

Legistar File No. 81965 Body

DRAFTER’S ANALYSIS: This proposed change amends several sections in MGO Chapter 28, the Zoning Code, that address “Vehicle Access Sales and Service Windows,” or commonly known as “Drive-Throughs”. First, the ordinance changes all “Vehicle Access Sales and Service Windows” to “Drive-Through Windows” for reader clarity. The site standards for Drive-Through Windows in the Transit-Oriented Developed Overlay District (MGO Sec. 28.104(8) and the applicable Supplemental Regulations (MGO Sec. 28.151) are amended to designate where the drive-through windows and automobile infrastructure may be located. All drive-throughs are also required to have pedestrian access. A definition for “Automobile Infrastructure” is added to MGO Sec. 28.211. Finally, MGO 28.194 is amended to add “Nonconforming Site Conditions” to establish that a lawful nonconforming site condition existing on the effective date of this ordinance may continue in its existing condition. However, no increase in the nonconformity of the site condition is permissible, unless otherwise allowed within Chapter 28.

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

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

“Mixed-Use and Commercial Districts									
	LMX	NMX	TSS	MXC	CC-T	CC	RMX	THV	Supplemental Regulations Sec. 28.151
Accessory Uses and Structures									
Vehicle access sales and service windows <u>Drive-through windows</u>			C	C	C	C	C		Y”

2. Subsection (7) entitled “Site Standards: New and Existing Development” of Section 28.066 entitled “Mixed-Use (MXC) District” of the Madison General Ordinances is amended as follows:

“(7) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
 - 1. Off-street parking and off-street loading.
 - 2. Outdoor display and outdoor storage.

3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
5. Bicycle-sharing facilities.
6. Temporary outdoor events.
7. Walk-up service windows.
8. Agricultural activities.
9. ~~Vehicle access sales and service windows.~~ Drive-through windows.
10. Solar energy systems and wind energy systems.
11. Yard sales.
12. Auto service stations.
13. Cemeteries.
14. Composting.
15. Outdoor recreation.
16. Keeping of chickens and keeping of honeybees.
17. Vacuuming and cleaning at car washes.”

3. Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.067 entitled “Commercial Corridor - Transitional Development” of the Madison General Ordinances is amended as follows:

“(5) Site Standards: New and Existing Development.

- (a) All business, servicing or processing shall be conducted within completely enclosed buildings, except:
 1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 4. Bicycle-sharing facilities.
 5. Auto service stations.
 6. ~~Vehicle access sales and service windows.~~ Drive-through windows.
 7. Walk-up service windows.
 8. Solar energy systems and wind energy systems.
 9. Cemeteries.
 10. Yard sales.
 11. Vending machines.
 12. Composting.
 13. Outdoor recreation.
 14. Keeping of chickens and keeping of honeybees.
 15. Vacuuming and cleaning at car washes.”

4. Subsection (5) entitled "Site Standards: New and Existing Development" of Section 28.068 entitled "Commercial Center District" of the Madison General Ordinances is amended as follows:

"(5) Site Standards: New and Existing Development.

- (a) All business, servicing or processing shall be conducted within completely enclosed buildings, except:
 1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 4. Bicycle-sharing facilities.
 5. Auto service stations.
 6. ~~Vehicle access sales and service windows.~~ Drive-through windows.
 7. Walk-up service windows.
 8. Solar energy systems and wind energy systems.
 9. Yard sales.
 10. Vending Machines.
 11. Agricultural activities.
 12. Temporary outdoor events.
 13. Cemeteries.
 14. Composting.
 15. Keeping of chickens and keeping of honeybees.
 16. Vacuuming and cleaning at car washes."

5. Table 28E-2 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:

"Downtown and Urban Districts"						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations Sec. 28.151
Accessory Uses and Structures						

Vehicle access sales and service windows <u>Drive-through windows</u>	C		C			Y"
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6. Subsection (6) entitled "Site Standards: New and Existing Development" of Section 28.074 entitled "Downtown Core District" of the Madison General Ordinances is amended as follows:

"(6) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Vending machines.
 4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 5. Bicycle-sharing facilities.
 6. Auto service stations.
 7. Agricultural activities.
 8. Temporary outdoor events.
 9. Solar energy systems and wind energy systems.
 10. Walk-up service windows.
 11. Yard sales.
 12. Composting.
 13. Keeping of chickens and keeping of honeybees.
 14. Outdoor recreation.
 15. ~~Vehicle access sales and service windows.~~ Drive-through windows.
 16. Farmers market."

7. Subsection (6) entitled "Site Standards: New and Existing Development" of Section 28.076 entitled "Urban Mixed-Use (UMX) District" of the Madison General Ordinances is amended as follows:

"(6) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Vending machines.
 4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 5. Bicycle-sharing facilities.

6. Auto service stations.
7. Agricultural activities.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Walk-up service windows.
11. Yard sales.
12. Composting.
13. Keeping of chickens and keeping of honeybees.
14. Outdoor recreation.
15. ~~Vehicle access sales and service windows.~~ Drive-through windows.
16. Farmers market.”

8. Table 28F-1 entitled “Employment Districts” of Subsection (1) of Section 28.082 entitled “Employment District Uses” of the Madison General Ordinances is amended by amending therein the following:

“Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations Sec 28.151
Accessory Uses and Structures							
Vehicle access sales and service windows <u>Drive-through windows”</u>							

9. Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.084 entitled “Traditional Employment District” of the Madison General Ordinances is amended as follows:

“(5) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings, except:
 1. Off-street parking and off-street loading.
 2. Outdoor display and outdoor storage.
 3. Temporary outdoor events.

4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
5. Agricultural activities.
6. ~~Vehicle access sales and service windows.~~ Drive-through windows.
7. Solar energy systems and wind energy systems.
8. Bicycle-sharing facilities.
9. Farmers' markets.
10. Composting.
11. Auto service stations.
12. Outdoor recreation.
13. Vacuuming and cleaning at car washes.”

10. Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.085 entitled “Suburban Employment District” of the Madison General Ordinances is amended as follows:

“(5) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings, except:
 1. Off-street parking and off-street loading.
 2. Composting.
 3. Bicycle-sharing facilities.
 4. Outdoor display and outdoor storage.
 5. Temporary outdoor events.
 6. Agricultural activities.
 7. Solar energy systems and wind energy systems.
 8. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 9. ~~Vehicle access sales and service windows.~~ Drive-through windows.
 10. Outdoor recreation.
 11. Auto Service Stations.
 12. Vacuuming and cleaning at car washes.”

11. Subsection (4) entitled “Site Standards” of Section 28.085 entitled “Suburban Employment District” of the Madison General Ordinances is amended as follows:

“(4) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings, except:
 1. Off-street parking and off-street loading.
 2. Composting.
 3. Bicycle-sharing facilities.

4. Outdoor display and outdoor storage.
5. Temporary outdoor events.
6. Agricultural activities.
7. Solar energy systems and wind energy systems.
8. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
9. ~~Vehicle access sales and service windows.~~ Drive-through windows.
10. Outdoor recreation.
11. Auto Service Stations.
12. Vacuuming and cleaning at car washes.”

12. Subdivision (d) of Subsection (4) entitled “Site Standards” of Section 28.086 entitled “Suburban Employment Center District” of the Madison General Ordinances is amended as follows:

(d) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outside storage and outdoor display.
3. Bicycle-sharing facilities.
4. Temporary outdoor events.
5. Outdoor eating, cooking, and service area associated with food and beverage establishments.
6. Agricultural activities.
7. Solar energy systems and wind energy systems.
8. Composting.
9. ~~Vehicle access sales and service windows.~~ Drive-through windows.
10. Outdoor recreation.”

13. Subdivision (d) of Subsection (4) entitled “Site Standards” of Section 28.087 entitled “Employment Campus District” of the Madison General Ordinances is amended as follows:

(d) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. ~~Vehicle access sales and service windows.~~ Drive-through windows.
3. Bicycle-sharing facility.
4. Outdoor storage and outdoor display.
5. Temporary outdoor events.
6. Agricultural activities.
7. Composting.

8. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
9. Farmers' markets.
10. Outdoor recreation.”

14. Subdivision (a) of Subsection (4) entitled “Site Standards” of Section 28.088 entitled “Industrial - Limited District” of the Madison General Ordinances is amended as follows:

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading, provided that all loading is internal to an IL District or, if not internal to an IL District, is screened from collector or higher classification streets and from lots that contain residential uses. Loading areas shall be screened as provided in M.G.O. Sec. 28.142(9)(c).
 2. Outdoor display.
 3. Outdoor eating, cooking, and service areas associated with food and beverage establishments.
 4. Bicycle-sharing facilities.
 5. Outdoor storage.
 6. Farmers' markets.
 7. Agricultural activities.
 8. Composting.
 9. Temporary outdoor events.
 10. ~~Vehicle access sales and service windows.~~ Drive-through windows.
 11. Solar energy systems and wind energy systems.
 12. Outdoor recreation.”

15. Subdivision (a) of Subsection (4) entitled “Site Standards” of Section 28.089 entitled “Industrial - Limited District” of the Madison General Ordinances is amended as follows:

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Outdoor storage, subject to Sec. 28.142(10)(b).
 2. Off-street parking and off-street loading, provided that all loading is internal to an IG District or if not internal to an IG District, is screened from collector or higher classification streets and from lots contain residential uses. Loading areas shall be screened as provided in M.G.O. Sec. 28.142(9)(c). (Am. by ORD-18-00116 , 11-9-18)
 3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
 4. Temporary outdoor events.
 5. Composting.
 6. Agricultural activities.

7. ~~Vehicle access sales and service windows.~~ Drive-through windows.
8. Bicycle-sharing facilities.
9. Solar energy systems and wind energy systems.
10. Production and processing of woodchips.
11. Farmers' markets.
12. Outdoor display.
13. Outdoor recreation.”

16. Subsection (8) entitled “Site Standards for Automobile Infrastructure” of Section 28.104 entitled “Transit Oriented Development Overlay District” of the Madison General Ordinances is amended as follows:

“(8) Site Standards for Automobile Infrastructure.

- (a) Applicability. The following standards are applicable to non-residential uses, and buildings with over three (3) residential units when there is a new principal building or when there is a major expansion [fifty percent (50%) or more of building floor area] of a principal building. Additionally, new automobile infrastructure must comply and no increase in the nonconformity of existing automobile infrastructure is permissible.
- (b) ~~Automobile parking, loading, drives, drive aisles, driveways, vehicle access sales and service windows and drives, gas pumps, gas station canopies, car wash vacuum stalls and electric vehicle charging facilities:~~ If located on the surface, automobile infrastructure must meet the following standards.
 1. ~~Shall Automobile infrastructure shall not be allowed located between the primary public or private street and the plane of the principal building’s primary street-facing façades and the primary public or private street facade except for a driveway more or less perpendicular to the corresponding building street-facing facade, connecting directly from the street to other automobile infrastructure located in an allowable location.~~
 2. On a corner lot, automobile infrastructure shall not be allowed located between the primary street and the plane of the principal building’s primary street- facing facade façades and the primary street and shall not be allowed located between the secondary public or private street more or less perpendicular to the primary street and the plane of the secondary street-facing facade façades and the secondary street more or less perpendicular to the primary street except for a driveway more or less perpendicular to the corresponding building street-facing facade, connecting directly from the street to other automobile infrastructure located in an allowable location. On lots with more than one corner, only the corner with the primary and secondary (public or private) streets shall be required to meet this provision.
 3. ~~Shall Automobile infrastructure shall~~ be setback from the primary and secondary street equal to or greater to than the principal building setback.
- (c) ~~Vehicle access sales and service~~ Drive-through windows shall be located fully under the building in which they are located an occupiable conditioned story, and

- (d) When there is a drive-through window as part of the building, the building shall have commercial or residential uses as allowed in the base district along the primary street frontage.
- (de) Parking structures shall integrate active uses along at least fifty percent (50%) of the primary street-facing façade at the first floor.”

17. Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended by amending therein the following:

“Vehicle Access Sales and Service Drive-Through Windows.

- (a) In CC-T, RMX, TE, DC, and UMX Districts drive-through windows shall be located to the side of, or rear of, buildings or fully under buildings an occupiable conditioned story, and shall not be located between the principal structure and a public street.
- (b) In the TSS District, ~~vehicle access sales and service~~ drive-through windows shall be fully located under ~~the building in which it is located~~ an occupiable conditioned story, and the building shall have commercial or residential uses along the primary street frontage.
- (c) ~~In all districts, vehicle access sales and service~~ Drive-through windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building.
- (bd) ~~Points~~ The location of points of vehicular ingress and egress shall be ~~located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property~~ as required by Traffic Engineering.
- (ee) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (df) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (eg) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (f) ~~A six (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.~~
- (gh) Bicyclist use of sales and service windows shall not be prohibited.
- (i) Pedestrian access to the establishment must also be provided.”

18. Section 28.196 entitled “Nonconforming Site Condition” of the Madison General Ordinances is created as follows:

“28.196 - NONCONFORMING SITE CONDITION

A lawful nonconforming site condition existing prior to the effective date of this ordinance may continue in its existing condition and may be maintained. However, no increase in the nonconformity of the site condition is permissible, unless otherwise allowed within Chapter 28.”

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

"Automobile Infrastructure. An area on a lot used for the storage, parking, circulation, maneuvering or outdoor servicing of motor vehicles including, but not limited to, motor vehicle parking, loading, drives, drive aisles, driveways, backing areas, drive-through windows and drives, gas pumps, gas station canopies, car wash vacuum stalls and electric vehicle charging facilities."

~~"Vehicle Access Sales and Service Drive-Through Window. A facility consisting of a driveway and window, opening, canopy or other facility used for serving patrons in automobiles or on bicycles and the driveway immediately adjacent to it and which may be associated with principal uses such as restaurants, banks, drugstores or coffee shops. Car washes are not drive-through windows."~~