



Legislation Details (With Text)

File #:	56690	Version:	1	Name:	Solar energy systems exempt from conditional use and planned development alteration requirements
Type:	Ordinance	Status:			Passed
File created:	7/10/2019	In control:			Attorney's Office/Approval Group
On agenda:	9/3/2019	Final action:			9/3/2019
Enactment date:	9/17/2019	Enactment #:			ORD-19-00063
Title:	Amending Sections 28.098(6), 28.151 and 28.183(8) and (10) of the Madison General Ordinances to exempt the installation of solar energy systems from the conditional use and planned development alteration requirements.				
Sponsors:	Syed Abbas, Samba Baldeh, Shiva Bidar, Sheri Carter, Tag Evers, Grant Foster, Keith Furman, Patrick W. Heck, Zachary Henak, Rebecca Kemble, Arvina Martin, Satya V. Rhodes-Conway, Marsha A. Rummel, Michael J. Tierney, Michael E. Verveer, Lindsay Lemmer				
Indexes:					
Code sections:					
Attachments:	1. Staff_Memo 08-26-19.pdf, 2. Registrant.pdf				

Date	Ver.	Action By	Action	Result
9/3/2019	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
8/26/2019	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
8/12/2019	1	PLAN COMMISSION	Refer	Pass
7/16/2019	1	COMMON COUNCIL	Refer For Public Hearing	Pass
7/10/2019	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

Amending Sections 28.098(6), 28.151 and 28.183(8) and (10) of the Madison General Ordinances to exempt the installation of solar energy systems from the conditional use and planned development alteration requirements.

Body

DRAFTER'S ANALYSIS: This ordinance will allow property owners with conditional use approvals or planned development approvals to install solar energy systems without seeking an alteration to their conditional use or planned development.

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

1. Subdivision (d) of Subsection (6) entitled "Alterations to a Planned Development District" of Section 28.098 entitled "Planned Development District" of the Madison General Ordinances is amended to read as follows:

"(d) Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in

Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013). A conditional use alteration is not required for the installation of Solar Energy Systems. See Section 28.151 and Wis. Stat. §§ 62.23(7)(c) and 66.0401 (2018).

2. Subdivision (b) of the Subsection entitled “Solar Energy Systems” of Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended by amending herein the following:

“(b) The Placement Plan shall be approved by the ~~Director of the Department of Planning and Community and Economic Development~~ Zoning Administrator prior to installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed. Some development that includes solar energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and planned development districts.”

3. Subsection (8) entitled “Alterations” of Section 28.183 entitled “Conditional Uses” of the Madison General Ordinances is amended to read as follows:

“(8) Alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the standards in sub. (6), above. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable minor alteration to a conditional use fee in Sec. 28.206, MGO. Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013). A conditional use alteration is not required for the installation of Solar Energy Systems. See Section 28.151 and Wis. Stat. §§ 62.23(7)(c) and 66.0401 (2018).”

4. Subdivision (a) of Subsection (10) entitled “Changes in Use” of Section 28.183 entitled “Conditional Uses” of the Madison General Ordinances is amended to read as follows:

“(a) On any zoning lot where a conditional use is established, any alteration, expansion or establishment of any other use(s), including permitted uses, except structures and buildings serving as synagogues, mosques, temples, churches, parish houses, rectories, and other places of worship, telecommunications towers, Class 1 Collocations, Class2 Collocations and Radio Broadcast Service Facilities, shall be subject to conditional use approval. A conditional use alteration is not required for the installation of Solar Energy Systems. See Section 28.151 and Wis. Stat. §§ 62.23(7)(c) and 66.0401 (2018).”