



## PLANNING AND DEVELOPMENT

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### Neighborhood Center Overlay Zoning Districts-Administrative Guidance

#### Introduction

Through the guidance of adopted plans, citizen input and data evaluation, the City of La Crosse Department of Planning and Development is proposing an aggressive regulatory and financial incentive approach to catalyzing bike-ped-transit oriented urban infill in select areas of the City due to extremely low housing vacancy rates, the need for the City to improve investment value within its corporate limits, the impacts of sprawl and induced demand from historic transportation policy, the opportunity at hand from urban migration and market desirability of city living and combatting patterns of blight which contribute to the City's fiscal unsustainability and negative social factors.

Overlay Zoning is permitted by the Standard State Zoning Enabling Act and State Statutes, Chapter 62.23 which grants cities broad authority in using zoning to promote health, safety, morals or the general welfare of the community. While overlay districts have been more commonly used to require an additional set of regulations over the underlying zoning districts, the American Planning Association also points out they can be used as tools to forward economic development objectives as in the case of this ordinance:

#### APA:OVERLAY ZONES

*Basics* — An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments, housing along transit corridors, or affordable housing.

*Historical and Legal Implications* — As with traditional zoning, uses that can be justified as contributing to the health, safety, and welfare of the population are generally allowed to be regulated via overlay zoning. Common regulations include those for historic districts, natural resource protection, and economic development, though local governments are given broad authority to determine what regulation is in their community's best interest. As with zoning, however, communities must be careful not to violate

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the "uniformity clause" of the Standard State Zoning Enabling Act by ensuring that all similar properties are treated similarly. For further court opinions on the legality of overlay zoning, see *Jachimek v. Superior Court*, 169 Ariz. 317 (Ariz. 1991) and *A- S- P Associates v. City of Raleigh*, 258 S.E.2d 444 (N.C. 1979).

*Discussion* — Overlay zones have the potential to be very effective governmental regulatory tools. Since they tailor regulations to specific properties and districts to meet specific community goals, they can be more politically feasible to implement and can help communities meet stated goals or address specific inequities. On the other hand, they can create inefficiencies and inequities by applying regulations and restrictions to some properties and not others. Moreover, additional regulations may increase time and expense both for developers and for the public bodies involved in the development approval process.

These proposed zones generally having the following characteristics:

- Surrounded by neighborhood mixed densities (pedestrian access)
- Transit access or potential
- Bike-ped-transit infrastructure
- Blight, underperforming areas, or incompatible land uses
- Nodes identified in adopted planning documents (US 53 Corridor and South Avenue Plans)
- Floodplain redevelopment opportunities
- Land assembly opportunities due to vacant or public lands

### **Format of Overlay District**

This overlay district proposal is designed to supersede underlying zoning categories when certain criteria are met such as the assembly of land in the interest of forwarding the City's plans, providing relaxed land use regulation in order to stimulate form-based investment interest. The code is set up to establish a set of understandable form-based<sup>1</sup> standards, without being overly complex or restrictive in order to streamline process and improve predictability for the investor.

### **Desired Outcomes**

- High Quality Walkable Mixed Use Neighborhood Investment
- Strengthening Neighborhoods and Economic Centers Throughout the City
- Creation of Attractive Areas of the City with Placemaking
- Context Sensitive Urban Infill Investment
- Incentivizing Urban Infill with Streamlining Development Process
- Impacting Urban Transportation Policy Emphasizing Land Use and Urban Sustainability Instead of Roadway Expansion for Congestion Mitigation
- Environmentally Conscious Development (Low Impact)

**General Guidance:**

All underlying zoning within the district is administered as the code currently requires, unless an investor/land owner/developer assembles land over 1 acre in size with the intent to redevelop the land assembly in conformance with the overlay district. Once land is assembled over 1 acre in size (including existing parcels over 1 acre), the owner/developer is entitled to the flexibility granted in the overlay district, without the requirement for future hearings or approvals, except for standard administrative permitting, design review or special permitting such as conditional use permitting.

Mapping. All lands within the overlay district having over 1 acre shall be shown with a hatched pattern over the base zoning indicating these parcels are eligible for the overlay zoning. Upon new land assemblies occurring through standard lot combination procedures, the resulting parcel over 1 acre shall be shown with hatching as being part of the overlay zone.

The overlay zone shall not be applied to parcels under 1 acre or for land use proposals not complying with the overlay district purpose and intent, including non-conformance with city plans. For these proposals, the underlying zoning shall be in full force and effect. Proposals for use of the overlay zoning flexibility shall be approved administratively as part of the preliminary design review process and administrative review of the Planning and Development Department, and if denied due to non-conformance with the eligibility criteria in the overlay district, they shall be referred for standard zoning procedures.