



Legislation Details (With Text)

File #: 56981 **Version:** 4 **Name:** Requiring institutions in CI District without an approved campus master plan to get conditional use approval for the establishment, improvement, or modification of specified uses

Type: Ordinance **Status:** Passed

File created: 8/5/2019 **In control:** Attorney's Office

On agenda: 10/1/2019 **Final action:** 10/1/2019

Enactment date: 10/11/2019 **Enactment #:** ORD-19-00069

Title: 3rd SUBSTITUTE. Amending Sections 28.097(2) and (3) of the Madison General Ordinances to require conditional use approval in the Campus-Institutional District for uses involving new buildings or additions to existing buildings the establishment, improvement, or modification exceeding 4,000 square feet in ground floor area and for the establishment, improvement, or modification of any use occurring outside an enclosed building. 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.

Sponsors: Tag Evers, Syed Abbas, Christian A. Albouras, Shiva Bidar, Grant Foster, Keith Furman, Patrick W. Heck, Zachary Henak, Rebecca Kemble, Lindsay Lemmer, Donna V. Moreland, Michael E. Verveer, Marsha A. Rummel

Indexes:

Code sections:

Attachments: 1. 8/15/19_Letter_from Atty. _M. Lee_to_CA_May.pdf, 2. 8/20/19_Letter_from_CA_May_to Atty. _M. Lee.pdf, 3. Bidar-Brown_08-21-19.pdf, 4. City Attorney Memo_08-22-19.pdf, 5. CAO Memo w-attachments.pdf, 6. Version_2_-_Substitute_Body, 7. Staff_Memo_08-26-19.pdf, 8. Public_Comments_08-26-19PC.pdf, 9. Memo_to_Plan_Commission_Strange_08-26-19.pdf, 10. UW-Madison_09-09-19_Comments.pdf, 11. Madison_College_Comments_09-10-19.pdf, 12. MMSD_Comments_09-11-19.pdf, 13. Public_Comments_09-16-19PC.pdf, 14. Staff_Memo_09-16-19.pdf, 15. Registrants_1_082619.pdf, 16. Registrants_2_082619.pdf, 17. Registrants_3_082619.pdf, 18. 18.pdf

Date	Ver.	Action By	Action	Result
10/1/2019	4	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
9/16/2019	4	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
9/3/2019	3	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
8/26/2019	3	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
8/7/2019	1	COMMON COUNCIL	Referred for Public Hearing	
8/6/2019	1	COMMON COUNCIL	Referred for Public Hearing	
8/5/2019	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

3rd SUBSTITUTE. Amending Sections 28.097(2) and (3) of the Madison General Ordinances to require conditional use approval in the Campus-Institutional District for uses involving new buildings or additions to existing buildings the establishment, improvement, or modification exceeding 4,000 square feet in ground floor area and for the establishment, improvement, or modification of any use occurring outside an enclosed building. 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.

Body

DRAFTER'S ANALYSIS: 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 requirements 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." Primary and secondary uses that do not require the construction of a building (e.g., occur outside an enclosed building) are, thus, permitted without conditional use review. Uses in the CI District that may not require the construction of a building (including outdoor sports and recreational facilities, surface parking, utilities and transportation facilities, other uses related to the institution's primary mission, open stadiums, auditoriums and arenas, and agricultural uses) often require conditional use review in other city zoning districts, including residential and mixed-use and commercial districts. The purpose of this ordinance is therefore to treat uses that occur outside of an enclosed building in a CI District like the same or similar uses in other zoning districts. This ordinance retains the requirement that the construction of new buildings or additions to existing buildings exceeding 4,000 square feet in floor area require conditional use approval. It then states that conditional use is always required for the establishment, improvement, or modification of any use occurring outside of an enclosed building. Finally, this ordinance 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.

This third substitute was necessary to more clearly delineate the difference between indoor and outdoor uses. Moreover, this 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 provided that the proposed facility is of a similar build condition and at a similar location on the zoning lot as the existing facility. Finally, this substitute moves Agricultural and Veterinary Clinic back to secondary uses in response to Plan Commission concerns about re-classifying them as primary uses in a CI-District.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) entitled "Master Plan Requirement" of Section 28.097 entitled "Campus-Institutional District" of the Madison General Ordinances is amended to read as follows:

“(2) Master Plan Requirement.

- (a) Any Campus-Institutional District created after the effective date of this ordinance shall submit a Campus Master Plan, which shall be approved as part of the map amendment.
- (b) Approved Campus Master Plans shall be effective for ten (10) years, and, during that period, may be altered pursuant to (8) below.
- (c) In a Campus-Institutional District without a Campus Master Plan, the construction of a new building or additions to existing buildings that exceed four thousand (4,000) square feet in floor area on a zoning lot within any five (5) year period shall require conditional use approval. individual development proposals, and changes that exceed improvements, or modifications related to primary uses identified in sub. (3)(a) below require conditional use approval except that any proposals, improvements, or modifications not exceeding four thousand (4,000) square feet in floor area on a zoning lot within any five (5) year period shall require conditional use approval are allowed.
- (d) In a Campus-Institutional District without a Campus Master Plan, the establishment, improvement, or modification of any primary or secondary use occurring outside of an enclosed building shall require conditional use approval. However, the Zoning Administrator may issue permits to repair or replace any existing facility related to a primary or secondary use provided that the proposed facility is consistent of a similar bulk condition and at a similar location on the zoning lot as with the existing facility. any individual development proposals, improvements, or modifications to related to secondary uses identified in sub. (3)(b) below require conditional use approval.
- (de) In the absence of a Master Plan, dimensional requirements are in (4) below.
- (ef) Any PD converting to CI carries the land use approval and restrictions from the PD into the CI, and those rules and agreements are in full effect until a Campus Master Plan is adopted.”

2. Subsection (3) entitled "Uses Within CI Districts" of Section 28.097 entitled "Campus-

Institutional District” of the Madison General Ordinances is amended to read as follows:

- “(3) Uses Within CI Districts. Uses within CI districts are defined as follows as either primary or secondary. All secondary uses must be utilized predominantly in a manner that is directly related and complementary to the institution’s primary uses.
- (a) Primary Uses.
1. Educational uses associated with colleges, universities, and secondary and primary schools, including classroom buildings, libraries, and offices.
 2. Medical facilities, including hospitals, clinics, laboratories and related facilities.
 3. Dormitories, student and/or faculty housing.
 4. Community Center.
 5. Places of Worship.
- (b) Secondary Uses.
1. Day care facilities.
 2. Eating places within mixed-use buildings such as dormitories or student unions.
 3. Fraternities and sororities.
 4. General retail, financial and personal service uses within mixed-use buildings such as student unions.
 5. Indoor and outdoor sports and recreational facilities.
 6. Lodging facilities.
 7. Museums and art galleries.
 8. Parking, structured and surface.
 9. Performing arts centers.
 - ~~10. Places of worship.~~
 - ~~11~~10. Utilities and transportation facilities related to the primary use.
 11. Veterinary clinics.
 12. Agricultural uses.
 - ~~13~~14. Public utility and service uses.
 - ~~14~~15. Other uses related to the institution's primary mission.
 - ~~15~~16. Correctional Facility.
 - ~~16~~17. Stadiums, auditoriums, and arenas, open or enclosed.”