.pdf.

²⁹ Keith Schneider, *New Approaches to Shaping Community Futures*, March 1997, Michigan Land Use Institute, <http://www.mlui.org/growthmanagement/fullarticle.asp?fileid=3862>.

Fauquier County recognizes three different types of accessory units: family dwellings, efficiency apartments, and tenant houses.³⁰ Family dwelling units are detached accessory units constructed for use by the homeowner's family member(s); they must be occupied by no more than five people, at least one of them related to the owner. Family dwelling units may be as large as 1,400 square feet in size and are permitted in both rural and many residentially zoned areas. Efficiency apartments are alternatives to family dwelling units and are attached to either the primary residence or to an accessory structure, such as a garage. The size is limited to 600 square feet or 25 percent of the gross floor area of the main dwelling, whichever is greater. Efficiencies may not be occupied by more than two unrelated people and are allowed in rural and residential-zoned areas. Tenant houses are detached dwellings built on the property for the purpose of supporting agricultural land uses. At least one person occupying the tenant house must work on the property. Tenant houses have no size limits. They are allowed only on rurally zoned areas or properties of at least 50 acres, with one tenant house for every 50 acres of a property.

Development of ADUs in Fauquier County depends on the zoning, the size of the property, and availability of septic/sewer and water services. Each of the unit types is approved by the Fauquier Office of Zoning Permitting and Inspections, with a building permit, provided that the units meet zoning requirements. According to the county's zoning office, 155 accessory dwelling units and 37 efficiency apartments were permitted from 1997 to 2007.

Conclusion

At the height of the suburbanization of the United States in the 1950s and 1960s, high-density development became undesirable. Instead, communities favored low-density development defined by large-lot single-family homes. Accessory apartments that were once a common feature in many homes were excluded from zoning ordinances. However, growing demand for affordable housing (coupled with the limited amount of land available for development in many communities) has led to changing attitudes about the use and development of accessory apartments. An

increasing number of communities across the nation are adopting flexible zoning codes within low-density areas in order to increase their affordable housing supply.

Communities find that allowing accessory dwelling units is advantageous in many ways. In addition to providing practical housing options for the elderly, disabled, empty nesters, and young workers, ADUs can provide additional rental income for homeowners. ADUs are smaller in size, do not require the extra expense of purchasing land, can be developed by converting existing structures, and do not require additional infrastructure. They are an inexpensive way for municipalities to increase their housing supply, while also increasing their property tax base. By providing affordable housing options for low- and moderate-income residents, communities can retain population groups that might otherwise be priced out of the housing market.

The examples provided in the previous section involve communities that have to rely on existing housing stock to meet rising demand, either due to lack of developable land or strict growth management regulations. Portland and Fauquier County have adopted ADU ordinances to increase housing supply within their growth boundaries. Communities that are built out or have limited available land benefit from allowing the development of accessory units, as in Lexington and Wellfleet. Barnstable's amnesty program shows how to successfully bring a large number of existing illegal accessory units into compliance. In addition to allowing ADUs in all residential zones, Santa Cruz has attracted interest in ADU development by publishing an ADU Manual and Plan Sets Book with seven prototype designs for accessory units.

A community can tailor ADU ordinances to suit its demographic, geographic, and socioeconomic characteristics. The communities discussed in this case study provide loan programs, tax incentives, streamlined permitting, and reduced development fees as part of their ADU programs. In order for an ADU program to succeed, it has to be flexible, uncomplicated, include fiscal incentives, and be supported by a public education campaign that increases awareness and generates community support.

³⁰ See Appendix F.

Appendix A — Town of Lexington, Massachusetts, Article V, 135-19, Accessory Apartments

§ 135-19. Accessory apartments. [Amended 5-2-1988 ATM by Art. 41; 4-10-1989 ATM by Art. 41; 4-4-1990 ATM by Art. 36; 4-4-2005 ATM by Art. 10]

An accessory apartment is a second dwelling subordinate in size to the principal dwelling unit on an owner-occupied lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: by-right accessory apartments, which are permitted as of right, and special permit accessory apartments and accessory structure apartments, which may be allowed by a special permit.

A. General objectives. The provision of accessory dwelling units in owner-occupied dwellings is intended to:

- (1) Increase the number of small dwelling units available for rent in the Town;
- (2) Increase the range of choice of housing accommodations;
- (3) Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

B. Conditions and requirements applicable to all accessory apartments.

(1) General.

- (a) There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a lot.
- (b) There shall be no boarders or lodgers within either dwelling unit.
- (c) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.
- (d) The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided in Subsection B (1) (e). For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence...

(2) Exterior appearance of a dwelling with an accessory apartment. The accessory apartment shall be designed so that the appearance of the structure maintains that of a one-family dwelling....

(3) Off-street parking. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment....

C. By-right accessory apartments shall be permitted so long as the requirements set forth in the §135-19B are satisfied and the following criteria in this section are met:

- (1) The lot area shall be at least 10,000 square feet.
 - (2) The apartment shall be located in the principal structure.
 - (3) The maximum gross floor area of the by-right accessory apartment shall not exceed 1,000 square feet.
 - (4) There shall not be more than two bedrooms in a by-right accessory apartment.
 - (5) There shall be no enlargements or extensions of the dwelling in connection with any by-right accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
 - (6) The entire structure containing the by-right accessory apartment must have been in legal existence for a minimum of five years at the time of application for a by-right accessory apartment.
- D. Special permit accessory apartments. If a property owner cannot satisfy the criteria for by-right accessory apartments that are set forth in § 135-19C above, the property owner may apply for a special permit from the Board of Appeals....
- E. Accessory structure apartments. Notwithstanding any provisions of this Zoning By-Law that state an accessory apartment shall be located in a structure constructed as a detached one-family dwelling and the prohibition in § 135-35D against having more than one dwelling on a lot, the Board of Appeals may grant a special permit as provided in § 135-16, Table I, line 1.22C, to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot in the RS, RT, KO, RM or CN District as an existing one-family dwelling provided:
- (1) Lot area is at least 18,000 square feet if in the RS, RT, or CN District, at least 33,000 square feet if in the RO District, and at least 125,000 square feet if in the RM District;
 - (2) The structure containing the accessory structure apartment was in legal existence for a minimum of five years and had a minimum of 500 square feet of gross floor area as of five years prior to the time of application;
 - (3) The maximum gross floor area of the accessory structure apartment does not exceed 1,000 square feet. An addition to an accessory structure may be permitted, but no addition shall be allowed which increases the gross floor area of the structure to more than 1,000 square feet. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use. The accessory apartment cannot contain floor area that has been designed, intended or used for required off-street parking to serve the principal dwelling;...

Appendix B — City of Santa Cruz, California, Title 24, Zoning Ordinance, Chapter 24.16, Part 2: ADU Zoning Regulations

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development...

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more...

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.
2. Any single story accessory dwelling unit.

Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development standards in Section 24.16.160...

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. **Parking.** One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)
2. **Unit Size.** The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
3. **Existing Development on Lot.** A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
4. **Number of Accessory Units Per Parcel.** Only one accessory dwelling unit shall be allowed for each parcel...

24.16.170 Deed Restrictions.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence...

26.16.180 Zoning Incentives.

The following incentives are to encourage construction of accessory dwelling units.

1. **Affordability Requirements for Fee Waivers.** Accessory units proposed to be rented at affordable rents as established by the city, may have development fees waived per Part 4 of Chapter 24.16 of the Zoning Ordinance...
2. **Covered Parking.** The covered parking requirement for the primary residence shall not apply if an accessory dwelling unit is provided...

24.16.300 Units Eligible for Fee Waivers.

Developments involving residential units affordable to low or very-low income households may apply for a waiver of the following development fees:

1. Sewer and water connection fees for units affordable to low and very low income households.
2. Planning application and planning plan check fees for projects that are one hundred percent affordable to low and very-low income households.
3. Building permit and plan check fees for units affordable to very-low income households.
4. Park land and open space dedication in-lieu fee for units affordable to very low income households.
5. Parking deficiency fee for units affordable to very-low income households.
6. Fire fees for those units affordable to very-low income households.
(Ord. 93-51 § 6, 1993).

24.16.310 Procedure for Waiver of Fees.

A fee waiver supplemental application shall be submitted at the time an application for a project with affordable units is submitted to the city.
(Ord. 93-51 § 6, 1993)

Appendix C — City of Portland, Oregon, Title 33, Chapter 33.205: Accessory Dwelling Units

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards...

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

- I. Creation. An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.
2. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household...
5. Parking. No additional parking is required for the accessory dwelling unit. Existing required parking for the house, attached house, or manufactured home must be maintained or replaced on-site.
6. Maximum size. The size of the accessory dwelling unit may be no more than 33% of the living area of the house, attached house, or manufactured home or 800 square feet, whichever is less...

D. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

- I. Setbacks. The accessory dwelling unit must be at least:

- a. 60 feet from the front lot line; or
 - b. 6 feet behind the house, attached house, or manufactured home.
2. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.
3. Bulk limitation. The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house, or manufactured home. The combined building coverage of all detached accessory structures may not exceed 15 percent of the total area of the site...

33.205.040 Density

In the single-dwelling zones, accessory dwelling units are not included in the minimum or maximum density calculations for a site. In all other zones, accessory dwelling units are included in the minimum density calculations, but are not included in the maximum density calculations.

Appendix D — Town of Barnstable, Massachusetts, Chapter 9, Article II - Accessory Apartments and Apartment Units

§ 9-12. Intent and purpose.

- A. The intent of this article is to provide an opportunity to bring into compliance many of the currently unpermitted accessory apartments and apartment units in the Town of Barnstable, as well as to allow the construction of new dwelling units accessory to existing single-family homes to create additional affordable housing.
- B. This article recognizes that although unpermitted and unlawfully occupied, these dwelling units are filling a market demand for housing at rental costs typically below that of units which are and have been lawfully constructed and occupied.
- C. It is in the public interest and in concert with its obligations under state law, for the Town of Barnstable to offer a means by which so-called unpermitted and illegal dwelling units can achieve lawful status, but only in the manner described below.
- D. It is the position of the Town of Barnstable that the most appropriate mechanism for allowing for the conversion of unlawful dwelling units to lawful units is found in MGL c. 40B, §§ 20 to 23, the so-called “Comprehensive Permit” program. This provision of state law encourages the development of low- and moderate-income rental and owner-occupied housing and provides a means for the Board of Appeals to remove local barriers to the creation of affordable housing units. These barriers include any local regulation such as zoning and general ordinances that may be an impediment to affordable housing development.
- E. The Local Comprehensive Plan states that the Town should commit appropriate resources to support affordable housing initiatives. Under this article, the Town commits the following resources to support this affordable housing initiative:
 - (1) Waiver of fees for the inspection and monitoring of the properties identified under this article;
 - (2) Designation of Town staff to assist the property owner in navigating through the process established under this article;
 - (3) To the extent allowable by law, the negative effect entailed by the deed restriction involved will be reflected in the property tax assessment; and
 - (4) To assist property owners in locating available municipal, state and federal funds for rehabilitating and upgrading the properties identified under this article.
- F. The Local Comprehensive Plan supports, in conjunction with a variety of other strategies, the conversion of existing structures for use as affordable housing...

§ 9-14. Amnesty program.

Recognizing that the success of this article depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Ordinances of the Town, Editor’s Note: See Ch. 240, Zoning. the Town hereby establishes the following amnesty program:

- A. The threshold criteria for units being considered as units potentially eligible for the amnesty program are:
 - (1) Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, does not qualify as a lawful, nonconforming use or structure, for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2000; or

- (2) Real property containing a dwelling unit or dwelling units which were in existence as of January 1, 2000, and which have been cited by the Building Department as being in violation of the Zoning Ordinance; and...
- B. The procedure for qualifying units that meet the threshold criteria for the amnesty program is as follows:
 - (1) The unit or units must either be a single unit accessory to an owner occupied single-family dwelling or one or more units in a multifamily dwelling where there exists a legal multifamily use but one or more units are currently unpermitted;
 - (2) The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;
 - (3) The property owner must agree that if s/he receives a comprehensive permit, the unit or units for which amnesty is sought will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.
 - (4) The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit or units for which amnesty is sought, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

§ 9-15. New units accessory to single-family owner-occupied dwellings.

For a proposed new unit to be eligible for consideration under the local chapter 40B program, it must be a single unit, accessory to an owner-occupied single-family dwelling, to be located within or attached to an existing residential structure or within an existing building located on the same lot as said residential structure and comply with the following:

- A. The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;
- B. The property owner must agree that if s/he receives a comprehensive permit, the accessory dwelling unit will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agrees that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.
- C. The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

Appendix E — Town of Wellfleet, Massachusetts, 6.21 Affordable Accessory Dwelling Units

Purpose: For the purpose of promoting the development of affordable rental housing in Wellfleet for year-round residents, a maximum of three affordable accessory dwelling units per lot may be allowed subject to the requirements, standards and conditions listed below:

6.21.1 Up to three affordable accessory dwelling units per lot may be allowed in any district by Special Permit from the Zoning Board of Appeals.

6.21.2 Affordable accessory dwelling units created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in numbers 6.21.4 and 6.21.5 below. The affordability requirements of this by-law shall be imposed through conditions attached to the Special Permit issued by the Zoning Board of Appeals. No accessory apartment shall be constructed or occupied until proof of recording is provided to the Inspector of Buildings.

6.21.3 Requirements and Standards

- A. Affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit.
- B. Affordable accessory dwelling units shall not be larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section II of this Zoning By-law.
- C. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase the nonconforming nature of that structure, except that any pre-existing accessory building may be eligible for conversion to an affordable accessory dwelling unit.
- D. Newly constructed detached accessory units shall comply with all applicable provisions of the Zoning By-law unless they are specifically waived by this by-law. Newly constructed detached accessory units shall comply with all setback requirements listed in Sections 5.4.2 of this Zoning By-law.
- E. Owners of residential property may occupy as a primary residence either the principal or accessory dwelling. For the purposes of this section, the “owner” shall mean one who holds legal or beneficial title.
- F. Septic systems are required to meet current Title 5 standards and shall be reviewed and approved by the Health Agent.
- G. The Inspector of Buildings and Health Agent shall inspect the premises for compliance with public safety and public health codes.
- H. No affordable accessory dwelling unit shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing an affordable accessory dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the affordable accessory dwelling unit, except leasehold estates, for the term of the restriction.

6.21.4 All occupants of the affordable accessory dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate-income

family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

6.21.5 Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

6.21.6 Procedure

- A. The property owner shall complete and submit an application for a Special Permit to the Zoning Board of Appeals in accordance with the Wellfleet Zoning Board of Appeals Rules and Procedures.
- B. The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A and the Wellfleet Zoning By-law, Section 8.4.2 .
- C. Appeal under this section shall be taken in accordance with Section 17 of Massachusetts General Law, Chapter 40A.
- D. The property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit to allow a change in use.
- E. The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable accessory dwelling unit being occupied.

Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws.

Appendix F — Fauquier County, Virginia Zoning Ordinance

ARTICLE 5 — ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

5-104 Standards for an administrative permit for an Efficiency Apartment

1. Such a unit shall not be occupied by more than two persons.
2. Not more than one such unit shall be located on a lot.
3. Such a unit shall contain no more than 600 square feet of gross floor area or 25% of the total gross floor of the dwelling, whichever is greater.
4. Such a unit shall be located only on the same lot as the residence of the owner of the lot.
5. Architectural features of such a unit shall conform with the single family character of the neighborhood (e.g., no additional front doors).

5-105 Standards for an administrative permit for a Family Dwelling Unit

1. Such a unit shall not be occupied by more than five (5) persons, at least one of whom must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot. Or, the lot owner may live in the family dwelling unit and allow such family members to reside in the main house. In either case, the lot owner must reside on the property.
2. Such a unit may be 1,400 square feet of gross floor area.
3. No dwelling units other than the principal structure (a single family dwelling) and one such family dwelling unit shall be located on one lot...

ARTICLE 6 - ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

6-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15...

9. Guest house or rooms for guests in an accessory structure, but only on lots of at least two (2) acres and provided such house is without kitchen facilities, is used for the occasional housing of guests of the occupants of the principal structure and not as rental units or for permanent occupancy as housekeeping units...
14. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the Rural Districts at a density not to exceed one (1) unit per fifty (50) acres...
31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month...

SUBCHAPTER 28J: - SUPPLEMENTAL REGULATIONS

28.151 - APPLICABILITY.

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Accessory Buildings and Structures. Shall comply with Sec. 28.131, MGO. (Am. by ORD-17-00024, 2-20-17)

Accessory Dwelling Unit in the TR-P District.

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single-family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

Accessory Dwelling Unit in Districts Other than the TR-P District.

- (a) Required Standards.
 - 1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
 - 2. The principal dwelling must be a single-family detached dwelling.
 - 3. No more than one (1) accessory dwelling unit may be located on a lot.
 - 4. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
 - 5. The accessory dwelling unit shall not be sold separately from the principal dwelling.
 - 6. The maximum height of a detached building containing an accessory dwelling unit, including one

built above a garage, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to Sec. 28.134(1)(b).

7. The maximum size of an accessory dwelling unit shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
8. The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
9. Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
10. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.

(b) Suggested Guidelines.

1. The exterior finish material of an accessory dwelling unit shall match the type, size and placement of exterior finish material of the principal dwelling.
2. The roof pitch shall match the predominant roof pitch of the principal dwelling.
3. Trim and projecting eaves shall match those of the principal dwelling.
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, Professional and General. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-13-00007, 1-15-13)

Adult Entertainment Establishment.

- (a) Such establishments shall be licensed as provided in Section 9.05 of these ordinances.
- (b) Exterior windows shall not be covered or made opaque in any way.
- (c) No adult entertainment establishment shall be located within one thousand (1,000) feet of any church, synagogue, temple, mosque or any other place of worship, any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment.
- (d) The distance requirement under subdivision (c) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment or adult entertainment tavern to the closest property line of the adult entertainment establishment.
- (e) No material referenced under the definition of Adult Book or Video Store shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window.

- (f) An adult entertainment establishment may have only one (1) nonflashing business sign, which sign may only name of the business and identify it as an adult entertainment establishment.

Adult Entertainment Tavern.

- (a) No such establishment shall be located within five hundred (500) lineal feet of a church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park, any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment.
- (b) The distance requirement under subdivision (a) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the city of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any private or public playground; any day care center, any library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment to the closest property line of the adult entertainment tavern.
- (c) Said tavern shall acquire and maintain an adult entertainment tavern license pursuant to Sec. 38.11 of these ordinances prior to issuance of an occupancy permit.

Adult Family Home.

- (a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.
- (b) The applicant must disclose in writing the capacity of the adult family home
- (c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability or handicap, or unless approved as a conditional use.
- (d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- (e) No conditional use approved under this section shall be transferable to another location or permit-holder.

Agriculture - Animal Husbandry.

- (a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
 - 1. Off-street parking of more than ten (10) vehicles.
 - 2. Processing of food produced on site.
 - 3. Use of heavy equipment, such as tractors
 - 4. Application of agricultural chemicals, including fertilizers and pesticides.
- (b) In the UA District, conditional use approval and a Management Plan are required for:

1. Spreading of manure.
2. Spraying of agricultural chemicals, including fertilizers and pesticides.
3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

Agriculture - Cultivation.

- (a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
 1. Off-street parking of more than ten (10) vehicles.
 2. Processing of food produced on site.
 3. Use of heavy equipment, such as tractors.
 4. Application of agricultural chemicals, including fertilizers and pesticides.
- (b) In the UA District, conditional use approval and a Management Plan are required for:
 1. Spreading of manure.
 2. Spraying of agricultural chemicals, including fertilizers and pesticides.
 3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

Agriculture - Intensive. To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under Wis. Admin. Code ch. NR 243.

Animal Boarding Facility, Kennel, Animal Shelter.

- (a) Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district.
- (b) Any outdoor portion of an animal boarding facility, kennel, shelter, or animal daycare shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.

Animal Day Care. Applicants shall submit at the time of permit application written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

Assisted Living Facility, Congregate Care Facility, Skilled Nursing Facility.

- (a) The yard requirements for multi-family use in the district apply.
- (b) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (c) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

ATM.

- (a) In the DC, UMX, LMX, NMX and TSS districts, no more than one ATM may be installed per street frontage on a zoning lot.
- (b) In the DC, UMX, LMX, NMX and TSS districts, ATMs must be integrated into building design. Construction or modifications to accommodate an ATM shall be made in a manner consistent with the overall design of a façade.
- (c) In the DC, UMX, LMX, NMX and TSS districts, no storefront glass shall be removed to accommodate the installation of an ATM, unless the storefront glass is ninety- (90) degrees perpendicular to the sidewalk, and the ATM is being installed in an existing alcove.
- (d) In the DC, UMX, LMX, NMX and TSS districts, the exterior face, including any cabinet or casing, of an ATM shall not exceed eight (8) square feet in size.

(Cr. by ORD-13-00147, 9-11-13)

Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.

- (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
- (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
 - 1. Storage of vehicle parts and refuse.
 - 2. Temporary storage of vehicles during repair and pending delivery to the customer.
 - 3. Vacuuming and cleaning.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- (g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

(Am. by ORD-13-00088, 5-29-13; ORD-17-00021, 2-20-17)

- (h) (Rep. by ORD-15-00026, 3-11-15)

(Cr. by ORD-14-00037, 3-6-14)

Bed and Breakfast Establishment.

- (a) A maximum of eight (8) rooms shall be rented.
- (b) The establishment shall have a current license from Public Health Madison and Dane County.
- (c) The only meal that may be served is breakfast to registered guests.
- (d) Fire protection shall be approved by the Fire Department, and may be more restrictive than State

requirements.

- (e) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.
- (f) No more than twenty (20) tourists or transients shall be allowed to rent at one time.
- (g) The owner of the residence shall occupy the residence at the time of rental.

(Am. by ORD-13-00146, 9-11-13; ORD-13-00185, 11-5-13; ORD-15-00009, 1-28-15)

Bicycle-Sharing Facility. Shall meet all requirements of Sec. 10.33, MGO.

Brewpub.

- (a) Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- (b) Brewpubs shall not hold an entertainment license under Sec. 38.06(11).
- (c) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Buildings or Structures Exceeding Ten Thousand (10,000) Square Feet in Floor Area.

- (a) In any residential district, building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
- (b) In any residential district, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Caretaker's Dwelling.

- (a) Shall be accessory only to a non-residential use.
- (b) Shall meet all dimensional requirements of the district.

Car Wash.

- (a) The car wash shall be completely enclosed when not in operation.
- (b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- (c) Any car wash line exit shall be at least thirty (30) feet from any street line.
- (d) The car wash shall be screened along all property lines with a minimum six-foot high (6) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.
- (e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
- (f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

Clear-Cutting of Timber. The applicant shall demonstrate that clear-cutting will improve the level of environmental protection on the subject property or is unavoidable due to grading or other development requirements. Clear-cut areas shall be replanted; replanting may occur in any location on the property.

Cohousing Community.

- (a) Any housing type that is a conditional use within the zoning district may be located in a cohousing community conditional use approval.
- (b) Any use allowed within the zoning district may be located in a cohousing community.
- (c) Lot area requirements may be combined and shared among cohousing units with conditional use approval provided that the overall density remains consistent with minimum lot area standards.
- (d) Usable open space may be combined and shared among cohousing units.

Colleges and Universities. For uses established in employment districts and commercial and mixed-use districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16; Am. by ORD- 17-00116, 12-1-17)

Community Event.

- (a) There shall be no alteration to the site or alteration of any permanent structure.
- (b) No event shall last more than one-hundred eighty (180) days per calendar year.
- (c) An event lasting more than forty-five (45) consecutive days or occurring more than twenty-six (26) days in a calendar year shall require a conditional use permit.
- (d) All events shall require temporary use permit.

(Cr. by ORD-13-00054, 4-24-13)

Community Living Arrangement (CLA) Serving up to Eight (8) Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant shall disclose in writing the capacity of the community living arrangement.
- (c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, except as provided under (e) below or unless approved as a conditional use.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, except as provided under (e) below, or unless approved as a conditional use.
- (e) No separation distance is required and the district percentage specified above does not apply if the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the CLA because of their disability or handicap.
- (f) No conditional use permit under this section shall be transferable to another location or person.

Community Living Arrangement (CLA) Serving Nine to Fifteen (9-15) Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant shall disclose in writing the capacity of the community living arrangement.
- (c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, unless approved as a conditional use.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a

conditional use.

- (e) All CLAs in the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, and TR-R districts require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district. (Am. by ORD-15-00081, 8-12-15)
- (f) No conditional use permit under this section shall be transferable to another location or person.
- (g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-0049, 5-25-16)

Community Living Arrangement (CLA) Serving More Than 15 Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant must disclose in writing the capacity of the community living arrangement.
- (c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
- (e) All CLAs serving more than fifteen (15) residents require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.
- (f) No conditional use permit under this section shall be transferable to another location or person.

(Am. by ORD-15-00081, 8-12-15)

- (g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-00049, 5-25-16)

Concrete, Asphalt, and Rock Crushing Facilities.

- (a) All building, structures, and activity areas shall be located a minimum of three hundred (300) feet from all property lines of the site.
- (b) A site and vicinity plan shall be submitted with an application and shall contain the following:
 - 1. A description of natural features, including wetlands, water bodies and major topographic features located on the property and within three hundred fifty (350) feet of the site.
 - 2. A description of the proposal including type and amount of material to be removed, overview of planned daily operations including equipment and vehicles, and a discussion of how the proposed activities compare to land uses within one thousand (1000) feet of the site.
 - 3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.
- (c) A dust management plan shall be submitted with an application. This plan shall require access drives and roads within the site to be sprayed with dust suppressants as needed to control fugitive dust. Access drives also shall be cleaned at appropriated intervals consistent with City standards, or as otherwise

determined by conditional use approval.

- (d) A sound attenuation plan shall be submitted with an application and shall describe the sources of sound and compliance with applicable sound and noise regulation.
- (e) A vibration-dampening plan shall be submitted with an application showing compliance with all applicable vibration regulations.
- (f) A drainage plan for storm water management and runoff shall be submitted with an application.
- (g) A traffic plan shall be submitted with an application describing the number of daily truck trips anticipated by the use. It also shall identify the principal access route(s) to the facility and its traffic impact on the surrounding area.
- (h) A site restoration plan shall be submitted with an application and shall include detailed grading and revegetation plans, as well as a timetable for such restoration.
- (i) A schedule of hours of operation shall be submitted with an application.

Contractor's Business With Showroom or Workshop. All activities shall be carried out in an enclosed space.

Contractor's Yard. In the TE district, outdoor storage shall be located to the rear of the principal building. In all districts, outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than seven (7) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

Convent, Monastery, Similar Residential Group.

- (a) The use shall be accessory to a place of worship. The use may be located on a separate zoning lot where separated by a public right-of-way from the primary use.
- (b) The yard requirements for multi-family use in the district apply.
- (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (d) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
- (e) Where the principal use is a conditional use, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Correctional Facility. Within the Conservancy District, a correctional facility shall be located at least three hundred (300) feet from any residentially-zoned property.

Day Care Center.

- (a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
- (b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of

the neighborhood.

Day Care Home, Family.

- (a) The family day care home shall be the principal place of residence of the provider, as defined in Wis. Admin. Code ch. DCF 250.
- (b) Conditional use approval is required if the licensee, as defined in Wis. Admin Code ch. DCF 250, does not reside at, or have its principal place of business at, the family day care home.
- (c) No more than two employees who do not reside in the dwelling are permitted.

(Am. by ORD-14-00015, 1-29-14)

Daytime Shelter .

- (a) The use shall be operated by a religious institution or a non-profit organization.
- (b) The hours of operation shall be limited to 6:30 a.m. to 6 p.m., unless modified under conditional use approval.
- (c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the facility:
 - 1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms, hours of operation, staffing, management structure, and capacity.
 - 2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

Dependency Living Arrangement .

- (a) The owner of the dwelling must continue to reside in the building. The use permit issued under this paragraph is not transferable to another owner or occupant.
- (b) The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent (10%).
- (c) Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within six (6) months unless an extension is granted because of potential re-occupancy.
- (d) A letter of approval issued by the Zoning Administrator shall be recorded at the Dane County Register of Deeds Office.

Dormitory.

- (a) The use shall be within one-quarter (¼) mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use approval.
- (b) The yard requirements for multiple-family use in the district apply when the use is not located on a campus.
- (c) On-site services shall be for residents of the facility only.
- (d) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, to the extent practical. An appropriate transition area between the use and adjacent

property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Dwelling Units in Mixed-Use Buildings.

- (a) In the LMX District, there shall be no more than two (2) dwelling units per lot.
- (b) In the NMX District, more than eight (8) dwelling units requires conditional use approval.
- (c) In the TSS, CC-T and MXC Districts, more than twenty-four (24) dwelling units requires conditional use approval. (Am. by ORD-16-00039, 4-8-16)
- (d) In the LMX, NMX, TSS and CC-T Districts, for buildings with a street-facing width of forty (40) feet or less, the entire ground floor frontage facing the primary street shall be non-residential. Less non-residential frontage requires conditional use approval.
- (e) In the LMX, NMX, TSS and CC-T Districts, for building with a street-facing width greater than forty (40) feet, at least seventy-five percent (75%) of the ground-floor frontage facing the primary street, including all frontage at a street corner, shall be non-residential. Less non-residential frontage requires conditional use approval.
- (f) In the LMX, NMX, TSS and CC-T Districts, at least seventy-five percent (75%) of the ground floor area shall be non-residential use(s). Less than seventy-five percent (75%) non-residential ground floor area requires conditional use approval.
- (g) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets.

(Am. by ORD-13-00135, 8-14-13)

Electric Substations, Gas Regulator Stations. A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where those uses are permitted and by the Plan Commission when conditional use approval is required.

Emergency Electric Generator.

- (a) The electric output shall not exceed three thousand (3,000) kilowatts and the generator shall be operated a maximum of two hundred (200) hours per year.
- (b) The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.

(Am. by ORD-16-00093, 11-9-16)

Farmers Market.

- (a) Within the NMX, DC and UMX Districts, a farmer's market with more than fifteen (15) vendor stalls requires conditional use approval.
- (b) Within any district, a permanent facility established after the effective date of this ordinance shall have

vehicular access to a collector or higher classification street.

- (c) Within any residential district, a farmer's market shall be accessory to a non-residential use and located in the parking lot of such use.
- (d) In the EC, IG, and IL Districts, a farmer's market shall only be an accessory use.

Food and Beverage Uses. (R. by ORD-14-00132, 8-13-14)

Free-Standing Vending.

- (a) In all districts, free-standing vending is prohibited if located on zoning lots that contain residential uses.
- (b) In residential districts, including the DR1 and DR2 districts, free-standing vending requires conditional use approval.
- (c) In non-residential districts, free-standing vending is a permitted use if it located more than 200 feet from the property line of a lot with a residential use and is a conditional use if located 200 feet or less from the property line of a lot with a residential use.
- (d) Hours of operations shall be between the hours of 7:30 a.m. and 11:30 p.m., including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation.
- (e) No free-standing vending operation may be located within twenty-five (25) feet of a restaurant or restaurant-tavern, unless the food and beverage business is located on the same property as the proposed vending and the business has approved the vending.
- (f) Operators of free-standing vending operations shall provide the Zoning Administrator with a letter of permission from the owner of the property giving permission to conduct free-standing vending operations on the property.
- (g) Operators of free-standing vending operations must obtain an approved site plan from the City showing the location of the vending operation on the property in relation to existing parking lots, streets, driveways, and public rights of way.
- (h) Operators of free-standing vending operations shall obtain and maintain all applicable food and/or beverage licenses for their operation as determined to be required by Public Health-Madison and Dane County.
- (i) Any person vending pursuant to this ordinance either as an operator or employee of the operator shall maintain license(s) as required by Sec. 9.13(1) and (3)(j), MGO. When vending on private property pursuant to this ordinance, operators of free-standing vending operations shall follow the requirements in Sec. 9.13(4)(a), (b), (j), (p), (s), and (v).

(Cr. by ORD-18-00068, 7-19-18)

Garden Center, Greenhouse, Nursery.

- (a) In the NMX, TSS and MXC Districts, there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.
- (b) In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.

General Retail.

- (a) Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.

- (b) Within employment districts, general retail uses shall not exceed ten thousand (10,000) square feet in floor uses are part of a planned multi-use site.

Golf Course. Club houses and maintenance buildings shall be located a minimum of three hundred (300) feet from any residentially-zoned property.

Handgun Shop.

- (a) Shop shall be located in a building constructed of concrete or masonry walls.
- (b) No handgun shop shall be located within one thousand (1000) feet of any church, synagogue, temple, mosque or other place of worship; a lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; a Planned Mobile Home Park District, Planned Development District with dwelling units; a public or private playground; a day care center; a public library, a youth recreation area, including little league baseball fields, soccer fields or YMCA/YWCA.
- (c) No handgun shop shall be located in the same building where alcohol beverages are sold.
- (d) No handgun shop shall be located in the same building where any patron thereof under the age of eighteen (18) years may enter, unless accompanied by a parent, guardian or adult spouse eighteen (18) years of age or over.

Health/Sports Club, Fitness Center or Studio. When allowed in the SR-V2, TR-V2, TR-U1, TR-U2 and TR-P districts, the Health/Sports Club, Fitness Center or Studio may not display exterior signage. The use shall be incidental to a multi-family residential use or lodging house use and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-18-00048, § 2, 5-14-18)

Home Occupation.

- (a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.
- (b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.
- (c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
- (d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
- (e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
- (f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.
- (g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.
- (h) Samples may be kept but not sold on the premises.
- (i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation.
- (j) The entrance to the space devoted to the home occupation shall be from within the building.
- (k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of

conducting the home occupation.

- (l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- (m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

Hospital.

- (a) The facility shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (c) The boundaries of the institution shall be as defined in the conditional use permit or Master Plan. The institution that is defined by the boundaries shall be a minimum of three (3) acres.

Housing Cooperative.

- (a) In the SR-C3 District, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval.
- (b) In the SR-V1, SR-V2, NMX, TSS, and CC-T Districts, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than twenty (20) requires conditional use approval.

(Am. by ORD-14-00085, 5-7-14)

- (c) In the TR-V1, TR-V2, NMX, TSS, and CC-T Districts, a Housing Cooperative may locate in a single-family dwelling with conditional use approval.
- (d) In the TR-V1, TR-V2, TR-U1, TR-U2, DC, UOR, UMX, DR1 and DR2 Districts, Housing Cooperatives may locate in any single-family dwelling or convert a building with more than one (1) dwelling unit if the occupancy equals the number of legal bedrooms prior to a change in use to a Housing Cooperative. Occupancy greater than the legal number of bedrooms prior to a change in use requires conditional use approval. (Am. by ORD-14-00085, 5-7-14)
- (e) In the TR-C4 District, housing cooperatives are allowed only in the area bounded by South Ingersoll Street on the West, Lake Monona on the South, Thornton Avenue on the East and the mid-block line between Jenifer Street and Williamson Street on the North. Buildings with more than one (1) dwelling unit may be converted for use as a housing cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval. Housing cooperatives may locate in single-family homes with conditional use approval and they shall meet the above occupancy limits.
- (f) When Housing Cooperatives are established within single-family dwellings, the single-family appearance and function of the building shall not be altered through the addition of entrances or kitchens.
- (g) When two-family, three-family and multi-family buildings are converted into Housing Cooperatives, the

entire building must remain a Housing Cooperative while any portion of it is so occupied.

- (h) The bulk requirements for multi-family uses in the district apply. In districts where housing cooperatives are allowed but do not allow multi-family uses, the bulk requirements for single-family uses in the district apply. (Cr. by ORD-16-00049, 5-25-16)

Indoor Recreation. In the NMX and TSS Districts, the facility shall be located at least fifty (50) feet from the boundary of any residential use or district.

Junkyard. This use is retroactive to January 1, 1994.

Keeping of Chickens.

- (a) Keeping of up to four (4) chickens is allowed as an accessory use on lots with up to four (4) dwelling units.
- (b) Keeping of up to six (6) chickens is allowed as an accessory use to a museum or school or day care center. (Am. by ORD-16-00074, 9-15-16)
- (c) Keeping of roosters is prohibited.
- (d) Slaughter of chickens is prohibited on site.
- (e) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (f) The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.
- (g) The owner, operator or tenant must obtain a license under Sec. 9.52, MGO.
- (h) The applicant for the license must notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.

Keeping of Honeybees.

- (a) Except as provided in sub. (i) below, no more than six (6) hives may be located on a zoning lot.
- (b) No hive shall exceed twenty (20) cubic feet in volume.
- (c) No hive shall be located closer than three (3) feet from any property line.
- (d) No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an adjoining lot.
- (e) A constant supply of water shall be provided for all hives.
- (f) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.
- (g) The owner, operator or tenant shall obtain a license under Sec. 9.53, MGO.
- (h) The applicant for the license shall notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.
- (i) In the Employment and Special Use Districts, no more than six (6) hives may be located on a lot unless a principal use on the lot is for the keeping of honeybees.

(Am. by ORD-15-00080, 8-12-15)

Laboratories - Research, Development and Testing. No manufacturing shall be conducted on the premises except for experimental or testing purposes.

Land and Water Preserves. Activities are limited to the following:

- (a) Arboretums, environmental education centers.
- (b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (c) Fishing and trapping.
- (d) Boating and swimming.
- (e) Raising of fish and game animals.
- (f) Similar low-impact educational and recreational activities as determined by the Zoning Administrator.
- (g) Sustained forestry yield.

Lease of Off-Street Parking Facilities Accessory to a Nonresidential Use to Persons Not Using the Principal Use :

- (a) The parking facilities shall meet the standards of this Chapter 28 and Chapter 10 of the Madison General Ordinances.
- (b) A certificate of occupancy shall be issued by the office of the Director of the Building Inspection Division prior to commencing the rental.

Lease of Off-Street Parking Facilities Accessory to a Residential Use to Non-Tenants.

- (a) The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.
- (b) Adequate useable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area.
- (c) Occupants of the principal use shall have first right of refusal for the parking facilities.
- (d) The lessee shall provide the owner of the facility documentation establishing his/her place of residence.
- (e) All new parking facilities shall comply with City standards for design, paving, and screening.

Library, Museum. A library or museum established after the effective date of this ordinance within a predominantly residential area shall have vehicular access to a collector or higher classification street.

Limited Production and Processing. All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component. Any change in the use, either through changing the product being produced or the intensity with which the product is produced and processed, requires a conditional use alteration pursuant to Sec. 28.183(8). (Am. by ORD-15-00124, 11-11-15; Am. by ORD- 17-00082, 9-13-17)

Limited Retail Use of a Landmark Site or Building. A designated landmark site or building may be used for general retail, office use, or service business not exceeding five thousand (5,000) square feet in floor area, provided that:

- (a) The owner of the property agrees to maintain the architectural and historical integrity and significance of said landmark or landmark site during the tenure of such conditional use;

Live/Work Unit.

- (a) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
- (b) The dwelling unit component shall be located above or behind the work space, and maintain a separate

entrance located on the front or side facade and accessible from the primary abutting public street.

- (c) The office or business component of the unit shall not exceed fifty percent (50%) of the total floor area of the unit. (Am. by ORD-15-00033, 4-8-15)
- (d) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- (e) In the TE District, new residential uses, whether in new or existing buildings shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

(Am. by ORD-13-00007, 1-15-13)

Lodge, Private Club, Reception Hall. Service of food and intoxicating beverages allowed when licensed.

Lodging House, Fraternity or Sorority.

- (a) The bulk requirements for multi-family use in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Am. by ORD-16-00049, 5-25-16)
- (b) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.
- (c) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Management Office, Restaurant, Limited Retail or Recreation Facilities Within a Multi-Family Building (Within Residential Districts).

- (a) The use shall primarily serve building residents rather than the general public.
- (b) Access to the use shall be from within the building.
- (c) Size of the establishment may be limited as part of the conditional use approval.

Market Garden.

- (a) Submission of a Management Plan to the Zoning Administrator, Alderperson of the district where the garden is located, Public Health Madison and Dane County, and any neighborhood and/or business association that serves the area where the garden is located for the following activities as part of a market garden:
 - 1. Animal husbandry.
 - 2. Off-street parking of more than ten (10) vehicles.
 - 3. Processing of food produced on site.

4. Spreading of manure.
5. Application of agricultural chemicals, including fertilizers and pesticides.
6. Use of heavy equipment such as tractors.

(Am. by ORD-15-00009, 1-28-15)

Mission House (Accessory).

- (a) The use shall be accessory to a religious institution or a non-profit organization.
- (b) The yard requirements for multi-family use in the district apply.
- (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (d) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility:
 1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.
 2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Am. by ORD-14-00115, 7-11-14)

Mission House (Principal Use).

- (a) The use shall be operated by a religious institution or a non-profit organization.
- (b) The yard requirements for multi-family use in the district apply.
- (c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the facility:
 1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.
 2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

Mobile Grocery Store.

- (a) The vehicle must be owned and operated by a non-profit entity.
- (b) There is a principal use on the zoning lot.
- (c) The vehicle location on the zoning lot shall be approved by the Traffic Engineer and the Zoning Administrator.
- (d) A waiver or modification of the off-street parking requirements for the principal use on the zoning lot has been obtained.
- (e) Hours of operation shall be between 7:00 a.m. and 8:00 p.m.

Motor Vehicle Salvage Yard, Scrap Yard.

- (a) Vehicle salvage uses shall be located on sites which are suitable from a topographic standpoint, so that view elevation up to a point four hundred (400) horizontal feet away will be adequately screened with fences and surrounding the use.
- (b) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is six (6) to ten (10) feet high and located on or inward from the established setback lines.
- (c) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.
- (d) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations.

Multi-Family Dwelling.

- (a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
- (c) In the NMX District, a multi-family dwelling shall contain no more than twelve (12) dwelling units.
- (d) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets. (Cr. by ORD-13-00135, 8-14-13)

Nightclub.

- (a) A Nightclub is a permitted use if established prior to the effective date of the ordinance, and a conditional use if established after the effective date of the ordinance.
- (b) Capacity may be as high as five (5) square feet per person.
- (c) Shall hold entertainment license under Sec. 38.06(11), MGO.
- (d) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.
- (e) Establishment must offer live entertainment a minimum of two (2) nights per week.
- (f) The establishment shall be open for business no more than three (3) hours prior to any event or activity qualifying the establishment as an entertainment venue and shall close its business no more than two (2) hours following such an event or activity.

(Cr. by ORD-14-00083, 4-16-14)

Non-Accessory Temporary Outdoor Events.

- (a) All such events shall be related to events at Camp Randall Stadium.
- (b) Only food and beverages may be offered for sale to the public.
- (c) Live amplified music is allowed.
- (d) The Plan Commission may waive or modify the offstreet parking requirements for the principal use and the non-accessory use.
- (e) No such event established in the TSS district after January 3, 2013 shall be located on a lot any part of

which is within fifty (50) feet of a residential district. (Am. by ORD-13-00096, 1-3-13)

Nonmetallic Mining.

- (a) A nonmetallic mining operator may not process or extract nonmetallic minerals within one hundred (100) feet of the boundaries of a nonmetallic mining site, unless a boundary abuts a freeway, rail corridor, or property zoned for industrial use, in which case a nonmetallic mining operator may not process or extract materials within fifty (50) feet of such boundaries.
- (b) In order to minimize tracking of materials from the nonmetallic mining site onto adjacent public roads, the access drive to any nonmetallic mining site shall be created with concrete or hot-mix asphalt for at least 100 feet unless a shorter distance is approved by the City Engineer. The nonmetallic mining operator shall maintain any access drive in a dust-free manner and shall remove any dust or mud tracked from adjacent public roads as required by Chapter 3, MGO.
- (c) A nonmetallic mining site shall be accessed only through designated entrances as illustrated on plans approved by the City Traffic Engineer.
- (d) All trucks traveling to or from a nonmetallic mining site shall use haul routes designated by the City Traffic Engineer. Any restrictions on the routes shall be no more restrictive than those applicable to other trucks or carriers using the same routes.
- (e) Security gates on the access points to a nonmetallic mining site shall have no trespassing signs.
- (f) A safety fence shall be installed around the entire boundary of the nonmetallic mining site unless an area of the nonmetallic mining site has already been reclaimed in compliance with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.
- (g) A nonmetallic mining operator shall use spray bars for water in the crushing process to reduce dust. The use of spray bars is not required when the temperature is below freezing. The nonmetallic mining operator shall spray private access roads within the nonmetallic mining site with water as necessary to control dust.
- (h) All trucks and excavating equipment used on a nonmetallic mining site shall have functioning muffler systems that meet or exceed current industry standards for noise abatement and shall not use compression brakes.
- (i) Any erosion control or stormwater management plan required under state law shall be provided to the City Engineer, as well as any erosion control and/or stormwater management permit and plan that may be required by Chapter 37, MGO.
- (j) A nonmetallic mining operator shall provide evidence of commercial general liability insurance in the amount of at least five million dollars (\$5,000,000) per occurrence, which may be made up by carry a one million (\$1,000,000) commercial general liability policy and four million (\$4,000,000) umbrella policy. These policies shall name the City of Madison, its officers, officials, agents and employees as additional insureds, and apply on a primary and non-contributory basis.
- (k) A nonmetallic mining operator shall comply with all Wisconsin Department of Natural Resources and Federal Mine Safety and Health Administration Standards for particulate emissions as further described in Wis. Admin. Code § NR 415.075 and § NR 415.076.
- (l) A nonmetallic mining site shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, in the event the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times upon reasonable advance

notice to the nonmetallic mining operator. All inspections require an escort by the nonmetallic mining operator in accordance with Mine Safety and Health Administration laws, rules and regulations.

- (m) A nonmetallic mining operator shall conduct at least one public meeting each year between January 4 and February 15 for the purpose of fostering communication between the nonmetallic mining operator, its neighboring residents, and the City. The nonmetallic mining operator shall provide Class I notice of the date, time, and place of the meeting to the owners of property located within five hundred (500) feet of the boundaries of the nonmetallic mineral extraction district. The nonmetallic mining operator shall also provide notice in writing to the City Engineer and City Zoning Administrator inviting City staff to attend the public meeting.
- (n) A nonmetallic mining operator shall maintain a compliance phone number and email address for neighboring residents to report any problems or concerns.
- (o) A nonmetallic mining operator shall maintain on file with the City Engineer a Site/Operations Plan drawn to measurable scale large enough to show:
 - 1. Zoning district boundaries for the nonmetallic mineral extraction district.
 - 2. Existing contour lines.
 - 3. Existing natural features including lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, drainage patterns, and archaeological features.
 - 4. Existing roads, driveways, and utilities.
 - 5. Specific location of proposed extraction area, staging area, equipment storage.
 - 6. Location of driveways.
 - 7. Phasing plan, if applicable.
 - 8. Location of permanent structures, including scales, offices, or mixing plants.
 - 9. Location of signage.
- (p) A nonmetallic mining operator shall submit an annual mining report on or before March 1 of each year to the City Engineer detailing:
 - 1. All nonmetallic mining and recycling activity occurring on the property in the previous year, including the number of acres being actively mined and officially reclaimed, and the frequency and location of blasting.
 - 2. The number and nature of complaints received during the previous year and the operator's response to those complaints.
 - 3. The efforts made in the previous year to improve blasting techniques and other nonmetallic mining activities in order to minimize adverse impacts on surrounding roads and properties.
 - 4. Nonmetallic mining plans for the upcoming year, including the number of acres that may be converted from inactive to active mining use, the number of acres that may be officially reclaimed, the anticipated frequency and location of blasting, and whether any mining activities will result in excavation below the water table.
 - 5. A statement that the Site/Operations Plan required in sub. (o) above and currently on file with the City Engineer is current and accurately represents the nonmetallic mining site as of the date of filing the annual report.
- (q) Blasting at a nonmetallic mine may be allowed only upon conditional use approval by the Plan Commission subject to the following conditions and any additional conditions required by the Plan Commission, provided that any additional conditions may not impose restrictions or regulations

pertaining to blasting that are more stringent than those set by the State in Wis. Admin. Code chs. SPS 307 and 308:

1. The nonmetallic mining operator shall all times meet the blasting requirements contained in Wis. Stat. § 101.15, Wis. Admin. Code chs. SPS 307 and 308, the National Fire Protection Association (NFPA) 495 chapter 10, Sec. 34.01(13) (Fire Code), as may be amended.
 2. Hours of blasting shall be limited to the hours specified in Wis. Admin. Code § SPS 307.42, as may be amended.
 3. The nonmetallic mining operator shall provide notification of blasting as required by Wis. Admin. Code § SPS 3.07.41, as may be amended.
 4. The nonmetallic mining operator shall provide the Madison Fire Department with twenty-four (24) hours notice of blasting on a mining site. The notice should indicate the location of blasting within the mine, the intended locations for the seismographs required under (q)7. below, and whether any of the weather conditions described in (q)10. below are expected to exist at the time of blasting.
 5. Blasting resultants shall not exceed the levels contained in Wis. Admin. Code § SPS 307.44.
 6. The nonmetallic mining operator shall sound a pre-blast notification siren immediately before a blast.
 7. The nonmetallic mining operator shall install and maintain at least four (4) seismographs at locations near the boundary lines of the nonmetallic mining site, unless otherwise in consultation with City staff.
 8. All blasting shall be conducted by a certified Class IV or Class V operator and shall utilize the latest commercially available technology to minimize adverse blasting resultants.
 9. When feasible, the mining operator shall develop mining faces that advance away from or transverse or ninety (90) degrees to residential areas in order to minimize blasting resultants.
 10. When feasible, the mining operator shall avoid blasting when weather conditions include strong winds; foggy, hazy or smoky conditions with little or no wind; or significant cloud cover.
 11. Conditional use approval for blasting under this section shall expire after five (5) years. If a Nonmetallic Mining Operator applies for the renewal of a conditional use approval for blasting and shows that in the previous five (5) years the Nonmetallic Mining Site has operated in compliance with the blasting conditions listed in sub. (q) 1.-10. above and any additional blasting conditions imposed by the Plan Commission, then there shall be a presumption that the standards for conditional use approval are met and that the Plan Commission will grant renewal of the conditional use approval.
- (r) Hours of operation at a nonmetallic mining site shall be 6:00 a.m. to 6:00 p.m. unless otherwise required to fulfill obligations under a government contract.
- (s) The nonmetallic mining operator shall at all times maintain a Reclamation Plan which complies with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.

(Cr. by ORD-17-00014, 2-20-17)

Offices for Human Service Programs.

- (a) The office shall be operated by a governmental or non-profit entity.
- (b) The office shall be located in a building with more than one unit and no single unit building shall be converted to multiple units for such use.

- (c) The office shall serve the neighborhood(s) where it is located.

On-Site Agricultural Retail Stand, Farm Stand.

- (a) The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
- (b) Maximum area of a farm stand is three hundred (300) square feet in ground area.
- (c) No more than one (1) farm stand is allowed on any one premise.

Outdoor Cooking Operation.

- (a) An outdoor cooking operation is a permitted use if it is not located within two hundred (200) feet from the property line of a lot with a residential use.
- (b) An outdoor cooking operation located within two hundred (200) feet from the property line of a lot with a residential use may be allowed with conditional use approval.
- (c) Outdoor cooking operations in residential districts are limited to four (4) days in duration not more than five (5) times a year unless approved as a conditional use.

(Cr. by ORD-13-00178, 10-23-13)

Outdoor Display.

- (a) Outdoor display shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).
- (b) All products on display shall also be sold in the principal retail use.
- (c) Outdoor display shall not exceed sixteen (16) hours per day.

Outdoor Eating Areas Associated With Food and Beverage Establishments.

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Recreation.

- (a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Storage.

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening. (Am. by ORD-14-00001, 1-14-14)
- (d) In the EC District, all storage except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area.

Parking Facility, Non-Accessory.

- (a) Passenger automobiles, motorcycles, and bicycles shall be parked in clearly marked spaces.
- (b) Parking facility shall be oriented to the street with suitable entry and exit point.
- (c) When considering the conditional use, the Plan Commission shall set a maximum number of automobiles, motorcycles, and bicycles that may be parked at the facility at any given time.
- (d) In considering the conditional use, the Plan Commission may limit the duration of the use.

(Cr. by ORD-15-0000008, 1-28-15)

Payday Loan Business. Any payday loan business shall be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business.

Peer Run Respite Facility.

- (a) The use shall be operated by a religious institution or non-profit organization.
- (b) The use shall be available to adults 18 years or older who are living with mental health or substance use concerns.
- (c) The structure being used for the Peer Run Respite Facility must at all times meet the definition of a dwelling contained in Sec. 28.211 of the Madison General Ordinances.
- (d) At least seventy-five percent (75%) of staff at the facility shall hold a valid certificate as a Wisconsin Peer Certified Specialist.
- (e) The owner shall submit a Management Plan for the facility:
 - 1. Required management plan contents:
 - i. Floor plan showing sleeping areas, emergency exits and bathrooms.
 - ii. Staffing plan showing that at least one staff member will be on-site and awake at all times (24/7/365).
 - iii. Administration plan showing specific procedures used by staff for accepting guests for respite services.
 - iv. Emergency plan outlining staff response to crisis situations.
 - 2. Recommended management plan contents: parking, storage of belongings, trash storage/removal, transportation support.

- (f) The maximum number of guests receiving respite at any single time shall be equal to the number of bedrooms in the facility or five (5), whichever is less.
- (g) The maximum length of a single stay for guests receiving respite shall not exceed 5 consecutive days.
- (h) Guests may use respite care for no more than three (3) separate stays per calendar year.
- (i) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the use and the neighborhood.
- (j) The owner shall submit to the Madison Police Department a list of individuals, including staff, owners, or operators, who are authorized to give guests notice that they are no longer allowed to remain on the property.
- (k) No peer run respite facility shall locate within one thousand five hundred (1500) feet of another peer run respite facility.

(Cr. by ORD-16-00069, 8-13-16)

Place of Worship.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Any facility with seating capacity of greater than six hundred (600) persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with vehicular access to a collector or higher classification street.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Portable Shelter Mission.

- (a) The use shall be accessory to a religious institution or a non-profit organization.
- (b) The yard requirements for the most restrictive multi-family use in the district apply. If there are no multi-family yard requirements in the district, yard requirements for non-residential use shall apply.
- (c) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the location of sleeping areas, bathrooms, and parking spaces. The Plan shall be reviewed by the Traffic Engineer and the Zoning Administrator
- (e) Property owner shall obtain a campground permit pursuant to Wis. Admin Code § DHS 178.05 and Wis. Stat. § 254.47 if there are four (4) or more units.

(Cr. by ORD-13-00177, 10-23-13)

Portable Storage Units.

- (a) A maximum of two (2) portable storage units, not exceeding a cumulative floor area of two hundred fifty (250) square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit. (Am. by ORD-15-00033, 4-8-15)
- (b) When not part of an active building permit, such use is allowed for no more than thirty (30) days per calendar year.

- (c) The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.
- (d) A temporary use permit is required.
- (e) This use is allowed only for temporary storage of household goods in residential areas.

Real Estate Sales Office.

- (a) Shall be associated with the sale of property in the development where the office is located.
- (b) Use shall not exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is sooner.

Residential Building Complex.

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
- (g) Shall be reviewed by the UDC pursuant to Sec. 33.24(4)(c), MGO. (Cr. by ORD-13-00069, 5-8-13)
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.
- (j) Entrance orientation requirements for buildings that do not front a public street and are located behind buildings that do front a public street may be modified by the Plan Commission as part of the conditional use approval, provided that the modification results in entrances being oriented to a courtyard, open space, or other common amenity of the residential building complex. (Cr. by ORD-16-00094, 11-9-16)

(Am. by ORD-13-00134, 8-14-13)

Restaurant-Nightclub.

- (a) A Restaurant-Nightclub is a permitted use if established prior to the effective date of the ordinance.
- (b) A Restaurant-Nightclub is a conditional use if established after the effective date of the ordinance and is open between the hours of midnight and 5 a.m.
- (c) Must serve food at all hours it is open.
- (d) Shall hold entertainment license under Sec. 38.06(11).
- (e) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Restaurant-Tavern.

- (a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- (b) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).
- (c) Restaurant-Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Reuse of Former School, Municipal Buildings or Places of Worship.

- (a) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted for the following uses with the approval of the Director of Planning and Community and Economic Development:
 - 1. Day care centers.
 - 2. Elementary and secondary schools.
 - 3. Arts, technical or trade schools.
 - 4. Colleges and universities.
 - 5. Other public educational facilities.
 - 6. Recreational buildings and community centers, nonprofit.
 - 7. State or municipal offices.
 - 8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
- (b) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted as business and professional offices with conditional use approval.

(Am. by ORD-17-00022, 2-20-17)

School, Arts, Technical or Trade.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (c) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- (d) For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Schools, Public and Private.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may

be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(Am. by ORD-14-00133, 8-13-14)

Selective Cutting of Timber. On parcels approved for development, selective cutting of timber is limited to areas designated for clearance on recorded plats or certified survey maps.

Service Business.

- (a) In the TE and SE Districts, service businesses shall not exceed five thousand (5,000) square feet in floor area unless approved as a conditional use.
- (b) In the SEC, EC, IL, and IG Districts, service businesses shall be located only within a mixed-use building that includes office or other employment uses.

Sewerage System Lift Station, Water Pumping Stations, Towers, and Electric Substation, Gas Regulator Systems, and Mixing and Gate Stations.

- (a) A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where a permitted use or the Plan Commission when a conditional use.
- (b) In the NMX, MXC, TSS, CC-T, and CC Districts, above-ground lift stations require conditional use approval.

Single-Family Attached Dwelling; Townhouse, Rowhouse.

- (a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Single-Family Detached Dwelling. In the NMX, TSS, and CC-T Districts, single family detached dwellings constructed after the effective date of this ordinance require conditional use approval.

Solar Energy Systems.

- (a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.
- (b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed. Some development that includes solar energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and planned development districts.

Storage Facility, Personal Indoor Storage.

- (a) No commercial transactions shall be permitted other than the rental of storage units.

- (b) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. The design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

Storage Locker (Personal).

- (a) The use shall be operated by a religious institution or non-profit organization.
- (b) An appropriate transition between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the neighborhood.
- (c) Storage lockers shall be placed no closer than five (5) feet to any right-of-way.
- (d) No more than ten (10) individual storage lockers may be grouped together on any single zoning lot.
- (e) Storage lockers shall be modular, weatherproof, oriented vertically, shall not exceed 11.25 cubic feet per unit or 112.5 total cubic feet per grouping, and shall be approved for use by the Director of Building Inspection or designee.
- (f) If the operator is not the owner of the property where the storage lockers will be maintained, then the operator shall provide the Zoning Administrator with a copy of the agreement between the operator and the owner of the property which gives the operator permission to install and operate the lockers on the owner's property.
- (g) The operator shall provide the Zoning Administrator with a management plan for the storage locker(s). Management plans shall include:
 - 1. The identity and twenty-four (24)-hour contact information for the owner of the property and, if different from the owner of the property, the operator of the storage locker(s);
 - 2. A site plan;
 - 3. A photograph or drawing showing locker design and size;
 - 4. An explanation of the process used to register users;
 - 5. A copy of the standard use agreement entered into between the owner/operator and the storage locker user;
 - 6. A list of rules and regulations governing locker use;
 - 7. A detailed explanation that the operator may terminate the use of the locker at any time.
 - 8. A maintenance plan.
- (h) The area surrounding the storage locker(s) shall be well lit at all times and include sufficient waste receptacles that are emptied regularly.
- (i) Lockers shall not be used to store perishable items, illegal items, or flammable substances.
- (j) Storage locker(s) may not be located on a lot that contains a residential building.
- (k) The owner or operator must obtain a license under Sec. 9.26, MGO.
- (l) Any other requirements of this ordinance applicable to principle uses shall not apply to the installation and maintenance of storage lockers.

(Cr. by ORD-16-00109, 12-14-16)

Tavern.

- (a) Taverns shall not hold an entertainment license under Sec. 38.06(11).
- (b) Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Temporary Buildings for Storage of Construction Materials and Equipment. Buildings must be located on the same zoning lot as the project under construction, and shall be removed within thirty (30) days following completion of construction.

Temporary Outdoor Events.

- (a) There shall be no permanent alteration to the site or construction or alteration of any permanent structure.
- (b) Events include but not limited to, seasonal holiday sales, church, neighborhood or community events, traveling carnivals, and accessory promotional events.
- (c) No event shall last more than one-hundred eighty (180) days per calendar year.
- (d) Any event that lasts for more than forty-five (45) days requires conditional use approval.
- (e) In residential districts, any event that lasts for more than twenty-five (25) days per calendar year or five (5) consecutive days requires conditional use approval.
- (f) All such events require a Temporary Use Permit.

(Am. by ORD-15-00015, 1-28-15)

Tobacco Retailer.

- (a) No tobacco retailer shall be located within one thousand (1,000) feet of the boundary of any residential zone or parcel occupied by:
 - 1. A public or private kindergarten, elementary, middle, junior high or high school;
 - 2. A licensed child-care facility or preschool other than a family day care facility;
 - 3. Playground;
 - 4. Youth center;
 - 5. Park;
 - 6. Library; or
 - 7. Health care facility.
- (b) No tobacco retailer shall be located on a site which is within five hundred (500) feet of a site occupied by another tobacco retailer or any establishment selling tobacco products or tobacco paraphernalia, as measured in a straight line from the two properties nearest parcel boundaries.
- (c) The tobacco retailer shall comply with local, state, and federal laws regarding sales, advertising or display of tobacco products and tobacco paraphernalia including posting prominently near the cash register or other point of sale the legal age to buy tobacco products and tobacco paraphernalia, and checking the identification of all purchasers to ensure they are of legal age.
- (d) Sampling of tobacco products by individuals under eighteen (18) years of age shall not be permitted. Therefore, tobacco products shall not be given or sold to individuals under eighteen (18) years of age.

(Cr. by ORD-15-00054, 5-27-15)

Tourist Rooming House.

- (a) The establishment shall have a current license from Public Health Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195. (Am. by ORD-15-00009, 1-28-15)

- (b) The tourist rooming house shall be the operator's primary residence.
- (c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.
- (d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.
- (e) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per licensing year; July 1 to June 30th.
- (f) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
- (g) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.
- (h) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

(Cr. by ORD-13-00185, 11-5-13)

Towing and Wrecker Service Business. Allowed only when accessory to auto body shop, auto repair station, junkyard, auto service station, and motor vehicle salvage yard, scrap yard, or junkyard.

Two-Family Dwelling - Twin.

- (a) Each unit shall be separated from the abutting unit by a minimum fire separation complying with Wis. Admin. Code § SPS 321.08, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof.
- (b) The common wall between dwelling units shall be approximately perpendicular to the street right-of-way line. When a parcel containing a Two Family Dwelling - Twin is divided by Certified Survey Map, the lot line shall run continuously from the front lot line to the rear lot line through the common wall.
- (c) Each unit shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.
- (d) Each unit shall have separate sanitary sewer service laterals and lines.
- (e) Each unit shall have separate gas and electric meters.
- (f) A Two Family Dwelling - Twin divided by Certified Survey Map shall have a joint cross access and maintenance agreement that has been submitted with the land division application and which shall be recorded with the land division.
- (g) In the NMX, TSS, and CC-T Districts, Two Family Dwelling - Twin constructed after the effective date of this ordinance require conditional use approval. The lot area, lot width and usable open space required shall be the same as in the TR-C4 district. Any Two-Family Dwelling - Twin shall not have an attached garage with a door facing any street.
- (h) In the TR-C4 district, a Two-Family Dwelling - Twin shall not have an attached garage with a door facing any street. (Cr. by ORD-14-00028, 2-18-14)

(Am. by ORD- 17-00127, 12-18-17)

Two-Family Dwelling -Two-Unit. In the NMX, TSS, and CC-T Districts, two-unit dwellings constructed after the effective date of this ordinance require conditional use approval.

Vehicle Access Sales and Service Windows.

- (a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or on the rear of buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle sales and service windows shall be located under the building in which it is located, and the building shall have no other residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be located at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential use. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)
- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
- (c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (g) Bicyclist use of sales and service windows shall not be prohibited.

Vending Machines.

- (a) Outdoor vending machine shall be accessory only to retail uses, schools, athletic facilities, parks and golf courses.
- (b) For retail uses, outdoor vending machines are allowed only for:
 - 1. Single-occupant buildings with more than twenty-five hundred (2,500) square feet of floor area. (Am. by ORD-15-00033, 4-8-15)
 - 2. Individual tenants with at least thirty (30) lineal feet of storefront in a multi-tenant building.
 - 3. When the product sold in the vending machine also is sold in the principal retail use.
- (c) No individual outdoor vending machine shall exceed five (5) feet in width, three (3) feet in depth and seven (7) feet in height.
- (d) No more than one (1) outdoor vending machine shall be located per building façade.
- (e) Outdoor vending machines shall be flush against the facade of the principal structure, and shall not project into the public right-of-way.
- (f) Outdoor vending machines shall be placed on an impervious surface, such as concrete or asphalt.
- (g) No outdoor vending machines shall be located so as to impede pedestrian access or circulation, obstruct parking areas or create an unsafe condition. There shall be at least five (5) feet of clear pedestrian access at all times, unless the development is subject to the large retail standards in Sec. 33.24(4)(f), MGO, in which case, eight (8) feet of clearance is required.
- (h) When located at a school, athletic facility, park or golf course, outdoor vending machines shall be a minimum of fifty (50) feet from a property line, unless located behind a solid fence or screening to prevent public use.

Veterinary Clinic, Animal Hospital. All activity shall take place within completely enclosed buildings with soundproofing and odor control.

Walk-Up Service Windows.

- (a) If located within ten (10) feet of a public right-of-way, conditional use approval is required.

Wind Energy Systems. Wind energy systems shall comply with Sec. 28.149, MGO. (Am. by ORD-14-00027, 2-18-14)

Yard Sales. A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held in any three- (3) month period.

GUIDANCE ON IMPLEMENTING THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT UNDER OREGON SENATE BILL 1051



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error¹ was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____.] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

ADMINISTRATIVE REVIEW FOR AN ACCESSORY DWELLING UNIT

WHAT IS AN ACCESSORY DWELLING UNIT (ADU)?

In Minneapolis, an Accessory Dwelling Unit, or ADU, is defined as a room or set of rooms with its own cooking, sleeping, and sanitation facilities, and which is located on the same lot as a single- or two-family home. The ADU must be smaller in area compared to the main dwelling to which it is accessory.

CAN I ESTABLISH AN ADU ON MY PROPERTY?

ADUs are permitted on lots where single- and two-family homes are allowed as a permitted or conditional residential use throughout the City. In addition, the property owner must reside in either the main house or in the ADU as their primary residence. This restriction must be recorded on the deed. If your home is located in a Residence, Office Residence, Commercial, or Downtown zoning district, or is located within the Industrial Living Overlay District, you may be able to establish up to one ADU on your property. To verify the zoning of your property, please visit <http://www.ci.minneapolis.mn.us/propertyinfo/> or call 311.

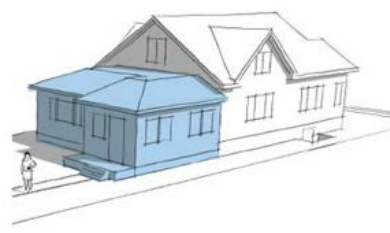
WHAT ARE THE THREE TYPES OF ADUS?

There are three primary ADU types: internal, attached, and detached. An internal ADU is located within the walls of an existing or newly constructed home, while an attached ADU would be located in a separate addition to an existing home. An ADU can also take the form of a “detached” freestanding structure on the same lot as a principal dwelling unit.

Interior ADU: attic or basement



Attached ADU



Detached ADU



For reasonable accommodations or alternative formats please contact 311 at 612-673-3000. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500.

TABLE: SUMMARY OF ADU REGULATIONS

	INTERNAL	ATTACHED	DETACHED
NUMBER OF ADUs PER LOT	Only one ADU is allowed per lot. An ADU is allowed on the same lot as a single- or two-family home.		
OWNER-OCCUPANCY	The property owner must reside in either the main house or in the ADU as their primary residence. This restriction must be recorded on the deed.		
FLOOR AREA <i>Minimum</i>	300 sq. ft.		
<i>Maximum</i> (The ADU shall always be smaller in area than the main unit.)	800 sq. ft.; may exceed 800 sq. ft. if structure existed as of January 1, 2015. All internal ADUs must be located on one level and cannot exceed the area of the first floor.	800 sq. ft.	1,300 sq. ft. of habitable and parking areas on all levels, or 16% of the lot area, whichever is greater (not to exceed 1,600 sq. ft.). Footprint of detached ADU and any other parking areas on-site cannot exceed 676 sq. ft. or 10% of the lot area, whichever is greater.
HEIGHT	Cannot exceed the height of the principal structure.		ADU cannot exceed the height of the principal structure or 20 ft., whichever is less. The highest point of the ADU's roof cannot exceed the highest point of the roof of the main house.
SETBACKS <i>Front yard</i>	Zoning district setbacks apply		ADU must be located to the rear of the main house.
<i>Interior side yard</i>	Zoning district setbacks apply.		3 ft. if located in rear 40 ft. of the lot.
<i>Corner side yard</i>	Zoning district setbacks apply.		
<i>Rear yard</i>	Zoning district setbacks apply.		3 ft. if garage doors face the side or front. 5 ft. if garage doors face the rear lot line and/or if the rear lot line coincides with the side lot line of a property in a Residence or Office Residence district.
<i>Reverse corner side yard</i>	Zoning district setbacks apply.		2/3 of the depth of the required front yard of the adjacent property to the rear based on its district setback requirements.
<i>Distance from house</i>	n/a		20 ft. from the habitable portion of the house.
PARKING	An additional parking space is not required for the ADU. Site must contain at least 1 space/dwelling unit for all other units.		
DESIGN <i>Entrances</i>	New entrances to the ADU may not face the public street.		Entrances facing the public street or alley are encouraged.
<i>Windows</i>	n/a		Not less than 5 percent of the entire elevation facing an alley or public street shall be windows.
<i>Exterior materials</i>	Must match the principal structure.		Must be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.
<i>Stairways</i>	Must be enclosed or located entirely to the rear of the main house.		Allowed if the railing finish matches the trim of the detached ADU and is not raw or unfinished lumber.
<i>Balconies and decks</i>	Balconies and decks shall not face an interior side lot line. Rooftop decks are prohibited.		

This table provides a summary from Chapter 537 of some of the applicable standards for ADUs. Please refer to the Minneapolis Code of Ordinances, Title 20 for the complete requirements. All ADUs must meet current residential, building, mechanical, and electrical code standards. Please contact the City of Minneapolis if you have any questions.

APPLICATION PROCESS

This application packet is used to file an administrative application for zoning approval of a building permit for an accessory dwelling unit. The packet is a tool for gathering property-related information relevant to the application. It contains a checklist of materials required for an administrative application for an accessory dwelling unit application and a worksheet to be completed by the applicant.

Applicants are encouraged to contact the Development Services office for a pre-application meeting with a City Planner in order to discuss the zoning ordinance provisions. An appointment may be scheduled by phone at 612-673-3000 (Minneapolis 311).

To file the application, the applicant returns to the Development Services office and submits the required materials to the Development Coordinator. Only applications that include all of the required items as identified in this land use application form are accepted. If any items are missing at the time of submittal, the application is deemed incomplete and staff may not accept the application. Please note that proof of recording an owner occupancy covenant with Hennepin County's Recorder's Office is not required at the time of submitting the administrative review application for an accessory dwelling unit, but the proof of recording the document with Hennepin County is required prior to building permit issuance.

Acceptance of an application for filing does not deem the application complete. The assigned planner will determine if the land use application is complete by conducting a thorough review of the application materials. The review may necessitate additional information, resulting in an incomplete application.

In the case of an incomplete application, staff issues a letter within fifteen (15) business days of the filing date of the application. The letter details the deficiencies of the application. When the applicant remedies the deficiencies, staff makes a final decision on behalf of the zoning administrator. The planner will author the final decision, including the conditions, if any, associated with an approval. Land use applications that remain incomplete for thirty (30) days or more are deemed withdrawn and returned to the applicant. In such cases, the applicant who still wishes to proceed must refile the application.

Any affected person can appeal the findings and decisions made by the zoning administrator. The appeal must be filed within ten (10) calendar days of the original decision or the decision is final. The Board of Adjustment hears each appeal of a zoning administrator decision.

ACCESSORY DWELLING UNIT APPLICATION REQUIREMENTS - INITIAL CHECKLIST

If any of the items are missing at the time of submittal, staff will not accept the application.¹

	Pre-application meeting
	Completed Application Worksheet.
	Correct fees paid (checks payable to Minneapolis Finance Department).
	A letter from the property owner, if other than the applicant, authorizing the application.
	Electronic copy of the application submittal. Please see our instructions for electronic submittal: http://www.minneapolismn.gov/cped/planning/WCMS1P-106500 .
	Verification of historic status of property and submission of any required HPC application(s). ²
	Photos of property and all sides of the existing structure(s).
	Two copies (plus one 8 ½ x 11) of a scaled and dimensioned site plan. ³ Must include the following items: <ul style="list-style-type: none"> ▪ All property lines. ▪ Streets, sidewalks and alleys, existing and proposed curb cuts. Indicate if public areas are to be vacated. ▪ Indicate traffic flow on streets, alleys and drives. ▪ Adjacent uses (show location and identify). ▪ Building footprints and square footages (include garages and other accessory structures). ▪ Other impervious surfaces (walkways, decks, patios, etc.) and square footages. ▪ Walls, screens and fences (show location, type and height). ▪ Mechanical equipment (air conditioning units, electrical transformers, etc.) ▪ Fire hydrants, transit stops, public plazas, trash enclosures, trees in the public right-of-way. ▪ Landscaping plan showing existing and proposed shrubs and trees (location, type, number). ▪ Natural features and topography. ▪ Indicate the direction of water drainage from the site and building (downspouts, roof drains, etc.). ▪ Indicate north arrow and date the plan was drawn. ▪ Stormwater management plan for sites over one acre. ▪ Erosion control plan for sites where more than 5,000 square feet of dirt is disturbed.
	Two copies (plus one 8 ½ x 11) of scaled and dimensioned elevations of each façade.
	One copy of scaled and dimensioned elevations showing the existing or proposed principal dwelling. (detached accessory dwelling units only)
	Two copies (plus one 8 ½ x 11) of scaled and dimensioned floor plans showing all floors.
	Recorded Covenant for Owner Occupancy with Hennepin County (required after it is determined that plans will receive Zoning and Plan Review approval, and prior to building permit issuance). Proof of recording shall be provided to the City. Proof of recording is the cover page supplied by Hennepin County when the document is recorded that shows a bar code and filing date and a copy of the document recorded. Covenant form here: http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/wcms1p-136455.pdf
	Annual rental license: http://www.ci.minneapolis.mn.us/inspections/rental/index.htm

¹ City staff will review the initial application submission and will notify the applicant of what, if any, additional information must be submitted for staff to evaluate the application for approval or denial. Please be aware that supplemental information may be requested during the evaluation process.

² Demolition of an existing structure requires review by CPED staff to determine if the property is an historic resource.

³ The site plan must be prepared by a certified architect, landscape architect, engineer, or land surveyor that is licensed in the State of Minnesota. A license stamp, or registration number, whichever is applicable, together with the signature, shall be provided on the face of the site plan. Site plan information may be combined with the survey of the property. *The requirement that one of the above professionals prepare the site plan may be waived by the Zoning Administrator, Planning Director or their authorized representative where the application does not involve a new principal structure, provided the plan is accurately dimensioned and is drawn to an architectural or engineering scale.*

ACCESSORY DWELLING UNIT APPLICATION WORKSHEET

Property Owner/ Applicant	Name		
	Mailing Address Including City, State and Zip Code		
	Phone Number		
	Email		
Applicant's Representative <i>This person will be the primary contact for staff, and is the authorized agent in place of the property owner</i>	Name		
	Mailing Address Including City, State and Zip Code		
	Phone Number		
	Email		
Property Information	Address(es)		
	Identification Number(s)		
	Lot Area		
Building Data – Principal Structure <i>Fill in existing & proposed even when no change is proposed</i>	Gross Floor Area (square feet)	Existing:	Proposed:
	Building footprint (square feet)	Existing:	Proposed:
	Floor area of primary unit to which the ADU is accessory	Existing:	Proposed:
	Building height of principal structure	Proposed height (stories/feet):	Proposed tallest point (feet):
	Number of Dwelling Units:	Existing, not including ADU:	Proposed, not including ADU:
	Primary exterior materials		
Building Data – ADU only <i>Fill in applicable data</i>	Gross floor area (square feet)		
	Building footprint – detached only (square feet)		
	Building height	Proposed height (stories/feet):	Proposed tallest point (feet):
	Primary exterior materials		
Parking Data	Number of Spaces	Existing:	Proposed:

FEES

APPLICATION TYPE	FEE (DOLLARS)
Administrative accessory dwelling unit	325

ACCURACY DECLARATION

My signature attests to the fact that the attached application is complete and accurate to the best of my knowledge. I understand that the staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay review of my application or may result in denial of my request.

Property owner's signature (if different from applicant):

Applicant's name (please print):

Applicant's signature:

Accessory Dwelling Units:

A Smart Growth Tool for Providing Affordable Housing

By Jaimie Ross, President & CEO of the Florida Housing Coalition

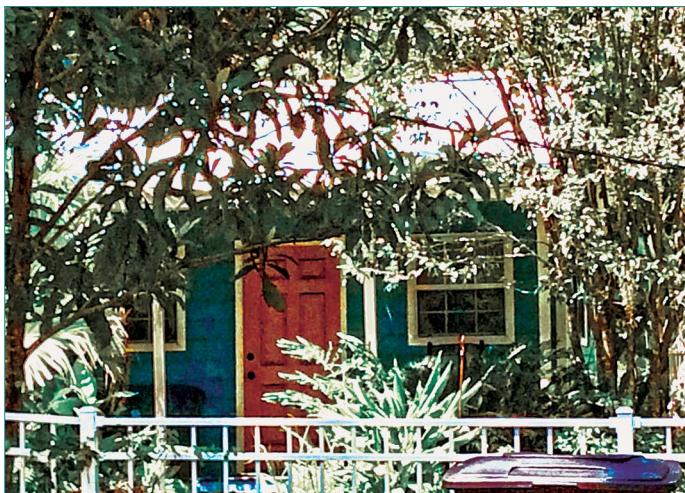
An accessory dwelling unit (ADU) is a residential unit that is secondary to the primary residence of the homeowner. It can be an apartment within the primary residence or it can be an attached or freestanding home on the same lot as the primary residence. The concept of an accessory dwelling unit is to have an additional complete residence, meaning a place for sleeping, bathing, and eating independent of the primary home. An ADU is a tool for providing affordable rental housing and promoting smart growth. These smaller housing units are typically infill units built where there is existing infrastructure, making greater use of the already developed land.

The Value of an Accessory Dwelling Unit

An accessory dwelling unit creates affordable housing in two ways: the secondary (accessory) dwelling is a small rental unit that will ordinarily rent at a price within the means of lower income persons; at the same time, the rental income from the accessory dwelling unit can render the primary residence more affordable by virtue of the income it generates for the resident owner of the primary residence.

Ordinarily, the accessory dwelling unit is smaller than the primary residence of the homeowner. But, if permitted by the local government, the owner may choose to live in the smaller unit and rent out what was the primary residence. At first blush this arrangement may seem odd, but in the case of a family that now has a single elderly member living on a fixed income, this arrangement can provide the perfect affordable living solution; a more appropriately sized living space and a higher rental income.

AARP engaged the American Planning Association (see resources sidebar on page 20) to develop a model state act and local ordinance as a resource for meeting the affordable needs of elder Americans. ADUs are particularly well suited for lower income elderly because in addition to increasing affordability, the elderly homeowner may also obtain companionship and needed services from the tenant in the ADU. The use of ADUs can assist the elderly to “age in place”. An example of this cited in the Public Policy Institute publication is from Daly City, California:



This cottage is an example of a detached accessory dwelling unit built in the side/backyard with roof lines, colors, and architectural design that matches the larger primary home.

“One homeowner with Alzheimer’s was able to trade ADU quarters for medical services from an ADU tenant, a nurse, who was also delighted by the arrangements.”

Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars. Removing the land use barriers which prevent accessory dwelling units from being built may be all that local government needs to do for affordable accessory dwelling units to be built. This is an example of how regulatory reform can increase the supply of affordable housing.

However, if the purpose in permitting accessory dwelling units is to increase the supply of affordable housing, local governments need to be thoughtful about the manner in which ADUs are permitted. Without conditions placed upon the use of ADUs, the garage apartment in an expensive or desirable area could end up an “illegal use” such as a Bed and Breakfast. If local governments want to encourage the production of ADUs for affordable housing, a loan program to assist the homeowner in developing the unit is an effective way of providing an incentive for development together with an assurance of affordability through a recorded land use restriction agreement made in conjunction with the loan.

Obstacles to Accessory Dwelling Units

Traditional “Euclidian” zoning separates land uses in a way that prohibits more than one single residence on a platted lot, regardless of the acreage. If two or more residences are situated on a single lot, they would need to be in a more intensive residential zone, such as one that permits duplexes or multi-family housing.

Some single family zoning may permit an accessory dwelling unit, but require that special circumstances be shown to warrant the use, such as a unit limited to use as a “granny

flat” or “mother-in law” suite to accommodate immediate family members. The local zoning code may also limit the accessory dwelling use by proscribing separate metering of the accessory dwelling unit. In short, there may be a number of land use regulations to overcome. Another obstacle to ADUs may be neighborhood or community resistance. The owners of single family homes may object to having renters in their neighborhood; they may fear increased traffic and parking, or perceive a threat to their property value.

Promotion of ADUs as an Affordable Housing Strategy

When the SHIP Legislation was adopted in 1992*, included in the list of regulatory reform items for consideration by all SHIP jurisdictions (all counties and entitlement cities in Florida), was permitting accessory dwelling units in all residential areas. Most jurisdictions did not opt to include this incentive, but a number of jurisdictions in Florida do make some provision for accessory dwelling units.

In 2004, Chapter 163 Florida Statutes, was amended to include Section 163.31771 entitled “Accessory dwelling units.” The law encourages local governments in Florida, especially those in urban areas, to permit accessory dwelling units in all areas zoned for single-

family residential use. The purpose of this legislation is to increase the production of affordable rental housing. To that end, the statute provides that “an application to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to extremely low income, very low income, low income or moderate income person or persons.” The statute also states that each affordable accessory dwelling unit shall apply toward satisfying the affordable housing component of the housing element in the local government’s comprehensive plan. Local governments in Florida are, of course, empowered to permit accessory dwelling units without this statute, but the statute brings this underutilized tool to the fore and makes

Permitting accessory
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explicit the connection to local government comprehensive planning obligations.

Considerations for ADU Ordinances

Accessory dwelling units could be permitted without adoption of a separate ordinance by simply having accessory dwelling units enumerated as a permitted use within the single family residential use category. It is unlikely, however, that this will be the chosen vehicle, as it fails to provide the parameters for the development and use of accessory dwelling units, which are key to successfully balancing the production of affordable rental housing with the concerns of the existing single family homeowners.

Virtually all ADU ordinances require that the owner reside in either the primary or the secondary unit. But there are a number of issues that can be decided differently depending upon community needs. All programs for the development of ADUs should consider the following:

- **Conditional use or “by right”** – If the ADU is a conditional use, a public hearing would be required – this makes the process more difficult for the applicant, but provides a forum for input from the neighborhood. If the ADU is “by right” it is a permitted use and, provided the application meets the requirements in the ordinance, it will be approved administratively, without public hearing.
- **Permitting process** – To encourage the development of ADUs, local government can create a user friendly process for construction which includes expedited processing (a requirement under the SHIP program), a manual to help the homeowner, and a staff person charged with overseeing the program.



This is an example of an attached accessory apartment in the back of this single family home. Neither the accessory apartment or the off-street parking are visible from the front of the house.

- **Size regulations** – ADU ordinances commonly have a minimum lot size for the total parcel and a maximum ADU size. The goal is to maintain the aesthetic integrity of the single family neighborhood. Performance standards rather than arbitrary size limitations may better address neighborhood concerns.
- **Design requirements** – To ensure compatibility and maintain the aesthetic character of the neighborhood, an ADU ordinance may set forth minimum design standards and have architectural review requirements.
- **Parking requirements** – To avoid parking problems in an urban area, the ordinance may require that there be sufficient on-street parking or off-street parking, or may require that parking be at the back of the residence.
- **Type of unit** – Different considerations may apply if the ADUs are within the primary residence, such as a basement apartment; attached to the primary residence, such as a garage apartment; or detached from the primary residence, such as a cottage.
- **Occupancy restrictions** – Some ordinances may prescribe the maximum number of people who can live in the ADU or the type of renters, such as limiting the rental to relatives or the elderly.
- **Incentives to produce ADUs** – Loans for the production of the ADU may make it easier to monitor for affordability and assist the local government in directing applicants on its rental waiting lists to affordable ADUs.
- **Monitoring** – Some ADU programs have an annual affidavit requirement or other means for monitoring whether the ADU continues to be used in accordance with the local ADU requirements.



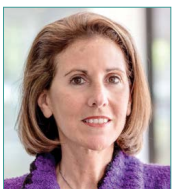
ADUs do not have to be an afterthought. New construction of single-family homes could also include construction of an ADU. "Carriage houses" accessible from alleys are commonly found in the "New Urbanism" or Traditional Neighborhood Design. But without an ADU ordinance requirement that these units be affordable, the carriage houses in this "new urbanism" community exceed affordable rents, as the desirability of the traditional neighborhood design development drives housing prices out of the affordable range.

One of the keys to a successful program is the information and technical assistance provided to the community and the prospective developer/owner of an ADU. To ensure the success of its program, Montgomery County, Maryland has a guidebook to assist applicants through the permitting process for accessory apartments. The County also assists the applicant by having a staff person assigned to help applicants through the process.

In 2004, the Environmental Protection Agency gave the city of Santa Cruz California the National Award for Smart Growth Achievement for its Accessory Dwelling Unit Policies and Regulations, which includes a manual for developing ADUs, including architectural designs. You can access the Santa Cruz manual and ADU prototypes on line at: <http://www.cityofsantacruz.com/home/showdocument?id=8875>

If your local government would like technical assistance to help develop an accessory dwelling unit ordinance or navigate the issues to be addressed with accessory dwelling unit ordinances, contact the Florida Housing Coalition at (850) 878-4219, or Jaimie Ross at ross@flhousing.org **HNN**

*Florida Statute 420.9076 (4) "At a minimum, each advisory committee shall make recommendations on affordable housing incentives in the following areas: (e) the allowance of affordable accessory residential unit in residential zoning districts.



JAIMIE ROSS

Jaimie A. Ross is the President & CEO of the Florida Housing Coalition. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Nationally, she serves on the Boards of Grounded Solutions Network and the Innovative Housing Institute. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.

Resources for ADU Models

"Accessory Dwelling Units: Model State Act and Local Ordinance," Public Policy Institute, Rodney L. Cobb & Scott Dvorak, American Planning Association
http://assets.aarp.org/rgcenter/consume/d17158_dwll.pdf

Examples:

Massachusetts Smart Growth Toolkit Bylaws
<http://www.horsleywitten.com/services/planning/smart-growth-low-impact-development/>

Santa Cruz California ADU Manual
<http://www.cityofsantacruz.com/home/showdocument?id=8875>

State of Georgia (Department of Community Affairs)
http://www.dca.state.ga.us/intra_nonpub/Toolkit/ModelOrdinances/TND_ModOrd.pdf

Municipal Research & Service Center of Washington "Accessory Dwelling Units Issues and Options"
<http://mrsc.org/getmedia/54c058a5-4d57-4192-a214-15f2fa5ac123/ADU30.pdf.aspx>

Vermont "Accessory Dwelling Units: A Guide for Homeowners"
http://accd.vermont.gov/sites/accd/files/Documents/strongcommunities/housing/2013Edition_Accessory_Apts_Brochure.pdf

Accessory Dwelling Units: Model State Act and Local Ordinance
<http://www.docdatabase.net/more-accessory-dwelling-units-model-state-act-and-local-ordinance-577683.html>

Accessory Dwelling Units Report to the Florida Legislature
<http://landuselaw.wustl.edu/Articles/ADU.Report.pdf>

City of Santa Cruz Accessory Dwelling Unit Development Program
<http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>

**MINUTES OF THE ALTOONA, WI
REGULAR PLAN COMMISSION MEETING
May 17, 2017**

(I) Call Meeting to Order.

The meeting was called to order by Mayor Brendan Pratt at 5:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Roll call.

Members present: Mayor Brendan Pratt, Barbara Oas Holmes,
Andrew Schlafer, Andraya Albrecht, Dean Roth, Red Hanks, Bill
Hoepner.

Also Present: City Planner, Joshua Clements
Building Inspector Eric Velin
Jason Manz, Manz Construction, CUP applicant
Michael McCrackin, Happy Days Auto
Paul Johnson, Arnies Service Center

(III) Citizen Participation Period.

Motion by Schlafer/Oas-Holmes to close Citizen Participation Period. **Motion carried.**

(IV) Approval of minutes.

Motion by Schlafer/Hanks to approve the minutes of the March 20, 2017 Plan Commission meeting. Hoepner, Hanks abstained. **Motion carried.**

(V) Unfinished Business – none.

(VI) New Business

(1) Public Hearing at 5:00 p.m. or as soon thereafter as is practical for Plan Commission review of a previously approved Conditional Use Permit and Site Plan review for property located at 1602 Spooner Avenue, Altoona, WI (parcel #201-1009-01-010) as requested by City Planner Joshua Clements. The request is to review and consider modification or revocation of Conditional Use Permit as regulated by Section 19.59.020 F.

Mayor Pratt opened the public hearing at 5:02 p.m.

City Planner Clements explained that the multi-tenant commercial property at 1602 – 1614 has a Conditional Use Permit issued in 2007 for automotive repair facility. A site plan was prepared at that time. Since that time, there has been a record of violations of the Conditional Use Permit with regard to property conditions, illustrated below. These uses and conditions are also addressed by one or more existing ordinances.

ACTIONS:

Paving – As shown on the enclosed site plan, there is access to the use at 1614 Spooner from two curb cuts, one to the west and one to the east. The plan illustrated paving of each for the circulation of vehicles. Access to the east was paved in 2010, at which time a single lane of parking south of the building was also added. *The west access has not been paved, which causes rutting and erosion* due to traffic from the on-site uses (1614 Spooner) as well as vehicles from the adjoining property (1704 Spooner). Parking of vehicles on unpaved areas is regularly observed and documented.

HISTORY:

2007 July 9 Conditional Use & Site Plan

2008 June	Notice of Conditional Use Violation
2009 December 17	Notice of Conditional Use Violation
2010 March 8	Plan Commission Action
2010 August 17	Notice of Conditional Use Violation
2010 October 20	Notice of Conditional Use Violation
2016 August 25	Notice of Code Violation

City Planner Clements mentioned that upon talking to Manz earlier this week, an option would be to use a barrier at the west access to prohibit people from driving through that particular area and eventually do some landscaping.

Jason Manz was present to answer any questions Plan Commission Members had regarding his site. Manz said his intent at a later time when he looked at options and paved the other adjacent entryway was to terminate access through that point for his tenants. Manz said he has put up barricades but he has not enforced it to keep his tenants from using the entryway.

Plan Commission Member Hanks did not see a problem with the two driveways.

City Planner Clements said the issue was not the extra driveway, it was the property not being paved.

Mayor Pratt clarified to Member Hanks that Manz had a Conditional Use Permit and that Manz originally said what he was going to do in his site plan. So now how can we rectify a Conditional Use Permit that was given in the past; how can the City work with Manz to accommodate the issue.

Mike McCrackin, own the property next to the Manz property. He commented that Manz has allowed him to utilize part of his driveway for access to McCrackin's property.

Member Schlafer commented that this issue has come up ten years ago and we are still having the same concerns as ten years ago. Schlafer said he wants to be pro-business; he doesn't want to drive businesses out of Altoona. Schlafer said Spooner Avenue and Hwy 12 is the gateway into Altoona. If I'm a business owner who is investing lots of money and making their building nice and then there are others who don't keep up to date on their property, and the city can't regulate that. Schlafer appreciated City Planner Clements on his efforts to clean up areas as needed and in a reasonable time.

Manz asked if the ordinance could be reviewed to add additional services. Manz said properties around other communities were able to use crushed granite. Is this something that could be looked over in the future. Mayor Pratt said as the City progresses more into review of additional lots the City could offer options.

Motion by Schlafer/Hoepner to close the public hearing at 5:18 p.m. **Motion carried.**

(VI)(2) Discuss/consider modification or revocation of Conditional Use Permit and Site Plan for the property located at 1602 Spooner Avenue, WI (parcel #201-1009-01-010).

City Planner Clements discussed the following enforcement options:

Enforcement Options:

- (1) Issuance of Municipal Citation(s) per *Altoona Municipal Code 1.08* for future violations, without additional warning; and/or
- (2) Modifying existing Conditional Use Permit, specifically the Site Plan, with completion deadlines; and/or
- (3) Revoke Conditional Use Permit authorizing use of an automobile repair business (which would dislocate existing auto repair business tenant).

Recommendation:

- (1) Insist upon immediate discontinuation of parking on unpaved surfaces.
- (2) Completion of paving of areas used for driving of vehicles, as illustrated in the 2007 Site Plan, no later than September 1, 2017. The alternative is to physically prohibit, and maintain prohibition, vehicle access and parking of unpaved areas, and to establish and maintain turf or other city staff

approved landscaping conditions that meet *Altoona Municipal Code 19.54 Site Plan* standards. If west drive area is not paved, vehicle access from the public roadway as well as adjoining property must be physically prohibited.

- (3) Subsequent violations of ordinance observed by city staff and confirmed by photographic record will result in issue of municipal citation(s) without warning.

The above recommendation is based upon perspective that the desire is to achieve desired outcomes in terms of site conditions without displacing existing businesses, to the degree practicable. As such, use of municipal citations for enforcing ordinances is recommended, rather than complete revocation of the existing Conditional Use Permit.

Manz said they are proposing to not drive in the driveway and make due with a single entrance. There will be barricades restricting access.

Motion by Schlafer/Oas-Holmes to approve enforcement of Conditional Use Permit for 1602 Spooner Avenue (parcel #201-1009-01-010) directing Manz to work on completing the paving and landscaping conditions of his conditional use permit, and if the issues aren't resolved in a reasonable amount of time, enforcement may proceed with enforcement of City Ordinance. **Motion carried.**

(VI)(3) Discuss/consider Plan Commission guidance to staff regarding enforcement of City Ordinances: 19.52.040 E. (paving of commercial drives and parking areas); 15.04.120 (exterior finish of structures, specifically temporary "tarp structures" prohibited).

City Planner Clements explained since February 2016, at the time he was hired, code enforcement efforts have increased. Previously, Building Inspector Eric Velin primarily responded to individual complaints and other highly visible flagrant cases. Over the past year, staff has been directed to elevate time and priority to identifying and mitigating easily identifiable violations, as workload allows.

A total of **181** enforcement cases were undertaken in 2016, and as of May 1, **40** enforcement cases undertaken thus far in 2017. These range from significant and complex violations due to accumulations of refuse or deteriorating structures, to simple yard parking violations. General enforcement procedure upon receipt of complaint or observation of possible violation was distributed to Plan Commission Members.

City Planner Clements further explained that multiple commercial properties in Altoona have been observed and recorded creating erosion and/or vehicle tracking of material into public roadways. Recognizing that this may be a sensitive enforcement on which elected officials may receive feedback, enforcement staff requests policy direction from the Plan Commission regarding enforcement of 19.52.040 E regarding paving of commercial properties.

19.52 – Parking and Loading Spaces

19.52.010 – Automobile parking and truck parking and loading spaces required. Asphalt concrete, portland cement concrete or approved pavers shall be required for off street parking and loading spaces as allowed in the several zoning districts as regulated in Sections 19.52.010 through 19.52.040. (Ord 3E-08, (part), 2008).

19.52.040 Supplemental parking and loading space requirements

C. Any driving area used for accessing parking spaces must be surfaced as described in Section 19.52.010. (Ord 3E-08, (part), 2008).

D. Any parking spaces or access areas installed on any property in addition to the parking spaces required by Section 19.52.020 shall be paved as described in Section 19.52.010. (Ord 3E-08, (part), 2008).

E. Any unsurfaced parking, parking access areas or other driving areas existing prior to the approval date of this ordinance shall be surfaced as described in Section 19.52.010 within 2 years of receiving notice from the City. (Ord 3E-08, (part), 2008).

There are multiple purposes for requiring parking and access areas to be paved, including:

- (1) Prevent erosion and tracking of material into public roadways. Erosion is detrimental to waterways, may damage works of infrastructure, and removal of accumulated sediment is required from stormwater facilities.
- (2) Paved areas allow for greater control of stormwater, directing water into designed stormwater facilities, avoiding damage to property or the natural environment.
- (3) Prevent deterioration of the property in question due to rutting and washing out.
- (4) Prevent standing water in undesirable locations, such as outside of stormwater facilities, drainageways and natural watercourses, which may create human or environmental health threats due to propagation of insects and waterborne disease.
- (5) Prevent wind-blown erosion which is a public health hazard and general nuisance.
- (6) Aesthetic concerns.

Multiple commercial properties in Altoona have been observed and recorded creating erosion and/or vehicle tracking of material into public roadways.

Determination of policy may impact eight known commercial properties with unpaved parking and/or access areas:

Record of observed erosion:

2351 Spooner Avenue (Arnie's Service Center)
1602 Spooner Avenue (Manz property)
2003 Spooner Avenue (Hannic LLC)
1704 Spooner Avenue (Happy Days Auto)
2437 Spooner Avenue
1420 N Hillcrest Parkway (Transport Garage)
1027 N Hillcrest Parkway (Mega Holiday)

Observed unpaved parking:

1504 N Hillcrest Parkway (Sport Rider)

Erosion is recognized as a nuisance and addressed directly or indirectly by other ordinances, including:

- *8.32.030 Dust and Erosion Prohibited. A. All lots, including boulevards, shall be sufficiently covered with grass, vegetation, trees hedges or pavement, so as to prevent the blowing of dust and/or erosion from such a lot.*
- *Chapter 14: Storm Water*
- *15.12 Building Construction Site Runoff, Erosion and Sediment Control*
- *19.54 Site Plans*

Recommendation: Direct staff to enforce 19.52.040 as applied to properties observed causing erosion and/or vehicle tracking of material into public roadways.

Plan Commission Member Schlafer recalled that any time Council has talked about enforcing ordinances, Council has been sensitive. The City wants to be pro-business and not drive any businesses out of town. However, staff probably errors to the side of too much time to enforce the ordinances. If Staff give them two years, it allows the business owner more time to pave it at a time when they can afford it or budget it.

Motion by Oas-Holmes/Hoepner to direct staff to work with property/business owners to resolve observed and anticipated erosion, and enforce Chapter 19.52 of the Altoona Municipal Code and associated ordinances as necessary. **Motion carried.**

Plan Commission Member Schlafer said he is behind City Planner Clements and is supportive of his enforcement efforts.

Altoona Municipal Code, Section 15.04.120 – Exterior Finish Required was next discussed.

15.04.120 – Exterior Finish Required. *1. Exterior Finish Required. All buildings shall have a weather-resistant, uniform and neighborhood compatible exterior finish. Tarpaper, insulation or similar material is not acceptable. All exterior finish shall be completed and installed within one (1) year of the issuance of the building permit unless an extension is granted in writing by the Building Inspector or the Building Inspector's designee.*

Recommendation:

- (1) Affirm staff interpretation of 15.04.120 prohibiting temporary structures.
- (2) Direct staff to propose ordinance language providing requirements for deployment of temporary structures for temporary periods of time that protect health, safety, welfare and aesthetics. These may include duration and conditions of deployment, such as setbacks, maintenance and anchoring.

City Planner Clements commented on some of the types of temporary structured buildings within the City of Altoona. Clements described how temporary structures are not presently allowed by Altoona Municipal Code. The City of Eau Claire specifically prohibits such structures, with the stated rationale concerning public health and safety due to lack of durability and anchoring. Staff (Velin) has interpreted existing City ordinances to prohibit any temporary structures, but that falling cost has led to the proliferation of temporary tarp garages in recent years. As enforcement has proceeded, citizens have requested consideration for use of temporary tarp structure for limited during for reasonable purposes, including sheltering construction materials during projects. Clements was asking input from Plan Commission regarding what should be regulated and how much.

Motion by Hanks/Roth to direct city staff to further research other municipalities in regards to definition of temporary structures, permitting and regulation, and bring back at a future meeting. **Motion carried.**

(VII) Miscellaneous Business and Communications.

(1) Updated information from Paul Johnson of Arnies Service Center, 2351 Spooner Avenue, regarding the number of cars and duration of tenure as required for business operations.

City Planner Clements explained that the Automotive Service Center operated by Paul Johnson as a Conditional Use at 2351 Spooner Ave was last modified at the September 11, 2006 meeting of the Altoona Plan Commission. The conditions of the use adopted at that time are as listed below:

- Screening on dumpster.
- Outside storage behind the building (non-vehicle storage) and not extending in the 30 foot grass area located in the back of the property line.
- Update and maintain existing signs.
- No more than 15 sale cars in the designated area.
- Long storage cars in back in an orderly fashion.
- Short term vehicles (nose end into the building on the north/east side of building.)
- Revisit this conditional use permit in one year. (City Staff to keep log of complaints if any regarding Arnies).

City Planner Clements provided a copy of the minutes from the April 11, 2016 "miscellaneous business" discussion regarding this operation

Paul Johnson, who operates the sales and service, was present at last month's March 14th meeting to informally talk about his business operation with regard to the aesthetics of autos which are located on the property for storage or sale, and regarding the area available for daily business traffic.

Staff visits to Arnie's Service Center were scheduled to observe vehicles associated with the business. These visits have been conducted within a few days prior to the Plan Commission meeting last month, and again on April 6, 2016 in preparation for this meeting.

The vehicles on site on these occasions were as follows:

March 14, 2016

In "For Sale" areas	3 units
In storage areas	52 units
In customer parking at the East building wall	6 units

April 6, 2016

In "For Sale" areas	8 units
In storage areas	38 units
In customer parking at the East building wall	6 units

Building Inspector Eric Velin related that he had talked with Paul Johnson of Arnie's Service about the Plan Commission's interest in his efforts to diminish the number of vehicles on the impound lot. Mr. Johnson is aware and that he should return to another meeting of the Plan Commission so as to outline the number of vehicles and explain the estimated turn-around time necessary for the business operation.

Mayor Blackburn asked for information to be made available for the next meeting (in May) regarding the number and specific identification of all vehicles that have been on the lot for a period of six months or more.

Administrator Golat said that at a future meeting the item can be put on the agenda for formal review.

Paul Johnson, representing Arnies Service Center commented that he has recently been removing/scraping vehicles on his lot.

Mayor Pratt asked if Mr. Johnson could level, grade and gravel the site. Johnson mentioned that the last time he graveled his lot was approximately 4 years ago. Johnson said as he gets rid of more vehicles he would gravel again.

Member Schlafer suggested that City Planner Clements and Paul Johnson create a strategy to make improvements to address the concerns discussed. Those include grading the lot, screening the impounded vehicles, and come back to the Plan Commission at a future meeting.

(VIII) Adjournment.

Motion by Hanks/Oas-Holmes to adjourn at 6:40 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk

**MINUTES OF THE ALTOONA, WI
REGULAR PLAN COMMISSION MEETING
November 13, 2017**

(I) Call Meeting to Order.

The meeting was called to order by Mayor Brendan Pratt at 4:30 p.m. held in the Council Chambers at Altoona City Hall.

(II) Roll call.

Members present: Mayor Brendan Pratt, Barbara Oas Holmes, Andrew Schlafer, Dean Roth, Bill Hoepner, Red Hanks, Andraya Albrecht.

Also Present: City Administrator Mike Golat
City Planner Joshua Clements
Management Analyst Roy Atkinson
Finance Director Tina Nelson
Council Member Matthew Biren
City Clerk Cindy Bauer
Brian Reilly and Christopher Hetland of Ehlers
Kelly Gribowski of Cabin Coffee and Mark Erickson of Everyday
Surveying & Engineering dba Kramer Land Design.
Paul Johnson, Arnie's Service Center

(III) Citizen Participation Period.

Motion by Hanks/Oas-Holmes to close Citizen Participation Period. **Motion carried.**

(IV) Approval of minutes.

Motion by Roth/Hoepner to approve the minutes of the October 9, 2017 Plan Commission meeting. **Motion carried.**

(V) Unfinished Business – none.

(VI) New Business

(1) Public hearing at 4:30 p.m. or as soon thereafter as is possible regarding the Tax Increment District 3 Project Plan Amendment.

Mayor Pratt opened the Public Hearing at 4:32 p.m.

City Administrator Mike Golat explained the Tax Increment District 3 Project Plan to Plan Commission Members. Golat gave some past history and past amendments to TID No. 3 Project Plan. Golat said TID No. 3 was primarily formed for the River Prairie area, but then later included the South Willson Drive corridor and easterly along the railroad tracks contemplating extension of utilities east of town. This amendment would be to add a project to reconstruct County Road KB/Bartlett Avenue extension out past the new elementary school. Golat noted that Eau Claire County has had in their Capital Improvements Plan for many years reconstruction of Co. Road KB but they have delayed construction until the City works through what they want done in conjunction with the project, that being extension of utilities in the easterly direction.

City Administrator Golat explained the procedure to amend the TID No. 3 Project Plan. An initial Joint Review Board Meeting to review and discuss the project plan amendment, a Plan Commission Meeting whereas a public hearing before the Plan Commission for the purpose of providing the community a reasonable opportunity to comment upon the proposed amendment of the District and passage of Resolution advancing TID Amendment to City Council, followed by a City Council Meeting to approve a Resolution approving TID Amendment. The Joint Review Board will then meet one more

time to review the planning documents and resolutions from the Plan Commission and Council and approve the TID No. 3 Project Plan Amendment.

Mayor Pratt commented that there is a section of town that is one of the most blighted areas in Altoona, that being east of Third Street East and north of Bartlett Avenue (area referred to as Putnam & Hayden's 3rd Addition). Pratt would like to add this small section to the project amendment.

Reilly from Ehlers noted that the amendment requested by Mayor Pratt could be added as a line item to the purpose of the Amendment.

Brian Reilly of Ehlers Inc. explained the project plan amendment and what projects are eligible. Reilly explained that TID No. 3 was created on 9/13/2001. There have been three Amendments to the Project Plan.

- Boundary 2003
- Project Plan 2012 & 2015
- Proposed 2017 Project Plan Amendment

Reilly explained the TID No. 3 Original Project Plan Objectives.

- Provide a stable property tax base with substantial commercial component.
- Provide employment opportunities with the City
- Enhance and Improve the City's transportation system.
- Provide water and sewer services to undeveloped property.
- Promote orderly, sequential, and quality development.

Stan Larsen, 1120 Glen Drive, Altoona, referred to the year of 2001 when the River Prairie Development was first discussed and the district that was developed. Larsen questioned whether any money should be transferred to the Project as proposed. Larsen would rather see an Assessment Process against the School District and not use TID funds.

Motion by Oas-Holmes/Hanks to close the public hearing at 4:55 p.m. **Motion carried.**

(VI)(2) Discuss/consider approval of Resolution 11A-17PC amending the Tax Increment District 3 Project Plan.

City Administrator Golat explained the questions raised by Resident Stan Larsen regarding the TID boundaries. Golat has talked with Legal Counsel and Financial Advisors who both have commented that it fits within the original plan and there are no issues.

Reilly explained the Cash Flow Projections as reflected on page 26 of the Project Plan Amendment.

City Administrator Golat explained Resolution 11A-17 PC, a resolution approving a Project Plan Amendment for TID No. 3, in the City of Altoona, Wisconsin. If the Plan Commission so chooses, they can amend the resolution to include the added amendment as requested by Mayor Pratt.

Motion by Albrecht/Hoepner to approve Resolution 11A-17PC, a resolution approving an Amendment to the Project Plan of Tax Incremental District No. 3, City of Altoona, Wisconsin along with the added amendment requested by Mayor Pratt to include the section in Altoona, that being east of Third Street East and north of Bartlett Avenue (area referred to as Putnam & Hayden's 3rd Addition). **Motion carried.**

(VI)(3) Discuss/consider recommendation to Council regarding a Specific Implementation Plan (SIP) for Cabin Coffee as submitted by Kramer Land Design Studio on behalf of Kelly Gribowski for Cabin Coffee in the Northwest Quadrant of the River Prairie Development, Parcel #201-1002-01-100. (Will be discussed at the November 13, 2017 Council Meeting).

City Planner Clements referred to the Planning Department Staff Report, Project Narrative, and Specific Implementation Plan submittal. Clements explained that the Specific Implementation Plan illustrates site design elements for Cabin Coffee to be located at the northwest corner of Bluestem

Boulevard and Meadowlark Lane, north of Kwik Trip. The property is presently owned by the City and is approximately 1.52 acres, of which this proposal covers 11,102 ft² (0.26 acres). The City plans to construct a public parking lot that occupies the center of the current property containing approximately 54 spaces. Five vehicle spaces are to be located on this Site, and 20 spaces are available on adjacent Bluestem Blvd.

City Planner Clements pointed to the notable site feature is a drive-through lane that curls around the building on three sides, and is designed to accommodate 10 – 12 vehicles. Site Plan review focuses particularly on associated landscaping to ensure the drive through is not an aesthetic or pedestrian access deterrent. Planning Department recommends the Plan Commission approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications and conditions:

1. Any changes to civil plan, landscape plan, architecture, or circulation from the SIP submittals shall be reviewed by City of Altoona staff, per River Prairie Design Guidelines & Standards [RPDG] amendment process [VIII]. Major changes will require review by the Plan Commission and Council. Appropriate building permits shall not be issued until City staff successfully reviews and approves of final plans (erosion control; stormwater; civil site; and landscaping) to ensure conformance with River Prairie Design Guidelines & Standards and consistency with the SIP approval conditions herein; and consistent with *Altoona Municipal Code* Chapter 14.
2. **Access, Circulation & Parking** (RPDG IX. 1)
 - a. Site Plan as proposed generally provides adequate pedestrian connection to existing public walkways. Modifications will be necessary to the designed municipal parking lot to improve pedestrian safety and access through the site and meet Design Standards; specifically, to create a designated pedestrian walkway from the sidewalk to the raised parking lot island and to connect the proposed crosswalk to the proposed building. The following site changes are required:
 - i. Concrete sidewalk connection to existing public sidewalk (SE of building) shall be 6' wide [RPDQ IX. 1 (C)(5)a].
 - ii. Material layout of the pedestrian access (concrete) shall be continuous as it crosses the drive through, with a break in the continuity of the drive paving and not the pedestrian access way [RPDQ IX. 1 (C)(5)b].
 - b. Concrete walkway along the west side of the building shall be 6' wide [RPDQ IX. 1 (C)(5)a].
 - c. Bicycle racks shall be the "U Stand" or "Rounded A" design, or substantially similar.
 - i. Proposed bicycle rack shall be relocated as the current location places a parked bicycle within the automobile door opening clear-space for the driver door. Recommended location is immediately to the west, closer to the proposed property line.
 - ii. City staff recommends adding a second bicycle rack due to anticipated customer use of the building.
3. **Landscaping** [RPDG IX 6]
 - a. Whereas: "All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage" [RPDQ IX 6 (D)].

- b. Whereas: “In approving the required landscape plan, the Council, with the Plan Commission’s input, shall have the authority to determine the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing [based upon 12 criteria]” [RPDQ IX 6 (G)]
 - c. Parking lot islands shall be landscaped, including canopy shade trees, to maximize area of shading [RPDG IX 6 (E)]. The parking lot islands shall feature appropriate and attractive plant selections, including appropriate selection of tree species.
 - d. Following the completion of land-disturbing activities by Xcel within the utility easement along the south and southwest corner of the site, this area shall be attractively landscaped with decorative low-growing plantings, native canopy trees at not greater than 40’ spacing (30’ recommended), and other complementary landscaping elements similar to proposed elements elsewhere on the site and existing on nearby sites [RPDG IX 6 (D), (E)].
 - e. Canopy trees shall only be substituted with ornamental trees “where overhead lines and fixtures prevent normal growth and maturity” [RPDG IX 6 (D) 2(c)]. This site is not encumbered by overhead facilities. The five decorative landscape trees shown in the landscaping plan shall be native canopy species.
 - f. Native canopy Trees shall be planted between the drive-through lane and the existing sidewalk along the east side of the property at no greater than 40-foot spacing, (beginning with the illustrated ornamental tree that shall be replaced with a native canopy species; 30-foot spacing recommended) [RPDG IX 6 (D), (E), (G)].
 - g. Decorative low-growing landscape plantings shall be continuous between the refuse enclosure and the pedestrian crossing of the drive-through with species selection appropriate and complementary to the maturity of canopy trees [RPDG IX 6 (D), (E), (G)].
 - h. Tree selection shall be native species with minimum diversity and planting size as illustrated in the RPDG [IX 6 (D)].
 - i. Bio-retention area shall be sized to accommodate anticipated infiltration requirements of the adjoining lot. This condition is in recognition that the proposed location of the bio-retention facility is substantially on the adjoining lot. Increasing the size of the bio-retention area appropriate for a 3,000 sf² building on that parcel will enable the parcel to be buildable without significant encumbrance of the parcel by the bio-retention facility as well as the cost to expand or replace the facility to accommodate future development on that parcel. Bio-retention facilities shall be attractively landscaped with appropriate rain garden plantings.
 - j. All planting areas shall be permanently irrigated, except those designed as xeriscaping [RPDG IX 1. (6) I.]. Water conservation strategies are strongly encouraged [RPDG IX (6) E (3)]
4. **Building and Architectural Standards** [RPDG IX 7]
- a. The exterior façade design and materials shall establish a “base” that is consistent around the entire perimeter. This may be achieved by continuing the proposed cliffstone materials to a height of 2’6” (consistent with illustrated heights under front façade windows). “All facades shall have: a recognizable ‘base’ consisting of (but not limited to): (1) thicker walls, ledges or sills; (2) integrally textured materials such as stone or other masonry; (...) [RPDG IX 7.3 (D) 2 (A) 6]. “All sides of the building shall include materials and design characteristics consistent with those on the front” [RPDG IX 7.3 (D) 2 (A) 3].
 - b. Increase windows and/or other architectural features on the East and West façade consistent with “facades that face streets or connecting pedestrian frontage shall be subdivided and

proportioned using features such as windows, entrances, arcades, arbors, awnings, treillage with vines, along no less than fifty (50) percent of the façade” [RPDG IX 7.3 (D) 3]. It is recommended that this be achieved through expanding or adding windows for visual interest into and out of the building.

- c. Any/all mechanical equipment, including roof-mounted units, shall be appropriately screened by building-compatible materials or landscaping [RPDG, IX 7 H].
- d. All building and site signs shall be required to acquire sign permits and meet design requirements outlined in the River Prairie Design Guidelines, IX 5. Insufficient information provided in the SIP submittals (dimensions, total area calculations, design, lighting, etc.) for sign review and approval.
- e. All exterior lighting on the site shall be of full cut-off design and be shielded to prevent spillover of direct light onto adjacent properties [*Altoona Municipal Code* 19.59.030 (H)].
- f. The refuse enclosure shall be constructed of materials substantially similar to those of the principal building façade [RPDG IX 7 H] and be screened with vegetation to the maximum degree practicable.

5. Utilities

- a. Fire Department Connection (FDC) shall be 4” STORTZ and shall be located on the west face of the building. Final placement shall be reviewed and approved by Altoona Fire Department.
- b. Private utilities, including electric transformers, shall be located such as to minimize impact on landscaping. Private electric service shall be located on private property under softscape, avoiding impacts on trees and major landscaping elements. City of Altoona reserves the right to review and approve location of electrical transformers and other visible fixtures.

Building and construction permits shall not be issued unless construction plans are consistent with the Specific Implementation Plan approval conditions and maintain conformance with River Prairie Design Guidelines and Standards in all respects.

Kelly Gribowski of Cabin Coffee and Mark Erickson of Everyday Surveying & Engineering dba Kramer Land Design were present to answer any questions Plan Commission Members had regarding the site plan for Cabin Coffee. There was some discussion regarding the location and access of the dumpsters. The “tight” site provided few options for locating the refuse enclosure, and Mr. Erickson discussed how refuse pick-up may occur. Erickson mentioned that this parcel will need some lot division.

Motion by Hanks/Roth to recommend to Council approval of the Specific Implementation Plan submitted by Kramer Land Design on behalf of Kelly Gribowski for Cabin Coffee in the Northwest Quadrant of the River Prairie Development, Parcel 201-1002-01-100, as being in substantial conformance with the River Prairie General Implementation Plan with the above specified conditions. **Motion carried.**

(VI)(4) Discuss/consider Final Site Plan Modification for Arnie’s Service Center for property located at 2351 Spooner Avenue, Altoona, parcel #201-2065-06-000 and lots 3, 4, 5, 6, 7, 8, block G, Altoona Park Addition.

City Planner Clements explained that staff facilitated a discussion at the May 17, 2017 Plan Commission meeting regarding enforcement of City Ordinances 19.52.040 E. concerning paving of commercial drives and parking areas. This was the result of citizen and officials complaint and staff observation of erosion stemming from unpaved areas used by vehicles. The Commission unanimously moved to “direct staff to work with property owners and businesses to resolve observed and anticipated

erosion, and enforce Chapter 19.52 of the Altoona Municipal Code and associated ordinances as necessary.”

Clements illustrated that Arnie’s Service Center is one property that has a history of being subject to complaint due to aesthetic conditions as well as erosion. This is due in part due to the businesses uses of the property, including vehicle impoundment and vehicle repair, as well as large unpaved parking area occupying a property with high visibility. Arnie & Paul Johnson acquired the initial Conditional Use Permit for this property on December 17, 1993. Mr. Johnson (Paul) received an amended Conditional Use Permit on September 11, 2006 adding additional uses to the property. At the October 9th 2017 Plan Commission Meeting a Public Hearing regarding the existing Conditional Use Permit issued to 2351 Spooner Avenue was discussed, and City Staff presented a proposed Site Plan and written conditions that, when implemented, are intended to resolve long-standing aesthetic and performance concerns.

Clements noted that during the October 9th Plan Commission meeting Mr. Johnson shared his concerns with the proposed Site Plan, and a discussion with the Commissioners and staff took place. City Planner Clements summarized the discussions from the October 9th Plan Commission Meeting:

- Mr. Johnson did not agree with the extent of the pavement illustrated in the plan;
- Mr. Johnson suggested he would discontinue operation of a towing and impoundment business at this site;
- If impoundment operations were discontinued and removed from Conditional Use Permit, then a new fenced area for vehicle storage is not required;
- Commissioners mentioned the potential of a phased site plan implemented over a period of two years to allow for cost management;
- Commissioners voiced desire for bringing in some fill and leveling to address short-term erosion prior to onset of winter;

City Staff proposes the following resolution:

- Site Plan illustration enclosed, dated November 9th 2017, incorporated by reference **as amended**.
- All areas used for driving and parking vehicles shall be paved consistent with Altoona Municipal Code 19.52. All areas not paved shall be landscaped and well maintained.
- New pavement shall be graded to drain to the southwest toward an existing low point for stormwater retention and infiltration. The northwest portion of the paved area may drain to the illustrated landscaped area. No parking of vehicles or accumulation of materials shall take place in the retention and infiltration areas.
- All stormwater shall be accommodated on-site. No alterations shall be allowed that changes the volume of stormwater leaving the property.
- Screening fence shall be installed along the south property line in the south west portion of the property for which fencing does not exist as of September 2017. Fence design and materials shall be consistent with 19.56.070. Existing fence shall be maintained in good condition, or replaced, at the owner’s discretion. **Shall be completed in “Phase 2”, no later than November 2018.**
- Dumpster and any/all outdoor storage shall be screened.
- Landscaped area near existing trees and fuel tank near the front (north) of the property, as indicated in the Site Plan illustration (1), shall be attractively landscaped, and the parking of vehicles or storage of materials in this area are prohibited. This area shall be approximately 60 feet wide (the width between existing curb cuts) and ~~32 feet~~ **15 feet** in lot depth.
- All areas along the front property line not utilized for direct access to existing curb cuts, or movement of vehicles to the garage access of the principal building, shall be landscaped to a lot depth of not less than ~~ten feet~~ **15 feet** consistent with 19.54.060 (D).

- All vehicle parking areas abutting landscaped areas shall feature parking blocks or curb to prevent vehicles from encroaching into and deteriorating the pavement edge or landscape.
- All existing trees shall be preserved.
- All vehicles, including trailers, shall be parked in an orderly manner.
- Any cleaning of equipment, including grills, that is conducted at the property shall be done in a location and manner such that drainage water shall be retained on-site.
- These conditions shall not constitute a waiver or limitation to achieve and maintain compliance with all other ordinances and regulations.
- Site Plan shall be completed **in phases between 2017 and 2019** and totally completed within **42 24** months of approval.
- City Staff shall report on progress and completion to the Plan Commission.
- **Contractor-verified 100% recycled asphalt may be used for parking areas of sale cars in the immediate vicinity of the existing trees and fuel tank, as well as the final southern 15' – 20' of paved area where business vehicles are intended to be parked.**

Three phases of implementation, as proposed by Mr. Johnson and approved by the Commission:

- (1) Bring in some structural fill and/or recycled asphalt in 2017 to place in low places where water pools creating mud, subsequently tracked into the roadway.**
- (2) No later than November 2018:**
 - a. Complete paving of 50% of the total of the final extent illustrated in the Site Plan**
 - b. Complete screening fence along the southwest property boundary**
 - c. Complete screening gate of dumpsters and scrap storage area behind building, as illustrated on Site Plan**
- (3) No later than November 2019:**
 - a. Complete remaining extent of pavement area illustrated in the Site Plan.**

City Planner Clements said if modifications to the existing Conditional Use Permit are added or changed from those proposed, and/or if the Site Plan narrative (above) or enclosed illustration are changed as a result of deliberation and approved by the Commission, City Staff will issue written follow-up with the adopted language to the property owner. Permits shall be required for paving and fencing. The total additional paved area in the enclosed site plan illustration is approximately 14,000 square feet. This is a decrease from an estimated 20,000 square feet illustrated in the October Plan Commission.

Paul Johnson of Arnie's Service Center was present to suggest some minor revisions to the proposed site plan. Modify the green space next to the tank in front to 15 feet back instead of 32 feet back as proposed on the site plan illustration (1). Modify the other green space in front to 15 feet back instead of 10 feet back to be consistent with the other landscape/green area in front as proposed on the site plan illustration (2). This will still allow enough space for the cars that will be for sale. Johnson would like to use recycled asphalt in the front by the fuel tank and 15 feet in the back area in front of the grass as shown on the proposed site plan illustration (3). Johnson would like to put in some recycled asphalt and pavement next year (2018) and the remainder of pavement in 2019. Johnson said he could have the fence installed in the back of the property in the summer of 2018.

Motion by Schlafer/Oas-Holmes to approve modifications to the Conditional Use Permit and Site Plan for the property located at 2351 Spooner Avenue, Altoona, parcel #201-2065-06-000 and lots 3 – 8, block G, Altoona Park Addition with the above specified conditions in addition to the following amendments:

- Remove the permit for the impounded vehicles from the lot (*modify existing Conditional Use Permit to remove vehicle impoundment as permitted use*).
- Modify the landscape/green area in front to 15 feet from the sidewalk at both sections as shown on the site plan (see correction in bold in the above specified conditions).
- Use recycled asphalt in the front next to the fuel tank and 15 feet in the back area in front of the grass as shown on the modified proposed site plan.
- Site plan to be completed in phases in 2018 and 2019 within 24 months of approval.

Motion carried.

(VI) (5) Discuss/consider recommendation to Council regarding Resolution 11C-17 recognizing the completion of the Town of Washington Comprehensive Plan 2017-2035. (Will be discussed at the November 13, 2017 Council Meeting).

City Planner Clements explained that over the past 18 months the Town of Washington has been working with Eau Claire County planner Matt Michels to complete an update to their Comprehensive Plan. The principal changes are to update text terminology to match terms and definitions in the Eau Claire County Comprehensive Plan. For example, “Rural Preservation” land use is changed to “Rural Lands”.

Changes to the Future Land Use Map reflect new jurisdictional boundary changes with the City of Eau Claire and the City of Altoona. The principal changes to the Future Land Use Map are:

- Properties adjacent to highway 12 west of Elco Road are all modified to “Rural Commercial” and “Rural Industrial”, where some properties had previously been identified as “Rural Residential”.
- Properties in the NE corner of the township near the Eau Claire River have been reclassified as “Rural Lands” from “Rural Residential”.

The Town of Washington Comprehensive Plan does not impact regulation of land use regarding City of Altoona planning and permitting decisions. However, land use decisions by the Township may impact long-term growth and vitality of the City of Altoona. City Planner Clements noted that the City of Altoona exercises Extraterritorial Land Division review on properties within 1.5 miles of the City of Altoona boundary, with approval authority over any land division resulting in parcels smaller than 10 acres. The intent of this authority is to ensure rural lands are kept in rural uses to ensure orderly growth and development. This is of particular interest and concern in areas of future growth to the City, particularly the highway 12 corridor. Division of land into smaller parcels and those difficult to serve with sewer and water services may effectively prohibit future urban growth and development.

Motion by Hanks/Hoepner to recommend to Council approval of Resolution 11C-17 recognizing the completion of the *Town of Washington Comprehensive Plan 2017-2037* and encourages future cooperation regarding orderly and efficient growth and development. **Motion carried.**

(VII) Miscellaneous Business and Communications.

None.

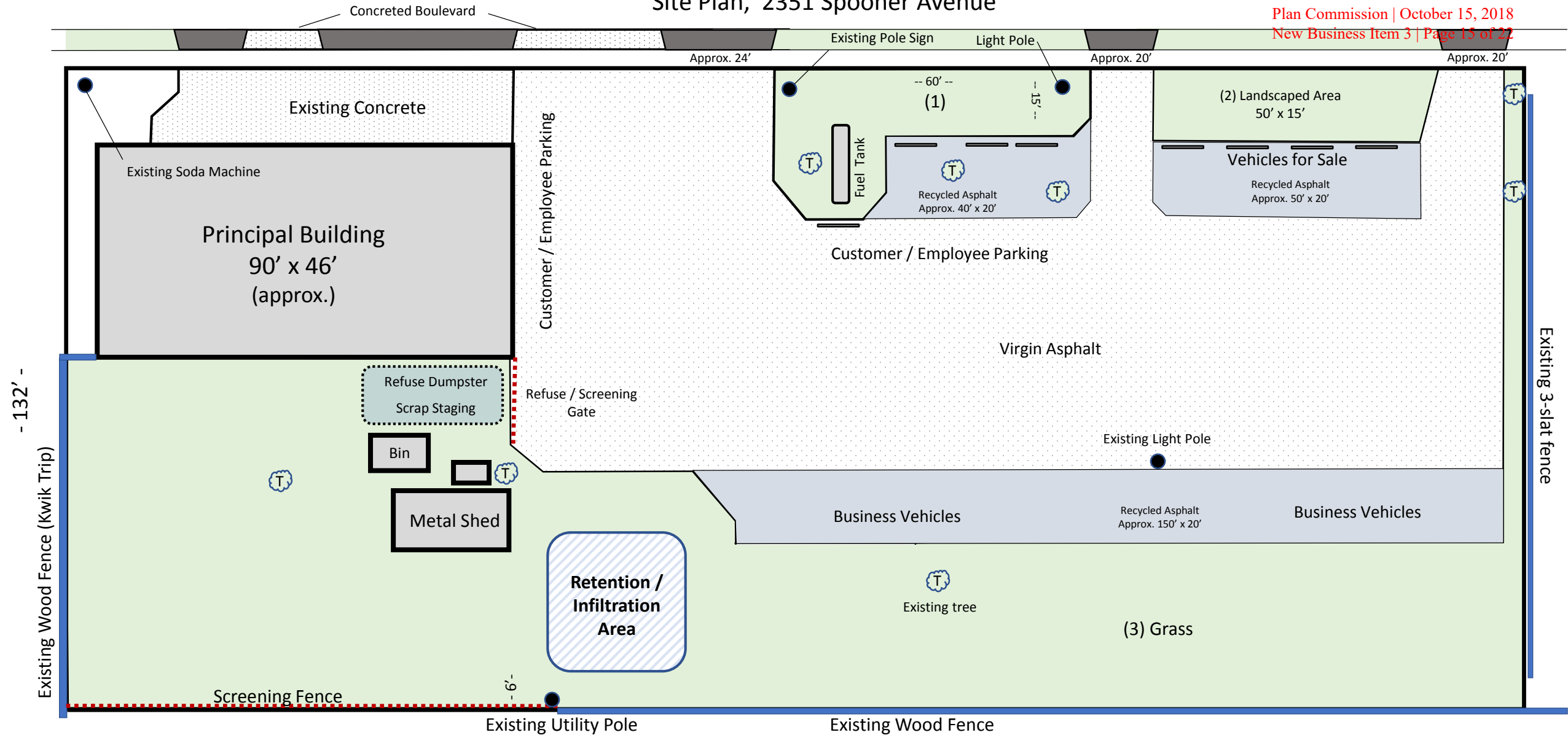
(VIII) Adjournment.

Motion by Hanks/Oas-Holmes to adjourn at 5:55 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk

Site Plan, 2351 Spooner Avenue

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Total site dimensions: 300' x 132'
Location of existing trees (T) are approximate.
Existing Light Pole is approx. 60' from rear lot line, 72' from east line.
All vehicles parked in orderly fashion.

- Stormwater Feature
- Existing Curb Cuts

Existing Wood Fence

- (1) – Landscaped Area, approx. 60' x 32'. No vehicles.
- (2) – Landscaped Area, approx. 50' x 10'. No vehicles.
- (3) – Grass area. No vehicles.

Prepared by Joshua Clements, City of Altoona. November 15, 2017
Modified as presented and approved to the Plan Commission 11/13/2017





PLANNING DEPARTMENT
CONDITIONAL USE PERMIT

November 15, 2017

As resolved by the City of Altoona Plan Commission, November 13, 2017, Conditional Use Permit as regulated by Section 19.54 of the Altoona Municipal Code:

Parcel ID: 201-2065-06-000
Address: 2351 Spooner Avenue
Applicant: Paul Johnson DBA Arnie's Service Center
Legal Description: Lots 3, 4, 5, 6, 7, 8 Block G Altoona Park Addition

1. Approved Use:

As regulated by Section 19.40.020, Section 19.59 and Section 19.54 of the Altoona Municipal Code, the applicant is hereby authorized to use the property as follows:

- Retail Sales of Auto & Truck parts.
- Auto Repair Shop.
- Retail sales of propane for gas cylinder refilling and motor fuel.
- Truck & Trailer Rental.
- Service truck for towing of vehicles for repair
- Business office and operation of vehicles and equipment for sewer pumping operation.
- Repair and sale of pressure washers, parts, and related equipment and cleaners.

The Conditional Use was originally approved on December 17, 1993 and subsequently amended in August 2006. This present dated permit amends the approved Site Plan as well as uses (amend "Service truck for towing of vehicles for impound and/or repair" and remove "Vehicle storage for sales, impounds, and repairs").

The public hearing regarding this appeal for a Conditional Use was conducted at the October 9, 2017 Plan Commission with subsequent action at the November 13, 2017 Plan Commission meeting.

2. Site Plan Approval:

The Site Plan dated November 15, 2017 is attached hereto and incorporated by reference. Completion of improvements to this property shall be completed in substantial conformance with attached Site Plan and consistent with the following written conditions approved by the Plan Commission:

- All areas used for driving and parking vehicles shall be paved consistent with Altoona Municipal Code 19.52. All areas not paved shall be landscaped and well maintained.
- New pavement shall be graded to drain to the southwest toward an existing low point for stormwater retention and infiltration. The northwest portion of the paved area may drain to the illustrated landscaped area. No parking of vehicles or accumulation of materials shall take place in the retention and infiltration areas.
- All stormwater shall be accommodated on-site. No alterations shall be allowed that changes the volume of stormwater leaving the property.

- Screening fence shall be installed along the south property line in the south west portion of the property for which fencing does not exist as of September 2017. Fence design and materials shall be consistent with 19.56.070. Existing fence shall be maintained in good condition, or replaced, at the owner's discretion. Shall be completed in "Phase 2", no later than November 2018.
- Dumpster and any/all outdoor storage shall be screened.
- Landscaped area near existing trees and fuel tank near the front (north) of the property, as indicated in the Site Plan illustration (1), shall be attractively landscaped, and the parking of vehicles or storage of materials in this area are prohibited. This area shall be approximately 60 feet wide (the width between existing curb cuts) and 15 feet in lot depth.
- All areas along the front property line not utilized for direct access to existing curb cuts, or movement of vehicles to the garage access of the principal building, shall be landscaped to a lot depth of not less than 15 feet consistent with 19.54.060 (D).
- All vehicle parking areas abutting landscaped areas shall feature parking blocks or curb to prevent vehicles from encroaching into and deteriorating the pavement edge or landscape.
- All existing trees shall be preserved.
- All vehicles, including trailers, shall be parked in an orderly manner.
- Any cleaning of equipment, including grills, that is conducted at the property shall be done in a location and manner such that drainage water shall be retained on-site.
- Contractor-verified 100% recycled asphalt may be used for parking areas of sale cars in the immediate vicinity of the existing trees and fuel tank, with a north-south depth of not greater than 20 feet, as well as the final southern 15' – 20' of paved area where business vehicles are intended to be parked.

3. Site Lighting:

No change to existing Site Lighting.

4. Landscaping Plan:

All areas not used for parking of vehicles and thus appropriated paved shall be maintained as landscaping, as reflected on the Site Plan.

5. Refuse Container:

The refuse container(s) shall be located behind the building and subsequently screened as reflected in the Site Plan.

6. Erosion Control/Storm Water Management:

All areas utilized by vehicles for driving and parking shall be paved as described herein. Stormwater shall be directed to the existing low area southeast of the building for retention and infiltration.

7. Outside Storage:

Outdoor storage of scrap and parts shall be behind the building and screened as described.

8. Signage Plan:

No changes in existing signs reviewed or permitted as part of this Conditional Use.

9. Miscellaneous Information:

See Site Plan and Plan Commission approval conditions above, as well as Minutes of the Plan Commission, November 13, 2017 as reference.

10. Completion Date:

Three phases of implementation, as proposed by Mr. Johnson and approved by the Plan Commission:

- (1) Bring in some structural fill and/or recycled asphalt in 2017 to place in low places where water pools creating mud, subsequently tracked into the roadway.
- (2) No later than November 2018:
 - a. Complete paving of 50% of the total of the final extent illustrated in the Site Plan
 - b. Complete screening fence along the southwest property boundary
 - c. Complete screening gate of dumpsters and scrap storage area behind building, as illustrated on Site Plan
- (3) No later than November 2019:
 - a. Complete remaining extent of pavement area illustrated in the Site Plan.

11. Certificate of Occupancy:

Not applicable.

12. Changes:

The Applicant may apply to the Zoning Administrator for "minor" changes to the Site Plan or this Conditional Use, which changes may be granted, in writing by the Zoning Administrator, provided (A) the changes do not violate any of the minimum standards of the Altoona Municipal Code or Zoning Ordinances and (B) the spirit and intent of the original Conditional Use is preserved. The Zoning Administrator shall determine, in his/her sole discretion, as discussed and approved by the Altoona Plan Commission whether a change is "minor". All changes which are not minor shall be submitted to and approved in writing by the Plan Commission. Whenever an approved change alters any part of a recorded document, the document which authorizes said change shall also be recorded.

13. Other Regulations:

Nothing herein shall constitute a waiver or limitation of the Applicant's compliance with all other ordinances and regulations, including all other requirements of the Altoona Zoning Ordinance.


14. Enforcement:


The conditions imposed herein (including the conditions imposed plans or changes submitted hereafter), shall all be enforced as on-going conditions of this Conditional Use Resolution. Failure of the Applicant to comply with these conditions, shall entitle the City to take enforcement action, which may include fines, forfeitures, injunctions and/or termination of this Resolution, which in turn will require the Applicant to cease the use of the property authorized herein until a new Conditional Use is approved.

15. Recording:

A copy of this Resolution shall be recorded with the Eau Claire Register of Deeds.

This permit was prepared by:


Joshua Clements
City Planner / Zoning Administrator


November 15, 2017

cc
Site Plan Illustration, November 15, 2017

See also:
Minutes of the October 9, November 13 2017 Plan Commission
Conditional Use Permit 2351 Spooner Avenue, December 17, 1993
Conditional Use Permit 2351 Spooner Avenue, August 2006



NOTICE OF CODE VIOLATION

Paul Johnson
C/O Arnie's Service Center
2351 Spooner Avenue
Altoona, WI 54720

RE: 2351 Spooner Avenue
Parcel #201-2065-06-000; #201-2065-07-000; #201-2065-08-000; #201-2065-09-000;
#201-2065-10-000; #201-2066-01-000;

Mr. Johnson,

It has come to the City's attention that your property at 2351 Spooner Avenue, Altoona is in violation of the *Altoona Municipal Code*. Below is the identified nuisance and corresponding code violations.

- (1) *Altoona Municipal Code 8.32 Weeds and Grass* (Mowing) – The condition of the turf and weeds on this property are greater than eight inches in length, such that it requires mowing [See photos enclosed herewith.]

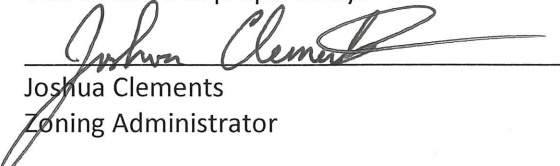
You are hereby required to mow the grass and weeds at this property no later than June 11, 2018.

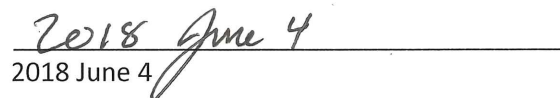
All information regarding *Altoona Municipal Code* is available online at
<http://www.ci.altoona.wi.us/government.phtml>.

Additionally, reminder that the amended Conditional Use Permit from November 13, 2017 no longer permits vehicle impoundment. We understand it takes time clear the vehicles, but this must be completed.

The application of structural fill last fall appeared to reduce water ponding and carrying of materials into the roadway. Completion of 50% of the approved Site Plan is to be done no later than November 2018, with final completion by November 2019.

This notice was prepared by:


Joshua Clements
Zoning Administrator


2018 June 4

Enclosures (2)
Altoona Municipal Code Section 8.32
Conditional Use Permit, 2351 Spooner Avenue, November 15 2017



2018 August 16

NOTICE

Paul Johnson
C/O Arnie's Service Center
2351 Spooner Avenue
Altoona, WI 54720

RE: 2351 Spooner Avenue
Parcel #201-2065-06-000; #201-2065-07-000; #201-2065-08-000; #201-2065-09-000;
#201-2065-10-000; #201-2066-01-000;

Mr. Johnson,

I am writing to remind you of the conditions of your Conditional Use Permit approved on November 13, 2017. I continue to receive questions from members of the Plan Commission and elected officials regarding the status of your implementation, as well as ensure that your impoundment of vehicles has been discontinued.

Completion of 50% of the approved Site Plan is to be done no later than November 2018, with final completion by November 2019. Those elements are identified in the Conditional Use Permit. As of the date of this notice, approximately 11 weeks remain until November 1st. A reminder was also provided on June 4.

City staff has continued to document the conditions of the site and inventory of vehicles periodically.

This notice was prepared by:


Joshua Clements
City Planner / Zoning Administrator

2018 August 16
2018 August 16

Enclosures (2)
Conditional Use Permit, 2351 Spooner Avenue, November 15 2017
Notice of Code Violation (and reminder), June 4, 2018



Joshua Clements <joshuac@ci.altoona.wi.us>

Arnie's Service Center Site Plan

1 message

Joshua Clements <joshuac@ci.altoona.wi.us>
To: Paul Johnson <LIMOCAB1011@yahoo.com>

Tue, Oct 2, 2018 at 11:11 AM

Paul,

I am writing to check in regarding progress of implementing your conditional use and site plan as approved on November 17, 2017. As you recall (see enclosed), the first deadline is November 2018 to: complete paving of 50% of the total of the final extent illustrated in the Site Plan; complete screening fence along the southwest property boundary; and complete screening gate of dumpsters and scrap storage area behind building, as illustrated on Site Plan.

I have been receiving questions from elected officials and plan commissioners regarding your status. It is my expectation that they will direct me to proceed with enforcement action if the first deadline is not met.

I look forward to your response.

Thank you,

Josh

--

Joshua Clements, AICP | City Planner

1303 Lynn Avenue | Altoona, Wisconsin 54720
[715-839-6092](tel:715-839-6092) | joshuac@ci.altoona.wi.us

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3 attachments



2017-1115 - 2351 Spooner Avenue Conditional Use Permit (signed).pdf
2320K



2017-1115 - 2351 Spooner - Approved Site Plan.pdf
211K



2018-0816 - 2351 Spooner LETTER REMINDER.pdf
1000K



Joshua Clements <joshuac@ci.altoona.wi.us>

Arnie's Service Center Site Plan

1 message

Joshua Clements <joshuac@ci.altoona.wi.us>
To: Paul Johnson <LIMOCAB1011@yahoo.com>

Fri, Oct 12, 2018 at 9:33 AM

Paul,

I am writing to check in regarding progress of implementing your conditional use and site plan as approved on November 17, 2017. The first deadline is November 2018 to complete paving of 50% of the total of the final extent illustrated in the Site Plan, complete screening fence along the southwest property boundary, and complete screening gate of dumpsters and scrap storage area behind building, as illustrated on Site Plan.

As far as I can tell, this work has not yet begun, and winter conditions are soon approaching.

I continue to receive questions and complaints from elected officials regarding status of implementation of the approved plan. It is my expectation that they will direct me to proceed with enforcement action if the first deadline is not met. The municipal citation for parking on unpaved surface (19.52.040) is \$200.50, which may be levied per day.

I look forward to your response.

Thank you,

Josh

--

Joshua Clements, AICP | City Planner

1303 Lynn Avenue | Altoona, Wisconsin 54720
[715-839-6092](tel:715-839-6092) | joshuac@ci.altoona.wi.us

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ALTOONA PLACE PLAN

CHAPTER 2: INTRODUCTION

A thriving public realm, high-quality open spaces, lively and safe streets, and a thoughtful built environment are hallmarks of a healthy, livable, world-class city of any size, culture or climate.

Communities take multiple approaches to plan, design and manage public space, including parks, facilities, recreational programs and events, trails, gardens and forestry, streetscapes, and more. The most prevalent approach is to conduct planning for specific facility types or functional areas of departmental responsibility. In general, this methodology often results in relatively narrow plans that focus predominately on parks as recreational features largely removed from other systems and functions, and bicycle and pedestrian plans that are not well integrated into either recreation or transportation. Other related essential functions, such as stormwater management and climate resiliency, are frequently either not addressed or well-integrated.

Two subsystems account for the majority of the public realm: transportation, and parks and recreation. This plan does not account for the whole of the transportation system in terms of mobility, but examines bicycle and pedestrian conditions, as well as characteristics of streets and the use of land that impact the safety, convenience and enjoyment of the system by people. This plan also examines the aesthetic and non-automobile functions of the transportation system, such as green infrastructure, boulevards, and interactions between transportation and land use. Other recognized subsystems include public buildings, undeveloped natural areas, and stormwater infrastructure. Public space also includes “quasi-public” space on private property readily accessible by the public, or experienced by the public through viewsheds.

Altoona is utilizing this opportunity to create a more expansive, visionary, and thoughtful approach to the design and governance of all public space with the objective to institute a culture of multifunctional, high performing public spaces. This design and management approach strives to unify the public realm by breaking down the siloed method of viewing each system, place, and use relatively exclusive of others. This approach places important new focus on marrying how planning, funding, design and space management opportunities can be better integrated. This framework is further intended as a transformational paradigm for relentlessly pursuing continuous improvement in community livability through the design and management of public space.

This strategy is summarized as *pursuing excellence in place*, bringing together disciplinary and specialized perspectives and best practices in parks, active transportation, and urban design, combined with principles of planning for health, placemaking, climate resiliency, place-based economic development, and others. This pursuit is recognized as a continual process, not a fixed condition to be achieved. For example, this approach treats the ubiquitous streetscape as fundamental and multi-purpose public space, rather than one predominately designed as a utilitarian corridor for automobiles. Parks and open spaces are planned and programmed as nodes in a comprehensive network, rather than as islands. Quality public spaces are recognized as integral to neighborhood identity, social cohesion and quality of life.

“For generations, parks were viewed simply as an amenity, a way to beautify a city. Whether they were planned for gardens, sports, or picnicking, parks were rarely seen as central to public safety and health. But that is beginning to change.

As cities around the world continue their growth, the role of parks is shifting. Parks are no longer seen as something nice to have, but rather as a vital system within the city’s overall network of infrastructure. These hard-working public spaces are probably the biggest untapped resource for cities in this century. Why? Livable, sustainable cities must balance density with open space for the health of their residents, their environments, and their economies.”

– Mitchell Silver, NYC Parks Commissioner & Former President, American Planning Association

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This integrated, unifying planning approach seeks to encompass the entire constellation of public spaces and the systems that comprise them, while also functioning as a **parks, recreation and open space plan** and as a **bicycle and pedestrian plan** in the traditional sense that a vision, goals, and functional recommendations are readily recognized, effective and implemented. This entails utilizing well-established methodologies as well as experimenting with emerging best practices and innovations in design, use, governance and management.

Excellence in people-focused place is the core building block of a healthy & prosperous city. Municipal policies and requirements should be intentionally aligned to enable and further the creation of positive experiences for all users. Buildings and spaces of all scales and uses should be approachable and engaging to pedestrians. The role of government in this framework is to facilitate high quality of life, beyond merely efficient provision of basic infrastructure and services. Public spaces are what bind our communities and its peoples together.

To avoid confusion with multiple other adopted planning documents, hereafter, this planning document will be referred and abbreviated as the *Altoona Place Plan*.

Altoona Context

The City of Altoona has experienced tremendous growth in the preceding ten years. The City began the decade with a population of 6,706 in the 2010 Census and has grown to an estimated 7,345 by 2016. This increase of 9.5% in six years marks the fifth highest rate of population growth by a city in the State of Wisconsin during that period. Altoona is expanding and reinvesting in its public spaces to accommodate this growth with multiple park, facility, and trail projects recently completed, and others planned.

Within the past three years, the City has expanded its public space footprint to include Centennial Park, a long-envisioned park and natural area encompassing nearly 34 acres along Otter Creek. This is one treasured place in a new vision of a greenbelt following the Otter Creek Corridor. In September 2017, Altoona unveiled River Prairie Park, a 17-acre high-amenity public space along the Eau Claire River and centerpiece of the River Prairie development, including performance areas, multi-use trails, pavilions, and more. The Prairie Event Center in River Prairie Park opened in August 2017 and serves as new home for the Parks & Recreation Department in addition to featuring premier space for public and private events.

As the City grows, new challenges are created by increased use and expectations of parks and open spaces, as well as cultural change yielding new and different activities and uses of public space. With new significant public spaces recently and soon to be completed, this Place Plan is a timely opportunity to comprehensively examine public space planning and management in Altoona.

Purpose of this Plan

The City of Altoona emphasizes a holistic approach to community wellbeing and quality of life by thoughtfully integrating quality, functional, and enjoyable public facilities throughout the City. In order to do this effectively, this Place Plan is intended to provide direction in the development of parks and open spaces, recreational facilities and programs, bicycle and pedestrian infrastructure, and all public space generally. Recommendations include direct identification of projects and policy impacting public space as well as private development.

Parks and open space planning, and bicycle and pedestrian planning, narrowly or traditionally defined, does not describe the purpose of this planning effort. Each are well-established methodologies responding to contemporary needs and opportunities. This approach is more accurately identified as how the public realm can be conceptualized, planned for, and managed in a holistic way to support community vitality. This plan must

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weave together the necessary elements to successfully function and be recognized as a “parks & recreation plan” and a “bicycle & pedestrian plan” while pursuing a unifying approach to public space.

Many publications describe the tremendous value that parks and open spaces provide in the lives of individuals, communities, and the environment. This recognition is increasingly expanding to other public spaces such as streetscapes and trails. To sample one such recent report, “The Benefits of Parks: Why America Needs More City Parks and Open Space” by the Trust for Public Land, makes the following observations about the health, economic, environmental and social benefits of parks and open space:

- Physical activity makes people healthier and increases with access to parks.
- Contact with the natural world improves physical and physiological health.
- Positive impacts on residential and commercial property values increase.
- Value is added to community through economic development and tourism.
- Trees and natural landscapes improve air quality, provide habitat for a diversity of wildlife, and assist with storm water and erosion control.
- Crime and juvenile delinquency are reduced.
- Public spaces are at the center of stable neighborhoods and strong communities.

“Great cities are known for their great parks [and public spaces], and one measure of any city’s greatness is its ability to provide recreation, natural beauty, and signature open spaces for its citizens (...) Successful parks pay dividends for cities – building civic pride, increasing tourism and economic investment, and contributing to health and quality of life.”

- Will Rodgers, President & CEO, The Trust for Public Land (Harnik, 2006)
[added]

This Place Plan provides a technical inventory and assessment of Altoona parks, recreational programs, natural areas, bicycle trails and routes, and pedestrian conditions. This Plan lays out comprehensive strategies for system-wide improvements and specifies a range of engineering, policy, and program strategies to achieve the City’s goals of improving quality of life for all people. Recommendations seek to align design, engineering, policies and programs regarding open space and active transportation with overall city development and governance. As Altoona continues to grow and change, this plan will provide a guide to ensure a cohesive and ambitious approach to developing and maintaining high quality, high performance public spaces.

The preparation of this plan has involved a comprehensive review of each of the City’s park and open space facilities, existing multi-use trails, and prioritized bicycle and pedestrian corridors. Based upon this review, specific needs, deficiencies, and opportunities have been identified. This analysis examined existing parks and City-owned properties, while envisioning where future parks and open space areas may be prioritized in the future.

Few improvements will be implemented without a plan. Good planning can reduce the cost of improvements by allowing, for example, nonmotorized improvements to be incorporated into scheduled road projects, or creation of public amenities from a new development or redevelopment. Funding from Federal or State programs, corporate or philanthropic sources is often only available if the proposed improvement appears in an adopted community plan. Development proposals and funding opportunities often arise that enable implementation of a project or program that had been envisioned years earlier. It is therefore important to, in cooperation with other local governments, develop plans to facilitate, anticipate, and be ready for opportunities that may arise.

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Throughout the planning process, community members repeatedly and strongly voiced their support for the tremendous value and benefits parks and open spaces provide in their lives and the community as a whole. This Place Plan will reinforce these values, and is intended to confer service to serve all users, citizen and visitor, including children, the elderly, persons with disabilities, and those seeking to utilize non-motorized travel for commuting and recreation.

The structure of this planning document is laid out to be as simple, cohesive, and unifying as possible. Sections of this document address parks and natural areas as managed spaces, bicycle and pedestrian elements, and as other system components. This arrangement may suggest that each area is separate, but this structure is utilized to illustrate content in a rational manner such as to enable maximum understanding, reference, and implementation. As such, there may be some overlap or duplication as various concepts apply in multiple contexts.

Role of this Plan

The Place Plan serves as a foundational philosophical framework and policy guide providing direction for the development and operation of all public spaces, including parks, recreation programs, open spaces, bicycle and pedestrian facilities, and streetscapes within Altoona and future development areas. Conditions for how private development impacts public space or furthers excellent in place objectives are likewise incorporated. This framework is intentionally designed as a catalytic instrument to nurture a community culture of excellence in public space and priority of enjoyable pedestrian and bicycle transportation.

This Plan serves as the (1) municipal **parks, recreation and open space plan** as well as (2) **bicycle and pedestrian plan**. Further, this plan provides a broader, deeper strategy guide to pursue overall excellence in place. Recognizing that uses and purposes of parks, open spaces, trails and streetscapes are diverse and overlap, these elements are examined cohesively, rather than independently, to guide public space policies and priorities in Altoona. This framework seeks to functionally and seamlessly integrate two commonly separate planning approaches into a single systems perspective.

The design and governance of public space is explicitly linked to and informed by many of the City of Altoona's key planning documents and regulatory instruments. The *Place Plan* integrates and incorporates these aspirations that strongly influence public space to provide a cohesive direction. As illustrated in the accompanying figure x, the policies in the *Place Plan* are informed by and contribute to the City of Altoona Comprehensive Plan, and subsequently guide the development and utilization of the variety of regulatory and implementation tools. The City adopts advisory plans, such as Safe Routes to School, which serve as informative documents to supplement specific areas of policy. A Summary of Existing Plans is included later in this chapter.

The role of the *Place Plan* is intended to be transformative, rather than tinkering at the margins or perpetuating more of the same. Open space planning and active transportation should be closely integrated with other public works and planning efforts to ensure measures work in concert toward achieving share objectives and the community's vision.

Although focusing predominately on public space and infrastructure, this Plan is a guide for the Council, Plan Commission and other advisors when they review development proposals or policies impacting the character or use of the built and natural environment. Further, this planning process serves in preparation of the appropriate elements of the next update to the City of Altoona Comprehensive Plan.

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The Place Plan illustrates goals and objectives for the public space system of the City and includes site-specific recommendations for each existing park and identified corridor. This plan is not intended to serve as a detailed facility plan for each site, but rather as a guide, and additional study is recommended prior to undertaking significant projects.

The Place Plan incorporates standards and best practices from respective professions, state and federal government agencies. Together with existing ordinances, these serve as the basis for technical recommendations.

The Place Plan serves as a philosophical and cultural guide to public places that is intended to be both timeline and revisited for refinement. Practically, a **five- to ten-year implementation period** is intended for most recommended policies and actions.

“Two public realm planning processes in particular that may benefit from closer collaboration include parks and recreation master plans and comprehensive transportation plans; together these two processes address the majority of public realm subsystems. For example [parks plans] typically address most of the sites within the public realm, including parks, community centers, trails, civic spaces, cultural and historical facilities, public art, environmental preserves, and greenways and blueways. [Transportation] typically address most of the linkages or connectors within the public realm including streets, sidewalks, bikeways, and transit.” [Parks and transportation] planning process collaboration “could lead to the planning and design of the public realm as a plexus.”

– David Barth

Parks, Recreation, and Open Space Plan

“Over 87% of Wisconsinites enjoy some form of outdoor recreation. This staggeringly high number reflects a state that is passionate about outdoor recreation and the traditions that go with it. Outdoor recreation happens over a variety of landscapes... providing high quality outdoor recreation experiences for a diverse population.”

- Wisconsin Statewide Comprehensive Outdoor Recreation Plan (SCORP), 2011-2016

Open space can take on many forms, shapes, and functions, as can the recreation programs and public uses of these spaces. Traditionally, plans focus on designated municipal parks and other recreational features, in terms of current use, deficiencies, and envisioned improvements. This Place Plan will also include other public spaces and uses, such as streetscapes, natural areas, and green infrastructure.

This plan is intended to serve as the core element to produce the prerequisite five-year plans for eligibility for funding from various grant programs offered by the Wisconsin Department of Natural Resources, Federal agencies, philanthropic and corporate funders. Altoona completed a five-year plan for parks and recreational programs in 2015 to cover 2015-2020, focusing primarily on inventorying existing facilities. This Place Plan goes beyond this exercise to examine public space as a whole system.

The public realm is our common property, the fundamental element around which everything grows. Therefore, in order to systematically improve and curate desirable, enjoyable, and functional public space throughout the City, streetscapes must receive equal attention in our common place making efforts. This goes equally for ensuring maximum enjoyment and functionality of our environments for bicycle and pedestrian activities. The quality, character and completeness of our streetscapes are not limited to sidewalks and turf boulevards, but also include trees, landscaping, intersections, signs, adjoining uses- they are linear places, rather than pipes for vehicles.

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Parks & Open Space Plan Priorities:

- A. Maintain and Improve Existing Parks (*top priority from City Council & Parks Board*)
- B. Address needs (in terms of maintenance and replacement of existing park elements; areas of City without proximity to parks or trails)
- C. Improve active use of existing parks, especially underutilized parks
- D. Identify an ambitious long-term vision for the public realm

Parks, recreation, and open spaces perform numerous functions and provide numerous public and private benefits. Briefly, they provide:

- Diverse array of active and passive recreational opportunities, from sports fields to walking trails.
- Direct health and safety benefits (such as flood control, protection for water supply and groundwater recharge areas, cleansing of air, separation from hazards).
- Protection for important critical areas and natural systems, such as wetlands, corridors, shorelines, steep slopes, and for protection for wildlife diversity and habitat.
- Economic development including enhanced real estate values, tourism, resident and business attraction.
- Natural features and spaces important to defining community image and distinctive character.
- Boundaries between incompatible uses and breaks from continuous development. They can shape land use patterns to promote more compact, efficient-to-service development.
- Places for facilities, such as playing fields, pavilions, cultural and historical sites, and community centers that contribute educational, social and cultural benefits.
- Opportunity to prevent youth crime through park and recreation programs that offer social support from adult leaders; leadership opportunities for youth; intensive and individualized attention to participants; a sense of group belonging; youth input into program decisions; and opportunities for community services.
- Healthy lifestyles enhancement by facilitating improvements in physical fitness through exercise, and also by facilitating positive emotional, intellectual, and social experiences.
- Spaces for celebration, entertainment, civic engagement, intentional and accidental meetings.
- Linear park or natural area corridors to define and protect natural features, and serve as high-quality routes for non-motorized transportation and active recreation.
- Historic preservation opportunities to remind people of what they once were, who they are, what they are, and where they are.

Bicycle and Pedestrian Plan

The City of Altoona is committed to being a leader in shifting away from dependence on cars and toward more holistic, safe, affordable, just and sustainable system of mobility. Bicycle and pedestrian mobility are the enduring modes that maximize these values.

This *Place Plan* creates a framework seeking to adapt best practices and innovations in bicycle and pedestrian planning with intent to elevate bicycle and pedestrian travel modes as the top priority and consideration in the area of transportation policies and projects. This plan moves beyond providing limited locations for bicycle facilities for transportation, or regarding these facilities as primarily recreational use. The intended outcome is to

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nurture a systems change at the city scale such that bicycle and pedestrian travel are the most efficient, safe, comfortable, interesting and convenient choice. Riding a bicycle and getting around on foot shall be a comfortable and integral part of daily life for people of all ages and abilities.

This portion of the Place Plan builds upon previous technical studies completed in 2005 and 2016 by SEH examining multi-use trails, and 2008 and 2017 Safe Routes to School study completed by West Central Wisconsin Regional Planning Commission.

Since the time period when most area roadways were constructed, the generally accepted engineering best practices to build and retrofit roadways, especially to improve bicycling and pedestrian conditions, has expanded to include treatments such as travel lane markings, buffered bike lanes, green bike lanes, wayfinding signage, bump-outs and enhanced intersections, left turn bike boxes, bicycle boulevards, among others. This toolbox continues to expand as communities' experiment with techniques and materials, evaluate and share their experiences. As such, during this planning process staff and citizens conducted an assessment of the 2005 route network identified by SEH within the context of the existing and future transportation system. In order to improve safety and circulation for all people and to improve mode choice, these best practices should be thoughtfully deployed throughout the City with context-sensitive solutions to achieve both individual and community level objectives of improved safety, circulation and connectivity, and quality of life.

Over half of the City of Altoona, predominately those areas platted before 1970, features the traditional rectilinear street grid with small block sizes and high intersection density. This structure generally facilitates bicycle and pedestrian circulation due to modest lot sizes, density of intersections, existing sidewalk, and predictable wayfinding. Other portions of the City are laid out in a more auto-dependent method, feature rural roadways subsequently incorporated into the City, or long curving streets and cul-de-sacs necessary to navigate topography. While additional growth and development is anticipated, gains in improving place quality, including walking and bicycling accommodations, must occur by retrofitting existing developed areas that exist in a variety of forms.

Excellent planning and design resources are now available from governmental and specialized associations for use to help plan, evaluate, design and maintain nonmotorized facilities. There is no need to reinvent the wheel, and no excuse for employing inadequate or outdated methods.

Bicycles are identified as vehicles and equal users of the roadway, per Wisconsin State Statutes § 346.04(4)(a). Bicycles are particularly vulnerable due to exposure of the rider as compared to significantly larger and faster automobiles. Thus, infrastructure should meet this legal recognition and in recognition of ensuring safety.

The subsequent chapters and appendices of this plan include information utilized or referred to develop this document and its recommendations. Included is a listing of general assumptions and trends relating to current and future park demands and needs (Chapter 4) and a detailed facilities inventory of each park and open space site within the City (Chapter 5). The previous Parks & Rec Plan (2015-2020) includes those park, open space, bicycle and pedestrian facility projects identified in the previous five-year plan is enclosed as Appendix C. and updated to reflect current implementation status.

Why Plan for Walking and Cycling

"If you plan cities for cars and traffic, you get cars and traffic. If you plan for people and places, you get people and places"

– Fred Kent, Project for Public Spaces

"Streets and their sidewalks- the main public places of a city- are its most vital organs. Think of a city and what comes to mind? Its streets. If a city's streets look interesting, the city looks interesting; if they look dull, the city looks dull."

– Jane Jacobs

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The ultimate goal of transportation is to provide access to goods, services and activities. In general, the more transportation options available, the better the access, and nonmotorized modes are increasingly important and desired choices for locomotion and recreation. This is broadly defined and referred to as “mobility”. Safe and convenient nonmotorized travel provides many benefits, including reduced traffic congestion, user savings, road and parking facility savings, economic development and a better environment.

Walking, cycling and skating are also enjoyable and healthy activities. They are among the most popular forms of recreation as reported by the 2016 Altoona Parks & Recreation Survey as well as the Wisconsin State Comprehensive Outdoor Recreation Plan (2011-2016). Public health officials increasingly recognize the importance of frequent aerobic exercise, and the critical role of urban design and public places play in public health outcomes.

A built environment that is hostile to non-motorized transport reduces everybody’s travel choices, and does not create streetscape that are inclusive or comfortable for positive activities. The result is the creation of single-use roadways and systemic “automobile dependency”, increased traffic congestion, higher road and parking facility costs, increased consumer costs, and greater environmental degradation.

As a broader philosophy of positioning Altoona with engaging public spaces, this plan recommends specific projects and adopting best practice policies to balance pedestrian and cyclist transportation with the automobile. Chapter 6: Bicycle and Pedestrian Mobility expounds upon the City’s strategic direction and commitment to expanding safe, convenient and enjoyable bicycle and pedestrian mobility in all contexts.

Public Health

The relationship between public health and community design has regained paramount interest of researchers, practitioners, and policy makers. Parks have a long history backed by scientific evidence of having positive impacts on mental and physical health. Every major health organization recognizes the connection between the characteristics of the built environment and population health (environmental determinates of health), principally how the environment greatly impacts daily habits and routines, from active living to diet, that are closely aligned with chronic disease. Evidence includes how the character of the built environment impacts quality social interaction, physical activity, mental health, and exposure to nature.

Decades of medical research attest to the preventive and curative effects of increased fitness, particularly outdoor exercise and walking-oriented lifestyles, on people of all ages. Thus, the design and management of public spaces, including parks and streetscapes, play a central role in facilitating healthier lifestyles. In addition to facilitating active lifestyles, inviting public places enable social interaction and relationships that are critical in maintaining community cohesion, pride, and social capital, which are also strongly associated with overall health and wellness. Public spaces function in a convening role in that they may increase social capital by providing a safe and desirable place for intentional as well as accidental meetings where people can develop social ties. These places also provide a setting where healthy behavior, physical and social, are modeled.

“The built environment is a term for the human-made landscape that we all live and work in. It includes parks, sidewalks, and a lot more – from buildings to boulevards, canopy trees to parking lots. A healthy community is one that enables people to make healthy choices as part of their day-to-day tasks.”

- Dee Merriam, Centers for Disease Control and Prevention

Fortunately, many of the best practices advocated by public health experts for designing places and communities for public health overlap significantly with those recognized by the planning profession for creating high performing spaces that advance social, environmental and financial sustainability. The evidence for improving

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public health outcomes through consciously incorporating best practices into place and community design is compelling.

Social Equity and Cohesion

Great public spaces are where celebrations are held, social and economic exchanges take place, friends and neighbors run into each other, and cultures mix. When the spaces work well, they serve as a stage for our personal and common public lives. They are the “front porches” of our neighborhoods and public institutions, where we interact with each other and with government.

The *process* of placemaking and place governance, when implemented well, brings people together to create a sense of shared ownership in the community and its public spaces. By meaningfully engaging and incorporating diverse and representative members of the community, these places become “bridge building places” more active and useful for the people who help to create them as well as be more welcoming to people of all ages, abilities, and backgrounds. This facilitates and encourages exposure, familiarity, and connection between people of all ages and backgrounds who may otherwise not know one another. When neighbors come together to improve their shared spaces, they come to know one another and empower inclusion, equity, and cohesion. Involvement of all residents is vital for creating great places and communities.

Shared places work toward creating a community narrative and inclusive identity. When public spaces become a part of daily life, they are forever linked with personal and collective milestones, for example: meeting new friends, experiencing cultural events, and celebrating accomplishment. By facilitating emotional links to places, sharing these links helps to strengthen common purpose and vision, dedication to community enterprise, and participation in civil democratic process. These places are incredibly meaningful in the social function and vibrancy of the community as well as in individual lives.

“Everyone has the right to live in a great place. More importantly, everyone has the right to contribute to making the place where they live great.”

- Fred Kent, Project for Public Spaces

Elements that encourage and nurture social interaction include:

- Plentiful seating, ideally of a variety of types, including moveable
- Opportunities to linger in the shade or sun
- Sight lines to improve sense of safety and enable watching of people coming and going
- Arranged in corridors connecting places and destinations, interesting and enjoyable for walking and strolling for pleasure and mobility
- Nodes for people to linger alone or in groups, intimate for conversation but open for watching
- Pedestrian-scale lighting and signage
- Integrated landscaping

By prioritizing bicycle and pedestrian considerations, spaces are not only by nature more accessible and welcoming to people, but also democratize access and increase chance meetings that, over time, build recognition, attachment, and cohesion.

Economic Benefits

The quality of public places is strongly associated with direct and indirect economic benefits for households, businesses, and communities broadly. This dynamic has been measured empirically for decades through study of the proximity and access to amenities such as lakefront property, viewsheds, trails, tree-lined streets and notable park spaces, as observed through impacts of property values, rents, and new investment. Research in recent years

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have connected economic benefit to many other aspects of public space, such as neighborhood walkability, bicycle access, and quality and proximity to both public and private “third places” that invite people to gather.

One of the great shifts in economic development thinking and practice in recent years is that quality of life and quality of place now occupy a central position in attracting and retaining talent. Places are recognized as venues to nurture the mixing of ideas and entrepreneurial spirit. Economic development practice is shifting from attracting firms to create local employment to creating communities where people desire to locate.

To realize this place strategy begins with an asset-based approach to identify, accentuate, and build upon distinctive cultural or natural features. Second, to employ best practices and research in complementary mix of uses, activities and features to create an engaging district at the granular and neighborhood scale. Fortunately, many of these tenants further other desirable objectives and functions of high performance places.

“Creative placemaking, done well, can deliver high value to its stakeholders, including community, developers, and public and private partners.”

- Urban Land Institute

“No longer is it sufficient to build places that are merely functional and safe. Our placemaking aspirations must be as high and as grand as our economic goals because they are bound together.”

– Peter Kageyama

Similar to public health, evidence is accumulating at the personal and community scale for the economic benefits of bicycle and pedestrian oriented transportation and development. Beginning with infrastructure, bicycle and pedestrian facilities are far less infrastructure intensive to build and maintain and require less space. A greater portion of the infrastructure cost is labor rather than material, keeping a greater portion of the expenditures circulating in the local economy.

In addition to nurturing improvements for today’s citizens, in order to compete for future investment Altoona has to make investments in health and quality of life that allow us to continue to be regarded as a place of choice. These investments are win-win opportunities.

Summary of Existing Plans

The City of Altoona has a variety of existing plans and ordinances in place which guide the development and management of public spaces and facilities. This section of the Plan briefly summarizes these existing documents. A more comprehensive summary is provided in Appendix A: Summary of Current Plans. These include:

- Comprehensive Plan (2009)
- Parks & Open Space Plan (2015)
- Bicycle and Pedestrian Feasibility Study (2005)
- Safe Routes to School Plan (2008)
- Safe Routes to School Plan (2017)
- City Ordinances, including but not limited to:
 - Trees (Ch. 8.04)
 - Streets and Sidewalks (Ch. 12)
 - Subdivisions and Land Divisions (Ch. 18)
 - Zoning (Ch. 19)

Additional plans and ordinances guide private development in ways that significantly impact the public realm are addressed elsewhere in this Plan.

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Comprehensive Plan (2009)

Completed between 2006 and 2009, the City of Altoona Comprehensive Plan is, by State Statute, the principal policy document directing land and development activities in the City. This Place Plan advances the policy statements and priorities included in the Comprehensive Plan by creating a specific vision for public spaces with greater focus and specificity in recommended policies and projects. Parks, open spaces, bicycle and pedestrian facilities and other public works touch on a diversity of general planning themes, from land use to transportation.

To summarize, these policy requirements and guides in the Comprehensive Plan include:

- Preserve sensitive natural resources within the area, with a particular emphasis on protection and enhancement of Lake Altoona.
- Provide a safe, efficient, multi-modal and well-maintained transportation network, including incorporation of pedestrian and bicycle planning, complete sidewalk network, use of grid-like street patterns, use of transportation calming devices and alternative designs.
- Encourages the (re)development of neighborhoods that are oriented towards pedestrians and well-served by sidewalks, bicycle routes, and other non-motorized transportation facilities.
- Reinforce traditional neighborhood design principles, including mixed-use, compact, efficient and appealing use of land, including design guidelines.
- Utilize municipal official mapping powers to coordinate long-term facility planning in the extraterritorial area.
- Ensure that public facilities are well maintained and meet the needs of the public.
- Encourages the connectivity of local park and recreational facilities with regional facilities, via bicycle trails or marked routes on existing roads.
- Avoid detrimental impact of development on natural resources, environmental corridors, habitat areas, historic and cultural resources, including fragmentation of natural areas.

Parks, Recreation and Open Space Plan (2015)

This plan was prepared for incorporation into the 2015-2020 Eau Claire County Parks & Open Space Plan, and is required for eligibility for many State grant funding mechanisms. This document summarizes the existing park facilities in Altoona, and includes a prioritized action plan. Many of the highest and secondary priority projects will be complete by the end of 2017.

Bicycle and Pedestrian Feasibility Study (2005)

The City of Altoona contracted with the SEH to complete a feasibility study for a network of bicycle and pedestrian trails. The plan includes 23 trail segments totaling 11.3 miles. This study has served as the de facto bicycle and pedestrian plan for the City, with several segments since completed. Many of the remaining segments are incorporated in this Plan.

Safe Routes to School Plan (2008)

Conducted by the West Central Wisconsin Regional Planning Commission, this study examined student travel patterns around the Altoona School District campus and identified opportunities to improve the safety and convenience of students to walk and bike. This plan resulted in improvements along Bartlett Avenue adjacent to

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the schools, including improved crosswalks, bump-outs, and signage. The plan also recommended discontinuing curb-side bus drop-off, which was accomplished with the 2016/17 construction of the Administration building.

Safe Routes to School Plan (2017)

Conducted by the West Central Wisconsin Regional Planning Commission, this study examined progress since the 2008 plan and updated for contemporary conditions including the addition of the Altoona Elementary School at its new peripheral location. Similar to municipal bicycle and pedestrian plans, Safe Routes to School utilizes the six E's: Engineering, Education, Encouragement, Enforcement, Equity and Evaluation, applied to the school as the principal destinations by identifying key corridors and constraints for engineering and evaluation, and directing education and encouragement toward students and their parents. The City of Altoona is an active partner in contributing to this planning process with the Altoona School District, and will be proactive in implementing the recommendations.

Summary of Planning Process

City of Altoona Planning Department played the lead role in managing the development of this *Place Plan*, with indispensable collaboration with Public Works and Parks & Recreation Department. Recommendations are strongly dictated by significant input from City Council, Parks & Recreation Committee, Advisory Committee, and citizen participation. Invaluable insight and assistance was provided by several community partners and interest groups, including West Central Wisconsin Regional Planning Commission, Eau Claire County, Bicycle Federation of Wisconsin, and Chippewa Off Road Bike Association.

City staff spent hundreds of hours studying existing conditions, touring and observing use of existing facilities, facilitating cross-departmental discussions regarding infrastructure, management, needs and priorities, and engaging with the public. Contemporary best practices, third-party standards, case studies, expert interviews, and example places and plans were thoroughly studied and considered with respect to Altoona's context.

Public Engagement

Public input serves as the central component informing desired uses and priorities for open spaces in Altoona. Extensive input was received from the public in the form of an online survey, park meet-ups, focus groups, interviews, open houses, and committee meetings.

In addition to gaining support for open space programs, citizen participation is crucial if the open space facilities and programs are to match community needs. The best source of information about Altoona open space needs are the citizens, employees and visitors who will use and benefit from this system. Combined with technical analysis, best practices and standards, citizen input directly informs the recommendation in this plan.

A detailed accounting of the public participation process and results are illustrated in Chapter 4: Needs Assessment.

Implementation

The final chapter of this plan is a recommended implementation strategy that summarizes tools, timelines, and considerations for completing projects and changes in policy. Recommendations include direct and functional projects, while others, especially those highly aspirational, visionary, or long-term and nature, will require significant additional study, preparation, and time to design and implement. This vision will be achieved through

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a series of strategic short, medium, and long-term actions that will guide the City toward achieving the type of community it wants to be.

As the population grows, and contemporary trends and best practices in the design and management of public space, including recreation and transportation, continue to change and evolve, the City must regularly evaluate the adequacy of existing facilities and policies to meet the needs and wants of residents and develop an achievable plan.

A key implementation strategy of this plan, as summarized in this chapter and highlighted through the document, is to **continually improve Altoona's capacity to design and manage high-performing public spaces** that meet contemporary community needs and desires. In order to successfully implement, and continue to improve, the place design and management concepts in this plan, staff conducted a literature review regarding which specific factors are most likely to influence the adoption of these principles. According to Barth (2015), *Diffusion of Innovation Theory* as applied to public space design and management provides the basis for understanding how to approach this challenge. The Implementation chapter summarizes current knowledge on this theory as applied to space planning.

Availability of public funds over the next five to ten years will be a determining factor as to which projects can be undertaken and when. This is largely due to four important factors:

- (1) The opening of River Prairie Park and the River Prairie Center in 2017, which will result in a rebalancing period of staff and budgets;
- (2) The large tax increment district that encompasses River Prairie and adjacent developments that occupies a large and dedicated portion of the City budget until that district successfully closes;
- (3) Maintenance and replacement schedule of other public works, principally streets and sewer system;
- (4) State revenue limits.

Regional Context

The City of Altoona exists in a regional social ecosystem of facilities and programs within the Chippewa Valley, and recognizes that people enjoy parks and programs throughout the area. Further, Altoona is contiguous with the City of Eau Claire and hosts Altoona Lake County Park within City limits.

Generally, Altoona and Eau Claire have well developed trail connections along River Prairie Drive and Spooner Avenue. Enhanced sidewalk connects the Cities along Highway 12, although improvements are recommended. Connections along the southern half of the mutual boundary is presently impeded by Otter Creek.

The City of Eau Claire has completed several planning activities in recent years that inform the City of Altoona context, including:

- 2018 – Bicycle and Pedestrian Plan Update (in progress)
- 2015 – Comprehensive Plan: Parks, Greenways and Trails System Plan
- 2013 – 2013-2017 Park & Open Space Plan
- 2011 – Department of Parks, Recreation & Forestry Strategic Plan
- 2010 – Bicycle and Pedestrian Plan

Eau Claire County

- Eau Claire County 2016-2020 Outdoor Recreation Plan.
- Eau Claire County owns and manages Lake Altoona County Park, a 13-acre property which is within the City of Altoona boundary and just east of the City's Lake Altoona Park. The County completed a new master plan for the facility in 2017 envisioning future use and expansion of existing amenities.

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- City of Altoona Parks & Recreation Department completed a five-year plan and facilities inventory in 2015 which is included in the Eau Claire County plan.
- Four County Highways, A, KB, SS and AA travel through or are adjacent to Altoona¹, requiring an additional level of cooperation, standards, and governance.

Bicycle and Pedestrian Plan for the Metropolitan Planning Area, 2017 – 2027

West Central Wisconsin Regional Planning Commission (WCWRPC) led a year-long process to produce a new Metropolitan Bicycle and Pedestrian Plan for the urbanized portion of the Chippewa Valley, as defined by the Metropolitan Planning Organization boundary. This area includes Altoona, Chippewa Halls, Eau Claire, Lake Hallie, and developed areas of adjacent townships. Altoona City staff actively engaged and contributed throughout the planning process utilizing this opportunity to advance common goals, priorities and standards, as well as examine regional corridors. This planning effort provided an excellent opportunity for multi-jurisdiction and multi-scale synergies.

In September 2016, WCWRPC announced it received notice of a Transportation Alternatives Program (TAP) grant award to lead a collaborative process to prepare a broader bicycle and pedestrian plan for the entire area bounded by Eau Claire, Chippewa, and Dunn Counties to be completed in 2018.

Planning Timeline

Scope of Work Design	February – March, 2016
Online & Paper Survey	April – October, 2016
Needs Assessment	May – July, 2016; May – August, 2017
Park Meet-ups & Open Houses	August – September, 2016
Recommendations and Action Plans	August 2016 – April, 2017
Plan Preparation	October 2016 – September, 2018
Public Review & Revision	September – October, 2018
Plan Adoption	<i>November 2018*</i>

¹ County Highway A: Spooner Road and 3rd Street East; County Highway KB: Bartlett Avenue from 3rd Street East to 9 Mile Creek Road, and Beach Road. County Highway SS (9 Mile Creek Road) lies just to the East of present City boundary). County Highway AA (Meyer Road and Prill Road) form current southeast boundary.

CHAPTER 5 – OPEN SPACE INVENTORY

This Chapter illustrates the existing public open space inventory organized by space classification, features, and function. Some parks are more than one classification or function due to the variety of facilities, size and location of the space. This inventory highlights parks, but not include facilities directly associated with streetscapes, such as sidewalks, boulevards, or bicycle facilities.

This Chapter also includes a brief profile of each major park and natural area, identifying short-, medium- and long-term recommended projects and programming for each space.

Existing Parks & Open Spaces

River Prairie Park	21.7 acres
Altoona City Park	6.0 acres
Cinder City Park	25.7 acres
Highland Park	1.7 acres
Devney Park	3.9 acres
Lake Front Park	3.9 acres
Centennial Park	13.4 acres
Fairway Park	55.4 acres
Tower Park	12.7 acres
Jellybean Hill	7.4 acres
River Prairie Conservancy	24.7 acres
Total	176.5 acres

Total City Area

3,027 acres
4.73 mi²

Future SE Neighborhood
255 acres
0.4 mi²

Future Parks & Open Spaces

Clubview Park	3.9 acres
Windsor Park	14.2 acres
Woodington Park	1.0 acres
Library Park	0.8 acres
Otter Creek Greenway	

Altoona School District

Central Campus	8.3 acres
Elementary Campus	2.7 acres

Eau Claire County

Lake Altoona County Park	13 acres
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River Prairie Park

Classification(s): Community Park 21.7 acres

River Prairie Park is a high amenity destination for Altoona residents and visitors from throughout the region. Located in the River Prairie planned development, phase one of the park, including the utility infrastructure, canoe and kayak launch, large pavilion (1700 sf²), regional stormwater features, and paved multi-use trail along the Eau Claire River, were completed in 2016. The remaining planned portions of the park were completed in by spring 2018. The Park is adjacent to the **River Prairie Center**, connected by regional multi-use trails, and boarded by the River Prairie Conservancy areas along the Eau Claire.

Designed by Ayres Associates under creative direction from City staff, River Prairie Park is both an anchor of the mixed-use development with high-use urban characteristics, as well as natural wooded areas along the hillside and Eau Claire River. This space design is intentionally intended to embody the *excellence in place* integrative design and management approach. The park landscaping utilizes native prairie planting areas intended to be aesthetically attractive, low maintenance, and resist colonization by weeds and invasive species. A hallmark of the park design is that many of the existing mature oak trees remain and are incorporated into each space. Fruit trees and other native species will be added. Utility amenities include electrical access in all gathering spaces, high-speed wireless internet access, and strategically located security cameras.

The primary stormwater pond for the development is utilized as a feature with a walking trail around the perimeter, proximity to large pavilion space, and attractive landscaping. There will be a large aeration fountain to ensure the pond does not become stagnant, and make-up water system in place so that the pond does not dry out. The pond will also feature a dock for people to linger or observe birds and other organisms on or in the water. In the winter, a portion of the pond may be prepared for ice skating.

Parking is available in five public lots, street spaces, and nearby business lots. The upper or central park area is straddled by two public parking lots totaling 157 spaces. The large lot north of Front Porch Place contains approximately 222 spaces. The lot near the Large Pavilion contains approximately 40 spaces and the lot under Highway 53 at the canoe/kayak launch can serve approximately 30 vehicles.

Features and amenities:

- Large performance amphitheater and stage, with design capacity for 5,000 attendees at large events, and suitable comfort for smaller events and passive use.
- Four Seasons event area and performance stage, with rail art backdrop, mature oak trees, and timber seating.
- Three outdoor wedding/event sites, in addition to the two stages.
- River feature, including constructed fen headwaters, wading and play area, and falls features as the feature grades down toward the Eau Claire River and the recirculating vault.

River Prairie Park	21.7 acres
Central Area	4.4
Total Green Space	3.2
Parking	1.2
River Area	15.8
Total Green Space	13.5
Large Performance Area	1.2
Pond Area	1.5
Large Pavilion Area	0.4
Plaza (North Side)	0.5
Lower Falls Area	0.5
Community Garden	0.1
Trail, Walkways & Woodland	9.3
Large Parking Area	1.8
Pavilion Parking Area	0.5
Canoe & Kayak Launch*	1.5
* Launch area is in DOT right-of-way. Area measurements are approximated and rounded	

- The Plaza is an approximately 30,000 ft² event space located on opposing sides of Front Porch Place and adjacent to the Prairie Event Center, large performance area, and primary wedding/event site. This hardscaped area includes “rail tree” art features, trees, festoon lighting, movable outdoor furniture, and power access for food trucks and events.
- Riverside pavilion located between the pond and Eau Claire River, with approximately 1,500 ft² under roof.
- Two small stone and steel pavilions, one 320 ft² and the other 256 ft².
- 700 ft² splash pad.
- Natural playground area with wood structures.
- 1,200 ft² community garden.
- Grass playing field.
- Two outdoor natural gas fire features and seating area.
- Nexus public art feature.
- Four platforms for public art in the fen area.
- Bicycle maintenance station

Issues and Opportunities

Maintenance – River Prairie Park and surrounding boulevards are intentionally designed to feature native plants. This is a departure from other existing public areas in Altoona, creating a learning curve for staff and increased maintenance attention.

Disruption – River Prairie was designed and is intended as an active, mixed-use district. Several development sites adjacent to the park are not yet under contract for development, and it may be a few years before all major construction activity is complete. These disruptions are anticipated to create management challenges to ensure park functions and programs continue with minimal impact.

Event Space – River Prairie Park was designed very intentionally to integrate several programmed event spaces. This is a new operational perspective for the City of Altoona, and will create new operational, maintenance, policy and facilities conditions that will require City Staff to adapt to. This is a significant opportunity to engage the community in collective events, including music and other performances, festivals, markets, and more.

Trail Hub – River Prairie Park is the center of nearly four miles of dedicated multi-use trails, many of which are along the Eau Claire River, and create connections in nearly every direction. This network creates opportunity for active walking, running, cycling and other activities to pass around and converge upon the Park to create exciting daily and event-based uses.

Parking – With the Park designed for events and within a growing mixed-use district, parking is expected to be a constant balancing act. While each site and the district as a whole was designed carefully to not ‘over park’ through surplus of automobile infrastructure, active uses of the Park, businesses and events will stress this balance. For large events it is expected that nearby automobile parking will be at capacity, and that the City or event organizers may coordinate shuttles from off-site locations.

Short-Term (1-3 years)

- Complete the design and implementation of the public restroom facility.
- Complete the multi-use trail links throughout the area.
- Evaluate ongoing maintenance requirements.
- Identify opportunities to add additional bicycle parking.

- Identify opportunities to add public art and other recreational, cultural, and aesthetic features.
- Since this is a new park, evaluate performance of the space and missed opportunities as use begins and evolves.
- Establish relationships with area event planners to attract and coordinate opportunities in River Prairie Park.

Medium Term (3-5 years)

- Stay on top of maintenance and facility conditions at and beyond the normal replacement and refurbishment cycle.

Long Term (5+ years)

- Ensure all facilities are in excellent condition prior to anticipated closure of the Tax Increment District in 2023.

River Prairie Center

Classification(s) Special Use Area

The River Prairie Center was completed in July 2017. Designed by River Valley Architects in the Prairie School design approach, the Event Center holds a strategic and highly visible location in River Prairie Park. The 9,100 sf² public building serves as the main offices for the Parks & Recreation Department and contains restrooms for the facility as well as exterior access for the park. The Center is envisioned to be a premier event space for small and medium gatherings, including weddings, family gatherings, corporate and private events, Altoona Parks & Recreation and Library programs. The event space can accommodate 250 people in a round-table format or 400 for a meeting or lecture, and the space can be subdivided to host smaller groups. The Center is also intended to serve as the base of operations for larger events that take place in River Prairie Park, such as festivals, concerts, outdoor markets, and more. The Center also includes a catering kitchen and small meeting room.

Additional features include a bar that serves the indoor event space as well as outdoor plaza. The bar utilizes local wood harvested from a farm near Augusta and crafted by a local artisan. This same artisan utilized a selected piece that serves as the fireplace mantle. The Event Center includes restrooms that are accessible from the exterior to serve River Prairie Park, and a 1,200 sf² outdoor plaza with grill and access to the bar, which can be access-controlled for certain events.

Parking is providing by an adjacent 85-space public lot to the south of the building, which includes a drop-off area, as well as area street parking.

Issues and Opportunities

Management – Operation of the River Prairie Center poses a challenge in a small city that does not have in-house capacity and scale for specialized staff for event planning and staffing. The City has partnered with a private vendor to manage events at the building and park spaces, a relationship that will require continual monitoring and evaluation. This relationship will need to be beneficial for the City, its partners, and area businesses for long term success and sustainability, as well as citizen enjoyment.

Operating Resources – The cost to construct the River Prairie Center was approximately \$2.1 million. While the Event Center is not intended to generate net positive revenue to the City for other uses, the operational model is one where most events will be at “market rate”, including weddings and other events, in order to provide dedicated resources to maintain the facility and adjacent park areas.

Balance – Designed to operate as a higher amenity and revenue-generating event venue, rather than a community center with relatively free access, there is a balancing act to be struck between scheduling revenue-producing events, Parks & Recreation programs, and community groups and family functions. This is an active management challenge that will be dynamically monitored and adjusted as needed.

Short-Term (1-3 years)

- Develop unique features of the River Prairie Center for which sufficient time was not available during initial design, such as rotating local art pieces and daily, non-event uses.

Medium Term (3-5 years)

Long Term (5+ years)

- Ensure a sustainable operations and maintenance schedule, and associated revenue, to keep the Event Center and its furnishings in excellent condition.

Altoona City Park (10th Street Park)

Classification(s) Area Park 6.0 acres

Also known as 10th Street Park, Altoona City Park is an active area park which accommodates a variety of activities that serve the adjacent neighborhoods as well as recreation sports (baseball and tennis), school sports, and group gatherings. Facilities include a youth grass infield baseball field, two separate playgrounds for youth and toddlers, basketball half-court, six tennis courts (two of which are lighted), restrooms, pavilion, recreation building, gazebo, batting cages, picnic tables, grills and benches. The recreation building is open during the summer to allow children in grades K-8 to come and play in a supervised environment and provides a small meeting room for local groups at night.

Altoona City Park	6.0 acres
General Parkland	3.4
Playground Areas	0.4
Pavilion	0.1
Tennis Courts	1.0
Tennis Courts	1.1
Community Center	0.25
Parkland Fringe	0.25
Area measurements are approximated and rounded	

Altoona City Park is bounded by 10th Street to the west, 9th Street to the east, Hayden Avenue on the North and Bartlett Avenue to the South. Approximately 40 pull-in parking is available along Bartlett Avenue and parallel parking area along 9th Street. During events and other gatherings, street parking is utilized around the perimeter of the park. During peak use periods, this causes moderate congestion along 10th Street and Bartlett Avenue.

Altoona City Park hosts Christmas holiday decorations and light display produced by the Altoona Lions Club, as well as a handful of moderate sized events through the summer.

The Altoona Historical Society donated the park gazebo in 2014 at the intersection of Garfield and 10th Street. The first Little Free Library on city property was donated and curated by the family of Arlene Flohr, a teacher at Altoona School District, which is very actively visited. The City added a drinking fountain, as well as lawn irrigation around the gazebo in 2014.

Altoona City Park first appears as a dedicated park in municipal maps and records in the 1940s as two properties straddling Garfield Avenue. Although the bisection section of Garfield is long since abandoned for park space, the gazebo is the only park feature to occupy that corridor.

In Spring 2017, the City approved the installation of a Born Learning Trail which was installed in September 2017 by the United Way of the Greater Chippewa Valley along the park walkway near the playground.

Issues and Opportunities

Next Steps – Altoona City Park has several facilities in place that are well used, and/or may improve use through additional enhancements. Many of the recommended projects entail improving or extending the usability of existing amenities, such as the recreation building, ball field, and lawn. Building on the *Power of Ten* principle, strategically adding and refining opportunities for passive and active activities may improve overall use of existing amenities and spaces.

Enliven Use – Altoona City Park is a “mature” space with significant space dedicated to active specialized uses, such as the baseball field, tennis courts and community building, as well as passive areas that include the pavilion, playground, and basketball court. The challenge is to determine context sensitive improvements in amenities and/or programming would yield improved or expanded use and enjoyment of a park that is perhaps the most actively used public outdoor space in Altoona at this time. Ideas include bringing in snow during the winter for a play feature, and adding engaging features such as the Born Learning Trail to encourage creative play.

Winter Play – As Altoona’s traditional park, it is an active space from summer through fall. However, other than the holiday lights, this park is little used. There is no topography in this park for sledding, but bringing in relatively clean snow from area streets, and perhaps the church across the street, would provide a play feature for children.

Short-Term (1-3 years)

- Resurface Tennis Courts (2020)
- Treat existing mature Green Ash trees against emerald ash borer
- Repair electrical service at the pavilion.
- Deploy a soccer goal on the lawn immediately north of the tennis courts for community use.
- Add a drinking fountain on the exterior of the recreation building.
- Increase programming use of the recreation building.
- Explore opportunities to host activation events in the park, such as live music.
- Extend public WiFi and security cameras to Altoona City Park by extending a fiber spur from the regional backbone line in under Spooner Avenue.
- Consider adding a small vegetable garden curated by a Master Gardener or other volunteer group.
- Consider a “painted intersection” public art opportunity at Garfield and 9th Street.
- Paint/Repaint crosswalks at each corner, including mid-block crossing at Garfield and 10th Street.
- Bartlett Avenue Reconstruction (2019) – Bartlett Avenue from 10th Street to 7th Street will be reconstructed in 2019. This provides an opportunity to improve parking along Bartlett Avenue, as well as curb extensions and enhanced sidewalks for safety and connectivity.

Medium Term (3-5 years)

- The existing playground equipment was installed in 2002 and will require replacement in the medium-term. The toddler equipment is comprised primarily of plastic and is in the sun throughout the year, gradually deteriorating the material. During replacement, relocate toddler equipment to closer proximity

to 4-12 year-old equipment for ease of supervision by parents. Swings will need to be replaced at this time as well.

- Identify locations for public art opportunities.
- Replace existing restroom and concessions building at the ballfield.
- Expand and resurface basketball court into full-court size.

Long Term (5+ years)

- Replace hardscape around ballfield area at the corner of Bartlett and 10th Street
- Add curb extensions, bump-outs, and/or raised crosswalks at each intersection and street crossing.

Other Considerations

- Add pedestrian lighting along walking path. Cost estimates range from \$6,000 - \$7,500 depending upon number and style of fixtures.
- Install field lights to the ball field. Cost estimates are approximately \$60,000 for four poles.
- Develop mini-grandstand seating with integrated restrooms and concessions at the ballfield.

Cinder City Park

Classification(s) Community Park 25.7 acres 2300 Spooner Avenue

Cinder City Park is an active community park that utilized primarily by organized recreational sports. The park features three lighted softball fields, one lighted baseball field, the Hobbs-Altoona Sports Center, and significant parking area. Other amenities include restrooms, bleachers, concession stand with walk in cooler, pavilions, scoreboards, parking, and a small playground.

Cinder City Park includes the **Hobbs-Altoona Sports Center**, which was constructed by the City of Altoona and is leased to the Altoona Youth Hockey Association. The Hobbs is approximately 32,000 square feet and is a special-use space which has limited availability to general public. It is utilized occasionally by select events, including Cinder City Days festival.

The Parks Department maintenance garage is located in Cinder City Park, which serves as the home base of the park and trail system maintenance staff and equipment. The Parks & Recreation Department offices were housed in a small meeting facility adjacent to the Hobbs until the River Prairie Center was completed

in July 2017. This building is now used for recreation program space and restrooms for the park. Other built facilities include the 120' x 20' concessions stand and recreational program storage building.

Cinder City Park	25.7 acres
Softball & Baseball Fields	10.0
Pavilion Picnic Area	0.7
Playground Area	0.2
"Front Yard"	0.5
Parking	1.8
Hobbes-Altoona Sports Center	1.2
Parks System Maintenance	1.3
Carnival Area	6.5
Undeveloped / Pine Plantation	3.5

Cinder City Park was acquired in 1973 from the Chicago and North Western Transportation Company. The Park is boarded on west side by the 10th Street, to the north by the Union Pacific Railroad, which is depressed below the ground level of the park, to the east by the Eau Claire County Highway Department, and to the south by Spooner Avenue. The parking lot accommodates approximately 178 spaces, covering about 1.7 acres.

The City installed a new Cinder City Park sign in 2016, including the City's first municipal electronic message display.

Issues and Opportunities

Cinder City Days Festival – The Altoona Lions Club has held an annual carnival called Cinder City Days in Cinder City Park since the 1970s. In 2011, due to parking concerns and operations transforming turf areas to mud, the City prepared and relocated the festival to the “Carinal Area”.

Carnival Area – in 2011 the City logged a three-acre area in the undeveloped north portion of the park to relocate the Cinder City Days annual festival from the parking lot and “front yard” area. The area is otherwise not used for any other purpose. In 2016 the City installed a lawn irrigation system to establish turf and extended electrical service. The City brought in top soil and seeded the cleared area in 2016, installed irrigation to support turf, and extended electric service to the area. The dimensions of the area may allow for a youth soccer field or small 200’ ballfield. Continued use of this space by the Carnival may pose a significant challenge for maintaining an adequate playing surface. City staff have discussed adding a fence and gate system to create a dog park, however more investigation is needed to determine feasibility.

Specialized Facility - Cinder City Park is an intensely used space during softball and baseball leagues and tournaments during the summer, and for hockey at the Hobbes. This occasionally yields overflow parking onto adjacent streets. Cinder City Park is sparsely used aside from these recreational programs and the annual Cinder City Days festival. Given the size of the park, and central location on two major arterials (Spooner Avenue & 10th Street), and proximity to moderate density housing between 10th Street and North Willson, there is ample opportunity and perhaps need to improve usability for other activities.

Trees – The trees in the undeveloped portions of Cinder City Park as well as lining the outfield fences of three ballfields, are mature red pine. In 2016, three red pines were blown down in a wind storm during the Cinder City Days festival, landing on equipment but otherwise not causing injury. An evaluation by a Wisconsin DNR forester suggests one of three common red pine root fungus is the likely cause. The City removed mature red pines along the outfield of the west field, replacing with broad-leaf species, and will continue to monitor the balance of the stand. Since the plantation area is not otherwise maintained, the understory growth is thick brush, including poison ivy.

Short-Term (1-3 years)

- Study placement of a dog park. One location may be to utilize the Carnival Area to create a two-section dog park utilizing placement of fencing to maximize off-leash dog run area while enabling annual carnival use. A two-area dog park includes one larger run for larger breed dogs, and a smaller area for small breed dogs. Depending upon ultimate design, between two and four acres may be available for this use, with primary access from 10th Street. Specific design would utilize latest best practices and innovations in dog park design, including those cited elsewhere in this *Place Plan*.
- The City has targeted \$150,000 in 2020 for replacement of the existing parking lot and the drive around Hobbes. This project would include some corrective stormwater measures to improve drainage of the ballfields. This project should also prioritize improvements in pedestrian and cyclist access to the park facilities.
- Investigate adding public art installations in the park, with ideas including murals on the south and west faces of the Hobbs, and one or more platforms for sculpture.
- Continue to monitor and manage the mature pine plantation, as the grove may require thinning and/or cutting over time. Add new trees as the existing individuals are removed to generally maintain a vibrant forest canopy.
- Extend public WiFi and security cameras to Cinder City Park by extending a fiber spur from the regional backbone line in under Spooner Avenue.

- Identify opportunities to host events in the park and Hobbes center to increase use as well as opportunities for revenue to support park maintenance.

Medium Term (3-5 years)

- Investigate adding public art installations in the park, with ideas including murals on the south and west faces of the Hobbs, and one or more platforms for sculpture.
- Consider adding a segment of multi-use trail along the north and east sides of the park, connecting to the existing trail along 10th street near the bend in the road, and connecting to Spooner Avenue near the Eau Claire County Highway Department.
- Consider adding a playground near the existing pavilion to provide a neighborhood playground area for children who reside in the moderate density neighborhood bounded by 10th Street, Spooner and North Willson. This area includes the Altoona Housing Corporation primary facilities across the street from the pavilion.

Long Term (5+ years)

- Altoona-Hobbs Sports Center will require renovation and/or refurbishment.

Highland Park

Classification(s) Neighborhood Park 1.7 acres

Highland Park is a neighborhood park located in the Sherman-Highland Addition in the western area of the City. This small neighborhood park is designed primarily for passive activities, with built amenities including a basketball/tennis court, playground equipment, and small pavilion. Most of the park area is lawn punctuated by mature trees. The playground equipment was installed in 2007.

The western boundary of the park adjoins a UPS distribution facility, boarded by chain link fence and screened by mature fir trees. The park is bounded by Vernon, Gloede, and Hamilton Avenue. The neighborhood context is that this park is bordered by industrial property to the south and west, multi-family housing to the east, and predominately small-lot single-family homes to the north. There are no sidewalks in the area.

The adjacent Sherman-Highland neighborhood is composed of approximately 245 households. CDBG surveys of the neighborhood in 2016 classified over 50% of households as low- to-moderate income. Highland Park is the primary open space in the neighborhood, as pedestrian access to nearby Centennial Park is difficult due to topography and indirect road connections.

Issues and Opportunities

Activate Space – As the primary open space in a neighborhood comprised of predominately low- to moderate-income households, the importance of providing high-quality open spaces for people to gather is of elevated importance. The current form of the park is passive and can be described as a typical suburban park: a basketball court, a small playground, some picnic tables and a lot of grass. Despite the moderate population density of the neighborhood, observed use of the park is relatively low, and few programs or gatherings take place there.

Connectivity – Although the Sherman-Highland addition features small lots and block sizes in a traditional urban grid, the neighborhood lacks sidewalks. Most roads in the neighborhood are low traffic, yet pedestrian circulation conditions throughout the neighborhood are not safe. This neighborhood is adjacent to significant

commercial retail, employment, and services, and improved safe connectivity would greatly improve neighborhood conditions.

Short-Term (1-3 years)

- Add swings to the playground area.
- Resurface the playing courts and transition tennis area to basketball, and add benches for improved use.
- Deploy soccer nets to create a small field (approximately 70 x 120) with flagged corners to provide recreation opportunity.
- Trim low branches on existing trees to free up clear sight lines throughout the park, especially to playground area.
- Add recreation program programming at the park, with targeted outreach to improve activation of the space.
- Paint crosswalks on intersections near and adjacent to the park.

Medium Term (3-5 years)

- Prioritize the addition of sidewalks wherever possible when area roads are rebuilt.
- Extend power and lighting to the pavilion.
- Consider adding a port-a-potty shell as an inexpensive option for an on-site restroom.

Long Term (5+ years)

- The playground equipment will require replacement in approximately 2022/2023.

Devney Park

Classification(s) Neighborhood Park 3.9 acres

Devney Park is a neighborhood park located within the Knollwood Subdivision on Devney Drive. It includes one lighted youth baseball field, picnic tables, grill, bleachers, tennis court and a basketball court. The baseball field received covered dugouts from a local Eagle Scout project in 2016. The field also features an analog scoreboard.

A small pavilion and recreation facility with restrooms are also located in the park. This facility includes a small room which can host recreation programs or meetings. The pavilion portion is an open-air seating area to the rear of the building of approximately 450 square feet. The shingles of this facility was replaced in fall 2017.

Devney Park serves as the primary open space for three or four mixed-income neighborhoods. Most nearby housing within 0.25 miles are suburban apartment buildings ranges from four to twelve units as well as clusters of duplexes, and is generally thought to be of relatively high percentage of low-income households. The second ring, 0.25 to 0.5 miles to the west, north and east, are predominately homes in the middle to higher end in valuation, as compared to the City and region. Devney Park is also the nearest public space, at 0.75 miles, to the Hillcrest Estates Mobile Home Park.

While there are sidewalks through the neighborhood to the west and north, most of the development east of 3rd Street lacks sidewalks. The areas without sidewalks feature a relatively high concentration of low income and rental housing. Improving connectivity and safety through this subarea is a priority. The multi-use trail along 3rd Street is a short distance from the park and provides good access north and south.

The City installed new playground equipment in 2018, with a combination of rubber pour-in-place safety surface and engineered wood fibers. The total project cost was approximately \$150,000. The previous playground equipment,

located behind the pavilion, was removed in 2017 due to unsafe conditions. The new playground was relocated next to the pavilion due to larger footprint and improved sight-lines for policing.

Issues and Opportunities

Rear Yard – To the south of the ball field is a 0.5 acre lot that is maintained as grass, and has a perceptible slope from east to west. This lot is bounded by private property on three sides, and mature trees to the south and west. The lot is not actively used, suffers from lack of visibility from the street or parking lot, and the slope renders use as a playing or practice field difficult. The existing mature trees render use as a community orchard or garden difficult due to persistent shade through most of the year.

Short-Term (1-3 years)

- Replace playground equipment, and relocate to the east side of the restroom building with improved lighting and lines of sight (2018).
- Improve lighting and investigate a security camera solution for deterring and identifying possible vagrant behavior that is enabled by poor sight lines from the street through the park.
- Trim trees that form the southern boundary of the park. There is a well-worn foot path through this depression, and garbage and other materials frequently found there. Trimming low branches from the park-side of the screening area may reduce littering and other suspected vagrancy in the park (2018).
- Repair and resurface tennis and basketball court surface.
- Improve pedestrian connectivity and safety along Devney Drive. Recommended treatments include: adding parking lanes along Deveny Drive with 11-foot travel lanes; adding a mid-block crossing at Glades Drive and Devney Drive with bump-out and crosswalk; and adding or refreshing crosswalks at Thompson Drive and at 3rd Street East.
- Add boulevard trees along Devney Drive.
- Identify public art opportunities in the park, such as adding mural space on the north face of the restroom building.

Medium Term (3-5 years)

- Examine opportunities to improve stormwater performance of the area through adding a rain garden or other feature.

Long Term (5+ years)

- Improve/refresh/replace bleachers and scoreboard at the ballfield.

Lakefront Park

Classification(s) Area Park 3.9 acres

Lake Front Park is located on the south shore of Lake Altoona at the end of Kewin Street. This park has the following amenities: handicapped accessible fishing dock, portable restroom, swing benches along the banks of Lake Altoona, picnic tables and parking lot. The dock was replaced in fall 2017.

Lakefront Park	3.9 acres
Lawn Area	0.5
Shoreline Area	0.3
Woodland Area	3.1

Lake Front Park has over 900 linear feet of shoreline on Lake Altoona, with some areas accessible to shore fishing. Lakefront Park is only one of two public properties on Lake Altoona, the other being Lake Altoona County Park

approximately 1,000 feet to the east. The handicap accessible fishing dock was replaced in fall 2017. It is removed from the lake each fall, and returned each spring.

The park features 0.5 acres maintained as a flat lawn boarded by mature oak trees. The remaining public space is a mature woodlot that slopes toward the lake, shoreline, and the parking lot. There are some fixed swing seats and picnic tables.

The park is relatively isolated from the rest of the City due to topography and the Union Pacific Railroad. A multi-use trail spur from the Lake Road Trail connects to Altoona County Park. The trail requires design improvements due to steep grades to improve safety and directness of connection.

Issues and Opportunities

Jewel Waiting to Happen – Waterfront parks are often the prized properties of park systems. The particular challenge with Lakefront Park is that it is relatively small, with just over 0.5 acres available for active use, limited parking and limited access, and proximity to the larger and more developed Lake Altoona County Park. The task is to determine how to effectively add programs and amenities to this space to encourage and improve use, taking advantage of the shoreline environment and the well-used neighboring County Park. This remains elusive.

Parking – Lake Front Park has a relatively small parking lot that, along with limited street parking, can accommodate approximately 25 vehicles. This makes simultaneous use by the general public and small groups difficult.

County Park – Lake Front Park is a little over 1,000 feet from Lake Altoona County Park, a popular 12-acre facility that includes a public boat launch, enclosed pavilion, sand swimming beach, among other amenities.

Short-Term (1-3 years)

- Place one or more fire circles of nonflammable materials for small gatherings to enjoy the ambiance of open flame in a semi-controlled environment with seating.
- Place flat stones to create seating near water level to enable greater use of the shoreline for fishing and lounging.

Medium Term (3-5 years)

- Improve multi-use trail along North Beach Road.
- Design and construct an adventure playground incorporating the existing tiered hillside. Ideas include:
 - Installing multiple slides that utilize the hillside to safely create large slide runs without the challenge of mitigating associated fall heights.
 - Add multiple routes, methods and materials to climb the hill to access the slide entrance, such as steps, ramps, climbing rocks, and/or cargo nets.
 - Hybrid natural material and play structure playground with “dualing ships” theme, such as Viking or pirate ships.
 - Hillside could be designed such to appear as the side of a ship, half buried in the hill, with various levels and methods to go up and down.
 - Incorporate “look out” structure at the top of the hill.
- Improve stormwater runoff management from parking area through “green” landscape feature(s).

Long Term (5+ years)

Centennial Park

Classification(s) Area Park • Natural Area 13.4 acres

Centennial Park is an area park accessed from Spooner Avenue. The Spooner Avenue Multi-Use Path runs between Centennial Park and Spooner Avenue, providing good access by bicycle, or to connect walking and running routes. In 2014 the City of Altoona worked with the design firm CBS² to create an improvement plan for the Park. The park improvements, except the mountain bike / hiking trails, are the result of that plan.

Features of the park include a small playground, picnic area, playing field, walking trails, and sledding hill. A climbing hill with boulders highlights the playing field area. The [congregation] donated a set of outdoor musical instruments, installed in 2017. The lawn areas are irrigated to support durable turf throughout the summer.

Chippewa Off Road Bike Association (CORBA) maintains 2.5 miles of single-track mountain bike trails through the park natural area. The City is working with CORBA to extend the existing trails through the adjoining DOT right-of-way. The trails are open to biking, snowshoeing, and walking throughout the winter. CORBA donated and maintains trailhead signage and park map directing users through the trail system.

Centennial Park	13.4 acres
Developed Area	2.1
Playground & Lawn	1.0
Parking & Drive	0.5
Pond & Roadway Buffer	0.6
Natural Area	11.3
DOT Right-of-Way Natural Area*	16.5 acres
Otter Creek	7,000 ft
Single-Track Trails	2.5 miles
* Not included in City-wide Inventory Area measurements are approximated and rounded	

The park natural area is approximately 12 acres of City property, with access to an additional 16 acres of Department of Transportation Right-of-Way along Highway 53. This combined area features 7,000 feet (1.3 miles) of the meandering Otter Creek.

Centennial Park is so named due to its dedication and initial planning during Altoona's centennial in 1987. Historically, the property that became Centennial Park was a waste treatment facility. The existing stormwater pond and pump station are all the remains from this past use. There is driveway access to Woodside Terrace to the south, which is closed by gate to prohibit automobile through-traffic.

Issues and Opportunities

Short-Term (1-3 years)

- Add park signage to improve visibility and identification of the park from Spooner Avenue.
- Add drinking water access from the pump station.
- Add shade trees near around the playground area and parking lot.
- Expand existing single-track mountain bike / hiking trails into the adjoining DOT right-of-way.
- Formalize and improve the easement-access to the park trail system from Valmont Avenue.
- Continue to strengthen and support the partnership with CORBA.

Medium Term (3-5 years)

- Work with the Department of Natural Resources to investigate opportunities to improve trout habitat in Otter Creek.
- The 2014 plan includes natural play structures and activities integrated into the forest fringe.
- Add port-a-potty shell or small restroom facility.

Long Term (5+ years)

- Extend the trail system southeast under Highway 53 to S. Willson Drive and south along the Otter Creek Greenway.

Fairway Park

Classification(s) Neighborhood Park • Natural Area 55.4 acres

Fairway Park occupies over 55 acres of beautiful natural areas along Otter Creek in the Hillcrest Greens neighborhood. In addition to wooded hillsides and river bottomland, the park includes three fairways from the former Hillcrest Country Club. While remnants of the golf course landscaping persist, most of these areas are mid-transition into early succession prairie and woodland fringe.

The developed park amenities occupy approximately 0.75 acres and are accessed from a relatively steep trail that intercepts Whistling Straits Drive. Features include a small playground, pickleball/basketball courts, and a pavilion. In 2017 the City constructed a parking lot at the top of this hill at the road. The trail continues through the neighborhood, wrapping around the pond and proceeding approximately 0.5 miles to Highway 12 at 10th Street. As the Hillcrest development continues, the trail system will continue to the east through the neighborhood. The three-building Clubhouse development includes public walkways that also traverse down the hill to the park.

Along Otter Creek to the east of the playground is a 0.75 mile golf cart route that has become a multi-use trail, connecting up to S. Hillcrest Parkway near 3rd Street East. This trail consists primarily of packed earth as it skirts the former fairways. The vision for this area is that the Otter Creek Corridor will become Otter Creek Greenway, a natural corridor from the Eau Claire River to Prill Road and beyond. As part of this vision, the existing trail along Otter Creek will eventually be extended in both directions, to Centennial Park to the west and Prill Road to the southeast.

Fairway Park was dedicated to the City as part of the Hillcrest Greens neighborhood development process.

The prairie, woodland fringe, watercourse, pond and mature trees make Fairway Park an excellent area for bird watching, hiking, and wildlife viewing year-round. The Otter Creek Greenway serves as a corridor for wildlife including birds, deer, and black bear. The park includes over 8,275 lineal feet of Otter Creek, and forms the park's southern boundary.

Fairway Park	55.4 acres
West Section	
Woodland & Creek Bottom	21.6
Central Section	
Woodland & Creek Bottom	13.4
Fairway / Prairie	1.5
Playground, Pavilion & Courts	0.8
Parking Lot	0.5
East Section	
Woodland & Creek Bottom	11.3
Fairway / Prairie	5.5
Pond	0.8
Otter Creek	8,275 ft
Maintained Trails	0.75 miles
Measurements are approximated and rounded	

Issues and Opportunities

Short-Term (1-3 years)

- Address and monitor erosion along steep slopes abutting existing trails.
- Add trail wayfinding signage along St. Andrews Drive and Whistling Straits
- Add trailhead signage at the Whistling Straits parking lot.

Medium Term (3-5 years)

- Improve and repair the existing cart trail. The paved switch-back portion is beginning to deteriorate and edges are slumping. The packed earth segment is in generally good condition but could be improved with minor investment.
- Continue the existing trail to the west, from the playground to property owned by Cedar Creek Community Church.

Long Term (5+ years)

- Continue the existing trail to the east beyond the existing boundaries of the park.
- Complete trail segment past Cedar Creek Community Church past Highway 12 to S. Willson Drive and Centennial Park.

Tower Park

Classification(s) Neighborhood Park / Conservation Park 12.7 acres

Tower Park is a predominately unimproved parkland located between the Estates at River Prairie and Rivers Edge Subdivision. Access is provided by a parking lot at the intersection of Oakleaf Way, Rivers Edge Drive, and River Prairie Drive. The park includes a prominent City of Altoona water tower and associated improvements accessed from Moonlight Bay Drive. The park is wooded, with the exception of the abandoned right-of-way of East Willson Drive and the area immediately adjacent to the parking lot and Oakleaf Way.

Tower Park is intended to serve as a neighborhood park with passive uses. The park is comprised of two parcels which were dedicated as part of development of the Estates at River Prairie (water tower), and the Rivers Edge Drive Subdivision. The plan for Rivers Edge identifies the land as a “treed natural park with parking / picnic area”.

Tower Park is in tax increment district 3 (River Prairie), and thus there is an existing funding mechanism for park improvements as long as the district is active.

Issues and Opportunities

Passive Use – Tower Park may serve as a neighborhood park for the Estates at River Prairie, Rivers Edge Drive, River Prairie Twinhomes, and other nearby residents. The park is linear, lined by the rear yards of homes, and understood to be intended as a passive use parkland. The mature trees, linear shape of the property, and connectivity to existing multi-use trails would lend this park to be used as a walking area for quiet contemplation or observation of birds.

Short-Term (1-3 years)

- Create a detailed master plan for the park with budget to complete prior to the River Prairie TIF district closes.

- Create walking path through the park beginning at parking lot and proceeding through property to Moonlight Bay Drive and the water tower, utilizing crushed stone and edging. This would formalize public use of the park for quiet activities.
- Clear brush and volunteer trees from open right-of-way area, remove any significant dead branches or trees which may imperil enjoyment of the trails.
- Consider developing “birding park” with collections of brightly colored bird houses.
- Develop a trailhead facility with a park map, area map of multi-use trails, and picnic area with seating.
- Improve parking lot to add capacity, extend life of the pavement, and improve stormwater drainage.

Medium Term (3-5 years)

- Remain vigilant regarding possible intrusion of oak wilt.

Jellybean Hill

Classification(s) Area Park 7.6 acres

Jellybean Hill is a south-facing hillside between High Point Estates and the Altoona Business Park that is utilized for sledding throughout the winter, as walking connection to the Altoona School campus, and as a vantage point for viewsheds to the south. The space is classified as an Area Park due its use principally as an undeveloped open space with active use primarily for sledding.

Jellybean Hill is comprised of two parcels, a 5.6 acre outlot dedicated with High Point Estates, and Lot 2 of the Altoona Business Park. The property is suitable for sledding without further improvements. When commercial development occurs on adjacent lots, the addition of berms may be necessary to ensure safety and routing of sledders.

Issues and Opportunities

Access – While Jellybean Hill serves as a pedestrian connection from Devney Drive to the Altoona School campus, there are no sidewalks in the Altoona Business Park to provide safe or comfortable connection. There is a sidewalk along one side of High Point Drive that may serve as an alternate route. However, the worn path up the hill indicates frequent use.

Short-Term (1-3 years)

- Officially dedicate property as a City Park.
- Discuss shared parking agreements with future commercial development to provide off-street parking for sledders in the winter.
- Extend sidewalks through the Business Park to improve pedestrian safety and access.

Windsor Park

Future Park

Classification(s) Neighborhood / Area Park 14.2 acres

Windsor Park encompasses the closed landfill managed jointly by the City of Altoona and Town of Washington and surrounded by the Windsor Forest subdivision. The entire property is approximately 14.2 acres, of which 8.4 acres is field and 5.8 acres is woodland. The area features landfill monitoring wells and vents and is reasonably prohibited from development. The City actively mows most of the field two or three times per year to ensure management access to the monitoring wells.

The property is used by citizens to walk dogs, snowshoe, and by children for unstructured play. The open space prohibited from development lends itself to use as a dog park, as has been done in many communities. This might provide dogs and their owners up to 5 acres in a fence and gate system. Space would remain for complementary amenities, such as signage, walking trail, and potentially a playground. The woodland includes some older tree specimens and is otherwise a mix of intermediate growth estimated to be 40 to 60 years old.

The development of a dog park was rated as a medium interest and priority by respondents to the 2016 citizen survey. However, interest in dog parks and pet related amenities was a frequent comment to the survey and has been identified in variety of national park and amenity surveys as a trending use.

A portion of the property may also serve to expand and improve trail connectivity through the neighborhood, by connecting Saxsonwood west to Nottingham Way, and potentially a walkway from Windsor Forest Drive to Saxsonwood. The City retains a right-of-way connection from Windsor Forest Drive southwest to Otter Creek, which may serve as a future recreational trail connection to a future trail through Otter Creek Greenway.

Issues and Opportunities

Feasibility – Determine feasibility of utilizing the landfill surface for intentional recreational use. The City may need to bring in fill to level the surface and perform maintenance on the monitoring structures.

Complementary Development – The City is exploring selling some property owned by the City to the northwest of the landfill for development. This may complement the park by creating a multi-use trail connection from Saxsonwood to Nottingham Way, as well as generate land sales and park impact fees to reinvest in park development.

Inholder Property – There is a 1.5 acre property that makes up part of the land fill area in private ownership that would need to be acquired to fully implement development of the park.

Cooperation – The landfill is of joint custody and maintenance between the City of Altoona and Town of Washington. Cooperation from the Town will need to be continue for park development to occur. This may also be an opportunity for modest financial contribution from the Town to implement park development.

Short-Term (1-3 years)

- Complete detailed study landfill maintenance conditions for recreational use.
- Determine timing for land sale and development of adjacent property.
- Complete detailed conceptual plan for the park, trails, and cost estimates.
- Begin fundraising campaign for dog park.

Medium Term (3-5 years)

- Officially dedicate property as a City Park.
- Begin implementing park plan.
- Develop maintenance plan for the park.

Medium Term (3-5 years)

- Evaluate implementation of park plan and examine potential of additional improvements or phases.

Woodington Park

Future Park Neighborhood Park 1.0 acre

Windsor Park is the parcel on bounded by James Avenue, 7th Street West, and Bradwood Avenue across from the Altoona High School that features City Well Site #3. The property was dedicated to the City of Altoona in 1958 by Clyde and Grace Woodington for the citing of a City well. Mr. Woodington is a former Altoona teacher. The property is one acre, currently maintained as lawn, and screened from adjacent residences by mature trees.

The property is in relatively close proximity to Altoona City Park and the Altoona Intermediate School playground. This property provides an opportunity for a public use that complements the adjoining school facilities, given that the City already owns and maintains the property as lawn. In the past, a group of teachers inquired about locating a community garden at this location that might serve, in part, as an educational opportunity.

With the location and arrangement of the well, there is water available for use, and with some improvement, off street parking and complementary amenities could be provided. This could include butterfly garden, garden equipment storage, limited scope garden compost, and outdoor seating with shade.

Issues and Opportunities

Clarify Uses – The indenture transferring property ownership to the City describes use restrictions as City well and related purposes, and maintained attractively. To avoid future conflict, the City will need to determine what uses would be permissible.

Short-Term (1-3 years)

- Determine interest for a community garden or other public use of the property.

Medium Term (3-5 years)

- Determine organizational structure for maintaining a garden or other educational amenity

Library Park

Future Park

Classification(s) Neighborhood Park 0.8 acres

Altoona City Hall and Library occupies half of its City block. The City owns two parcels adjacent to City Hall totaling 0.4 acres. One half of this area is maintained as lawn, and the Library recently installed a series of raised beds for flower gardens. The other half is a small house which is actively rented. The remaining balance of the block (0.4 acres) is occupied by three houses. The City acquired adjacent properties for potential expansion of City Hall. Given recent growth in the City, expansion of City facilities at some point is a very real possibility.

The City does not maintain public open space in the eastern half of the “old” (pre-1970) City. Between 5th Street West and 5th Street East there is over 130 acres and over 400 dwelling units without a City Park. This area does adjoin the Altoona Intermediate School playground, which is approximately 1.4 acres. Creating a public open space adjacent to City Hall would provide a relatively central neighborhood park.

The presence of a public park near the old commercial district may provide contribute to overall reinvestment in the area. Being adjacent to City Hall and Library provide opportunities for specialized amenities and programming, such as outdoor reading area, community garden, public art, and others.

Issues and Opportunities

Space Needs – Determine future City Hall and Library space needs, and expansion scenarios. These scenarios are likely to impact future uses for adjoining property and availability of open space.

Ownership – Three parcels would need to be acquired to obtain ownership of the entire block.

Short-Term (1-3 years)

- Determine future City facility scenarios.
- Determine opportunities for interim recreational uses of the space.

Medium Term (3-5 years)

- Proceed with park design and use dependent upon future facility plans.

Clubview Park ***Future Park***

Classification(s)	Neighborhood Park / Conservation Park	3.9 acres
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Clubview Park is an unnamed property dedicated as open space resulting from the Club View Estates and Fairway Drive Townhomes subdivision. The dedicated property includes a 2.8 acre wooded remnant as well as 1.05 acre retention pond area. Approximately 2.4 acres is a wooded knoll featuring mature oaks, some may be in excess of 100 years in age.

The property has limited street access on Fairway Drive. Most of the property abuts the Union Pacific Railroad to the North, and the rear yards of homes on the west and south. The multi-use trail along Fairway Drive provides walker and cyclist access.

Issues and Opportunities

Conservation Recreation – Due to the limited accessibility and character of the existing property, the best use may be as a conservation area with a walking trail, bird houses, and other passive uses. There may be space for a small playground on the eastern end of the property, but this may not be desirable due to limited access and very close proximity to Highway 53. To preserve the existing mature oak trees as well as trees on area properties, evaluation for oak wilt is strongly recommended.

Short-Term (1-3 years)

- Evaluation for oak wilt. If Oak wilt is detected, the City will need to evaluate options.

Medium Term (3-5 years)

- Determine trail design and curation opportunities. The property lends itself to an approximately 0.25 mile trail loop, respecting distances from adjoining property. Site investigation suggests occasional use by exploring kids and/or hikers.

OTTER CREEK GREENWAY

Natural Corridor of Regional Significance

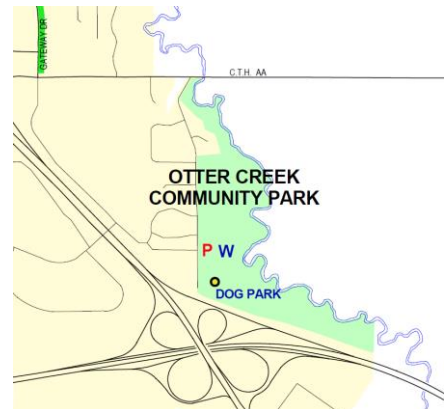
Otter Creek Greenway is an envisioned corridor of preserved natural areas, highlighted by active parks and trails, following the existing course and topography of Otter Creek. The Greenway area begins where the creek meets the Eau Claire River in the Eau Claire Country Club, and extends generally southeast past Prill Road and beyond. Centennial Park and Fairway Park fall within this corridor.

Otter Creek is a regionally significant watercourse with headwaters in Otter Creek Township (Eau Claire County) and Sumner Township (Trempealeau County), near the Village of Osseo. The land use in the watershed outside of city limits is predominately agricultural.

The vision for corridor includes maximizing public ownership of property to ensure natural systems are preserved and public access is available for passive activities, such as a future trail, fishing, and birdwatching.

A recreational trail is envisioned to generally follow the Greenway, with the north terminus being Centennial Park and extending to Prill Road. Connections to this trail are expected at several points to allow for ready access from existing and future neighborhoods. The approximate alignment of the envisioned trail system is included in the **Bicycle Facilities Map on Page ____**.

The City of Eau Claire has worked to preserve the greenway by acquiring Otter Creek Community Park (60.7 acres) and Dog Park (9.4 acres), south of the City of Altoona along the west bank of Otter Creek, between Prill Road and US Highway 53. The Eau Claire Waterways Plan (2012) identifies a future trail system through the park. Further, the City of Eau Claire has identified the east bank and forested area as future park expansion.



Issues and Opportunities

Land Ownership – Significant stretches of the envisioned greenway are currently public property, including Centennial Park, Fairway Park, Highway 53 and Highway 12 right-of-way. Preservation of open space and natural features through the corridor will require working with existing private landowners as well as proactive land planning of new developments. Identifying the park corridor in this plan, and subsequent planning efforts including Comprehensive Plan and official map, will ensure land dedication to occur in future development south of the Windsor Forest neighborhood.

Multi-jurisdictional Planning – Otter Creek generally serves as the southwest boundary of the City of Altoona with the City of Eau Claire south of Highway 12. There are portions of the corridor north of Prill Road within the Town of Washington. The City of Eau Claire future land use map also reflect goals of preserving this corridor as a regionally significant natural area. Effective implementation of this vision will require proactive cooperation, especially future trail development.

Short-Term (1-3 years)

- Memorialize Otter Creek Greenway vision in City Comprehensive Plan and official map.
- Complete a more detailed plan of the corridor.
- Ensure future development preserves the open space and natural conditions of the Greenway, with envisioned trail connections and park spaces.
- Coordinate with the City of Eau Claire, Eau Claire County, and others on long-range planning of the corridor.

Medium Term (3-5 years)

- Ensure future development preserves the open space and natural conditions of the Greenway, with envisioned trail connections and park spaces.
- Complete a more detailed study of potential recreational trail alignment and connections.
- Examine acquisition of corridor through direct purchase, land dedication, or easement to preserve open space and trail connectivity.

Long Term (5+ years)

- Ensure future development preserves the open space and natural conditions of the Greenway, with envisioned trail connections and park spaces.

River Prairie Conservancy

Classification(s)	Natural Area	24.7 acres
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The City of Altoona maintains ownership of approximately 21 acres along the Eau Claire River in two distinct areas. These are accounted separately from River Prairie Park, although they are contiguous and connected by multi-use trails.

The western portion in the Southwest Quadrant of River Prairie is located west of the River Prairie Drive Bridge and east of the Union Pacific Railroad. This area includes the City of Eau Claire wastewater pump station.

The City of Altoona 2018 budget includes continuing the River Prairie multi-use trail network that will bring the route along the conservancy and connect to existing trail in River Prairie Park to the north, and west past Woodmans to Oak Leaf Way.

This plan also envisions working with the Eau Claire County Club and City of Eau Claire to continue to trail along the Eau Claire River southwest, bridging the confluence of Otter Creek and the River, and connecting to Archery Park.

Rivers Edge Conservancy

Classification(s)	Natural Area	11.7 acres
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The Rivers Edge Conservancy is comprised of two parcels that comprise the southern bank of the Eau Claire River between the Lake Altoona Dam and Highway 53. The primary area is a linear 11.7 acre segment owned by the City

of Altoona, and the second piece is a 5 acre parcel owned by Eau Claire County, on which the City maintains a parking area accessed off of East Willson Drive.

The Altoona City Council approved a 2018 budget that includes implementing a planned segment of multi-use trail through the corridor. The approximately 0.5 mile segment will connect the existing trail that travels along Rivers Edge Drive to Moonlight Bay Drive through the conservancy and meet the existing trail near the canoe and kayak launch under the Highway 53 bridge.

The City may examine improvements to the parking area. In addition, there is a well-traveled foot path down a steep slope to a series of rocks below the Lake Altoona Dam that is popular with fisherman. The City may investigate options to improve safety and reduce erosion in this area.

School District Open Space

The Altoona School District provides approximately 11 acres of recreational open space at two locations within the City of Altoona. These areas are comprised primarily of school playgrounds and athletic fields. In addition, the City and District have cooperative agreements for the use of City baseball and softball fields and tennis courts for school-sponsored sports team events and activities. Due to their location, District facilities complement City parks to serve as open space and play area for the neighborhoods in which they are located.

Altoona School District Central Campus

The Altoona School District campus is located at the geographic center of the City and is bounded by Bartlett Avenue, 7th Street West, 3rd Street West, and hillside. The 34.4 acre campus hosts grades 4 – 12 and administrative offices. Due to its location

Central Campus	8.3 acres
Playground Areas	1.2
Playing Fields	2.6
Stadium	4.5

Altoona Elementary School

The Altoona Elementary School, grades 4K - 3, is located on the eastern edge of the City of Altoona at 157 Bartlett Avenue and opened in fall 2016. The campus includes a 0.7 acre playground, which is approximately 50% hardscape. The campus also includes a 2 acre playing field predominately utilized for physical education classes and intermural soccer.

Elementary Campus	2.7 acres
Area measurements are approximated and rounded	

Eau Claire County Park and Open Space Facilities

Eau Claire County owns and operates Lake Altoona County Park within the City of Altoona. Located at 604 Beach Road, the park is approximately **13 acres** and is very popular with boaters, beach-goers, and picnickers. It is one of seven major parks in the County Parks system and the only one within a City. The park hosts the Ski Sprite water ski shows weekly during the summer.

The County completed and adopted a Master Plan for the park in 2017 which calls for reconstruction of pavilions, bathrooms, parking areas, utilities, and refreshing landscaping over three phases.



WISCONSIN



Joshua Clements, City of Altoona • Bicycle Route, Trail & Park Map • DRAFT 7 • 10/12/2018

Bicycle Facilities

Off-Street, Paved Multi-Use Trail

- Existing Trail (solid green line)
- Proposed Trail (dashed green line)

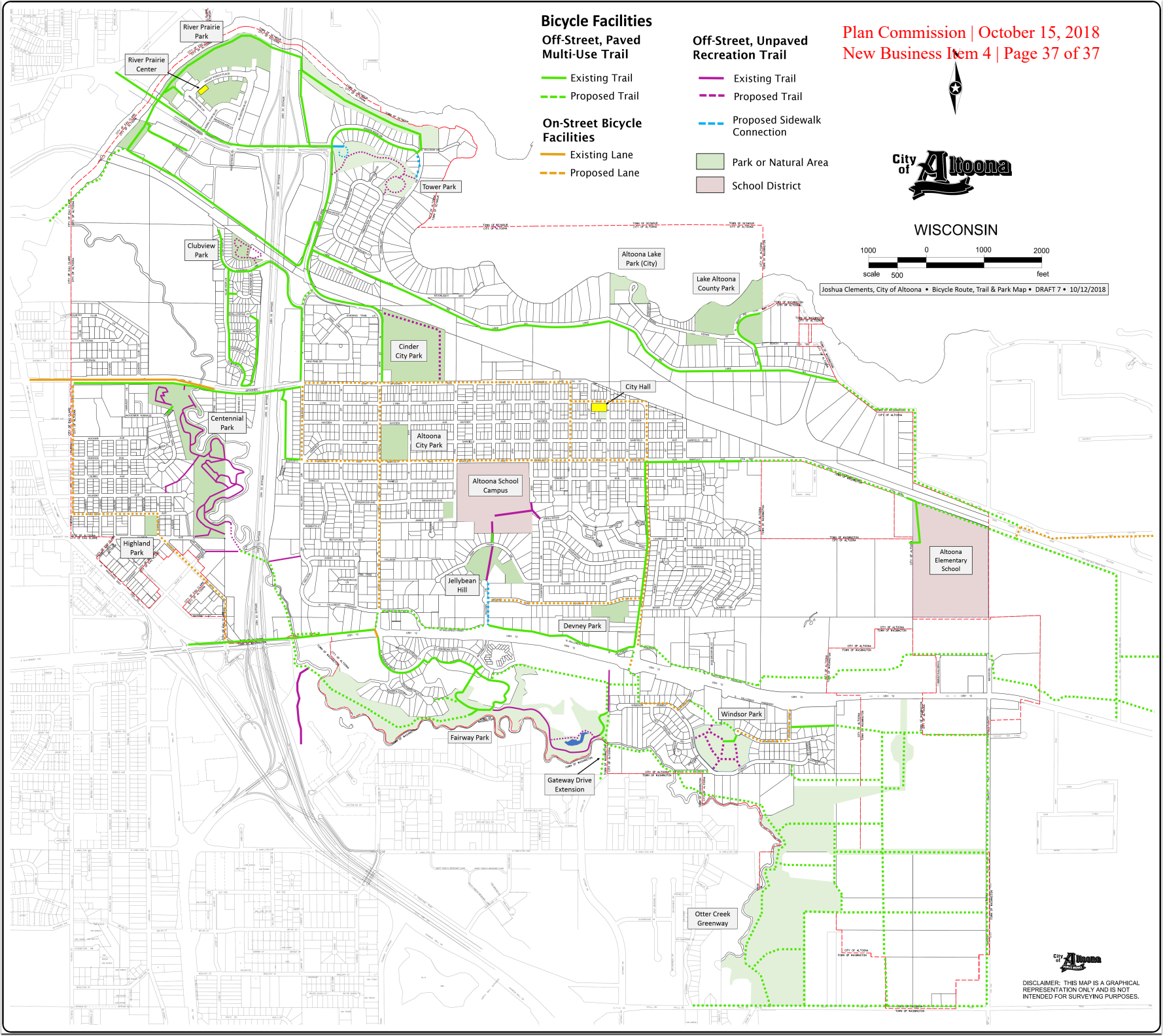
On-Street Bicycle Facilities

- Existing Lane (solid orange line)
- Proposed Lane (dashed orange line)

Off-Street, Unpaved Recreation Trail

- Existing Trail (solid purple line)
- Proposed Trail (dashed purple line)
- Proposed Sidewalk Connection (dashed blue line)

- Park or Natural Area (light green fill)
- School District (light pink fill)



NO MATERIALS

NO MATERIALS