

**LEGISTAR #44254 - Body**

DRAFTER'S ANALYSIS: This amendment changes from conditional to permitted the on-site use of a an emergency electric generator in the mixed-use and commercial districts. This amendment also allows emergency electric generators in all districts to project into the side and rear yard setbacks. Finally, this amendment eliminates the requirement that there be a 20 foot buffer from any residential use and, because this is now a permitted instead of conditional use, eliminates supplemental regulation (d) pertaining to noise mitigation where approved as a conditional use.

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

1. Table 28D-2 of Section 28.061 entitled "Mixed-Use and Commercial Districts Uses" of the Madison General Ordinances is amended by amending and creating therein the following:

"Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
<b>Accessory Uses and Structures</b>							
Emergency electric generator	EP	EP	EP	EP	EP	EP	Y"

2. The Table 28I-1 of Subsection (1) entitled "Permitted Setback Encroachments" of Section 28.132 entitled "Encroachments Into Setback Areas" of the Madison General Ordinances is amended by creating therein the following:

**Table 28I-1.**

Structure or Feature	Front Yard Setback	Side Yard Setback	Rear Yard Setback
<u>Emergency electric generator</u>		✓	✓

3. Subsection entitled "Emergency Electric Generator" of Section 28.151 entitled "Applicability" of Subchapter 28J: Supplemental Regulations of the Madison General Ordinances is amended by amending herein the following:

"Emergency Electric Generator.

- (a) The electric output shall not exceed three thousand (3,000) kilowatts and the generator shall be operated a maximum of two hundred (200) hours per year.
- ~~(b) The generator shall be located a minimum of twenty (20) feet from any zoning lot that allows residential uses.~~
- ~~(c)~~ (e) The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.
- ~~(d) When approved as a conditional use, noise mitigation measures may be required."~~

4. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by amending herein the following:

"Emergency Electric Generator. An electric generator capable of providing electricity for on-site ~~or off-site~~ use, that powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil and whose purpose is to provide electricity if normal electrical service is interrupted."