



PLEASE TAKE NOTICE that there will be a City of Lodi Plan Commission meeting held on Tuesday, May 10th, 2022 at 6:30 pm in the Council Room, City Hall, 130 South Main Street, Lodi, WI.

Plan Commission Minutes

1. Call To Order

Rich Stevenson called the meeting to order at 6:31 pm.

2. Virtual Etiquette Announcement

3. Roll Call

Commission members present: Groves Lloyd, Peter Tonn, Rich Stevenson, Nick Strasser, Ken Detmer

Commission members excused: Jennie Larsen, Jennie Clark

Staff present: Stephen Tremlett – MSA (remote), Zoning Administrator, Brenda Ayers – City Clerk, Terry Weter – Director of Operations (remote)

4. The Pledge Of Allegiance

5. Public Input

None.

6. Approve Minutes from April 12th, 2022.

Motion by Groves Lloyd, seconded by Strasser, to approve the minutes. Motion passed 5-0.

7. Discussion on changing allowances for assembly-type uses in the C-2 zoning district.

Tremlett reviewed the staff report, dated May 4th, 2022. Stevenson asked if existing assembly-type uses, such as the funeral home or American Legion, if the City is treating them as conditional use. Tremlett stated that existing uses may or may not have a conditional use permit on record, but zoning district restrictions change and if pre-existing to changes to the code they are a legal non-conforming use.

Tonn reinforced that the pre-existing uses are grandfathered, but this change is how the City will regulate going forward. At the previous meeting, he reminded the commissioners that the act requires assembly uses to be treated equally, and there was support to maintain the integrity of the two block central business district. Thus, the option to move all assembly uses to conditional. Tonn asked about where the new Church is in the process of opening up, and if they would be required to get a conditional use permit.

Tremlett stated he is unaware if the Church is close to opening up. He noted that the Church is making interior improvements with no change to exterior, so there would be no other review by the zoning administrator outside of the use. He has not received a conditional use permit application.

Tonn restated that he suggested at the last meeting to consider moving the other assembly-type uses to conditional to maintain the two-block central business district, as noted by Larson who is not here tonight. Tonn stated he is still in favor in this direction. Strasser agreed. Stevenson said he agreed that as long as all assembly-type uses are in the category they are all equal and the City has the right to say "aye" or "nay" based on what's needed for the City.

Tremlett made a clarification that Churches are currently a conditional use in the ordinance, so both churches would be required to obtain a conditional use permit. Tonn clarified that the regulation was in place when the other church moved in two years ago vs. the American Legion existed when it was a permitted use. Tremlett confirmed this statement.

Detmer asked about the other churches in other districts. Tremlett stated that churches are permitted in C-1 and C-3. Detmer noted that we would have some churches as permitted, while others conditional. Tonn added based on location. Tremlett added that churches are conditional in residential districts.

Motion by Tonn, seconded by Groves Lloyd, to move remaining assembly uses to conditional use. Tremlett clarified that this agenda item is to discuss and provide direction, because a public hearing will be required if we the direction is to move other uses to conditional [with the former public hearing was on moving churches to permitted]. Tonn removed his motion and Groves Lloyd removed her second.

Stevenson affirmed that the direction is to move the other assembly uses to conditional use in the C-2 zoning district. Detmer asked if gentlemen's and ladies clubs are under 'clubs and associations' and treated as conditional. Tremlett stated typically that type of use is defined differently and handled separately, but he could look into it. Stevenson

stated that as long as it's reviewed specifically for that use that satisfies the question.

Tremlett stated Plan Commission has provided the direction and next month there will be a public hearing to consider moving the other assembly uses to conditional in the C-2 zoning district.

8. Discussion on accessory structure distance from principal structures.

Tremlett reviewed the staff report, dated May 5th, 2022. Tonn rephrased that memo says the City can abandon this regulation because it is already covered in the State building code and references a standard that is reviewed by the building inspector. Tremlett confirmed this is accurate. Tonn added that this regulation in the zoning ordinance could be correct and redundant, or potentially wrong.

Tonn agreed that redundancy is not needed and removing it will entirely in the zoning ordinance resolves potentially inaccuracy in the code. Tremlett stated the only potential reason to include language that reaffirms the WI Building Code is to have understanding of this requirement in site plan review. Tonn suggested that this language refers to the WI Building Code, so it is always current. Groves Lloyd and Stevenson agreed with this direction.

Detmer asked if this means the City is abandoning the six-foot separation requirement. Tonn stated if we are using a different restriction than the State code, we will need to defend language contradicting or more restrictive regulation. Strasser added that people could still build at six feet or closer, but with the fire-rated construction.

Tonn asked if small pop-up retail sheds is considered an accessory structure, and would be required to meet this standard. Tremlett confirmed that all sheds are regulated by this ordinance, and in discussion with building inspector structures under 100 square feet would not require building permit. Through discussion it was further clarified that the City would not require review of structures under 100 square feet, but all accessory structures shall meet all regulations in the zoning ordinance.

Strasser suggested Plan Commission request Tremlett to review how these pre-fab sheds are handled in other communities. All agreed to review if this is an issue in other communities and how are they reviewed and regulated.

9. Discussion on potential zoning amendments to remove barriers to affordable housing.

Tremlett reviewed the staff report, dated May 5th, 2022, and requested comment to several questions. On the first question, Tonn suggested the revision should include three levels of R-1 by density (vs. two as proposed in the memo) to allow a developer to allow for small lots that are 100% intended for single-family. Tremlett noted the policies in the Comp Plan suggest balanced neighborhoods with a reduction in single use neighborhoods. Strasser noted it is possibly when laying out a new neighborhood to include some R-2 with the remaining areas as R-1a/b/c. Tonn reaffirmed this interest and desire for three levels of R-1 by density even with R-2 district allowing the same lot size/width for single-family. Stevenson concluded that all are receptive with the three-tiered R-1 and we can make a decision once it's brought back in final draft form.

On the second question, Groves Lloyd stated it looks good. Ayers clarified that the memo discusses R-1b at 8,000 square feet (vs. 8,500). Tremlett noted the error in the description, but the correct is the 8,500 square feet in the table on the next page. No comments on reducing the setbacks as you shrink the minimum of lot size.

On the third question, Groves Lloyd likes three- and four-unit residential uses in R-2. Strasser agreed. Stevenson noted the interest in allowing for cottage cluster and this is good way to allow this type of development. Tonn asked about multi-family residential buildings. Tremlett stated they are permitted in R-3 only with this change allowing three- and four-unit conditionally in R-2.

On the fourth question, all agreed this change allowing rebuilding and expanding existing home to match existing non-conformity on setbacks.

On the five question, Stevenson asked about requiring a separate lateral for the ADU. Tremlett noted that new two-family structures are required to have separate laterals; however, that is a bit more difficult to existing structures converted to include an ADU. This may be the case where it is not required unless it's the City's directive to require it. Groves Lloyd questions if its necessary as its expensive. Strasser discussed what is practical to require it with converting existing structure. Tonn suggested for new construction a separate lateral for the ADU could be required, but not for adding one to an existing structure. Tremlett noted that there is language in the code that allows for a waiver of the separate lateral for converting a duplex to zero-lot line condo. Some additional conversation on size was discussed with Tonn acknowledging we use this language and reassess in time how it's working or not working. Tremlett reaffirmed that a lateral will be required for detached and not for attached. Detmer and Ayers asked about requiring a parking space for the ADU. Tremlett suggested revising to require one space dedicated for ADU and keeping existing required parking for the primary dwelling must be maintained or replaced on-site. Tonn suggests we just note the required number of spaces that includes required for the existing residence and the ADU (vs. stating one space added).

On the sixth question, Tonn asked if the existing lots in R-1 that are smaller in lot size or width can rebuild on their lot without needing to rezone. There was some debate on how this case is handled with the noted change to non-conforming structures will allow for rebuilding on the lot. All agreed this overlay can be removed with the changes above. Tonn wanted to recognize the effort in creating the overlay and the intent was in creating it, as well as

understanding this change handles it in another way and could be revised again in another ten years.

On the seventh question, Tonn noted a need to protect the occupant and if they were to modify the unit size it would not be by much. This is a too prong approach to provide affordable living options, but also protecting the tenant to get something decent for their money. Groves Lloyd thinks there should be minimum, especially for efficiencies. Strasser asked if there is option to propose a different unit size should the minimums remain in the ordinance. Groves Lloyd if a variance is an option. Tremlett noted a planned unit development is the likely the only option to request smaller unit size. Tonn asked if part of these amendments is to get away from planned unit developments (PUDs). Tremlett acknowledged that its not a good practice to see PUDs become a good portion of the zoning map; however, there is a minimum district area to PUDs so not in all cases would this be a tool that can be used for this purpose. Groves Lloyd noted that there is a big difference to move from 600 square feet in efficiencies units to 500 square feet, and I would not want to see that reduction for this unit type. Stevenson asked how tiny homes fit into this restriction. Tremlett noted the minimum unit size is for R-3 multi-family units. Consensus is to maintain the current minimum unit sizes for the R-3 zoning district.

10. Update and Discussion on Zoning Administrator Report (zoning inquires or permits approved since the last meeting, on-going City project updates, and requests for future agenda items).

Tremlett reviewed the staff report, dated May 5th, noting certificate of zoning compliance for PUD lots, inquires for vacant lot on Hills Street, and upcoming rezone application scheduled for a special meeting next Tuesday.

11. Adjourn

Motion by Groves Lloyd, seconded by Strasser, to adjourn. Motion passed 5-0, meeting adjourned at 7:58pm.

Drafted by: Steve Tremlett, City Zoning Administrator

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