



Memo

DATE: September 6, 2023
TO: Town of Clayton Plan Commission
FROM: Jeff Kussow
Community Planner/Code Administrator, Cedar Corporation
SUBJECT: Allowing Multiple Principal Buildings on a Parcel of Land

The Town of Clayton Zoning Ordinance prohibits more than one (1) principal building on a parcel for most land uses/developments. Staff is requesting Plan Commission review and discussion on the possibility of allowing more than one (1) principal building on a parcel in certain circumstances, more specifically:

1. Allowing more than one (1) principal commercial and/or industrial building on a parcel, serving the same or different uses/businesses;
2. Allowing multifamily buildings (3 or more units) on the same parcel as a commercial land use; and
3. Allowing a detached residential structure (e.g., single family dwelling or two-family building) on the same parcel as non-residential land uses for occupancy only by the owner/operator or employees of the non-residential land use.

Current Town Zoning Code Requirements/Restrictions:

Definitions:

- **Principal Building:** *The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.*
- **Accessory Building:** *A building that is clearly incidental and subordinate to and customarily found with a principal use.*
- **Mixed-Use Housing:** *One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.*

Section 9.08-83, Number of Principal Buildings on a Parcel of Land, states:

“There shall be no more than one principal building on a parcel of land, except as may be specifically allowed in this chapter. When this chapter allows more than one principal building on a lot, the reviewing authority may (1) require a greater yard setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to address concerns related to public health, safety, and welfare.”

The only land uses which are allowed to have more than one (1) principal building per the Town Zoning Ordinance are:

- Manufactured housing community
- Multifamily building, 3 or more units
- Two-family building, 2 units

Planned Development (PDD) District:

Currently, the only process to allow for more than one principal building on a parcel of land for most land uses/developments is for the property to be rezoned to add a PDD overlay district over the subject property.

The Town's Planned Development (PDD) District is an "overlay district" and is described in Section 9.08-12 (a) (15) as: "A special type of zoning district and are initially proposed by a property owner who desires a mix of uses or flexibility in a project's overall design. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are numbered sequentially (i.e., PDD-1, PDD-2, etc.)."

Essentially, it's an overlay zoning district that may be created for a project in which the Town sets development standards (e.g., allowed uses/buildings, minimum lot requirements, setbacks, etc.) for that specific project/PDD District. A general development plan needs to be developed for each PDD district, which describes the development standards for that specific PDD District.

Specific review procedures and requirements for the PDD District are described in Division 2 of Article 7, Planned Development Overlay District. One specific item to note within this Division is that per Section 9.07-33, Where Allowed, a PDD District shall only be established in/over the following zoning districts:

- R-1 Rural Residential District
- R-2 Suburban Residential District
- R-3 Two-Family Residential District
- R-4 Multifamily Residential District
- R-8 Manufactured Housing Community District
- B-1 Local Service Business District
- B-2 Community Business District
- B-3 General Business District
- M-1 Mixed-Use District

This means that the underlying zoning district of the subject parcel(s) shall be one of the zoning districts listed above. A PDD overlay district may not be established in/over the following zoning districts:

- A-1 Agribusiness District
- A-2 General Agriculture District
- P-I Public Institutional District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

Community Comparisons:

- Village of Greenville: Allows multiple principal buildings on a parcel for all uses except multiple one/two-family residential dwellings are not allowed on a single parcel.
- Village of Fox Crossing: Same as Town of Clayton and Winnebago County
- Town of Buchanan: Allows multiple principal buildings on a parcel for all uses, provided the building is located such that the yard and other requirements are met for each building as though it were on an individual lot (i.e., all principal buildings could be split onto separate parcel in compliance with dimensional requirements for the subject zoning district); Same as Town of Grand Chute and Outagamie County
- Town of Grand Chute: Allows multiple principal buildings on a parcel for all uses, provided the building is located such that the yard and other requirements are met for each building as though it were on an individual lot (i.e., all principal buildings could be split onto separate parcel in compliance with dimensional requirements for the subject zoning district); Same as Town of Buchanan and Outagamie County