

ORDINANCE 2018-02
AN ORDINANCE TO CREATE A RURAL HOMES ZONING DISTRICT IN THE
VILLAGE OF MCFARLAND

Purpose: Recent annexations have added to the Village a number of previously developed residential properties formerly under Dane County Zoning. Because these single-family properties were developed under the County Zoning regime, the land uses on these lots would become non-conforming uses under any other Village Zoning category. This Ordinance creates a Village rural homes zoning district to accommodate those properties.

Sponsor: Community Development Director Boness

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

The Village Board of the Village of McFarland does hereby ordain as follows:

1. Section 62-4(4a) of the McFarland Municipal Code is hereby created to read as follows:

"Agricultural use. Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping nursery, sod or Christmas tree production, floriculture, aquaculture, fur farming, forest management and enrolling land in a federal agricultural commodity payment program for a federal or state agricultural land conservation payment program."

2. Section 62-4(6a) of the McFarland Municipal Code is hereby created to read as follows:

"Animal unit. One animal unit is the equivalent of one cow, or one horse, or one pony, or one mule, or two hogs or ten sheep, or ten goats or 50 poultry or equivalent combination of them."

3. Section 62-4(148a) of the McFarland Municipal Code is hereby created to read as follows:

"Urban residential district(s). The R-1, R-1A, R-1B, R-2, R-3, R-MH or R-E zoning districts and residences allowed at a conditional use C-G zoning district."

4. Section 62-65(c) of the McFarland Municipal Code is hereby repealed.

5. Section 62-68(r) of the McFarland Municipal Code is hereby created to read as follows:

"(r) RH-1 Rural Home District. The RH-1 Rural Home District is established for annexed properties previously developed with low-density single family

residential areas that are characterized by larger lot sizes and having some agricultural accessory uses."

6. Section 62-69(a) of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 62-69. - Permitted uses.

"(a) *Generally.* The permitted and allowable conditional uses in each district of the residential and noncommercial zoning districts shall be set forth in the following table:

RESIDENTIAL DISTRICT PERMITTED USES										
Description	A-1	CO	R-1	R-1A	R-1B	R-2	R-3	R-MH	R-E	<u>RH-1</u>
Residential uses										
Single-family detached dwellings	P	N	P	P	P	P	N	P	P	<u>P</u>
Conversion of a single-family to a two-family	N	N	C	C	C	C	C	C	C	<u>C</u>
Temporary auxiliary apartment ²	N	N	C	C	C	N	C	C	C	<u>C</u>
Manufactured home, built after 10/74	C	N	P	P	P	P	N	P ¹	P	<u>P</u>
Two-family dwellings	N	N	N	N	N	P	P	N	P	<u>N</u>
Zero lot line dwellings	N	N	N	N	N	P	P	N	P	<u>N</u>
Multifamily dwellings, up to eight units/acre	N	N	N	N	N	N	P	N	N	<u>N</u>
Multifamily dwellings, up to 15 units/acre	N	N	N	N	N	N	C	N	N	<u>N</u>
Elderly occupied dwellings, up to ten units/acre	N	N	N	N	N	N	N	N	P	<u>N</u>

Elderly occupied dwellings, up to 21 units/acre	N	N	N	N	N	N	N	N	C	<u>N</u>
Community based residential facilities	N	N	P	P	P	P	P	P	P	<u>P</u>
Business uses										
Community living arrangements, up to eight people	N	N	P	P	P	P	P	P	P	<u>P</u>
Home day care (4—8, licensed) ³	N	N	P	P	P	P	N	P	C	<u>P</u>
Home day care (3 or fewer, unlicensed)	N	N	P	P	P	P	P	P	C	<u>P</u>
Description	A-1	CO	R-1	R-1A	R-1B	R-2	R-3	R-MH	R-E	<u>RH-1</u>
Home occupations ³	P	N	P	P	P	P	P	P	P	<u>P</u>
Day care center (9 or more, licensed)	N	N	N	N	N	N	C	N	C	<u>N</u>
Community living arrangements, over eight people	N	N	C	C	C	C	C	C	C	<u>C</u>
Landscaping businesses on parcels 2 acres or larger	P	N	N	N	N	N	N	N	N	<u>C</u>
Public uses										
Greenways, open space, parks and pools	P	P	P	P	P	P	P	P	P	<u>P</u>
Off-street parking facilities	N	C	N	N	N	N	N	N	N	<u>N</u>
Nursing homes, hospitals	N	N	N	N	N	N	P	N	N	<u>N</u>
Clubs, lodges	C	N	N	N	N	N	N	N	N	<u>C</u>
Elementary and secondary schools	C	N	P	P	P	P	P	P	P	<u>P</u>

Public libraries	N	N	P	P	P	P	P	P	P	<u>P</u>
Fire stations	C	N	P	P	P	P	P	P	P	<u>P</u>
Cemeteries and mausoleums	C	N	C	C	C	C	C	C	C	<u>C</u>
Athletic facilities	N	N	C	C	C	C	C	C	C	<u>C</u>
Houses of worship and their affiliated uses	C	N	P	P	P	P	P	P	P	<u>P</u>
Industrial and higher uses										
Sewage treatment plants	N	N	N	N	N	N	N	N	N	<u>N</u>
Utility lines and pumping stations	P	C	P	P	P	P	P	P	P	<u>P</u>
Description	A-1	CO	R-1	R-1A	R-1B	R-2	R-3	R-MH	R-E	<u>RH-1</u>
Accessory uses										
Private garage space	P	N	P	P	P	P	P	P	P	<u>P</u>
Gardening/storage sheds	P	C	P	P	P	P	N	N	P	<u>P</u>
Off-street parking facilities	P	C	P	P	P	P	P	P	P	<u>P</u>
Normal household pets, not exceeding 3 mature pets	P	N	P	P	P	P	P	P	P	<u>P</u>
Agriculture and forestry ⁴	P	C	N	N	N	N	N	N	N	<u>P</u>

P = Permitted, C = Conditional, N = Not Allowed

1. Manufactured homes placement shall comply with all of the following requirements and limitations:
 - a. The home shall be doublewide of at least 24 feet in width and 36 feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two inches in 12 inches, which is permanently covered with nonreflective material.
 2. There must be a minimum of 800 square feet of floor area for each dwelling unit, exclusive of halls and entries, cellar and basements.
 3. Refer to Section 62-230.
 4. Keeping of chickens permitted in ~~certain~~ residential areas pursuant to subsection (d) & (c)."
7. Section 62-69(d) of the McFarland Municipal Code is hereby amended to read as follows:

"(d) *Keeping of chickens.* The keeping of no more than four chickens shall ~~only~~ be allowed in the R-1, R-1A, R-1B, R-2 ~~and~~, R-3 and RH-1 districts provided that:

- (1) The principal use is a single-family or two-family dwelling.
- (2) No person shall keep any roosters.
- (3) No person shall slaughter chickens outdoors.
- (4) Chickens shall be provided with a structure and area exclusively devoted for use as a hen house and fenced outdoor enclosure.
 - a. Chickens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to run free.
 - b. The hen house shall be a covered, predator-resistant, well-ventilated structure, providing a minimum of two square feet per chicken.
 - c. The outdoor enclosure shall be adequately fenced to contain chickens and protect them from predators.
 - d. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 - e. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste and offensive odors.
 - f. Chicken feed, if stored outdoors, must be kept in rat-proof containers.

- (5) The hen house or outdoor enclosure shall be located in the rear yard and no closer than 25 feet to any residential dwelling on an adjacent lot, nor closer than ten feet to the property line.
- (6) The hen house and outdoor enclosure shall comply with the maximum lot coverage and height requirements for accessory buildings. Refer to Section 62-227 of the Village of McFarland Municipal Code.
- (7) The permittee shall comply with Wis. Admin. Code § ATCP 17.02 relating to livestock premises registration.
- (8) Annual permit.
 - a. Any person who keeps chickens in the Village of McFarland under Section 62-69(d) shall obtain an annual permit prior to June 1 of each year, or within 30 days of acquiring the chickens. The permit year commences on June 1 and ends the following May 31.
 - b. As part of the initial permit approval process, the Village Building Inspector shall inspect the applicant's property for compliance with this Section. The annual permit renewal process shall not require reinspection.
 - c. The Zoning Administrator may revoke a permit if there are two or more violations of this Section, or Chapter 20 of the Village of McFarland Municipal Code, within any six-month period.
 - d. Applications shall be made to the Community Development Department on such forms as deemed appropriate, and a fee shall be established from time to time by the Village Board and provided in Appendix A to this Code. Failure to obtain the required permit and pay the required fee will result in forfeiture, including doubling the permit fee."

8. Section 62-69(e) of the McFarland Municipal Code is hereby created to read as follows:

"(e) The number of livestock kept in the A-1 or RH-1 zoned district shall not exceed one animal unit for each full acre and the lot must be at least two acres in size. For lots zoned A-1 or RH-1 less than 2 acres but over 20,000 sq. ft. no more than 10 chickens shall be allowed. Any structure housing livestock shall be at least 100 feet from an urban residentially zoned district."

9. Section 62-70 of the McFarland Municipal Code is hereby amended to read as follows:

"No structure or lot shall be developed, used or occupied unless it meets the minimum lot frontage, lot area, yard requirements, height limits and other dimensional standards set forth in the following table:

RESIDENTIAL DISTRICT BULK STANDARDS

Bulk Standards	A-1	R-1	R-1A (9)	R-1B (9)	R-2 (3)	R-3 (3)	R-MH	R-E	<u>RH-1</u>
Minimum lot area (sq. ft.)	35 acres	10,000	6,000	6,000	10,000	None	6,000	None	<u>1</u> acre
Minimum lot width (ft.)	-	80	50	50	80	80	50	80	<u>150</u>
Building height (ft.)	35 (1)	35	35	35	35	35	35	35	<u>35</u>
Yards (7) (10)									
Front yard (ft.)	-	25	25	20 (6)	25	25 or 35 (4)	25	25	<u>40</u>
Front yard with snout garage (2)	-	30	30	20	30	25 or 35 (4)	30	30	<u>40</u>
Side yard (ft.)									
One story building	6	6	7	7	8	8	6	8	<u>10</u>
Both sides combined	14	14	14	14	18	20	14	20	<u>20</u>
Two story building	7	7	7	7	8	10	7	10	<u>10</u>
Both sides combined	18	18	14	14	18	20	18	25	<u>20</u>
Reversed corner	25	25	25	15	25	25 or 30 (8)	15	25	<u>40</u>
Rear yard (ft.)	30	30	30	30 or 40 (7)	30	35	25	30	<u>50</u>

Bulk Standards	A-1	R-1	R-1A (9)	R-1B (9)	R-2 (3)	R-3 (3)	R- MH	R-E	<u>RH- 1</u>
Minimum desirable open space per dwelling unit (sq.ft.)	-	1,300	1,000	1,000	750	500	1,000	500	<u>4,000</u>
Minimum lot area per dwelling unit (sq. ft.)	-	10,000	6,000	6,000	5,000	5,445	6,000	4,356	<u>1 acre</u>
As conditional use	-	10,000	6,000	6,000	5,000	2,904	6,000	2,178	<u>1 acre</u>
Parking spaces required per dwelling unit (sq. ft.)									
Efficiency		1.0	1.0	1.0	1.0	1.0	1.0	1.0	<u>1.0</u>
One bedroom	-	2.0	2.0	2.0	2.0	2.0	2.0	1.0	<u>2.0</u>
Two bedrooms	-	2.0	2.0	2.0	2.0	2.0	2.0	2.0	<u>2.0</u>
Three bedrooms	-	2.5	2.5	2.5	2.5	2.5	2.5	2.5	<u>2.5</u>
Four+ bedrooms	-	3.0	3.0	3.0	3.0	3.0	3.0	3.0	<u>3.0</u>
Minimum landscaping points ⁽⁵⁾									
Per 100 ft. of bldg. foundation						50		45	
Per 1,000 sq. ft. gross floor area						20		20	
Per 100 ft./street frontage						50		45	
Per 10,000 sq. ft. of paved area						100		90	

- (1) Barns, sheds, silos and other farm buildings shall not exceed in height twice their distance from the nearest lot line; however, these buildings have to be setback at least 60 feet from the street and no closer than 100 feet from the property line of adjacent properties, if those properties are located in an Urban Residence District
- (2) Attached garages that are closer to a street than any other portion of structure are snout garages.
- (3) R-2 and R-3 Districts allow zero lot line duplexes of 5,000 square feet minimum lot area and a 40 feet minimum lot width, with side yard setback requirements of eight feet for a one-story structure and ten feet for a two-story structure.
- (4) Twenty-five feet applies to lots if no motor vehicle garage door opening faces street side; 35 feet applies if motor vehicle garage door opening faces street side.
- (5) See Appendix B, Village of McFarland Landscaping Standards.
- (6) The front yard is the same as the street yard.
- (7) All yards abutting upon navigable waterways set back at least 40 feet unless superseded by Wisconsin Department of Natural Resources or Dane County regulations.
- (8) Twenty-five feet applies to street side with no motor vehicle garage door opening; 30 feet applies to street side with a motor vehicle garage door opening.
- (9) The side yard setback amendments enacted by Ordinance No. 2014-13 shall apply only to property for which a new home construction permit is issued after December 11, 2014.
- (10) All yards in the RH-1 District abutting a collector or arterial street shall be set back 60 feet from the property line."


The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 23rd day of January, 2018.

APPROVED:



Brad Czebotar, Village President

ATTEST:



Cassandra Suettinger, Village Clerk-Treasurer

4841-0545-6471, v. 1

ORDINANCE 2018 -02			
MOTION		SECOND	
Czebotar		O'Hearn	
ACTION		DATE	
Adopted		01/22/2018	
Referred			
Tabled			
Withdrawn			
Defeated			
Published			
INDIVIDUAL VOTING RECORD			
Adrian	Aye	Kolk	Aye
Brassington	Aye	Lytle	Aye
Clow	Aye	O'Hearn	Aye
Czebotar	Aye		
VOTING RESULTS			
Motion Carried: 7-0			
Motion Defeated:			