**Legistar File No. 90552 Body - Version 2**

DRAFTER'S ANALYSIS: This proposed ordinance makes several changes in the Zoning Code, MGO Chapter 28, focused on allowing more housing and further restrict auto-centric uses in the Transit Oriented Development ("TOD") Overlay District. This proposal allows four (4) dwelling units to be permitted throughout the TOD Overlay District. It prohibits car washes, automobile sales and rentals, and standalone surface parking lot facilities as principal land uses within the TOD Overlay District. Surface parking lots are still allowed in the TOD Overlay District as an accessory use. The proposed changes also amend the drive-through window requirements to curtail their auto-oriented design in the TOD Overlay District. This proposal would only allow drive-throughs in the TOD Overlay District if incorporated into more intensive development.

The SUBSTITUTE includes recommendations from the December 1, 2025, Plan Commission meeting to allow automobile rental in the Transit Oriented Development ("TOD") Overlay District. The proposed SUBSTITUTE 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:

1. Table 28C-1 entitled "Residential Districts" of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Table 28C-1

| Residential Districts | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | SR-C1 | SR-C2 | SR-C3 | SR-V1 | SR-V2 | TR-C1 | TR-C2 | TR-C3 | TR-C4 | TR-V1 | TR-V2 | TR-U1 | TR-U2 | TR-R | TR-P | Supplemental Regulations Sec. 28.151 |
| Retail, Service, Recreation and Other Uses | | | | | | | | | | | | | | | | |
| Parking facility, ~~non-accessory~~ private | C | C | C | C | C | C | C | C | C | C | C | C | C | | | Y |
| Parking facility, public | C | C | C | C | C | C | C | C | C | C | C | C | C" | | | |

2. Table 28D-2 entitled “Mixed-Use and Commercial Districts” of Section 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 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| Parking, Storage and Display Facilities | | | | | | | | | |
| Parking facility, private | | C | C | C | C | C | C | | Y” |

3. Table 28E-2 entitled “Downtown and Urban Districts” of Section 28.072 entitled “Downtown District Uses” of the Madison General Ordinances is amended by amending therein the following:

“Table 28E-2

| | | | | | | |
|---|---|---|---|---|---|---|
| | DC | UOR | UMX | DR1 | DR2 | Supplemental Regulations Sec 28.151 |
| Parking, Storage and Display Facilities | | | | | | |
| Parking facility, private | P | | C | | | Y” |

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

“Table 28F-1

| Employment Districts |
|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | | Supplemental Regulations Sec 28.151 |
| Parking, Storage and Display Facilities | | | | | | |
| Parking facility, private | | | | C | | Y” |

5. Table 28G-1 of Section 28.091 entitled “Special District Uses” of the Madison General Ordinances is amended by amending therein the following:

“Table 28G-1

| | U | UA | CN | PR | AP | MC | Supplemental Regulations Sec 28.151 |
|---|---|---|---|---|---|---|---|
| Parking and Storage Facilities | | | | | | | |
| Parking facility, private | | | | | C | | Y” |

6. Table entitled “Residential Districts” under Subdivision (a) entitled “Permitted and Conditional Uses in Addition to Uses in Base Zoning District” of Subsection (3) entitled “Residential Districts” of Section 28.104 entitled “Transit Oriented Development Overlay District” of the Madison General Ordinances is amended by amending therein the following:

| Residential Districts | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | SR-C1 | SR-C2 | SR-C3 | SR-V1 | SR-V2 | TR-C1 | TR-C2 | TR-C3 | TR-C4 | TR-V1 | TR-V2 | TR-U1 | TR-U2 | TR-R | TR-P |
| | | | | | | | | | | | | | | | |
| Multi-family dwelling (4 dwelling units) | P* | P* | P* | P | P | P* | P* | P* | P* | P | P | P | P | P* | P |
| Multi-family dwelling (5-8 dwelling units) | | | | P | P | | | | | P* | P | P | P | | P |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Multi-family dwelling (9-12 dwelling units) | | | P* | P | | | | | | | P | P | P | | P |
| Multi-family dwelling (13-24 dwelling units) | | | | | P | | | | | | P* | P | P | | P |
| Multi-family dwelling (25-36 dwelling units) | | | | | P* | | | | | | C | P* | P | | P |
| Multi-family dwelling (37-60 dwelling units) | | | | | C | | | | | | C | C | P* | | P |
| Single-family attached dwelling (3-4 dwelling units) | P* | P* | P* | P | P | P* | P* | P* | P* | P | P | P | P | P* | P |
| Single-family attached dwelling (5-8 dwelling units) | | | | P* | P | | | | | P* | P* | P | P | | P |
| Three-family dwelling - three unit | P* | P* | P* | P | P | P | P* | P* | P | P | P | P | P | P* | P |
| Two-family dwelling - twin | P* | P* | P | P | P | P* | P* | P* | P | P | P | P | C | P | P |
| Two-family dwelling - two-unit | P* | P* | P | P | P | P* | P* | P* | P | P | P | P | C | P | P |

* (Asterisk) indicates allowable forms changed by the TOD Overlay District.

7. Table entitled “Building Form” under Subdivision (b) entitled “Residential District Building Forms” of Subsection (3) entitled “Residential Districts” of Section 28.104 entitled “Transit Oriented Development Overlay District” of the Madison General Ordinances is amended by amending therein the following:

| Building Form | SR-C1 | SR-C2 | SR-C3 | SR-V1 | SR-V2 | TR-C1 | TR-C2 | TR-C3 | TR-C4 | TR-V1 | TR-V2 | TR-V1 | TR-U2 | TR-R | TR-P |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Single-Family Detached Building | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Civic/Institutional Building | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Two-Family, Two-Unit | ✓* | ✓* | ✓ | ✓ | ✓ | ✓* | ✓* | ✓* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Two-Family - Twin | ✓* | ✓* | ✓ | ✓ | ✓ | ✓* | ✓* | ✓* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Three-Unit Building | ✓* | ✓* | ✓* | ✓ | ✓ | ✓* | ✓* | ✓* | ✓ | ✓ | ✓ | ✓* | ✓* | ✓* | ✓ |
| Single-Family Attached | ✓* | ✓* | ✓* | ✓ | ✓ | ✓* | ✓* | ✓* | ✓* | ✓* | ✓ | ✓ | ✓ | ✓* | ✓ |
| Small Multi-Family Building | ✓* | ✓* | ✓* | ✓ | ✓ | ✓* | ✓* | ✓* | ✓* | ✓ | ✓ | ✓ | ✓ | ✓* | ✓ |
| Large Multi-Family Building | | | | ✓ | ✓ | | | | | ✓ | ✓ | ✓ | ✓ | | ✓ |
| Courtyard Multi-Family Building | | | | ✓ | ✓ | | | | | ✓ | ✓ | ✓ | ✓ | | ✓ |
| Podium Building | | | | | | | | | | | | ✓ | ✓ | | ✓ |

* (Asterisk) indicates allowable forms changed by the TOD Overlay District.

8. Subsections (6) entitled “Site Standards for Buildings” and (7) entitled “Site Standards for Automobile Infrastructure” of Section 28.104 entitled “Transit Oriented Development Overlay District” of the Madison General Ordinances are renumbered to Subsections (7) and (8) respectively.

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.”

10. Subdivision (c) of 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:

(c) Drive-through windows shall be located ~~fully under an occupiable conditioned story~~ in or on a building with a minimum of three (3) stories for ninety percent (90%) of the building footprint, excluding required stepbacks and height transitions. Minimum building coverage shall be sixty percent (60%).

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

Auto~~mobile~~ Body Shop, Auto Rental, Auto~~mobile~~ Sales ~~and Rental~~, Auto~~mobile~~ Service Station, Auto~~mobile~~ 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) Auto~~mobile~~ sales ~~and rental~~ is a prohibited use in the TOD Overlay District.

Car Wash.

(a) The car wash shall be completely enclosed when not in operation.

(b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.

(c) Any car wash line exit shall be at least thirty (30) feet from any street line.

(d) The car wash shall be screened along all property lines with a minimum six-foot high (6) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.

(e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.

(f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

(g) Vacuuming and cleaning are allowed outside if located within the rear yard and/or building envelope, and at least fifty (50) feet from a residential zoning district.

(h) Car wash is a prohibited use in the TOD Overlay District.

Drive-Through Windows.

(a) In CC-T, RMX, TE, DC, ~~and~~ UMX, and TOD Overlay Districts drive-through windows shall be located to the side of or rear of buildings or fully under an occupiable conditioned story, and shall not be located between the principal structure and a public street.

(b) In the TSS District, drive-through windows shall be fully located under an occupiable conditioned story, and the building shall have commercial or residential uses along the primary street frontage.

(c) In the TOD Overlay District, drive-through windows shall be located in or on a building with a minimum of three (3) stories for ninety percent (90%) of the building footprint, excluding required stepbacks and height transitions. Minimum building coverage shall be sixty percent (60%).

(~~c~~d) 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.

(~~d~~e) The location of points of vehicular ingress and egress shall be as required by Traffic Engineering.

(~~e~~f) 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.

(~~f~~g) 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.

(~~g~~h) 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.

(~~h~~i) Bicyclist use of sales and service windows shall not be prohibited.

(~~i~~j) Pedestrian access to the establishment must also be provided.

~~Parking Facility, Non-Accessory.~~

~~(a) Passenger automobiles, motorcycles, and bicycles shall be parked in clearly marked spaces.~~

~~(b) Parking facility shall be oriented to the street with suitable entry and exit point.~~

~~(c) When considering the conditional use, the Plan Commission shall set a maximum number of automobiles, motorcycles, and bicycles that may be parked at the facility at any given time.~~

~~(d) In considering the conditional use, the Plan Commission may limit the duration of the use.~~

Parking Facility, Private.

(a) Within the TOD Overlay District, a private parking facility shall be located only within a parking structure. A private parking facility shall not be a surface parking lot.

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 |
| Auto rental | | | | | P | P | | | Y |
| 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 Regulations Sec 28.151 |
| Automobile Services | | | | | | |
| Auto body shop | | | C | | | Y |
| Auto service station, convenience store | C | | C | | | Y |
| Auto rental | C | | C | | | Y |
| 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 Minimum | Automobile Maximum | Transit Oriented Development (TOD) Overlay District Automobile 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 |
| Auto rental Note: rental vehicles on site may be stacked | 1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any | 1 per 500 sq. ft. floor area + 4 spaces per service bay | 1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any | 1 per 5 employees |
| Auto sales ~~and rental Note: rental vehicles on site may be stacked~~ | 1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any | 1 per 500 sq. ft. floor area + 4 spaces per service bay | 1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any | 1 per 5 employees |
| Auto~~mobile~~ 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 thirty (30) consecutive days or less. Auto rental businesses are not leased motor vehicle sales.”