



Legislation Details (With Text)

**File #:** 74703      **Version:** 3      **Name:** Transit Oriented Development Overlay District  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/16/2022      **In control:** TRANSPORTATION COMMISSION  
**On agenda:** 1/17/2023      **Final action:** 1/17/2023  
**Enactment date:** 1/26/2023      **Enactment #:** ORD-23-00013

**Title:** SECOND SUBSTITUTE: Amending Sections within Chapter 28 of the Madison General Ordinances to implement the new Transit Oriented Development (“TOD”) Overlay District.

**Sponsors:** Patrick W. Heck, Juliana R. Bennett, Grant Foster, Yannette Figueroa Cole, Keith Furman

**Indexes:**

**Code sections:**

**Attachments:** 1. 74703Body\_V5, 2. 74703Body\_V4, 3. 74703Body\_V3, 4. 74703Body\_V2, 5. 74703Body\_V1, 6. 74703-TOD Parcel Detail Maps.pdf, 7. 74703-TOD\_Overlay\_Overview\_Map.pdf, 8. 2022-11-17\_TOD\_Overlay\_Zoning\_Memo.pdf, 9. 2022-12-05\_TOD\_Overlay\_TPPB.pdf, 10. Public Comments.pdf, 11. Legistar Item 74703 J.Winkle.pdf, 12. 74703-TOD Overlay Parcel Detail Maps\_V1.pdf, 13. Legistar File 75070, 14. 2022-12-08\_TOD\_Overlay\_Zoning\_Memo\_HDs.pdf, 15. 2022-12-12\_TOD\_Overlay\_PC.pdf, 16. 74703-103122-120522\_CC\_public\_comments.pdf, 17. Public Comments 12-12-22.pdf, 18. Public Comment 1-17-23.pdf, 19. 121522-011523\_CC\_public\_comments.pdf, 20. 011623\_CC\_public\_comments.pdf, 21. 011723-011823\_CC\_public\_comments.pdf

Date	Ver.	Action By	Action	Result
1/17/2023	3	COMMON COUNCIL	Refer	Fail
1/17/2023	3	COMMON COUNCIL	Adopt the following Amendment(s) to the Substitute	Fail
1/17/2023	3	COMMON COUNCIL	Adopt the following Amendment(s) to the Substitute	Fail
1/17/2023	3	COMMON COUNCIL	Adopt Substitute	Pass
12/12/2022	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
12/5/2022	1	TRANSPORTATION POLICY AND PLANNING BOARD - ended 3/2023	Return to Lead with the Following Recommendation(s)	
11/23/2022	1	PLAN COMMISSION	Refer	
11/22/2022	1	COMMON COUNCIL	Refer	Pass
11/16/2022	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No City appropriation required.

**Title**

SECOND SUBSTITUTE: Amending Sections within Chapter 28 of the Madison General Ordinances to implement the new Transit Oriented Development (“TOD”) Overlay District.

**Body**

DRAFTER’S ANALYSIS: This proposed ordinance changes several sections of Chapter 28 to implement the new Transit Oriented Development (“TOD”) Overlay District. An overlay district modifies the

underlying zoning regulations of the base district, here for the intent to intensify land use and economic value around transit stations. As recommended by the 2018 Comprehensive Plan, the TOD District increases development intensity, reduces parking requirements, and supports transit use. The TOD District improves pedestrian connections, traffic and parking conditions and increases mobility choices in the overlay area to enhance the livability of station areas.

The largest change is the repeal and replacement of MGO Sec. 28.104, the TOD Overlay District section. In order to support increased density, the new TOD District allows more dwelling units as permitted uses, allows for additional height in select underlying zoning districts and requires a minimum of two stories for new buildings in employment, mixed-use, and multifamily residential zoning districts. Tables 28C-1 “Residential District Uses” and 28D-2 “Mixed-Use and Commercial District Uses” are modified to reflect the change to permitted base zoning uses once overlaid by the TOD District. A new supplemental regulation for “Accessory Dwelling Units in the TOD Overlay District” is added to MGO Sec. 26.151 to help clarify how accessory dwelling units operate in the TOD District.

To promote transit over automobile use, the new TOD District eliminates car parking minimums, reduces maximums, and implements more stringent building form and site layout regulations for auto-oriented uses. In addition to the language in the new MGO Sec. 28.104, Tables 28I-2, 28I-3 and 28I-4 in Sec. 28.141 “Parking and Loading Standards” are modified to support this change.

The substitute corrects spelling errors in the title and Drafter’s Analysis.

The second substitute ordinance includes no changes to the text from the original draft, but adds in portions of the national register historic districts and local historic districts (outside of the downtown) within a quarter mile of the high-frequency transit routes. These areas had been excluded in the original draft. The changes are reflected in the attached maps.

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**Please see Legistar File No. 74703 Body Version 3 and Parcel Detail Maps in Attachments.**