

**Item 24-1221: Proposed draft text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property**

**Item 24-1222: Proposed draft text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices**

**Item 24-1223: Proposed draft text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses**

City Plan Commission

Wed, Sep 25, 2024 3:30PM

**Mayor Jake Woodford 01:13**

All right, on to public hearings and appearances. We do not have any public hearings or appearances today. We'll move on to our information items, first of which is item 24-1221, this is regarding proposed draft text amendments to the Municipal Code Chapter 19, traffic and vehicles, and chapter 23, zoning related to residential driveways, driveway extensions, parking pads and outdoor parking of vehicles trailers on residential property. Don, what mic do you have? Six, okay. Don, tell us about this.

**Principal Planner Don Harp 01:53**

Thank you, Mayor. Community Development staff had collaborated with Public Works, Engineering, and City Attorney's office to look at moving the regulations for private driveways, parking pads, and vehicle parking that occurs on residential property from chapter 19 of the municipal code and remove that out of that section and roll it into Chapter 23 because that's our land use regulation code, and things that occur on private property should all be under that one umbrella of chapter 23 for consistent administration of the zoning regulations in regards to permitting, review, and also the appeals process that occurs at time to time when someone can't comply with the code. Those requests should be going to the Board of Appeals, rather than the municipal services committee. So that's one of the major changes that would happen with this proposal. So, it would follow consistent zoning code land use regulations that the city had adopted through the state statutes to apply consistent regulations on private property consistently.

**Principal Planner Don Harp 03:00**

So, with that, the private driveway regulations—what we are proposing to move from 19 to 23, we're not increasing the regulation. So, we're actually removing duplication of standard or if some inconsistencies occur, we're just creating an outline for ease of use, code administration, and also being more transparent on the permitting process that occurs between public works, engineering staff, and also inspection staff as it relates to driveway openings that occur in the public right of way and things that occur with driveways on private property.

**Principal Planner Don Harp 03:41**

Also, we upgraded the illustrations to clarify the what that looks like if someone was proposing to construct a driveway and also construct a driveway extension, and correlate the code provisions with the graphics so it's a little easier to understand versus the current illustrations.

**Principal Planner Don Harp 04:05**

The other part of it is we're updating the definitions so that we define our terms, so that we can still apply the code consistently throughout the permitting process, and also our conversations that we have with contractors and citizens.

**Principal Planner Don Harp 04:22**

With that staff is bringing this forward as an informational item for plan commission just to open up dialog before—any questions occur from the Commission, we can certainly answer those, and if the commission feels comfortable, we would just—are recommending that the plan commission direct staff to initiate the public hearing process at a subsequent plan commission meeting that would occur in October.

**Principal Planner Don Harp 04:50**

Also with this, when we had worked with our engineering staff, there are some policies that relate to driveways on private property that were utilized to help facilitate the permitting process to clarify things in the policy and with our conversations with public works, we actually eliminated one of those policies, and were able to roll that into the zoning code so that it's transparent.

**Mayor Jake Woodford 05:17**

All right. Questions from the Commission? Yeah, which might do have? Okay, go ahead.

**Unnamed Commissioner 05:27**

This is not going to change the requirement that they have to park a boat or camper on a paved surface. Correct?

**Principal Planner Don Harp 05:35**

This—right now they would have to park on a paved surface, so that standard would continue.

**Unnamed Commissioner 05:38**

Right.

**Principal Planner Don Harp 05:38**

Right.

**Unnamed Commissioner 05:38**

Okay, that's my question.

**Mayor Jake Woodford 05:39**

Other questions? So, the—it seems the most substantive change is the relocation of this code section. There's some cleanup that this would accomplish, but overall, the changes are really just clarifications?

**Principal Planner Don Harp 06:08**

Correct.

**Mayor Jake Woodford 06:09**

Okay, anything else right now? Okay, well, we will look forward to seeing that before us in October, you said, right?

**Principal Planner Don Harp 06:20**

Right. We're looking for the first meeting of October.

**Mayor Jake Woodford 06:23**

Okay, terrific. Thank you.

**Principal Planner Don Harp 06:26**

We'll do the necessary public hearing advertisements as required by our code, and then we'll bring it forward for a public hearing before it goes to Council for action.

**Mayor Jake Woodford 06:35**

Okay,

**Principal Planner Don Harp 06:36**

Okay.

**Mayor Jake Woodford 06:36**

Thank you very much.

**Mayor Jake Woodford 06:37**

All right, we'll move along to our next information item. Item 24-1222, proposed draft text amendments to the Municipal Code chapter 16, streets, sidewalks, and other public places, and chapter 23 zoning related to official map amendments and zoning amendments, public hearing notices. Lindsay, all right, go ahead.

**Principal Planner Lindsey Smith 07:05**

All right. So, as you can see, a common theme today, we have some informational items on text amendments. So, this text amendment also touches Chapter 16 and 23 but Chapters—the chapter 16 amendments is focused on official map amendments, which includes the plan commission actions, so it is not located in our zoning code, but when there's an official map amendment, that would come before Plan Commission for action and then recommended to common council for final action. So, this past procedure has just been an internal procedure that we've established, and a lot of it's guided, actually by state statute. So, we are just codifying that and putting it within our ordinance and specifying what the process is for an official map amendment and who can initiate it. Previously, we didn't have that clarified, and so within there, it talks about allowing Park and Rec, Public Works, Community Development directors and Common Council can also initiate official map amendment.

**Principal Planner Lindsey Smith 07:40**

Just real brief, official map amendment talks about officially mapped future roads. It can include parks, and those are kind of the main focus, I would say, on our official map amendments is roads and parks. So that is what section A of this amendment is.

**Principal Planner Lindsey Smith 08:32**

Moving on to Section B, is going through and actually appointing the plan commission to hold the formal, official public hearing for zoning amendments. So currently, the process we have today is an official zoning map or a text amendment comes before plan commission; we have what's called an informal public hearing here at plan commission; we then recommend to Common Council; Common Council then has another public hearing and then acts on it via an ordinance. And so currently we have two public hearings, an informal and then the formal one at Council, and per state statute, we don't need to have both of those public hearings. We can eliminate one

of them, and really sometimes it causes confusion for the public is they receive a notice and they think the discussion happened here at Plan Commission, recommendation's going to council, and then they get another notice, and then they are coming to council, and they may be saying the same thing or a similar comment that was already discussed at Plan Commission. And so, with this amendment, we will be eliminating that public hearing at Council, and we would just have one at plan commission.

**Principal Planner Lindsey Smith 09:47**

With that, we will be streamlining the process. Because there's another notification before the Council meeting, we actually have to skip a Council meeting, and so it's about an eight-week process for a zoning or a map amendment, a rezoning. So, with this provision or change, we would be going down to a six-week process for someone looking to rezone a property or to go through a zoning text amendment. So that is within Section B.

**Mayor Jake Woodford 10:16**

And Lindsay, I would just note, per Council rules there is a public participation opportunity at Council meetings for action items that appear on the agenda. And so, while there will—would not be a public hearing at the council meeting where the item would be taken up, there will still, of course, be an opportunity for members of the public to come and share their perspectives with the Council under the Council's rules. So, I think just worth noting that while we're streamlining and reducing the number of public hearings, we're not changing the ability for members of the public to express their views on an action item such as this coming before the Council.

**Principal Planner Lindsey Smith 10:59**

Thank you. So also, within Section B, this came from Act 16 from 2023, and for zoning amendments, they need to be approved by a simple majority of the quorum of the members elect. So, what that means, after some research with legal here, we said, "Okay, here's this this term. What does that mean?" So, when this would be going before Common Council, previously, we had the rule of...eight?

**Mayor Jake Woodford 11:32**

Rule of eight.

**Principal Planner Lindsey Smith 11:35**

Which required eight to approve whatever was before them. With this term "simple majority of the quorum of the members elect" would actually allow less to vote in favor to approve it. So, if we would have a quorum—a quorum of council would be eight members. We would need a simple majority of those there. So that could be five actually that would vote in favor of the rezoning or the text amendment, and it would get approved. So, this goes—it kind of conflicts our council rules, but because statute—this is statute driven, we have to align with what statute states.

**Mayor Jake Woodford 12:15**

So, statute supersedes council rules in this case.

**Principal Planner Lindsey Smith 12:19**

Correct. So—and that's just to note, and it was a little tricky how we worded it in there, but that's effective January 1. So that is noted within the text amendments.

**Principal Planner Lindsey Smith 12:33**

Another section within sub B is actually changing and rewording some of the standards for zoning amendments. The standards currently sometimes are a little varied for and open for interpretation when reviewing zoning amendments, and we reworded this section to really simplify that it has to align with our Comprehensive Plan.

**Principal Planner Lindsey Smith 13:00**

Two, maybe there's new data out there that, let's—an example is we've we're hearing the housing market there's this increase, this need for housing market, but our Comprehensive Plan doesn't state that today. So, if there is a separate study that's conducted that evaluates we need these additional housing units in our city, that is enough—that is supporting data to show we need to rezone this property to higher density to allow these additional residential houses.

**Principal Planner Lindsey Smith 13:29**

And the third standard is, maybe there's an error actually within our zoning map or our zoning text amendment text.

**Principal Planner Lindsey Smith 13:35**

And then the final section in section or Subsection B is eliminating the term "temporary" and "permanent" zoning. So, this term is in the section when we talk about annexing land into the city. And so, we said that when land gets annexed into the city, they get this temporary zoning of Ag, but they can apply for permanent zoning. Zoning's never permanent, and so that sometimes causes confusion if the neighbors are here and they're hearing we're going to assign this permanent zoning classification of R1-B and two years later, maybe we're rezoning it to R3 and so that can be a mis—just misleading terms within our zoning code. So, we're removing those terms of temporary and permanent zoning. So that's Section B.

**Principal Planner Lindsey Smith 14:24**

Final—or two more. Section C. Section C moves on to talking about actually our agricultural zoning district. So right now, our agricultural zoning district allows single family homes and some other residential uses. Within our agricultural zoning district though, we have a minimum lot size of 10 acres. So, with that, we're actually permitting and encouraging people to build single family homes on 10 acre lots—10-acre size lots. So, with this proposed amendment, we are—this is eliminating single family homes within our agricultural zoning district. So, if someone wants to build a new single-family home, they will have to rezone to one of our residential zoning districts, which has a smaller minimum lot size. This hopefully will encourage smart growth principles and encourage those smaller lots, rather than having a 10-acre size lot within the city with a new single-family home.

**Principal Planner Lindsey Smith 15:35**

And final section D is our plan development and our TND zoning districts, and that section is just amending to align the process to amend a zoning map to align with our section above, having only one public hearing and not duplicating the public hearing process.

**Mayor Jake Woodford 15:56**

I also see where we're eliminating diskettes as an acceptable form of submission. So, I look forward to the public input on that change. Sorry.

**Principal Planner Lindsey Smith 16:09**

So those are the four sections that are proposed within this text amendment. There's a lot there, but it all ties together all-around public hearing notices, trying to streamline processes, and encourage smart growth to occur within our city.

**Mayor Jake Woodford 16:26**

Right.

**Principal Planner Lindsey Smith 16:30**

So, this is informational item, just like the previous one, if any discussion, comments, questions, and even if there's, you know, some revisions needed, we can work with that, and then we were tentatively looking at the October plan commission meeting for public hearing.

**Mayor Jake Woodford 16:50**

Questions? So, with the temporary—temporary designation—so with the with the sort of preliminary zoning of Ag, does that apply in a situation where there are already improvements? So, you know, if it's a it's a developed area. So, like if a town island annexes in, for example, how do we handle the initial zoning there?

**Principal Planner Lindsey Smith 17:13**

Yep. So, when they would be annexed into the city, would they, they would go to the agricultural zoning district. If they have existing structures, if they have an existing single-family home, let's say, on that lot that's annexed in, it would just be a non-conforming use in structures that exist. They can continue to live there, but there are some different standards on expanding if utilizing it for a single-family home.

**Mayor Jake Woodford 17:45**

So, in the in the example of like a town island annexing in where it's already a neighborhood, for example, how would we handle the zoning in that situation? Would it come in as Ag, and then we have to go through a rezone? Is that—is that the process?

**Principal Planner Lindsey Smith 18:01**

Yep. So, if they would be looking to go to a different zoning classification, we would be going through the rezoning process. So, there would be that public hearing at that time, and more than likely, majority of our land in the city, we would probably be looking at a R1 A, B or C to be recommending for the further zoning classification.

**Mayor Jake Woodford 18:20**

Okay. Any other questions? Okay, great. Thank you.

**Mayor Jake Woodford 18:31**

Next, we're going to stick with you, Lindsay. It's item 24-1223 proposed draft text amendments to the Municipal Code chapter 9, licenses, permits and business regulations, and chapter 23 zoning related to consumption of alcohol uses.

**Principal Planner Lindsey Smith 18:47**

Yes, so this proposed text amendment is eliminating and removing the consumption of alcohol from a special use to a permitted use, in our c1, c2, and CBD zoning districts. So currently, right now, they have to go through a special use permit if they are looking to sell alcohol on site for consumption. If they're a convenience store and they're just selling packages—packaged alcohol, that does not require a special use, but when they're consuming it on site, current zoning code requires a special use.

**Principal Planner Lindsey Smith 19:25**

And since Act 67, the city does not have a lot of discretion on special use permits. And so, we had a discussion last year about cell towers, and we transition that from a special use to a permitted use, and then we have standard—or special regulations around that use. So, this is a similar process we're proposing, is removing it as a special use into a permitted use. We currently have special regulations around these uses, and those would all remain. So, the big change would be that the individual would not have to apply for a special use, pay the fee—

again, talk about streamlining—pay the fee, have to go through a public hearing notice here, and then go on to Common Council for adoption. This would just be an administrative review saying it's permitted.

**Principal Planner Lindsey Smith 20:18**

A big piece of this is when an individual is applying for this type of use or intending to expand in the to this type of use, they also need a liquor license. So, through that process, that is a very robust process as well, that includes a large committee of city staff members, goes to licensing as well, and proceeds to Common Council for approval. So, with that, Community Development is involved in that process, and so we will still be involved when reviewing when these businesses are trying to expand, relocate, or establish within our city—we will still be involved in the process. It just won't require going through that public hearing process, and it can be confusing to businesses and individuals coming into communities, and we submitted an application with the clerk's office. Now you need to go to Community Development, and I need to go to this meeting and that meeting, and hopefully it all aligns together. And so, this will really help, hopefully, streamline, make it easier for our businesses and of the community, and it still will have the same involvement and review from Community Development staff.

**Principal Planner Lindsey Smith 21:26**

So, with that, again, this is another informational item, and we intend to bring this to the October plan commission meeting if there's no major changes or comments from the Commission.

**Mayor Jake Woodford 21:40**

Comments, questions? Just say, you know, for our for our Council colleagues, this is another example where we've been hearing you that it's frustrating to have an item come before you for a vote, only to be told that if, if you vote against it without a sound basis for the denial, it'll expose the city to potential litigation. We know you don't like those items. We don't like them either, so, and it's and it's also just a pain for the people who have to go through that process. So, I really appreciate that we're bringing this one forward, and hope—hopefully the council also appreciates that we're trying to clean up some of these kind of impossible approval processes. So, thank you for that. Any other comments or questions from the Commission?