



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendment

Legistar File ID #: [84038](#) (Surface Parking Prohibited in Downtown Core District)

Prepared By: Zoning and Planning Staff

[84038](#) – This code change is to prohibit surface automobile parking lots in the Downtown Core (DC) zoning district. This code change will clarify that parking in the DC district may not be surface parking and remove a potential conflict between longtime plans and policies and what the zoning code allows.

The Downtown Core zoning district is intended to promote intensive development and efficient land use in the area considered the “center of governmental, office, educational, cultural, specialty retail and recreational activities for the City and the region” (MGO 28.074 (1)). Allowing surface parking lots is counter to the pedestrian-oriented development pattern that is both required and encouraged in the district. The DC district has build-to setbacks on many streets, 0’ or 5’ minimum front and side yard setbacks in other locations, and 0’ minimum rear yard setbacks. The Downtown Urban Design Guidelines also support this development pattern.

Surface parking lots have historically been effectively discouraged in the DC district due to two processes: the review of demolitions by Plan Commission and conditional use permits. However, changes to those processes now make this zoning code change necessary.

Plan Commission’s review of demolitions has prevented demolitions for the purpose of creating surface parking lots because City plans did not support, and therefore Plan Commission would not approve, demolition for surface parking lots in the DC district. As a result, there are few “missing teeth” along street frontages in the Downtown Core. However, with the current understanding that Plan Commission cannot consider future uses when making decisions about demolition requests, this safeguard is no longer in place.

Additionally, a 2017 Wisconsin state statute changed the legal landscape for consideration of conditional use permits. While Plan Commission previously had more flexibility to deny a conditional use that includes a surface parking lot, the law raised the bar for denying conditional use permits. Now, a conditional use is presumed approvable unless substantial evidence is presented. If conditions are met, Plan Commission has much less discretion to deny a conditional use permit.

Staff supports this amendment.