
To: Lodi Plan Commission
From: Stephen Tremlett, AICP, Zoning Administrator
Subject: Affordability Zoning Code Amendments
Date: March 10, 2022

Request

Most zoning codes have developed over decades to assign ideal standards for exclusionary zoning in new developments, not what is currently there. Doing so reduces space for development and makes many existing lots illegal. Until you meet local demand for housing, you won't have naturally occurring affordable housing and you'll continue to rely on subsidized housing.

This memo is analysis of Lodi's current zoning code with a focus of changes that will address affordability goals identified in the City's Comprehensive Plan.

Background Information

City of Lodi 2040 Comprehensive Plan

Goal 1:

Housing and neighborhoods throughout the City provide a range of affordable, accessible, safe and desirable housing options for existing and future residents.

Polices:

3. Encourage accessory dwelling units as a part of new neighborhood development, during initial construction and site design.
4. Encourage the maintenance and repair of existing housing units to promote the utilization of existing structures and to safeguard the health, safety, and welfare of City residents.

Actions:

1. Address housing affordability through the following strategies:
 - b. Review and consider amendments to the zoning ordinance to enable development of housing formats that limit cost and increase diversity of housing stock, including smaller lots, smaller homes, attached units and "cottage court" clusters of detached homes. Identify locations for these housing forms in new and existing neighborhoods to provide a range of options for current and prospective residents.

Goal 2:

Encourage housing to be sensitive to the integrity of existing and future neighborhoods.

Polices:

10. As new neighborhoods are created and existing neighborhoods change over time, encourage a healthy mix of housing units including single-family, duplex, townhomes, apartments and other formats. New housing should be compatible with the existing surrounding neighborhoods.

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11. Encourage new housing starts in areas that are already served by public services including sanitary sewer and water.

User Guide to Wisconsin Neighborhood Affordability

The League of WI Municipalities issued a “User Guide to Wisconsin Neighborhood Affordability” recently and a colleague of mine attended a seminar regarding this guide. The following is a snapshot of short-term changes that should be considered to making it easier to building affordable housing.

- ***Dimensional Requirements.*** The quickest change is to align dimensional standards with the local context to make existing spaces legal. Make sure lot sizes, setbacks, and landscaping requirements conform to existing lots. Newer neighborhood roads are often built for more capacity than is needed. Reducing road width adds more space for development. If possible, eliminate lot area requirements. It’s lot width that controls character, not area. Many corner lots can be split in half without affecting neighborhood character.
- ***Parking.*** Reduce parking requirements and allow properties to count on-street and shared spots toward the requirement. Excessive parking requirements for homes and businesses takes land away from development, and parking standards aren’t based on solid research.
- ***Multifamily.*** Eliminate building size minimums for multifamily developments. This creates opportunities for a diversity of multifamily options. Most multifamily developments are designed based on assumptions about family composition rather than actual needs and wants.
- ***Conflicts in Code***
Many codes are added to and amended in bits and pieces. Audit the zoning code to remove conflicts and redundancies. This improves understanding and administration.

Applicable Zoning & Development Code Regulations

- Chapter 340 Zoning

Consistency with the City’s Comprehensive Plan

The proposed changes to the zoning code will allow for greater flexibility in use of existing properties to allow for expansions and additions, accessory dwelling units and greater design flexibility for newly created residential lots. These subtle changes will allow for existing homes to accommodate seniors hoping to age in place and multi-generational households to stay in the community. These proposed changes for discussion closely match the goals of the City of Lodi 2040 Comprehensive Plan.

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Zoning Admin Recommendation

Potential updates include streamlining the residential district requirements including reducing minimum lot size and setbacks, eliminate requirement for frontage on a public street, allowing accessory dwelling units in all residential districts, eliminating the traditional neighborhood classification, adjusting minimum parking requirements for residential districts, updating nonconforming structure section and elimination of minimum floor area ratios for residential units.

Sincerely,
MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "Stephen Tremlett". The signature is fluid and cursive, with the first name "Stephen" written in a larger, more prominent script than the last name "Tremlett".

Stephen Tremlett, AICP, CNU-A
Zoning Administrator

Enc: Comp Plan Future Land Use Policies

4.4 Future Land Use Categories

This section includes a description of each of the Future Land Use Plan categories. These categories include recommended land uses (e.g. residential, commercial, industrial), and land use densities (i.e. dwelling units per net acre). All zoning decisions, land divisions, utility extensions, capital improvement projects, and related land development activities and decisions should be consistent with the recommendations of the Future Land Use Plan. Refer to the Planning Area Maps of this chapter for more information regarding specific planning areas.

NEIGHBORHOOD RESIDENTIAL (NR)

NR areas provide a mix of housing types, civic uses (e.g., place of worship, social service clubs, etc.), existing neighborhood commercial, and daycare facilities. Most of the area designated as **NR** is or will be used for single family homes, but a variety of other housing types are appropriate within this designation, including duplex, town home, and small multi-unit formats (up to 4-units in a building). The purpose of the **NR** designation is to achieve balanced neighborhoods while also ensuring compatibility between differing housing types and forms. The following policies include design guidelines to ensure compatibility:

1. Housing will be one to two-and-a-half stories in height with residential densities in most places of 3-10 units per net acre (excluding streets, parks, outlots, etc.).
2. In new neighborhoods, the creation of a detailed neighborhood plan and/or Planned Unit Development Zoning is strongly encouraged to identify specific locations for various housing types and densities.
3. When integrating housing forms other than single-family detached, whether in new or existing neighborhoods, the following policies should inform neighborhood design and/or infill redevelopment design and approval. If more detailed neighborhood plans are prepared and adopted for specific neighborhoods (either new or existing), additional site-specific designations in those plans may supersede these policies.
 - a. Accessory dwelling units should be permitted in any single-family housing district.
 - b. Duplex units are appropriate just about anywhere within a neighborhood, as follows:
 - i. On any corner lot, if each unit faces and is addressed to a separate street and meets the standard setback requirements and pattern typical along the street.
 - ii. In the middle of a block between single family detached homes, if substantially similar to other homes along the street in massing, architectural character, total garage doors, and driveway width.
 - iii. As a transitional use when facing or next to a more intensive institutional, residential or commercial use. In this case there should be some general consistency of form and style with other homes in the neighborhood, but also more flexibility in design as compared to sites surrounded by single family homes.
 - c. Townhomes or rowhouses with up to 4 contiguous units are appropriate in any neighborhood, as follows:
 - i. When facing or adjacent to a commercial use, large institutional use, or residential use of equal or greater intensity.
 - ii. When facing a public park or permanent green space.

- d. Small multi-unit buildings with up to 4 units per building or Cottage Cluster may be appropriate in any neighborhood, evaluated on a case-by-case basis, if ALL the following apply:
- i. As a transitional use, if any of the facing or adjacent uses are commercial, large institutional, or residential of equal or greater intensity.
 - ii. Where facing or adjacent to single-family homes along the same street, the setbacks will be no less than the minimum allowed in the facing or adjacent single-family zoning district and the buildings will employ architectural techniques to reduce the apparent size of the building.
 - iii. There must be off-street parking consistent with City ordinance and on-street parking adjacent to the lot to accommodate visitors.
 - iv. If approved either through the Planned Unit Development (PUD) zoning process or Conditional Use Permit (CUP) process.
- e. Larger multi-unit buildings exceeding 4 units or 10 units per net acre have a place in balanced neighborhoods. These more intensive forms are generally most appropriate close to major streets, mixed-use areas, or commercial areas to provide convenient, walkable access to shopping, restaurants, and other amenities. This plan identifies specific sites for such housing. Properties that are either already intensely developed, or are suitable for more intensive development, have been identified as High-Intensity Residential (HIR) Overlay on the Future Land Use Maps, and additional policies apply.

Cottage Cluster



This housing type provides a community-oriented option with a group of detached homes (typically smaller than the average home – 800-1,200 SF) grouped together around a common green space. Units are typically offered under condominium ownership or as rentals.

Potentially Acceptable Zoning Districts: Residential (R-1) through (R-3) District, Planned Unit Development (PUD)

HIGH-INTENSITY RESIDENTIAL OVERLAY (HIR)

HIR overlay identifies properties or areas in the Neighborhood Residential (**NR**) future land use areas that are suitable for high-intensity residential development. The objective is to provide a mix of housing types to provide for balanced neighborhoods, while mitigating negative impacts to existing or planned low-intensity residential areas. For the purposes of this overlay, low-intensity residential includes single-family, duplex, small multi-unit/townhome buildings (up to 4 units). In general, high-intensity residential development is identified close to major streets, mixed-use areas, or

commercial/employment areas to provide convenient, walkable access to shopping, restaurants, and other amenities.

1. This classification is intended to function as an overlay district with Neighborhood Residential (**NR**) as the underlying future land use classification.
2. High-intensity residential development in the **NR** areas are expected to range 10-40 units per net acres (excluding streets, parks, outlots, etc.).
3. Intensive residential development will require special attention to the design where the use adjoins less intense residential development per the recommended Residential Compatibility Standards outlined below, or as required in the City's zoning ordinance (should the ordinance be amended to include standards). Standards identified in the zoning ordinance shall supersede those outlined below.

Potentially Acceptable Zoning Districts: Residential (R-3) District, Planned Unit Development (PUD)

Compatibility Standards

A. Purpose. These standards provide a proper transition and compatibility between low-intensity residential development and more intense multi-unit residential and mixed-use development. For purposes of this section, low-intensity residential development shall mean single-family, duplex, and townhome / small multi-unit buildings (4 or less units).

B. Applicability. These residential compatibility standards shall apply to all new multi-unit residential and/or mixed-use development of three-stories or larger and/or any development requiring a Planned Development (PD) zoning approval located on land abutting or across a street or alley from low-intensity residential. These standards do not apply to development governed by an existing General Development Plan (GDP), but they may be considered if a GDP is amended, especially as they pertain to aspects of the development that are proposed for revision in the amendment.

C. Compatibility Standards. All development subject to this section shall comply with the following standards:

1. **Use Intensity.** In developments with multiple buildings/uses with varying intensities, the development shall locate buildings/uses with the least intense character (e.g., lower heights, fewer units, parks) nearest to the abutting low-intensity residential development.
2. **Building Height.** The height of the proposed structure(s) shall not exceed thirty-five (35) feet in height adjacent to a low-intensity lot for a distance of:
 - a. Fifty (50) feet of a single-family or duplex lot.
 - b. Twenty-Five (25) feet of any other low-intensity residential lot (i.e., structures with 3+ units).
3. **Bulk and Mass.** Primary facades abutting or across a street or alley from low-intensity residential development shall be in scale with that housing by employing the following strategies:
 - a. Varying the building plane setback, a minimum of two (2) feet at an interval equal or less than the average lot width of the applicable low-intensity residential uses. For example, if a block of single-family lots is across the street from the development with an average lot

- width of 50 feet, the applicable facade shall vary its building plane, at a minimum, every 50 feet.
- b. Providing a gable, dormer, or other change in roof plane at an interval equal or less than the average lot width of the applicable low-intensity residential uses. For example, if a block of single-family lots is across the street from the development with an average lot width of 50 feet, the applicable roofline shall vary, at a minimum, every 50 feet (measured at the roof eave).
4. Architectural Features. At least two (2) of the following categories of architectural features shall be incorporated into street-facing facades:
 - a. Porches or porticos
 - b. Balconies
 - c. Dormers
 - d. Gables
 - e. Bay Windows
 - f. Door and Window Ornamentation which may include surrounds, pediments, lintels and sills, hoods, and/or shutters.
 5. Garages. Attached garages shall not face or open towards the street. If this is not attainable, garages shall be sufficiently screened and face the street with the highest intensity of adjacent uses (if on a corner lot).
 6. Parking. Parking areas that are visible from the street and located in the building front lot setback shall provide buffering at a minimum height of thirty-six (36) inches above the parking surface. Buffering can consist of landscaping, berms, fences/walls, or a combination of these.
 7. Refuse Areas. Dumpsters shall be placed behind the building with opaque or semi-opaque screening (at a minimum, a chain link with fabric screening). If the refuse area cannot be placed behind the building, a wood fence or wall, at least six (6) feet in height, shall be required. Additional landscaping around trash enclosures is encouraged.

NEIGHBORHOOD MIXED USE (NMU)

NMU areas are intended to provide a unique mix of neighborhood commercial, medium- to higher-density residential, institutional and park uses. Areas identified as *NMU* often serve as a buffer between residential neighborhoods and higher intensity commercial, industrial, or transportation areas. Residential is also a component of the *NMU* district - both in mixed use developments and as stand-alone multi-unit residential developments. These parcels usually are located along or adjacent to a local arterial or collector street. The purpose of the *NMU* category is to provide flexibility in determining the most appropriate mix of complementary land uses near single-family neighborhoods.

1. As part of the zoning approval process, the appropriate mix of land uses, densities, and intensities will be determined with consideration of market conditions and compatibility with adjacent neighborhoods. Typically, residential densities in *NMU* areas will be 12-40 units per net acre (excluding streets, parks, outlots, etc.).
2. While both residential and nonresidential uses are accommodated within this mixed-use district, not every building in a mixed-use district needs to include both residential and non-residential uses. Nonresidential development within *NMU* areas should be service and retail to support surrounding residential use.