

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

**creating Section 28.11(2)(c), repealing 28.11(2)(f), renumbering Sections 28.11(2)(g) and (h) to Sections 28.11(2)(f) and (g), respectively, and amending 28.11(3)(d)** of the Madison General Ordinances to change the threshold for a conditional use for parking reduction and to clarify the concept of shared parking.

Drafted by: Katherine C. Noonan  
Assistant City Attorney

Date: February 16, 2005

Fiscal Note: No fiscal impact.

SPONSORS: Ald. Golden

PRESENTED February 22, 2004  
REFERRED Plan Commission

REFERRER \_\_\_\_\_

REPORTED BACK \_\_\_\_\_

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSP. \_\_\_\_\_ TABLED \_\_\_\_\_  
PUBLIC HEARING P.C.: 4/04/05  
C.C.: 4/19/05

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MAYOR SIGNED \_\_\_\_\_  
PUBLISHED \_\_\_\_\_

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APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By  
\_\_\_\_\_  
Comptroller's Office

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ORDINANCE NUMBER \_\_\_\_\_  
ID NUMBER \_\_\_\_\_

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

1. Subdivision (c) entitled "Off-Street Parking Requirement Reduction" of Subsection (2) entitled "General Regulations" of Section 28.11 entitled "Off-Street Parking And Loading Facilities" of the Madison General Ordinances is amended to read as follows:

- "(c) Off-Street Parking Requirement Reduction.  
A reduction in the off-street parking required under this ordinance may be requested as follows:
1. Reduction of 1-9 Parking Stalls. Application shall be made to the Zoning Administrator.
  2. Reduction of 10-19 Parking Stalls. Application shall be made to the Director of the Department of Planning and Development.
  3. Reduction of 20 Or More Parking Stalls. Application shall be made for a conditional use unless the reduction requested is twenty-five percent

Approved as to form:

(25%) or less of the required parking, in which case, application shall be made to the Director of the Department of Planning and Development.

The Zoning Administrator or the Director of the Department of Planning and Development may grant a reduction in required off-street parking after considering and giving decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking ~~arrangements~~ agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.11(2)3.; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use. No request for reduction in an off-street parking requirement that is in excess of five (5) parking spaces shall be granted without a recommendation from the Parking Utility Manager and the Traffic Engineer.”

2. Subdivision (f) entitled “Control of Off-Street Parking Facilities” of Subsection (2) entitled “General Regulations” of Section 28.11 entitled “Off-Street Parking and Loading Facilities” of the Madison General Ordinances is repealed.

3. Current Subdivisions (g) and (h) of Subsection (2) entitled “General Regulations” of Section 28.11 entitled “Off-Street Parking and Loading Facilities” of the Madison General Ordinances are renumbered Subdivisions (f) and (g), respectively.

4. Subdivision (d) entitled “Collective Provision” of Subsection (3) entitled “Off-Street Parking Facilities” of Section 28.11 entitled “Off-Street Parking and Loading Facilities” of the Madison General Ordinances is amended to read as follows:

“(d) ~~Collective Provision~~ Shared Parking. Accessory off-street parking facilities for separate uses may be provided collectively on the same or separate zoning lots if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served, are adhered to. In addition, the parties to the shared parking agreement shall provide a recorded agreement signed by all parties requiring that the agreement maintained by the parties and their heir and/or assigns so long as is necessary to meet the parking requirements of the uses served by the agreement.

EDITOR’S NOTE: Section 12.11(2)(f) currently reads as follows:

“(f) Control of Off-Street Parking Facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory, except when such parking facilities are approved as a conditional use for lease or sale of parking stalls by the owner of an accessory parking structure to an owner of a business for use as accessory parking in the conduct of said business. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Dane County Register of Deeds office, requiring such owner,

her/his heirs or assigns, to maintain the required number of parking facilities for the duration of the use served.”