

LEGISTAR 44254 – Substitute Body

DRAFTER'S ANALYSIS: This substitute amendment changes from conditional to permitted the on-site use of 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.

This substitute was necessary because after introduction staff learned that MGE uses several emergency electric generators to provide off-site energy to support the power grid during emergency situations. In making edits to the definition of emergency electric generator in Sec. 28.211 deleting reference to the provision of off-site energy, staff never intended to impact MGE's operations in this way. Therefore, this substitute removes the changes made by the initial ordinance to the definition of emergency electric generator.

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
Accessory Uses and Structures							
Emergency electric generator	CP	CP	CP	CP	CP	CP	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)~~ (eb) 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."~~