

**VILLAGE OF MCFARLAND
ORDINANCE 2023-06**

VARIOUS AMENDMENTS TO SEC. 62-227 ACCESSORY USES, BUILDINGS OR STRUCTURES

PURPOSE: To amend the Village Zoning Code to clarify certain regulations related to accessory uses and structures.

SPONSOR: Andrew Bremer, AICP, Community & Economic Development Director

REQUIRED REFERRAL: Plan Commission

PUBLIC HEARING: Class 2, held by Plan Commission

WHEREAS, the Plan Commission has determined that certain amendments to the Village Zoning Code are necessary in order to clarify zoning regulations related to accessory uses and structures; and

WHEREAS, the Plan Commission has held a public hearing on the proposed amendments at their September 19, 2023 meeting; and

WHEREAS, the Village Board has determined that the proposed amendments contained herein will promote the public interest by providing more effective and efficient regulation of accessory uses and structures

NOW THEREFORE, be it ordained by the Village Board of the Village of McFarland, in the State of Wisconsin, as follows:

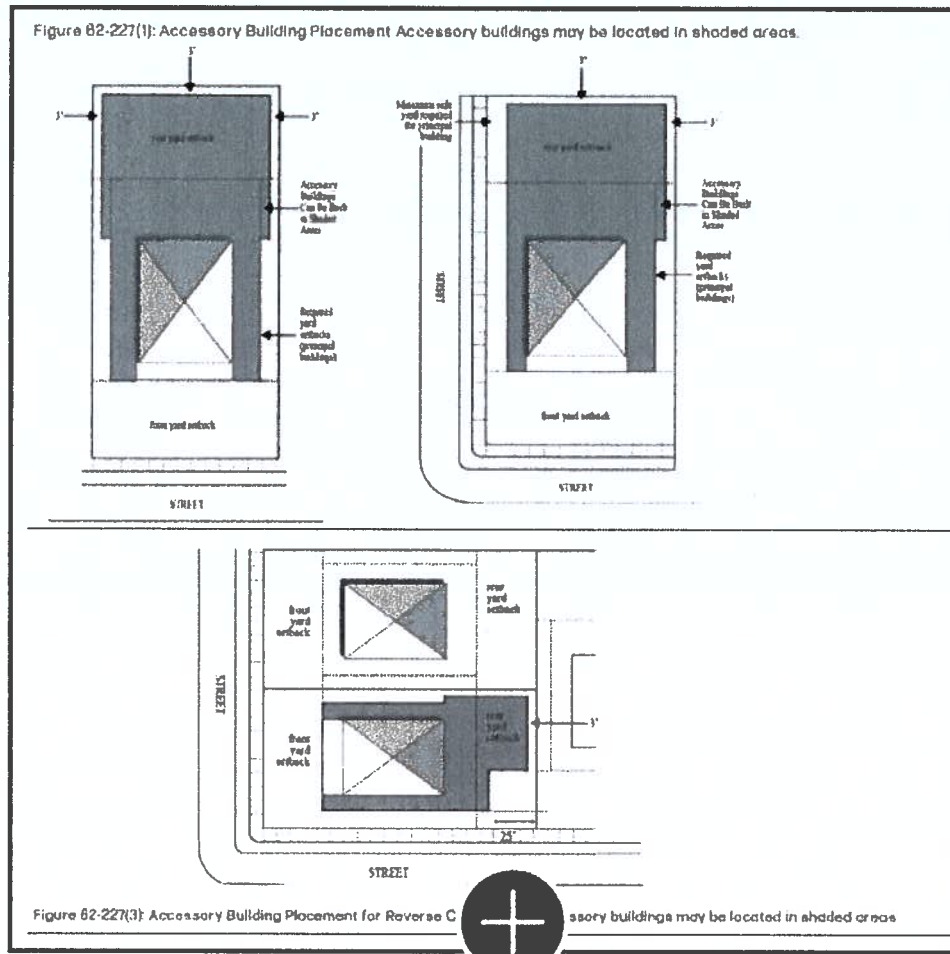
SECTION 1: **AMENDMENT** "62-227 Accessory Uses, Buildings Or Structures" of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

62-227 Accessory Uses, Buildings Or Structures

- (a) *Building permit required.* No owner shall, within the Village, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the Village Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
 - (1) Permit Exemptions. Children's play structures, including elevated play structures, swing sets, slides, but excluding enclosed playhouses, shall not require a building permit but shall meet the requirements of this section. Play structures shall not be used for storage.
- (b) *Principal structure to be present.* An accessory building or structure in any zoning district shall not be established prior to the principal building or structure being present or under construction on the zoning lot. Any accessory building or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) ~~Placement restrictions~~ *Temporary Accessory Uses, Buildings or Structures.* ~~A~~ *Temporary* accessory building, use or structure may be established subject to the following regulations:
 - ~~Percentage of required rear yard occupied.~~ *No detached accessory building shall*

- (1) ~~occupy more than 40 percent of the area of the required rear yard.~~*Height of accessory buildings in required rear yards.* No detached accessory building located in a required rear yard shall exceed 15 feet in height.*Temporary storage buildings.* Temporary buildings for storage of building materials and equipment and for construction purposes are allowed when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.
- (2) *Temporary offices.* Temporary real estate offices for purposes of conducting sale of property in the tract are allowed where such temporary office is located for a period not to exceed two years from the date of start of construction or one year after the initial occupancy of an improvement, whichever is lesser.
- (d) *Use restrictions in Residential District.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential dwelling purposes, including the installation of water or sanitary sewer services. ~~Under no circumstances may a tent be used as a dwelling, or an accessory storage structure, or children's playhouse.~~
- (e) *Accessory buildings in Special and Residence Districts.*
- (1) *Maximum Size.* ~~The cumulative total area of all detached accessory buildings shall not occupy more than forty (40) percent of the area of the rear yard, or the ground floor size of the principal structure on the zoning lot, whichever is less, with the following exemptions:~~
- ~~Within the A1 Agriculture-Transition and RH-1 Rural Homes districts the cumulative total area of all detached accessory buildings shall not occupy more than forty (40) percent of the area of the rear yard only.~~
 - ~~Within the CO Conservancy, PD Planned Development, and PD-I Planned Development Infill districts the cumulative total area of all detached accessory buildings shall be established by the Plan Commission as part of an approved site design review permit.~~
- (2) *Maximum Height.* ~~No detached accessory building or structure shall exceed fifteen (15) feet in height with the following exceptions:~~
- ~~The maximum height shall not exceed twenty (20) feet in height in the RH-1 Rural Homes District.~~
 - ~~The maximum height in CO Conservancy, PD Planned Development, and PD-I Planned Development Infill districts shall not exceed twenty (20) feet in height or as established by the Plan Commission as part of an approved site design review permit.~~
 - ~~Agricultural accessory buildings or structures in the A1 Agriculture-Transition District, refer to Section 62-256(d). Non-agricultural accessory buildings or structures in the A1 Agriculture-Transition District shall not exceed twenty (20) feet in height.~~
- (3) *Location.* ~~Accessory buildings and structures may be located in the following locations: No accessory building in a Special or Residence District shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than three feet from all lot lines and from any other building or structure on the same lot except as provided hereunder:~~
- ~~Within the buildable lot area for principal structures based on the district requirements for the property, with the exception that no accessory building or structure shall be placed within that portion of the front yard principal building setback area extending across the front length of the primary structure.~~
 - ~~In a required rear yard setback a minimum of three (3) feet from any property line.~~
 - ~~In a side yard setback, if located behind the rear plane of the principal building at the time of construction, a minimum of three (3) feet from any property line.~~
 - ~~In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback requirement for a principal building in the district.~~
 - ~~In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.~~



- (4) *On reversed corner lots.* On a reversed corner lot in a Residence or Special District, no accessory building shall be located in a required rear yard within 25 feet of an adjoining property to the rear in a Residence District, except when the accessory building is located not closer to the side lot line abutting the street than the least depth which would be required under this Chapter for the front yard of such adjacent property to the rear and in no case shall any part of an accessory building project beyond the principal building to which it is accessory. **Materials.** No accessory building located in a Special or Residential District shall be constructed or finished with nonresidential building materials such as nondecorative concrete block or nondecorative plywood. Unless exempted below, Furthermore, all accessory buildings within Special or Residential Districts shall should be constructed or finished in a similar in a complementary architectural style, materials, and colors and with similar materials to the principal buildings on the zoning lot in the neighborhood:
- Agricultural accessory buildings in the A1 Agriculture-Transition and RH-1 Rural Homes districts.
 - Children's play structures.
 - Prefabricated accessory structures less than two hundred (200) square feet in size.
- (f) *Accessory buildings in Commercial and Manufacturing Districts.* Accessory buildings in Commercial or Manufacturing Districts shall not be located nearer than ten feet from the rear lot line:
- Maximum Size. The cumulative total area of all principal and detached accessory buildings on a zoning lot shall maintain conformance with the lot coverage

- requirements for the district in which the property is located.
- (2) Maximum Height. The maximum height shall not exceed the maximum height for principal structures for the district in which the property is located or as approved by the Plan Commission as part of an approved site design review permit.
- (3) Location. Accessory buildings and structures may be located in the following locations, subject to site design review permit approval by the Plan Commission:
- a. Within the buildable lot area for principal structures based on the district requirements for the property.
 - b. In a required rear yard setback a minimum of five (5) feet from the rear lot line when adjacent to Commercial and Manufacturing Districts and ten (10) feet from the rear lot line when adjacent to Special and Residence Districts.
 - c. In a side yard setback, if located behind the rear plane of the principal building at the time of construction, a minimum of five (5) feet from any property line.
 - d. In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback requirement for a principal building is the district.
 - e. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.
- (4) Materials. No accessory building shall be constructed or finished with noncommercial building materials such as nondecorative concrete block or nondecorative plywood. All accessory buildings shall be constructed or finished in a complementary architectural style, materials, and colors to the principal building on the zoning lot or as approved by the Plan Commission as part of an approved site design review permit.
- (g) Landscaping uses. Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation include trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (h) Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half the height of such private garage shall be below the mean grade of the front yard.
- (i) Garages on water front lots. In order to preserve the quality and beauty of our lakes and waterways, a private detached garage may be erected within the front or street yard as follows:
- (1) There must be particular physical or topographical conditions of the property that prevent locating the garage within the standard building envelope of the lot.
 - (2) The garage must comply with all fire separation requirements of the applicable building code.
 - (3) The garage shall be located not less than ten (10) feet from the street lot line.
- (j) Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Exemptions to these requirements may be considered as part of a Plan Commission approved site design review permit.
- (k) Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flagpoles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (l) Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet

in width shall be provided between any series of such walls.

(m) *Terrace area restrictions.* In addition to the definitions and restrictions contained in Chapter 53, Article IX, and Section 59-20, no person shall place any accessory structure or use, including landscaping ornaments, stones, children's play structures and basketball backboard/hoops, in the terrace area.

(n) *Outdoor furnaces.* Outdoor furnaces are prohibited in all zoning districts.

(o) *Restrictions on Placement of Accessory Buildings in Easements.* No accessory building or structure of any kind shall be placed or maintained in an easement designated for public or private utility, public sewer, public water, stormwater, drainage, public access or other purpose where placement would interfere with the purpose of the easement in the determination of the Director of Public Works or Village Engineer. This paragraph shall apply in addition to all accessory building setback standards in this section.

(Code 1998, § 13-1-160; Ord. No. 2003-03, § 1(13-1-160), 3-24-2003; Ord. No. 2006-02, §§ 1, 2, 4-10-2006; Ord. No. 2009-08, § 1, 3-23-2009; Ord. No. 2009-11, §§ 1, 2, 4-27-2009)

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from the date of adoption and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VILLAGE OF MCFARLAND VILLAGE BOARD
SEPTEMBER 26, 2023.


	AYE	NAY	ABSENT	ABSTAIN
Brandt	<u>X</u>	_____	_____	_____
Brassington	<u>X</u>	_____	_____	_____
Clow	<u>X</u>	_____	_____	_____
Fessler	<u>X</u>	_____	_____	_____
Flaherty	<u>X</u>	_____	_____	_____
Jerke	<u>X</u>	_____	_____	_____
Wreh	<u>X</u>	_____	_____	_____

Presiding Officer



Carolyn Clow, Village President, Village of McFarland

Attest



Cassandra Suettinger, Deputy Administrator/Clerk, Village of McFarland