



Legislation Details (With Text)

File #: 16263 **Version:** 3 **Name:** Auto storage yard distance requirement
Type: Ordinance **Status:** Passed
File created: 10/12/2009 **In control:** PLAN COMMISSION
On agenda: 12/8/2009 **Final action:** 12/15/2009
Enactment date: 12/31/2009 **Enactment #:** ORD-09-00173

Title: AMENDED ALTERNATE Amending Section 28.10(4)(d)7. of the Madison General Ordinances to retroactively remove the 500 foot distance requirement between Residential Districts and auto storage yards.

Sponsors: PLAN COMMISSION

Indexes:

Code sections:

Attachments: 1. Ald Kerr Ltr 101609.pdf, 2. Ltr 111309.pdf, 3. Comments 111609.pdf, 4. Version 1, 5. 12-15-09 item 12 registration forms.pdf, 6. Version 2

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|---|--------|
| 12/15/2009 | 2 | COMMON COUNCIL | Adopt the Following Friendly Amendment | Fail |
| 12/15/2009 | 2 | COMMON COUNCIL | | |
| 12/15/2009 | 1 | COMMON COUNCIL | Adopt | Fail |
| 12/15/2009 | 2 | COMMON COUNCIL | Adopt | Fail |
| 12/15/2009 | 2 | COMMON COUNCIL | Reconsider | Pass |
| 12/15/2009 | 3 | COMMON COUNCIL | Adopt With Amendment(s) | Pass |
| 11/16/2009 | 1 | PLAN COMMISSION | RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING | Pass |
| 10/20/2009 | 1 | COMMON COUNCIL | Referred | |
| 10/13/2009 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No appropriation is required.

Title

AMENDED ALTERNATE Amending Section 28.10(4)(d)7. of the Madison General Ordinances to retroactively remove the 500 foot distance requirement between Residential Districts and auto storage yards.

Body

DRAFTER'S ANALYSIS: This Amended Alternate ordinance eliminates requirement that junkyards and automobile storage yards permitted as a conditional use in an M1 district must be located at least 500 feet from a residential district, and makes this amendment retroactive to January 1, 1994. The retroactivity of the ordinance is to correct an error by City staff and Plan Commission in 1994 approving a conditional use without taking into account the 500 foot requirement, which was in effect at the time.

Paragraph 7. of Subdivision (d) entitled "Conditional Uses" of Subsection (4) entitled "M1 Limited Manufacturing District" of Section 28.10 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"7. Junkyards and automobile storage yards located a minimum of five hundred (500) feet from any residence district, except that the Plan Commission may reduce the "five hundred (500) feet" requirement only

if such residential zoned land is not developed for residential use and upon the express recorded condition that the use shall only continue to operate until such time as the nearby residential land is developed at which time the operator's license will be suspended and the use discontinued. This provision shall be retroactive to the period between January 1, 1994, and January 1, 1995. After December 31, 2010, junkyards and automobile storage yards shall be located a minimum of the five hundred (500) feet from any residence district, except that the Plan Commission may reduce the "five hundred (500) feet" requirement only if such residential zoned land is not developed for residential use and upon the express recorded condition that the use shall only continue to operate until such time as the nearby residential land is developed at which time, the operator's license will be suspended and the use discontinued.