



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments

Legistar File ID #: [56690](#) and [56981](#)

Prepared By: Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

[56690](#) – Exempting the installation of solar energy systems from the conditional use and planned development alteration requirements

This ordinance will allow property owners with conditional use approvals or planned development approvals to install solar energy systems without seeking an alteration to their conditional use or planned development. The ordinance would create a similar approval process as exists in the Zoning Code now for the regulation of wind and solar energy systems on properties located in a conventional zoning district and not subject to a conditional use approval. The amendment will also change the person designated to approve solar energy placement plans from the director of the Department of Planning and Community and Economic Development to the Zoning Administrator.

The Zoning Administrator has been the designee for solar installation approvals dating back to 2009. Over the past few years, it is estimated the City has approved under 100 permits annually, but has seen a significant uptick in 2019, around 20 or more permits a month. *Exact data was not available at the time of drafting this report.* Each solar installation request must be processed through the Zoning Ordinance relative to the district in which it is located. The City has many properties that were approved as Conditional Uses and properties in Planned Development Zoning Districts, which include both individual commercial properties and residential subdivisions, in some cases entire neighborhoods which are in PD zones. Most solar permit requests are for single-family homes. About half of the permit requests are at Conditional Use sites or Planned Development Zones. With the current ordinance, properties that are Conditional Uses or in Planned Development Districts require a zoning alteration for a solar installation to be approved. The process for approving an alteration involves the submission of an application and the payment of fees (\$100 plus a \$30 recording fee if the request is a PD alteration), soliciting the “recommendation” of the District Alderperson, and approval of the DPCED Director or designee. The alteration process typically takes 10 days to 2 weeks, but can extend to over a month or more if the alder recommendation is not obtained or paperwork is not correctly submitted. In comparison, the approval of solar at a permitted use site can be approved within one day, once the designee (the Zoning Administrator) approves the request, with no additional fees. This amendment eliminates the requirement for an alteration of Conditional Use or Planned Development, to expedite the approval process and eliminate processing fees, so solar installations are treated equally and in an expedited fashion for all property in the City. This amendment aligns with pro-solar efforts of the City.

Solar installations in Historic districts/Landmark properties/Landmark sites and in Urban Design Districts also require approval by the Landmarks Commission or its secretary and the Urban Design Commission or its secretary. With the exception of the first two permit requests in an Urban Design Districts and a Historic District back in 2009, all solar installations have been approved administratively since 2009. Both the Landmarks Commission and the Urban Design Commission have authorized the respective staff to review and approve at their discretion. This amendment does not change the ability to refer a request to the UDC or Landmarks Commission, should the secretary make that determination.

Staff support the proposed text amendment with a minor correction that “conditional use” in subsection 2. of the amendment pertaining to Section 28.098 of the Zoning Code should be changed to “planned development.”

[Second Substitute] [56981](#) – Amending the CI district to require conditional use approval for the establishment, improvement, or modification exceeding 4,000 square feet in area on a zoning lot of any primary use, and to require conditional use approval for the establishment, improvement, or modification of identified secondary uses.

Ordinance ID 56981 was introduced from the floor by title only at the August 6, 2019 Common Council meeting. The proposed substitute ordinance replaces the original ordinance.

As currently written, on any parcel zoned in the Campus-Institutional (CI) District without a campus master plan, primary and secondary uses are allowed subject to conditional use review only upon the construction of a building that creates greater than 4,000 square feet of floor area, which the Zoning Code defines as “area under the roof of a building.” [Buildings taller than three (3) stories or 68 feet are already conditional uses in the CI District.] Primary and secondary uses that do not require the construction of a building are otherwise permitted without conditional use review. Secondary uses in the CI District that may not require the construction of a building include outdoor sports and recreational facilities, surface parking, utilities and transportation facilities, stadiums, auditoriums and arenas, and agricultural uses. These uses often require conditional use review in other zoning districts, including in the residential and mixed-use and commercial districts regardless of whether they involve the construction of a building or not. One of purposes of this text amendment is to treat the secondary uses on a CI-zoned campus similarly to the same or similar uses in other zoning districts across the City.

Ordinance ID 56981 also proposes to reclassify three uses currently listed as secondary uses in the CI District – places of worship, agricultural, and veterinary clinics – as primary uses. The text amendment also clarifies that any secondary uses on a CI-zoned property must be predominantly utilized in a manner that is directly related and complementary to the primary uses on that campus.

Staff generally supports this text amendment. Many of the City’s CI-zoned campuses are located within close proximity to established residential neighborhoods. The proposed amendment will create a process to better regulate the use and development of those CI-zoned institutions without campus master plans in a manner that is consistent with how many similar land uses are regulated through the conditional use process, particularly in residential zoning districts.

Additionally, staff supports the reclassification of places of worship, agricultural, and veterinary clinics from secondary uses to primary uses with the proposed amendment.