



Legislation Text

File #: 74423, **Version:** 3

Fiscal Note

The proposed ordinance creates the Transportation Demand Management (TDM) program. No additional appropriation is required with the adoption of this ordinance. Costs associated with the program will be included in future budget requests and subject to Council approval, with the intent of the program being self-funding. The 2023 Executive Operating Budget includes a new Code Enforcement Officer position to administer the TDM program.

Title

SECOND SUBSTITUTE: Creating Section 16.03 establishing a Transportation Demand Management Program and amending 33.56(5) of the Madison General Ordinances.

Body

DRAFTER'S ANALYSIS: This proposed Ordinance creates the Transportation Demand Management (TDM) Program designed to decrease demand on Madison's transportation infrastructure for motor vehicle travel by single occupancy vehicles and increased support for transportation oriented land use development.

Applicants submitting a site plan for review or who are seeking a zoning certificate in the City will submit a TDM Plan with their site plan zoning certificate application which uses options selected by the developer to meet TDM requirements based upon the project's land use, size, proposed parking capacity, and proximity to alternative transportation. The Plan will be reviewed and approved by the City of Madison Department of Transportation.

Every TDM Plan must meet a set number of TDM mitigation points during the Plan's two year period, as required by the proposed Ordinance. Mitigation points are calculated as a function of the steps taken to by the property owner to mitigate transportation demand. The TDM plan expires 2 years after the approval of the initial TDM plan and must be updated and renewed by the property owner and/or business operator.

Specific references to parking ratios - defined as the number of parking spaces relative to dwelling units or use square footage - and point values are contained within the Transportation Demand Management Program and could be modified by the Transportation Commission at a later date, so long as the modifications are consistent with Madison Ordinances and state law.

This process would apply to new development, as well as existing properties in which uses expand, parking expands, or uses change between major land use categories or subcategories, as defined in the Program. The Program also creates a two-tier appeals process for requesting a reduction in the requirements for mitigation points for existing properties. Department of Transportation staff may provide up to five points of relief from mitigation points requirements and applicants would have the ability to seek further relief via the Transportation Commission, if desired.

The Substitute makes modifications recommended by the Transportation Commission.

The Second Substitute makes modifications recommended by the Transportation Policy and Planning Board.

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

1. Section 16.03 entitled “Transportation Demand Management” of the Madison General Ordinances is hereby created as follows:

“16.03 - Transportation Demand Management.

- (1) Purpose. The Madison Common Council finds that ongoing development increases demands on Madison’s transportation infrastructure, causes travel delays for Madison residents and visitors, and threatens the local environment through increased carbon emissions. Moreover, Madison’s isthmus geography and other factors make expanding Madison’s existing transportation infrastructure for additional vehicle traffic either impossible or impractical. The purpose of this ordinance is to create a Transportation Demand Management (TDM) Program, to be adopted and administered by the Department of Transportation and approved by the Transportation Commission, which implements Comprehensive Plan policies calling for reduction of vehicle miles traveled (VMT); reduction of single occupancy vehicle (SOV) trips; equitable access to multi-modal transportation options such as rideshare, public transit, bicycling, and walking; reduction of travel delays and air emissions; and increased support for transportation oriented land-use development (TOD).
- (2) There is created in the City of Madison a Transportation Demand Management Program which will be ~~adopted~~ and administered by the Department of Transportation in a manner consistent with this Ordinance. ~~The Department of Transportation shall submit the TDM Plan to the Transportation Commission for approval. The Council hereby adopts the Transportation Demand Management Program recommended~~ Recommended by the Transportation Commission on November 30, 2022 as the initial Transportation Demand Management Program. The Department of Transportation may, from time to time, amend the TDM Program requirements, so long as the amendments are consistent with this Ordinance and state law, and are approved by the Transportation Commission.
- (3) Applicability. This section applies to the following buildings, uses, or additions constructed or established after the effective date of this Ordinance:
 - (a) Residential buildings, uses, or additions including proposed residential developments with 10 or more dwelling units, residential components of mixed-use projects, Multi-family dwellings; Adult family homes ; Community living arrangements; Cohousing communities; Housing cooperatives; Dormitories fraternity, or sororities; Assisted living, congregate care, and skilled nursing facilities as defined in Sec. 28.211, MGO.
 1. The “parking ratio” for residential buildings, uses or additions is calculated as the ratio of parking stalls to dwelling units.
 - (b) Employment buildings, uses, or additions, including employment uses with over 10,000 sq. ft. of floor area, offices, service centers, storage and distribution centers, industrial uses Artist or photographer studios, insurance offices, real estate offices, sales offices; telecommunications centers; artisan workshops; wholesale bottling plants, laboratories for research, development, and testing; limited production, processing, and storage facilities; mail order houses; printing and publishing facilities; recycling collection centers, drop-off stations breweries; general manufacturing; hazardous waste collection, storage or transfer; light manufacturing; recycling centers; asphalt, concrete batching or ready-mix plants; concrete, asphalt and rock crushing facilities; extraction of gravel, sand, other raw materials; motor vehicle salvage; lumberyards., as defined in Sec. 28.211, MGO.
 1. The “parking ratio” for employment buildings, uses or additions is the number of parking stalls per 500 feet of gross area.
 - (c) Commercial buildings, uses, or additions including general retail: animal boarding

facilities, kennels; banks, financial institutions; business sales and services; laundromat, self-service laundromats; liquor stores; package delivery services; payday loan businesses; service businesses with or without showrooms or workshops; small appliance repair; building materials; drive-through sales and services, primary and accessory; dry cleaning, commercial laundries; furniture and household goods sales; garden centers; greenhouses, nurseries, food services: catering; coffee shops, tea houses; restaurants; restaurant-taverns, taverns, brewpubs, recreational and entertainment facilities: health/sports clubs; indoor recreation centers; private clubs, reception halls; outdoor recreation facilities; theaters, assembly halls, concert halls; Adult entertainment establishments, and adult entertainment taverns as defined in Sec. 28.211, MGO.

1. The parking ratio for commercial buildings, uses or additions is the ratio of proposed parking to the use-specific Base Parking, as provided in the Transportation Demand Management Program.
 - (d) Institutional buildings, uses, or additions including grade schools, public and private high schools (Grade 9 and above); arts, technical or trade schools; colleges, universities; medical, dental, or optical health facilities or clinics; medical laboratory; physical, occupational or massage therapy clinics; veterinary clinics, animal hospitals; hospitals, libraries, and museums as defined in Sec. 28.211, MGO.
 1. The parking ratio for institutional buildings, uses or additions is the ratio of proposed parking to the use-specific Base Parking, as provided in the Transportation Demand Management Program.
 - (e) Mixed-use buildings, uses, or additions with two or more of the uses included in Sec. 16.03(2)(a)(b)(c) or (d), MGO.
 1. The parking ratios are calculated for each use independently based on requirements listed in sections (a) through (d).
- (4) Exemptions. This following buildings, uses, or additions constructed or established after the effective date of this ordinance are exempted:
- (a) Residential buildings, uses, or additions with less than 10 dwelling units or containing 10-25 dwelling units with a proposed parking ratio of less than 1.0;
 - (b) Employment buildings, uses, or additions of between of less than 10,000 square feet of floor area or between 10,000-25,000 square feet of floor area and a proposed parking ratio less than 1.0
 - (c) Commercial buildings, uses, or additions of less than 40,000 square feet of floor area and a proposed parking ratio of less than 1.25 their parking minimums or within the following use categories: day care center, nursery school, animal daycare facilities
 - (d) Institutional buildings, uses, or additions of less than 40,000 square feet of floor area and a proposed parking ratio of less than 1.25 their parking minimums or within the following use categories: elementary school, middle school, institutions with campus master plans, places of worship, public safety facilities
 - (e) Mixed-use buildings, uses, or additions that meet the exemption criteria outlined in this Sec. 16.03(3), MGO and as provided in the Transportation Demand Program.
- (5) Program Requirements. Any applicant submitting a site plan for review or applying for a zoning certificate shall also submit a TDM Plan within thirty (30) days of receiving approval of the aforementioned permit and/or plan, if applicable. The completed TDM Plan shall be submitted to the City of Madison Department of Transportation ("DOT"). The DOT will approve a TDM plan that meets all of the following requirements and any additional requirements adopted by the Department of Transportation and approved by the Transportation Commission which are

consistent with this Ordinance and state law:

- (a) TDM Plan Submission and Approval. The Transportation Demand Management plan must be submitted to and approved by the Department of Transportation as part of site plan review as provided in Sec. 28.186, MGO or as part of the Zoning Certificate issuance process as provided in Sec. 28.202(3).
- (b) Fee. The TDM plan shall be accompanied by payment of an initial program fee included in the Transportation Demand Management Program and approved by the Transportation Commission. Bi-annual TDM Compliance and Recertification Plan fees are as provided in Sec. (6) below.
- (c) Plan Content. All TDM plans shall contain at a minimum the following:
 - i. The identity and contact information of the TDM Coordinator;
 - ii. A description of the building, use, or addition subject to TDM requirements;
 - iii. The number of mitigation points required by this ordinance;
 - iv. The mitigation measures chosen by the property owner to achieve the required number of mitigation points during the two (2) calendar years succeeding the issuance of the certificate of occupancy for the building, use, or addition;
 - v. A statement that the TDM plan expiration date shall be two (2) calendar years after the issuance of the certificate of occupancy; and
 - vi. A statement acknowledging that a bi-annual TDM Compliance and Recertification Plan will be required during the life of the building, use, or addition.
- (6) Mitigation Point Requirements. Every building, use, or addition subject to the provisions of this ordinance is required to meet a set number of TDM mitigation points during the entire two-year TDM Plan period. Mitigation points required are calculated as a function of the following:
 - i. The size of the proposed building, use, or addition
 - ii. The number of parking stalls proposed for the project
 - iii. Proximity to existing or proposed transit, as outlined in Figure 14 - "TDM Requirement Modifiers Based on Location" of the "Transportation Demand Management Program"

To determine the required mitigation points for a project, the "raw mitigation points" are multiplied by the "modifiers based on location." These point values shall be found in the Transportation Demand Management Program, approved by the Transportation Commission. The mitigation point values may be modified by the Department of Transportation by amendment to the Transportation Demand Management Program approved by the Transportation Commission. The Transportation Management Program shall be posted in a visible prominent location on the DOT's page on the City of Madison website.

- (7) Mitigation point measures. To satisfy the mitigation points required under Sec. (6) above, property owners may choose from a menu of mitigation measures approved initially by the Common Council and updated annually by the Transportation Commission. The TDM measures shall represent the best practices for the reduction of vehicle miles travelled (VMT) within the context of Madison's transportation system and be grouped into nine broad categories: Active Transportation, Transit, Parking Management, Shared Mobility, Information & Communication, Delivery, Land Use, Employer Policies, Other Measures. Each mitigation measure shall be accompanied by mitigation point values, which can be added to other mitigation measure point values until the mitigation point requirement is met. The DOT is responsible for maintaining the list of TDM mitigation measures and, if requested by the property owner, assisting in the

selection of the most effective mitigation measures for their project.

- (8) Exemptions. Properties that were completed ~~before the adoption~~ or approved prior to the ~~enactment~~ effective date of this ordinance are exempt from TDM requirements until such a time when the following occurs:
- i. Expansion of the ~~Property~~ property.
 - ii. Expansion of the parking associated the property.
 - iii. Change of use from one land use category or sub-category to another, as defined in Appendix A of the "Transportation Demand Management Program".
- (9) Appeals . Program participants with properties ~~constructed~~ completed or approved prior to the ~~adoption~~ enactment effective date of the TDM program this ordinance may seek relief from TDM requirements. Department of Transportation staff may approve relief up to five (5) mitigation points, as outlined within section 2.6 of the Transportation Demand Management Program. Applicants that allege an error in staff determination or that require additional relief in the form of mitigation points may appeal to the Transportation Commission for adjustments to mitigation point requirements.
- (10) Bi-annual TDM Compliance and Recertification Plan and Fee. The property owner shall recertify their TDM Plan every two years by submitting a TDM Compliance and Recertification Plan within sixty (60) days prior to the expiration date of any existing TDM Plan. TDM Compliance and Recertification Plans shall meet all the requirements in this ordinance, except that the ongoing bi-annual fee shall be calculated as a function of the development's size. The recertification fee shall be contained in the Transportation Demand Management Program and approved by the Transportation Commission. The DOT shall review and either reject or approve the proposed TDM Recertification Plan within thirty (30) days of the expiration the existing TDM Plan. Failure to obtain an approved TDM Recertification Plan within thirty (30) days of the expiration of an existing TDM plan is a violation of this ordinance, subject to enforcement under Sec. (~~81011~~) below.
- (11) Enforcement and Penalties.
- (a) This ordinance shall be administered and enforced by the Department of Transportation.
 - (b) Any person who fails to comply with the enforcement of any of the provisions of this ordinance, or fails to comply with the existing TDM Plan required by this ordinance, shall, upon conviction thereof, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each and every violation thereof. Each day that a violation exists shall constitute a separate offense.
 - (c) As a substitute for or as an addition to forfeiture action, the City Attorney is authorized to seek enforcement of any part of this ordinance by court action seeking injunctive relief. It shall not be necessary for the City Attorney to take corrective action or prosecute for forfeiture before seeking injunctive relief.
- (12) Effective Date. This ordinance shall take effect six months after the date of publication.

2. Subdivision (d) entitled "Transportation Demand Management" of Subsection (5) entitled "Powers and Duties" of Section 33.56 entitled "Transportation Commission" is hereby created as follows:

“(d) Transportation Demand Management

- ~~(d)~~1. Approval of the Transportation Demand Management Program ~~adopted~~ administered by Transportation Department, and any amendments thereto.
- ~~(e)~~2. To hear and decide appeals where it is alleged there is error in a determination made by the Transportation Department or where additional relief in the form of mitigation points is required regarding a Transportation Demand Management Plan submitted under Sec. 16.08 MGO.
- ~~(f)~~3. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Transportation Department in the enforcement of Sec. 16.08 MGO.
- 4. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.”