



Parking Division

Stefanie Cox, Parking Division Manager

215 Martin Luther King Jr Blvd
Madison Municipal Building
Suite 109
P.O. Box 2986
Madison, Wisconsin 53701-2986
Phone: (608) 266-4761
Fax: (608) 267-1158
www.cityofmadison.com

November 17, 2023

To: Transportation Commission & Plan Commission Members
From: Trent Schultz, Transportation Demand Management Coordinator
Subject: Transportation Demand Management Ordinance Amendments

The Transportation Commission and Plan Commission will be considering proposed amendments to the Transportation Demand Management (TDM) Ordinance in MGO 16.03. The proposed TDM Ordinance amendments focus on improving ordinance clarity and applicability, and address previous recommendations from City staff that were not included in the adopted TDM Ordinance (December 2022). The proposed TDM Ordinance amendments would focus on four areas:

- Aligning allowable uses within the Zoning Code to potentially applicable and not explicitly exempted uses within the TDM Ordinance
- Clarifying TDM Ordinance applicability to City-owned property
- Modifying the timing of TDM Plan submittal
- Addressing TDM Ordinance redundancy

Aligning Allowable Uses

Currently, several uses allowed within the Zoning Code are not listed in the “Applicability” section – MGO 16.03(3), or explicitly exempted in the “Exemptions” section – MGO 16.03(4). Since the effective date of the TDM Ordinance on June 15, 2023, numerous development projects reviewed by staff have been allowed uses in the Zoning Code though not specified as applicable or exempted uses in the TDM Ordinance. The proposed amendment would add several of these “missing” uses to MGO 16.03(3). In addition, the proposed changes would future-proof any new or modified Zoning Code uses by stating that all allowable Zoning uses apply to the TDM Ordinance, unless they are explicitly exempted in MGO

16.03(4).

Applicability of the TDM Ordinance to City-Owned Property

To improve clarity and administration of the TDM Ordinance as it applies to City-owned property, wholly City of Madison-owned property could be exempted from the TDM Ordinance. Though no City-owned development projects have been reviewed through the TDM Ordinance since its effective date (June 2023), addressing the applicability of City-owned property as part of this amendment package could be beneficial. Several publicly-owned uses are currently exempted within MGO 16.03(4), including:

- Elementary schools
- Middle schools
- Institutions with campus master plans (Ex: UW-Madison)
- Public safety facilities (Ex: Police stations, Fire stations)

The exemption as proposed would not include development where the City owns a portion of the property, such as a City-owned parking garage with private residential development above. Depending on the Zoning use classification of a City-owned property, TDM Ordinance requirements are currently subject to inconsistent application. Below are examples of previously approved or proposed City projects, detailing how they would have been or would be reviewed through the current TDM Ordinance regulations:

- **Fleet Services Building** at *4151 Nakoosa Trl* – Zoning staff classified the use as a “public safety facility”, a use explicitly exempt per MGO 16.03(4). No TDM Plan would be required for a City-owned building with this use classification.
- **Junction Road Terminal (East-West Bus Rapid Transit)** at *432 S Junction Rd* – The western terminus of the under-construction bus rapid transit route is considered a “Transit station, transfer point” use for Zoning purposes. The “Transit station, transfer point” use category grouping within the Zoning Code is “Transportation Uses”, which is not a use grouping in the TDM Ordinance. Without an applicable use category, the project (or a similar future project) does not appear to be reviewable within the TDM Ordinance.
- **Olbrich Park – North Parcel** at *30 Sugar Beet Ln* – A proposed Parks project to create a new park north of Garver Feed Mill. The proposed amenities include: picnic area with a shelter, dog park,

small play area, open space, trails, and an outdoor storage area, with either 75 or 100 parking stalls on site. The Zoning use would be “parks and playground”, within the “Institutional Use” use group in the TDM Ordinance. Required TDM points for an “Institutional Use” are based on the use-specific parking minimums established within MGO 28.141. However, a “parks and playground” use within the Zoning Code does not have an established parking minimum within MGO 28.141. Even though a “parks and playground” use is allowed within several zoning districts, without an established parking minimum the use has no applicability within the TDM Ordinance.

Establishing an exemption for wholly City-owned property could better clarify ordinance applicability, leading to fewer City projects that generally further the goals of TDM not having clear regulations within the TDM Ordinance.

Modifying the Timing of TDM Plan Submittal

Per the “Program Requirements” section – MGO 16.03(5), TDM Plans are currently required to be submitted 30 days *after* receiving site plan review or zoning certificate *approval*. The proposed TDM Ordinance amendment would change the timing of TDM Plan submittal to be *within* 30 days of *submitting* for site plan or zoning certificate review. This change was recommended by the Zoning Administrator before final TDM Ordinance adoption in December 2022, but did not make it into the adopted ordinance. Due to the pre-ordinance adoption recommendation, staff have not been adhering to the current ordinance requirement for TDM Plan submittal. Requiring TDM Plan submittal after site plan or zoning certificate approval would severely delay building permit issuance and project completion. Further, reviewing a TDM Plan as part of the overall site plan review process allows staff to align their review with other City agencies’ review timelines as part of the site plan review process.

Addressing TDM Ordinance Redundancy

The TDM Ordinance features two “Exemptions” sections – MGO 16.03(4) and MGO 16.03(8). Exemptions within MGO 16.03(4) are based on use, parking ratios, square footage, and number of dwelling units. For example, within MGO 16.03(4)(a), residential buildings with less than 10 dwelling units, or containing 10–25 dwelling units with a proposed parking ratio of less than 1.0, are exempt from TDM Ordinance requirements. The second exemptions section, MGO 16.03(8) stipulates that properties are exempt from meeting TDM Ordinance requirements until any of the following occur:

- Property expansion
- Parking expansion
- Change of use

Based on the regulations in MGO 16.03(8), any time an existing property expands its footprint, adds parking, or changes use, **and** meets applicability standards in MGO 16.03(3), TDM Plan approval would be required. The regulations within MGO 16.03(8) provide ways for existing development to be brought into the ordinance, and would not further the goals of TDM if they are removed. However, having two exemptions sections overcomplicates the ordinance. To maintain the intent of the second exemptions section and reduce redundancy, the text could be moved to the “Applicability” section in MGO 16.03(3). Moving the second exemptions second to MGO 16.03(3) would provide better ordinance clarity, and would make it easier for staff and applicants to determine if the TDM Ordinance applies to a project.

Recommendation

Staff recommend approving the four areas of the proposed TDM Ordinance amendments. The proposed changes would make the ordinance more predictable and clearer, while future-proofing the ordinance for Zoning Code changes. While more substantial modifications to the TDM Ordinance could at some point be considered, staff recommend allowing more time for the ordinance to mature. The number of projects going through TDM Plan review have been lower than staff expected, so it is challenging to recommend further changes to the TDM Ordinance at this time. However, staff have been identifying more substantive changes through review of development projects subject to the TDM Ordinance.