

PLAN COMMISSION REVIEW QUESTIONS

Ordinance No. 2026-TBD: R-1/2 District

Comprehensive Review Checklist

Purpose: This document provides a comprehensive list of questions the Plan Commission should consider when reviewing the draft R-1/2 District ordinance. These questions are organized by topic area to facilitate thorough discussion and ensure all policy implications are carefully considered.

I. OVERALL POLICY FRAMEWORK

- Does this ordinance align with the City's comprehensive plan goals and objectives?
- Does consolidating R-1 and R-2 into R-1/2 serve the community's long-term interests?
- Are we comfortable with the level of increased density this ordinance will allow?
- Have we adequately balanced property owner rights with neighborhood character preservation?
- Are there any unintended consequences we haven't considered?
- Is the timing right for these changes given current market conditions and housing needs?

II. ACCESSORY DWELLING UNIT (ADU) PROVISIONS

A. Size and Dimensional Standards

- Is the 800 sq ft maximum (or 50% of primary) the right size limit? Too generous? Too restrictive?
- Should we have a minimum ADU size requirement to ensure livability?
- Are the 16-foot (1-story) and 25-foot (2-story) height limits appropriate?
- Are the 10-foot setbacks for detached ADUs adequate for privacy and fire safety?
- Should we allow ADUs in front yards under any circumstances (e.g., flag lots)?

B. Owner-Occupancy Requirement

- Is the owner-occupancy requirement essential to maintain neighborhood character?
- Should we consider phasing out owner-occupancy over time (like Madison did)?
- Are we comfortable with the CUP exception for non-owner-occupied ADUs?
- Should there be a cap on non-owner-occupied ADUs (percentage or number)?
- How will owner-occupancy be verified and enforced in practice?

C. Utilities and Infrastructure

- Is requiring separate utility meters necessary, or will it create undue hardship?
- Is the alternative metering exception adequately defined and workable?
- Will utility companies actually provide written documentation of infeasibility?
- Should existing ADUs be grandfathered from meter requirements permanently?
- What is the cost burden on property owners for separate meter installation?

D. Registration and Fees

- Is the \$100 registration fee appropriate? Too high? Too low?
- Should registration fees be annual rather than one-time with ownership transfers?
- Is the 60-day grace period for ownership transfers reasonable?
- How will the City track ownership changes to enforce re-registration?
- What happens if someone fails to register - are penalties proportionate?
- Should there be a lower fee for income-restricted or affordable ADUs?

III. NON-OWNER-OCCUPIED ADU CONDITIONAL USE PERMITS

- Is requiring a CUP for non-owner-occupied ADUs the right balance?
- Are the 'good neighbor standards' clear enough to enforce consistently?
- Is the property tax delinquency threshold (180 days) too generous or appropriate?
- Is 'two substantiated complaints per year' the right threshold for revocation?
- Is the complaint investigation process the right length (10 days review, 30 days determination)?
- Should anonymous complaints be logged but not substantiated - why or why not?
- Who should have revocation authority - Zoning Administrator or Plan Commission?
- Are appeal rights to Plan Commission adequate?
- Should there be a limit on how many non-owner-occupied ADUs can exist citywide?
- Should we prohibit non-owner-occupied ADUs in certain neighborhoods?

IV. SHORT-TERM RENTAL ADUs

- Is the 15-unit citywide cap the right number? Should it be higher? Lower?
- Should the cap be a percentage of total ADUs rather than a fixed number?
- Is 'first-come, first-served' the fairest allocation method?
- Should we prioritize owner-occupied STRs over non-owner-occupied?
- Is the \$200 annual fee appropriate?
- Should STR fees be higher to discourage speculative investment?
- Is the 12-month construction deadline for new ADUs reasonable?
- Should we require a minimum stay duration (e.g., 2-night minimum)?
- Are room tax collection and 24/7 availability requirements enforceable?
- Should we restrict STRs to certain zones or distances from downtown?

- How will we handle complaints about noise, parking, parties at STRs?
- Should we require additional parking for STRs?
- Is 'zero tolerance' for nuisance complaints too strict for STRs?

V. LOT STANDARDS AND DIMENSIONAL REQUIREMENTS

- Is reducing minimum lot size from 8,000 to 6,500 sq ft appropriate?
- Will 6,500 sq ft lots support quality development and adequate green space?
- Is the 130-foot minimum lot length necessary, or could we use 50'x130' (6,500 sq ft)?
- Does the lot dimension rationale in 402.07(6)(e) make sense for subdivision efficiency?
- Is 50% maximum impervious surface coverage adequate for stormwater management?
- Should the impervious limit be lower given flooding concerns?
- Is the 50% credit for permeable surfaces sound?
- Is manufacturer certification sufficient, or should we require independent testing?
- Should we require certain types of permeable surfaces (e.g., no permeable asphalt)?
- Is the 7-step impervious surface calculation too complex for property owners?

VI. SETBACKS AND YARDS

- Is reducing rear setback from 25 feet to 10 feet appropriate?
- Will 10-foot rear setbacks cause privacy or neighbor conflict issues?
- Does the 10-foot reduction adequately support ADU development?
- Should corner lots have different setback requirements?
- Are side yard setbacks (8 feet minimum, 20 feet aggregate) still appropriate?
- Is 20-foot front setback from ROW (not property line) clear to property owners?

VII. PARKING REQUIREMENTS

- Is the parking exemption for ADUs within 1/4 mile of downtown appropriate?
- Will the 1/4 mile radius create parking problems in downtown neighborhoods?
- Should we require parking even if downtown is close (to prevent on-street overflow)?
- Is exempting properties with 2+ existing spaces too generous?
- Should we require parking spaces to be paved/improved, or allow gravel?
- Should we have different parking standards for STRs (higher requirement)?

VIII. SMALL-SCALE COMMERCIAL USES

- Are we comfortable allowing commercial uses in residential districts at all?
- Is 2,000 sq ft the right maximum size? Too large? Too small?
- Should corner lots have automatic CUP approval or still require neighbor consent?
- Is the 300-foot radius for neighbor consent appropriate?
- What if neighbors within 300 feet don't respond - approval or denial?

- Is certified mail sufficient proof of contact attempt?
- Are the 8 AM to 8 PM hours appropriate, or too restrictive for some uses?
- Should different uses have different hours (e.g., coffee shop opens at 6 AM)?
- How will we handle uses that want to expand beyond 2,000 sq ft in the future?
- Should we require commercial uses to have off-street parking?
- How will we enforce design compatibility with residential character?
- Should certain commercial uses be prohibited even with CUP?

IX. FENCES AND TRAFFIC VISIBILITY

- Is prohibiting all fences within the traffic visibility triangle too restrictive?
- Should we allow decorative fencing under 3 feet in the triangle?
- Is 48 inches (4 feet) the right maximum height for fences outside the triangle?
- Should we allow 6-foot privacy fences in residential districts?
- Is prohibiting chain-link in front yards appropriate?
- Are the materials restrictions (no barbed wire, salvage materials) adequate?

X. ENFORCEMENT AND PENALTIES

- Is the \$263.50 citation amount appropriate?
- Is the \$200-\$500 daily forfeiture range reasonable?
- Should daily forfeitures start immediately or after a cure period?
- Is giving Zoning Administrator revocation authority appropriate?
- Should Plan Commission have direct revocation authority instead?
- Are appeal rights to Plan Commission adequate, or should appeals go to Council?
- Is the 30-day cure period sufficient for most violations?
- What violations should not be curable (immediate revocation)?
- How will we handle repeat violators?
- Should there be enhanced penalties for willful violations?
- Is our enforcement approach too punitive or too lenient?
- Do we have adequate staff resources to enforce these provisions?

XI. TRANSITION PROVISIONS AND GRANDFATHERING

- Is the 3-month grace period adequate for existing ADU registration?
- Should the grace period be longer (6 months) given complexity?
- How will we identify existing ADUs that should be registered?
- What outreach/education will we do to inform property owners of new requirements?
- Are grandfathering provisions for existing nonconforming structures clear?
- Should we have a phase-in period for new requirements (e.g., meters)?
- What happens to existing ADUs that don't meet new standards - must they come into compliance?
- How will we handle unpermitted existing ADUs discovered during transition?
- Should there be amnesty for unpermitted ADUs that register during grace period?

- Is the utility meter grandfathering (until ownership change) fair to new buyers?
- Should we require more lead time before enforcement begins?

XII. IMPLEMENTATION AND ADMINISTRATION

- Do we have adequate staff capacity to administer this ordinance?
- What software/database systems are needed for registration tracking?
- How will we train staff on new provisions and interpretation?
- What forms and procedures need to be developed?
- How will we educate the public about new regulations?
- Should we create informational materials (brochures, videos, website content)?
- Should we hold public information sessions before the ordinance takes effect?
- What is our timeline for developing administrative procedures?
- How will we coordinate with Building Department, Fire Department, Public Works?
- Should we commit to reviewing this ordinance after 1-2 years of implementation?

XIII. LEGAL AND TECHNICAL ISSUES

- Has the City Attorney reviewed this ordinance for legal compliance?
- Does this ordinance comply with all applicable Wisconsin Statutes?
- Are we compliant with Wisconsin Act 170 (2011) regarding nonconforming structures?
- Does this ordinance comply with Fair Housing Act requirements?
- Could any provisions be challenged as discriminatory or exclusionary?
- Are definitions consistent with state law and model ordinances?
- Are there any conflicts with other chapters of the City Code?
- Has Building Department reviewed for consistency with building codes?
- Are inspection and permitting procedures aligned with this ordinance?
- Could any provisions create liability for the City?
- Are property rights adequately protected (takings concerns)?
- Should we obtain an opinion from the League of Wisconsin Municipalities?
- Have we considered ADA compliance for ADUs used as rentals?

XIV. FISCAL IMPACT AND ECONOMIC CONSIDERATIONS

- Have we accurately estimated registration and fee revenue?
- Will fee revenue cover actual administrative costs?
- Should fees be adjusted to achieve cost recovery?
- What are the infrastructure impacts (water, sewer capacity)?
- Will increased density strain City services (police, fire, public works)?
- What are the property tax implications of ADU development?
- Will ADUs increase or decrease property values in affected neighborhoods?
- What are the economic development benefits of allowing ADUs?
- Will this ordinance help address housing affordability issues?

- Should we offer incentives for affordable ADUs (reduced fees, expedited review)?
- What are the construction/renovation economic impacts?
- Will this ordinance help or hurt the rental housing market?

XV. COMMUNITY AND NEIGHBORHOOD IMPACTS

- How will existing residents react to these changes?
- Have we adequately considered neighborhood character preservation?
- Will this ordinance create winners and losers among property owners?
- How do we address equity concerns (who benefits, who is burdened)?
- Will ADUs help families care for aging parents or adult children?
- Could ADUs worsen parking and traffic problems in some neighborhoods?
- How will this impact schools if family sizes increase in single-family zones?
- Will allowing duplexes by right change neighborhood dynamics?
- Will this ordinance increase housing diversity and affordability?
- How do we balance individual property rights with community concerns?

XVI. ALTERNATIVES AND MODIFICATIONS TO CONSIDER

- Should we adopt this ordinance as drafted, or make modifications?
- Should we phase in certain provisions over time?
- Should we pilot ADUs in certain neighborhoods before citywide implementation?
- Should we start more conservatively and liberalize later if successful?
- Should we adopt more restrictive provisions than proposed?
- Should we separate ADU provisions from district consolidation?

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