



Department of Planning and Community and Economic Development  
Planning Division

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**TO:** Madison Plan Commission  
**FROM:** Bradley J. Murphy, Planning Division Director  
**DATE:** August 16, 2007  
**SUBJECT:** Zoning Text Amendments Scheduled for August 20, 2007

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Agenda Items 15-21 on the August 20, 2007 agenda are proposed zoning text amendments. Most of these amendments (with the exception of Item 17) have been proposed by Planning and Zoning staff as a result of a review of the Zoning Code, looking for opportunities to move certain conditional uses to permitted uses. Staff identified several uses which are currently listed as conditional uses and which are, for the most part, routinely approved (but not always). In addition, Item 17 amends the Zoning Code to add a definition for auto title loan businesses and to add provisions which require their approval as a conditional use in the C3 and C3L Districts. Now that these ordinances have been introduced, staff recommend that they each be carefully reviewed and discussed to determine whether additional conditions are necessary or other changes are needed prior to their adoption. The paragraphs which follow briefly summarize each of these amendments.

**Item 15 Legistar 06949 increasing the total square footage of floor area in accessory buildings that require conditional use approval.**

This amendment relates the size of all detached accessory buildings, including large garages which can be built on a zoning lot to the size of the lot for lots developed with a one or two-family residences. The cumulative area of accessory buildings would be restricted to not exceed 10% of the lot area up to 1,000 square feet. Buildings over 1,000 square feet would continue to require conditional use permit approval. This amendment would replace the current ordinance which limits accessory buildings to 576 square feet.

The Plan Commission should note that while it has approved dozens of large garages over the last two decades, most recently on the Plan Commission agenda the Plan Commission referred a conditional use permit for a large garage at 4109 Mandan Crescent. That garage would be a permitted use following the approval of this text amendment.

**Item 16 Legistar 06950 adding a definition of auto title loan business and making them a conditional use in the C3 and C3L Districts.**

A number of auto title loan businesses have opened in recent years. These businesses are currently regulated as financial institutions. Recognizing that there is a distinction between these businesses and traditional financial institutions, this ordinance provides a specific definition for auto title loan businesses and creates regulations for the location of these businesses within the community. Their

location will be restricted to the C3 and C3L Districts only when approved as a conditional use. In addition, the ordinance establishes a separation requirement of 5,000 feet from other auto title loan businesses and pay day loan businesses, which is the same separation requirement for pay day loan businesses included in the current ordinance.

**Item 17 Legistar 06951 changing automobile and motorcycle sales and rental establishments from conditional uses to permitted uses in the M1 Limited Manufacturing District.**

The zoning ordinance currently lists automobile and motorcycle sales and rental establishments as a conditional use in the M1 District. Motor vehicle sales and leasing establishments are currently listed as permitted uses in the C3 and C3L zoning districts. Staff have heard from Alderperson Compton who is opposed to this proposed change and Item 19 and has provided a memo for the Plan Commission's consideration. If the Plan Commission also has concerns about these changes it could recommend that these ordinances be referred to allow time to address specific concerns or that they be placed on file.

**Item 18 Legistar 06952 deleting nursery schools as an identified use in the Zoning Code and including this use in a new definition of daycare center and changing terminology throughout the Zoning Code to be consistent, including the addition of daycare centers in churches as a permitted use in the R1 District.**

This ordinance includes housekeeping amendments which clarify the definition of daycare centers throughout the Zoning Code and changes the daycare centers from conditional uses to a permitted use when located in a church or school in the R1 District. Adding daycare centers on church or school properties recognizes that these properties generally have sufficient space and parking to accommodate these uses. Daycare centers not associated with existing churches and schools would continue to be regulated as they are currently. It should also be noted that schools and church buildings in excess of 10,000 square feet of floor area continue to require conditional use approval under the zoning ordinance.

**Item 19 Legistar 06953 allowing temporary parking lots as a permitted use in the C3 and M1 Districts.**

This amendment changes temporary parking lots from a conditional use to a permitted use in the C3 and M1 Districts. Temporary parking lots, under the proposed ordinance, would be allowed as a permitted use for a period not to exceed two years.

**Item 20 06954 adding contractor and construction offices as a permitted use in the C3, C3L and M1 Districts.**

Contractor shops and offices are currently conditional uses in all three of these zoning districts. Staff recommend making these uses permitted uses in those districts where other more intensive uses are currently permitted outright. The ordinance amendment being proposed requires vehicle and equipment storage and supplies to be housed completely within enclosed buildings.

**Item 21 Legistar 06955 making some outdoor eating areas of restaurants permitted uses rather than conditional uses.**

Currently any outdoor eating areas are required to receive conditional use permits in all commercial and manufacturing districts which allow restaurants. There are no specific criteria for these approvals other than the conditional use standards, although staff typically recommends some restrictions on amplified

music and noise where it believes these restrictions are appropriate, typically when the outdoor eating areas are located close to residential areas. This proposed ordinance recommends making outdoor eating areas of restaurants permitted uses if the outdoor eating area is at least 200-feet from a building containing residential uses, and conditioned upon there being no amplified sound and having the outdoor eating area close no later than 10:00 p.m. Other outdoor eating areas not complying with these conditions would continue to require conditional use permits. If there are concerns about this ordinance the Commission could consider additional conditions such as requiring that the serving of alcohol trigger the conditional use procedure and/or changing the 200-foot distance from a "building" containing residential uses, to the "zoning lot" which contains residential uses.

**Murphy, Brad**

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**From:** Compton, Judy  
**Sent:** Friday, August 17, 2007 12:27 AM  
**To:** Murphy, Brad  
**Cc:** Ethington, Ruth  
**Subject:** Monday's meeting

**Brad,**

*I will be unable to attend the Plan Commission Meeting on Monday evening, and would like to have you copy and distribute this email to the Commissioners.*

*I would first of all like to have item 3 corrected, Voges Road is in the 16th District.*

*Regarding items #17 and 19:*

*I am asking you not to vote to approve these ordinance text amendments. It is hard enough to work with these type uses with the current legislation, but if we make them permitted uses in any zoning classification, we lose the ability to direct their design at all. I understand the thought here, and do not deny that it would make things easier. They wouldn't have to come before us at all--they could just build, or pour out their asphalt and get to business.*

*In my district, there is much M-1. A lot of this M-1 is bordering Hwy 51 in the area we are concentrating on as the Stoughton Road Revitalization Project. 8 neighborhoods, 3 Alders, 2 County Supervisors, and Madison's Planning Department have spent much time and money creating a plan that will be brought to you soon for presentation and hopefully for approval. It is about creating a gateway into the City, one that does not need to be cluttered with acres of asphalt and parked cars/boats.*

*Getting past the potential appearance of un-guided used car lots, The M-1 in the 16th is inundated with wet land. Without the ability to oversee the creation of these parking lots and auto/boat lots, we are challenging these wetlands. I would be surprised if anyone on the Plan Commission would want to give up the ability to protect these wetlands, by overseeing the development affecting them.*

*M-1 in other aldermanic districts face the same threat.*

*I am not going to insult you by going into what "permitted use" means--I know that you all realize this. Some of you remember that the Dean Clinic on the East Side was built without having to pass a single committee or commission. They were a permitted use, and thank goodness they wanted to build in my district. Thank goodness they wanted to build the fantastic building that they created. Thank goodness they didn't want to be an auto/boat or parking lot, as a permitted use in an M-1 district. These are 2 uses that we can not give up the ability to oversee.*

*I would appreciate it if you would vote to place items 17 and 19 on file, or just reject them outright.*

*Thank you for your consideration.*

**Judy**  
**Alder Judy Compton**  
**District 16**  
**City of Madison**  
**Phone: Home--221-2567**  
**or Office--223-6007**

8/17/2007

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