



Legislation Text

File #: 90552, Version: 2

**Fiscal Note**

No City appropriation required.

**Title**

SUBSTITUTE: Amending Sections of Chapter 28 of the Madison General Ordinances related to Housing and Auto-Oriented Uses in the Transit Oriented Development Overlay District.

**Body**

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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**Please see Legistar File No. 90552 Body - Version 2 in Attachments.**