

Zoning Code Comparison- Existing Zoning Code and New Zoning Code Parking Uses

Several parking uses are listed under the Residential, Commercial, Office, and Manufacturing district use sections of the existing code, both as permitted and conditional uses, that are not found in the new code.

Existing Code Parking Use- Residence Districts	Existing Zoning District	New Code Parking Use	New Zoning District	Comments
<p>28.08(2)(b)12. and 28.08(12)(c)4. Each resident family may lease to a person residing within fifteen hundred (1500) feet, or to a faculty member if the stall is within one thousand (1000) feet of an elementary, middle or high school, any enclosed parking spaces or one open offstreet parking space subject to the following provisions:</p> <ul style="list-style-type: none"> a. That adequate usable open space is provided for any residential use located on the same zoning lot. b. That occupants of the principal use on that zoning lot have first right of refusal. c. That all new parking facilities comply with City standards as to design, paving and screening. d. That a certificate of occupancy be issued by the office of the Director of the Building Inspection Division prior to commencing such use. e. Tenants renting out a parking stall shall provide the owner and manager details of the rental arrangement. 	<p>R1- permitted R1-R conditional use</p>			<p>Omitted from the new code.</p>
<p>28.08(2)(c)1. Automobile parking lots, open and accessory to a nonresidential use and solely for the use of employees and patrons of the use to which it is accessory, provided further:</p> <ul style="list-style-type: none"> a. That such parking lot shall be used solely for the parking of passenger automobiles. b. That such parking lot shall be closed between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise authorized. c. That such parking lot is located on a zoning lot: <ul style="list-style-type: none"> i. That either abuts, or is separated only by an alley at one of its lot lines from, a commercial or manufacturing district; or ii. On which the principal nonresidential use is a permitted use; or iii. That is directly across a street from a commercial or manufacturing district, except that where such street is a “heavy traffic route” such parking facility shall not be approved unless a separated pedestrian crossing or walk signals provide for pedestrian crossing. d. That each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residence district, except when ingress and egress to and from the parking lot is provided from a public alley or public street separating such residence areas from the parking lot. 	<p>R1- conditional use</p>	<p>28.032 Table 28C-1. Parking lot accessory to a nonresidential use</p>	<p>All Residential districts- conditional use w/ standards</p>	
<p>28.08(2)(c)5. Parking facilities, accessory and located outside of the central area, subject to the applicable provisions of Section 28.11:</p> <ul style="list-style-type: none"> a. Accessory off-street parking facilities for a residential building where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than fifty percent (50%) or four (4) spaces, whichever number is greater. b. Accessory off-street parking facilities for any building, other than a residential building, where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than one hundred percent (100%) or fifteen (15) spaces, whichever number is greater. 	<p>R1- conditional use</p>	<p>28.032 Table 28C-1. Parking lot exceeding minimum required parking. 28.141(6) Exceptions to Exceed Maximum Number of Spaces. Parking may exceed the maximum requirement in Table 28J-3 provided that the excess parking is underground or structured. (a) Surface parking exceeding the maximum may be allowed as a conditional use, provided that the following factors are considered, in addition to the criteria of Section 28.183.</p> <ol style="list-style-type: none"> 1. Documentation regarding the actual parking demand for the proposed use. 2. The impact of the proposed use on the parking and roadway facilities in the surrounding area. 	<p>All Residence districts- conditional use w/ standards</p>	

		<p>3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.</p> <p>4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.</p> <p>5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.</p> <p>(b) Zoning lots and uses that already exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without conditional use approval.</p>		
28.08(2)(c)6. Parking facilities, accessory and located within the central area, where the number of parking spaces in such facilities exceeds the requirement set forth in Section 28.11(3)(b) for similar uses.	R1- conditional use			Downtown and urban districts subchapter will be added in conjunction with the completion of the Downtown Plan.
28.08(2)(c)12. and 28.08(11)(c)6. Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use subject to the following provisions: a. That the parking facilities conform to the parking facility regulations in Chapter 28 and Chapter 10 of the Madison General Ordinances. b. That a certificate of occupancy be issued by the office of the Director of the Building Inspection Division prior to commencing such use.	R1- conditional use R4A- conditional use	28.032 Table 28C-1 Lease of off-street parking space(s); 28.166(2) Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use: (a) The parking facilities must meet the standards of this Chapter 28 and Chapter 10 of the Madison General Ordinances. (b) A certificate of occupancy must be issued by the office of the Director of the Building Inspection Division prior to commencing the rental.	All Residential districts- allowed accessory use w/ standards	
28.08(2)(c)13. and 28.08(11)(c)7. Parking lots, open, nonaccessory and publicly or privately owned and operated for the parking of private passenger automobiles only subject to the applicable provisions of Section 28.11 provided that such site was paved as of January 1, 1977, or owned by the Parking Utility as of January 1, 1977, and that no principal building is located on said zoning lot.	R1- conditional use R4A- conditional use			Omitted from the new code.
28.08(6)(b)6. and 28.08(7)(b)7. Leasing/renting any enclosed or open off-street parking space to a person residing within a block, all or a portion of which is within one thousand (1,000) feet thereto, subject to the following provisions: a. That the required usable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area. b. That occupants of the principal use on that zoning lot shall have first right of refusal. c. That all new parking facilities shall comply with City standards as to design, paving and screening. d. A person leasing/renting out a parking stall shall provide the owner of the lot documentation establishing their place of residence.	R5- permitted use R6- permitted use			Omitted from the new code.
28.08(7)(c)9. Attendant or metered automobile parking facilities solely for the short term (3 hours or less) use of patrons and other visitors of retail, service, office, cultural and recreational uses in the vicinity of the State Street Mall and Capitol Concourse provided:	R6- conditional use			Downtown and urban districts subchapter will be added in conjunction with the completion of

<p>a. That such lot is within three hundred (300) feet of the limits of the C4 Central Commercial District, and</p> <p>b. That such lot contains a setback area which will be planted and landscaped and which conforms to screening regulations, and</p> <p>c. That the Traffic Engineer shall, prior to the approval of such facility, submit a report and recommendation regarding traffic and parking conditions within the area, and</p> <p>d. That such lot, at its location, does not defeat the adopted objectives and policies of the City nor the purposes of the zoning district, and</p> <p>e. That no residential building shall be located on such lot.</p>				the Downtown Plan.
<p>28.08(7)(c)11. Lease for a year or longer or sale of parking stalls by the owner of an accessory parking structure to an owner or lessee of a building or portion thereof which has no or insufficient parking for said building, for use of his/her employees, patrons or visitors, provided:</p> <p>a. That the stalls being leased or sold are in excess of the number required by the zoning ordinance for the use which the accessory parking structure serves and may not be used to meet minimum off-street parking requirements for the use for which the lessee or buyer is obtaining them.</p> <p>b. That the stalls being leased or sold are used for accessory non residential parking by the lessee or buyer.</p> <p>c. That the owner of the parking structure in which the stalls are being leased file with the City of Madison Zoning Administrator by January 15 of each year a statement setting forth the number of stalls being leased and the name and address of the firm to which the stalls are being leased.</p> <p>d. That such lease or sale, at its location, does not defeat the adopted objectives and policies of the City nor the purposes of the zoning district.</p> <p>e. That the stalls being leased or sold are not leased or sold to individual parkers.</p>	R6- conditional use			Omitted from the new code.
<p>28.08(11)(b)9. Each resident family may lease to a person residing within five hundred (500) feet, any enclosed parking spaces or one open off-street parking space subject to the following provisions:</p> <p>a. That adequate usable open space is provided for any residential use located on the same zoning lot.</p> <p>b. That occupants of the principal use on that zoning lot have first right of refusal.</p> <p>c. That all new parking facilities comply with City standards as to design, paving and screening.</p> <p>d. That a certificate of occupancy be issued by the office of the Director of the Building Inspection Division prior to commencing such use.</p> <p>e. Tenants renting out a parking stall shall provide the owner and manager details of the rental arrangement.</p>	R4A- permitted use			Omitted from the new code.
<p>Existing Code Parking Use- Commercial Districts</p>	<p>Existing Zoning District</p>	<p>New Code Parking Use</p>	<p>New Zoning District</p>	<p>Comments</p>
<p>28.09(2)(d)7. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served, subject to the applicable provisions of Section 28.11.</p>	C1- conditional use			Omitted from the new code.
<p>28.08(2)(d)8. Parking facilities, accessory and located outside of the central area, subject to the applicable provisions of Section 28.11.</p> <p>a. Accessory off-street parking facilities for a residential building where the proposed total number of spaces will exceed that required by this ordinance for such use or for an</p>	C1- conditional use	<p>28.061 Table 28D-2 Parking lot exceeding maximum required parking; 28.141(6) Exceptions to Exceed Maximum Number of Spaces. Parking may exceed the maximum requirement in Table 28J-3</p>	All mixed-use and commercial districts- conditional use	

<p>equivalent new use by more than fifty percent (50%) or four (4) spaces, whichever number is greater.</p> <p>b. Accessory off-street parking facilities for any building, other than a residential building, where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than one hundred percent (100%) or fifteen (15) spaces, whichever number is greater.</p>		<p>provided that the excess parking is underground or structured.</p> <p>(a) Surface parking exceeding the maximum may be allowed as a conditional use, provided that the following factors are considered, in addition to the criteria of Section 28.183.</p> <ol style="list-style-type: none"> 1. Documentation regarding the actual parking demand for the proposed use. 2. The impact of the proposed use on the parking and roadway facilities in the surrounding area. 3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use. 4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives. 5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception. <p>(b) Zoning lots and uses that already exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without conditional use approval.</p>	w/ standards	
<p>28.09(2)(d)9. and 28.09(5)(d)5. Parking facilities, accessory and located within the central area, where the number of parking spaces in such facilities exceeds the requirement set forth in Section 28.11(3)(b) for similar uses.</p>	<p>C1- conditional use</p> <p>C4- conditional use</p>	<p>28.061 Table 28D-2 Parking lot exceeding maximum required parking;</p> <p>28.141(6) Exceptions to Exceed Maximum Number of Spaces.</p>		
<p>28.09(2)(d)10. and 28.09(5)(d)6. Parking lots, garages and structures, nonaccessory and publicly owned and operated, for the storage of private passenger automobiles only, subject to the applicable provisions of Section 28.11.</p>	<p>C1- conditional use</p> <p>C4- conditional use</p>	<p>28.061, Table 28D-2 Parking facility, public</p>	<p>All mixed-use and commercial districts-permitted w/ standards.</p>	<p>Standards for a parking building are in 28.173 Mixed-use and Non-Residential Building Forms (3) Parking Building</p>
<p>28.09(2)(d)15. Temporary parking lots for a total period not to exceed three (3) years, provided such lot complies with the provisions of Section 10.08(6)(c), driveway and parking facility ordinance.</p>	<p>C1- conditional use</p>			<p>Omitted from the new code.</p>
<p>28.09(2)(d)20. and 28.09(5)(d)13. Parking facilities, nonaccessory and publicly or privately owned and operated for parking of private passenger automobiles only, subject to the provisions of Section 28.11 and limited to those areas paved as of January 1, 1977, or those owned by the City Parking Utility as of January 1, 1977.</p>	<p>C1- conditional use</p> <p>C4- conditional use</p>			<p>Omitted from the new code.</p>
<p>28.09(3)(d)12. Business community parking lot for operable passenger automobiles of persons employed full time within the immediate neighborhood, provided:</p> <ol style="list-style-type: none"> a. That such parking lot shall be located outside the central area. b. That no building shall be located on such lot. c. That at least eighty percent (80%) of the parking spaces located on such lot shall be leased on a monthly basis to persons employed full time in buildings within one thousand (1,000) feet walking distance from such parking lot. d. That the site shall not abut residentially zoned property. e. That the Traffic Engineer shall, prior to the approval of such lot, submit a report and 	<p>C2- conditional use</p>	<p>28.061, Table 28D-2 Parking facility, commercial, principal use</p>	<p>All mixed-use and commercial districts-conditional use w/ standards.</p>	<p>Standards for parking building form are in 28.173 Mixed-use and Non-Residential Building Forms (3) Parking Building</p>

recommendations regarding traffic and parking needs and conditions within the area. f. That such lot contains a setback area which will be planted and landscaped and which conforms to screening regulations.				
28.09(3)(d)18. and 28.09(5)(d)12. Attendant or metered automobile parking facilities solely for the short term (3hours or less) use of patrons and other visitors of retail, service, office, cultural and recreational uses in the vicinity of the State Street Mall and Capitol Concourse provided: a. That such lot is within three hundred (300) feet of the limits of the C4 Central Commercial District, and b. That such lot contains a setback area which will be planted and landscaped and which conforms to screening regulations, and c. That the Traffic Engineer shall, prior to the approval of such facility, submit a report and recommendation regarding traffic and parking conditions within the area, and d. That such lot, at its location, does not defeat the adopted objectives and policies of the City nor the purposes of the zoning district, and e. That no residential building shall be located on such lot.	C2- conditional use C4- conditional use			Downtown and urban districts subchapter will be added in conjunction with the completion of the Downtown Plan.
28.09(3)(d)29. and 28.09(5)(d)16. Lease for a year or longer or sale of parking stalls by the owner of an accessory parking structure to an owner or lessee of a building or portion thereof which has no or insufficient parking for said building, for use of his/her employees, patrons or visitors, provided: a. That the stalls being leased or sold are in excess of the number required by the zoning ordinance for the use which the accessory parking structure serves and may not be used to meet minimum off-street parking requirements for the use for which the lessee or buyer is obtaining them. b. That the stalls being leased or sold are used for accessory nonresidential parking by the lessee or buyer. c. That the owner of the parking structure in which the stalls are being leased file with the City of Madison Zoning Administrator by January 15 of each year a statement setting forth the number of stalls being leased and the name and address of the firm to which the stalls are being leased. d. That such lease or sale, at its location, does not defeat the adopted objectives and policies of the City nor the purposes of the zoning district. e. That the stalls being leased or sold are not leased or sold to individual parkers.	C2- conditional use C4- conditional use	28.061 Table 28D-2 Lease of off-street parking spaces	All commercial and mixed-use districts-permitted use	
28.09(4)(c)37. Park and ride lots owned or operated by the City of Madison.	C3- permitted use			Omitted from the new code.
Existing Code Parking Use- Office and Manufacturing Districts	Existing Zoning District	New Code Parking Use	New Zoning District	Comments
28.10(2)(d)1 and 28.10(4)(d)10. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served, subject to the applicable provisions of Section 28.11.	RPSM- conditional use M1- conditional use			Omitted from the new code.
28.10(4)(c)64. Park and ride lots owned or operated by the City of Madison.	M1- permitted use			Omitted from the new code.
28.10(4)(d)11. Parking facilities, subject to the applicable provisions of Section 28.11: Accessory off-street parking facilities for any building where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than one hundred percent (100%) or fifteen (15) spaces, whichever number is greater.	M1- conditional use	28.082 Table 28F-1 Parking lot exceeding maximum required parking; 28.141(6) Exceptions to Exceed Maximum Number of Spaces.	All Employment districts-conditional use w/ standards	

<p>28.10(4)(d)12. Parking lots, garages and structures for the storage of private passenger automobiles only, subject to the applicable provisions of Section 28.11.</p>	<p>M1- conditional use</p>	<p>28.082 Table 28F-1 Parking facility- public</p> <p>28.082 Table 28F-1 Parking facility- commercial</p>	<p>All Employment districts- permitted use w/ standards</p> <p>All Employment districts- conditional use w/ standards</p>	<p>Standards for parking building form are in 28.173 Mixed-use and Non-Residential Building Forms (3) Parking Building</p>
<p>28.10(4)(d)17. and 28.10(6)(d)7. Temporary parking lots for a total period not to exceed three (3) years, provided such lot complies with the provisions of Section 10.08(6)(c) (driveway and parking facility ordinance).</p>	<p>M1- conditional use RDC- conditional use</p>			<p>Omitted from the new code.</p>
<p>28.10(6)(d)1. Parking facilities, as a principal use on a zoning lot.</p>	<p>RDC- conditional use</p>	<p>28.082 Table 28F-1 Parking facility- public</p> <p>28.082 Table 28F-1 Parking facility- commercial</p>	<p>All Employment districts- permitted use w/ standards</p> <p>All Employment districts- conditional use w/ standards</p>	<p>Standards for parking building form are in 28.173 Mixed-use and Non-Residential Building Forms (3) Parking Building</p>
		<p>28.082 Table 28F-1 Parking accessory to an allowed use</p>	<p>All Employment districts- allowed accessory use w/ standards</p>	
		<p>28.082 Table 28F-1 Parking of trucks and heavy equipment accessory to an allowed use</p>	<p>TW, IL, and IG districts- allowed accessory use w/ standards</p> <p>SE and EC districts- conditional accessory use w/ standards</p>	
<p>Existing Code Parking Use- Special Districts</p>	<p>Existing Zoning District</p>	<p>New Code Parking Use</p>	<p>New Zoning District</p>	<p>Comments</p>
<p>28.07(2)(c)20. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principle use served, provided the parking serves a university, subject to the applicable provisions of Section 28.11.</p>	<p>Conservancy-conditional use</p>			<p>Omitted from the new code.</p>