

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: May 29, 2008

MEMORANDUM

TO: Jeanne Hoffman, Facilities and Sustainability Manager

FROM: Katherine C. Noonan, Assistant City Attorney

RE: Amendments to Madison General Ordinances Relating to Solar and Wind Energy Systems

Wi. Stat. §66.0401 addresses the authority of municipalities to regulate solar and wind energy systems. It limits the usual reach of the City's authority to regulate for the health, safety, and public welfare by specifying three situations where regulation is allowed - when the regulation is to preserve or protect public health or safety, when it does not significantly impact the efficiency or cost of the solar or wind energy system, or when an alternative system of comparable cost and efficiency is available. Several existing provisions of the City's zoning code need to be amended to be consistent with state law and there also are other City ordinances that are proposed for amendment to better reflect current solar and wind energy technology.

The proposed zoning amendments will treat solar and wind energy systems as permitted accessory uses in all districts, subject to the approval of the Director of the Department of Planning and Community and Economic Development. The Director will be limited in denying or modifying a proposed solar or wind energy system to the allowed regulation under Wi. Stat. §66.0401. An applicant will be asked to provide a placement plan for the system that shows the location of the building(s), the system design and other information that may be relevant to the Director's determination. In addition to this change to the general treatment of solar and wind energy systems in the Zoning Code, several provisions in the Landmarks ordinance that restrict such systems in some historic districts are proposed to be repealed.

Chapter 30 of the Madison General Ordinances is the HVAC portion of the specific building provisions. It is based on the Wisconsin Administrative Code. A number of changes are being proposed relating to the details of installation, materials used, and the design of solar and wind energy systems. These changes reflect changes in technology or knowledge about solar and wind energy systems since the ordinance was adopted or last amended.