



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendment

**Legistar File ID #:** [56981](#)

**Prepared By:** Planning and Zoning Staff

The following is a summary of the proposed zoning text amendment(s) for Plan Commission consideration.

---

**[Third Substitute] [56981](#) – Amending the CI district to require conditional use approval for uses involving new buildings or additions to existing buildings exceeding 4,000 square feet in floor area and for the establishment, improvement, or modification of any use occurring outside an enclosed building.**

Ordinance ID 56981 was introduced by title only from the floor at the August 6, 2019 Common Council meeting. The Plan Commission reviewed the second substitute for the proposed text amendment at its August 26 meeting and referred the matter to September 16 meeting following a lengthy public hearing and discussion.

In referring the text amendment, members of the Plan Commission asked staff to work with the ordinance sponsors to "tighten" the language in the proposed text and clarify what would require a conditional use approval and what would not if the amendment takes effect. Members also asked staff to contact representatives from the various CI-zoned institutions to inform them of the proposed text amendment.

This third substitute was necessary to more clearly delineate the difference between indoor and outdoor uses. The proposed text before the Plan Commission maintains the 4,000 square-foot/five-year threshold for conditional use review of additions in a Campus-Institutional (CI) District without a campus master plan and clarifies that the construction of a new building in CI without a master plan requires conditional use approval. Further, the third substitute requires that primary and secondary uses occurring outside of enclosed buildings obtain conditional use approval. In the Zoning Code now, primary and secondary uses that do not require the construction of a building (e.g., occur outside an enclosed building) would otherwise be permitted without conditional use review, including outdoor sports and recreational facilities, surface parking, utilities and transportation facilities, and open stadiums and arenas. As noted previously, many of these outdoor uses require conditional use review in other city zoning districts, including the residential and mixed-use/commercial districts. One of the purposes of the proposed text amendment is to treat uses that occur outside of an enclosed building in the CI district like the same or similar uses in other zoning districts. The third substitute also clarifies that secondary uses in a CI district must be predominantly used in a manner that is directly related and complementary to the institution's primary uses.

Additionally, the third substitute provides language confirming that the Zoning Administrator may issue permits to repair or replace any existing facility related to a primary or secondary use if the proposed facility is of a similar built condition and at a similar location on the zoning lot as the existing facility. Staff feels that this language addresses comments at the August 26 meeting that the language in the second substitute would create a burdensome regulatory environment by requiring *any* change to a CI district without a master plan to be approved by the Plan Commission as a conditional use. The intent is to allow permits to be issued for items on a CI-zoned campus with a known impact to be repaired or replaced if it will result in a similar condition as the existing.

Finally, the third substitute moves agricultural uses and veterinary clinics back to secondary uses in response to Plan Commission concerns about re-classifying them as primary uses in the CI zoning district. Staff proposes that places of worship remain as a proposed primary use, however. While an agricultural use or veterinary clinic is less likely to be the primary use of a CI-zoned property but rather a secondary or complementary use to another primary use such as an educational institution, staff believes that there are places of worship across the City on campuses of sufficient scale to warrant consideration as a CI district. Those campuses would need to be rezoned to CI to avail themselves of this proposed text amendment. However, those campuses are identified as institutional uses in adopted neighborhood development or special area plans, and staff believes for the purpose of this discussion that it would be conceivable that a future rezoning to CI for those campuses could be found to be consistent with adopted plans.

In response to the Plan Commission's request, staff and the Mayor's Office contacted representatives from various CI-zoned institutions across the City. Comments regarding the text amendment from the University of Wisconsin-Madison, Madison College, and Madison Metropolitan School District are attached. The Commission is encouraged to view other public comments received about the text amendment since the August 26 meeting, which are attached to the legislative file as "Public Comments\_09-16-19PC.pdf" ([link](#)).

Finally, a new Class 2 notice for the text amendment was published in the official newspaper for this meeting in anticipation of the changes to the ordinance reflected in the third substitute. As a result, the Plan Commission may hold a new public hearing to take testimony on the proposed text amendment.