

**Legistar File 90552 Alders Figueroa Cole & Ochowicz Proposed ALTERNATE Amendment**

**DRAFTER'S ANALYSIS:**

The proposed ALTERNATE separates the uses 'auto sales' and 'auto rental,' which were previously considered as one combined use in parts of the Zoning Code (MGO Chapter 28). By separating the two types of services, the amendment proposes to only prohibit 'auto sales' as a prohibited principal use in the TOD District, but allow establishments where the principal use is 'auto rental' to exist. The policy behind the change is to support individuals and households who may not have a car and primarily use public transportation to be able to take a bus to an auto rental establishment if they need to rent a motor vehicle (for example, a college student renting a car to return home during a school break).

To facilitate the uses being separated, a new definition was created in Sec. 28.211. MGO Sec. 28.151 is amended to separate the uses. The proposed MGO Sec. 28.104(6) is modified to remove 'auto rental' from prohibited principal uses in the TOD District. Not connected to the proposed TOD District changes, but since the existing code contains 'auto sales and rental' as a combined use, MGO Secs. 28.061, 28.072 and 28.141 are proposed to be changed to be consistent with the use separation.

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

9. Subsection (6) entitled "Prohibited Principal Uses" of Section 28.104 entitled "Transit Oriented Development Overlay District" of the Madison General Ordinances is created as follows:

"(6) Prohibited Principal Uses.

- (a) Auto sales ~~and rental~~.
- (b) Car wash.
- (c) Private parking facility - surface parking lot."

11. Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by amending therein the following:

~~Automobile Body Shop, Auto Rental, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.~~

- (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
- (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
  - 1. Storage of vehicle parts and refuse.
  - 2. Temporary storage of vehicles during repair and pending delivery to the customer.
  - 3. Vacuuming and cleaning.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.

- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district. In the NMX, DC, UMX and TSS Districts, this requirement may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.
- (g) Automobile sales and rental is a prohibited use in the TOD Overlay District.

12. Table 28D-2 entitled "Mixed-Use and Commercial Districts" of Section (1) of Subsection 28.061 entitled "Mixed-Use and Commercial Districts Uses" of the Madison General Ordinances is amended by amending therein the following:

"Table 28D-2

| Mixed-Use and Commercial Districts      |     |     |     |     |          |          |     |     |                                     |
|-----------------------------------------|-----|-----|-----|-----|----------|----------|-----|-----|-------------------------------------|
|                                         | LMX | NMX | TSS | MXC | CC-T     | CC       | RMX | THV | Supplemental Regulations Sec 28.151 |
| Automobile Services                     |     |     |     |     |          |          |     |     |                                     |
| Auto body shop                          |     | C   | C   | C   | C        | C        |     |     | Y                                   |
| <u>Auto rental</u>                      |     |     |     |     | <u>P</u> | <u>P</u> |     |     | <u>Y</u>                            |
| Auto repair station                     |     | C   | C   | C   | C        | C        |     |     | Y                                   |
| Auto sales and rental                   |     |     |     |     | P        | P        |     |     | Y"                                  |
| Auto service station, convenience store |     | C   | C   | C   | C        | C        |     |     | Y                                   |
| Car wash                                |     |     | C   | C   | C        | C        |     |     | Y                                   |
| Electric vehicle charging facility      |     | P   | P   | P   | P        | P        |     |     |                                     |
| Heavy traffic vehicle sales             |     |     |     |     | P        | P        |     |     |                                     |
| Motorcycle and moped sales              |     |     |     |     | P        | P"       |     |     |                                     |

13. Table 28E-1 entitled "Downtown and Urban Districts" of Subsection (1) of Section 28.072 entitled "Downtown District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Table 28E-2

|                              |
|------------------------------|
| Downtown and Urban Districts |
|------------------------------|

|                                         | DC       | UOR | UMX      | DR1 | DR2 | Supplemental<br>Regulations Sec 28.151 |
|-----------------------------------------|----------|-----|----------|-----|-----|----------------------------------------|
| Automobile Services                     |          |     |          |     |     |                                        |
| Auto body shop                          |          |     | C        |     |     | Y                                      |
| Auto service station, convenience store | C        |     | C        |     |     | Y                                      |
| <u>Auto rental</u>                      | <u>C</u> |     | <u>C</u> |     |     | <u>Y</u>                               |
| Auto repair station                     | C        |     | C        |     |     | Y                                      |
| Auto sales and rental                   | C        |     | C        |     |     | Y                                      |
| Electric Vehicle Charging Facility      | P        | P   | P        |     |     |                                        |
| Motorcycle and moped sales              | C        |     | C"       |     |     |                                        |

14. Table 28I-2 entitled "Off-Street Parking Requirements" of Subsection (4) entitled "Off-Street Parking Requirements, Applicability" of Section 28.141 entitled "Parking and Loading Standards" of the Madison General Ordinances is amended by amending therein the following:

"28I-3. Off-Street Parking Requirements.

| Use                                                                       | Automobile<br>Minimum                                                               | Automobile<br>Maximum                                                               | Transit Oriented<br>Development<br>(TOD) Overlay<br>District<br>Automobile<br>Maximum | Bicycle Minimum                |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------|
| Automobile Services                                                       |                                                                                     |                                                                                     |                                                                                       |                                |
| Auto service station, body shop, repair station                           | 1 per 2,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay | 1 per 1,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay | 1 per 2,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay   | 1 per 5 employees              |
| Auto convenience store                                                    | 1 per 1,000 sq. ft. of floor area                                                   | 1 per 500 sq. ft. of floor area                                                     | 1 per 750 sq. ft. of floor area                                                       | 1 per 1,000 sq. ft. floor area |
| <u>Auto rental</u><br><u>Note: rental vehicles on site may be stacked</u> | <u>1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any</u>            | <u>1 per 500 sq. ft. floor area + 4 spaces per service bay</u>                      | <u>1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any</u>              | <u>1 per 5 employees</u>       |
| Auto sales and rental                                                     | 1 per 1,000 sq. ft. floor area + 2                                                  | 1 per 500 sq. ft. floor area + 4                                                    | 1 per 1,000 sq. ft. floor area + 2                                                    | 1 per 5 employees              |

|                                                                      |                                                                          |                                    |                                                                          |                   |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------|-------------------|
| <del>Note: rental vehicles on site may be stacked</del>              | spaces per service bay, if any                                           | spaces per service bay             | spaces per service bay, if any                                           |                   |
| Automobile storage and towing (excluding wrecked or junked vehicles) | determined by Zoning Administrator (number trucks and storage area size) | determined by Zoning Administrator | determined by Zoning Administrator (number trucks and storage area size) | 1 per 5 employees |
| Car wash                                                             | determined by Zoning Administrator                                       | determined by Zoning Administrator | determined by Zoning Administrator                                       | 1 per 5 employees |

15. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by creating therein the following:

"Auto Rental. An establishment that rents motor vehicles, for 30 consecutive days or less. Auto rental businesses are not leased motor vehicle sales."