



Department of Planning & Community & Economic Development
Building Inspection Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TTY/TEXTNET 866 704 2318
FAX 608 266 6377
PH 608 266 4551

DATE: April 9, 2012
TO: Plan Commission
FROM: Matt Tucker, Zoning Administrator
SUBJECT: Outside Storage and display at Auto Convenience Markets

A question was recent raised regarding the difference between outside storage and outside display, as it relates to the materials one may see at an Auto Convenience Markets (ACM's).

The City's Zoning Ordinance regulates outdoor storage and outdoor display. In some zoning districts, outdoor storage is allowed, on others it is prohibited. In all the commercial zoning districts, the outdoor display of merchandise of products offered for sale within the building is generally allowed.

In general, the legal outdoor display typically found at ACM locations should be an extension of product being offered for sale within the building. Said placement must not interfere with pedestrian and vehicle traffic, or be placed in landscaped or unimproved areas or required ingress/egress or fire lane areas. Items on display are typically placed outdoors during business hours, and are then must be shifted indoors during hours of business closure.

This differs from outdoor storage, where the product is typically in-bulk delivery, placed in designated storage areas on pallets or other moveable platforms by equipment, for extended periods of time, until the stock is reduced through sales. Storage is also represented by a volume or scale of material simply not possible to move or relocate indoors at any time. With outdoor storage, the materials are generally not intended, nor is it reasonably possible to be stored indoors at a site. This type of storage is specifically allowed for certain uses, but not necessarily for ACM's at all locations.

Since many ACM's are mostly open 24 hours, there may not be a closure period of a business day where display materials should be moved indoors. As a result, some ACM's have introduced outdoor storage of significant volume, where there is no way the product could possibly be stored indoors or inside of a designated/required enclosure. Additionally, staff is not aware of any ACM location that has identified a storage or display area on an approved site plan, but regularly note the presence of outdoor storage and display at sites, found along the buildings, in landscape areas, on parking areas, and near/between gas pumps at ACM sites.

The majority of the ACM's are found in commercial zoning districts, and ACM businesses are *Conditional Uses*, where allowed in the Zoning Ordinance. Typically, when an ACM *Conditional Use* is reviewed by the Plan Commission, elevations are shown which represent a storage and display-free site: no storage or display area is shown, and the areas intended for walkway purposes, vehicle movement, and landscaping areas are shown as such on the plans - unobstructed. After construction, these areas become storage/display areas for various materials, some examples: firewood, windshield washer fluid, oils, and palettes of water softener salt or landscaping mulch. Display of limited quantities of this type of materials display could be allowed, however, most, if not all of the ACM's have not indicated or designated where the display is to take place. A quantity and type of materials being stored could be easily moved indoors, but much of this material is not on display within the store itself. In most cases, what one may observe at an ACM location is most likely non-approved outdoor storage or display, which is addressed when complaints are forwarded to the Zoning Office.

With the new zoning code pending final map adoption for the City, outdoor storage and outdoor display are both regulated *accessory uses* at ACM's, as *Conditional Uses* with supplemental regulations. The ACM uses is also listed as a *Conditional Use* with supplemental regulations, where allowed in the code.