

**VILLAGE OF MCFARLAND
ORDINANCE 2024-24**

**VARIOUS AMENDMENTS TO CHAPTER 62, ZONING CODE RELATED TO
CHANGES AND AMENDMENTS**

PURPOSE, To amend various sections of the McFarland Zoning Code for consistency with 2023 Wis. Act 16.

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

REFERRAL, Plan Commission (required)

PUBLIC HEARING, Class 2, held by Plan Commission

WHEREAS, on June 22, 2023, the Wisconsin Governor signed 2023 Wis. Act 16 into law; and

WHEREAS, under 2023 Wis. Act 16, municipalities are prohibited from requiring a three-fourths vote by the governing body to approve a proposed zoning amendment when a protest petition is filed; however, a two-thirds vote may still be required for a down zoning ordinance pursuant to Wis. Stat. 66.10015(3)(b); and

WHEREAS, 2023 Wis. Act 16 has a delayed effective date of January 1, 2025; and

WHEREAS, the Village of McFarland Zoning Code is established to promote and maintain the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village; and

WHEREAS, the McFarland Plan Commission held a public hearing on Ordinance 2024-24 at their November 19, 2024 meeting; and

WHEREAS, prior to holding the public hearing the Village provided a Class 2 notice as required under Section 62-343 of the Zoning Code; and

WHEREAS, the Village Board finds that the proposed ordinance amendment is consistent with the Village's Comprehensive Plan; and

WHEREAS, the Village Board finds approval of Ordinance 2024-24 is in the public interest.

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

SECTION 1: REPEAL “62-344 Protest” of the Village of McFarland
Municipal Code is hereby *repealed* as follows:

REPEAL

~~62-344 Protest (Repealed)~~

- (a) In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full Village Board membership.
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by 20 percent of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full Village Board membership to adopt such amendment.

~~(Code 1998, § 13-1-243; Ord. No. 2003-03, § 1(13-1-243), 3-24-2003)~~

SECTION 2: AMENDMENT “62-343 Procedure For Changes Or
Amendments” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

62-343 Procedure For Changes Or Amendments

- (a) *Request for changes.* Petitions for any change to the district boundaries and maps or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - (1) Plot plan, drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Plan Commission or Village Board.

(b) *Plan Commission review and recommendations.*

- (1) The Zoning Administrator shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. Following receipt of the petition, the Plan Commission shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a class 2 notice, pursuant to Wis. Stats. Ch. 985. At least ten days prior, written notice shall also be given to the clerk of any municipality within 1,000 feet of any land that would be affected by the proposed change or amendment. The Plan Commission shall also notify the owners of all properties lying within 100 feet of the land proposed to be rezoned. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.
- (2) Following such hearing, the Plan Commission shall review all proposed amendments to the text and Zoning Map within the corporate limits of the Village, and shall recommend, in writing, that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation.

(c) *Village Board action.*

- (1) Following receipt and consideration of the Plan Commission's recommendation, the Village Board shall take action on the proposed ordinance implementing the proposed change or amendment. Approval of the proposed ordinance requires a simple majority of a quorum of the Village Board, except the Village Board may not enact a down zoning ordinance unless at least two-thirds of the members-elect approve the ordinance. If the down zoning ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.
 - (2) The Village Board shall hold an additional public hearing, preceded by the same notice required for the Plan Commission public hearing, upon the written request of the petitioner ~~or~~ any of the parties identified in Section 62-342 ~~or from sufficient owners of neighboring properties who hold protest rights pursuant to Wis. Stats. § 62.23(7)(d)2m, and Section 62-344.~~ In addition, the Village Board may, on its own volition, conduct its own public hearing on the proposed amendment.
- (d) *Fee.* The application fee for processing a petition for a zoning change or amendment shall be the fee established by the Village Board from time to time and provided in Appendix A to this Code. The applicant shall also pay all costs incurred by the Village in notifying the public and affected property owners pursuant to Subsections (b) and (c) of this Section.

(Code 1998, § 13-1-242; Ord. No. 2003-03, § 1(13-1-242), 3-24-2003)

**SECTION 3: AMENDMENT “62-4 Definitions” of the Village of
McFarland Municipal Code is hereby *amended* as follows:**

A M E N D M E N T

62-4 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Abutting*. Having property or district lines in common (e.g., two lots are abutting if they have property lines in common).
- (b) *Accessory building or use*.
 - (1) An accessory building or use is one that:
 - a. Is customary and clearly incidental to the principal building or principal use;
 - b. Serves exclusively the principal building or principal use;
 - c. Is subordinate in area, extent or purpose to the principal building or principal use;
 - d. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
 - e. Is located on the same zoning lot as the principal use served, with exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.
 - (2) An accessory building or use includes, but is not limited to, the following:
 - a. A children's playhouse, garden house or private greenhouse;
 - b. A garage, carport, shed or building for storage incidental to a permitted use;
 - c. Incinerators incidental to a permitted use;
 - d. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
 - e. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
 - f. Off-street motor vehicle parking areas and loading facilities;
 - g. Signs, as permitted and regulated in each district incorporated in this Chapter; and
 - h. Earth station dish antennas, which are ground-mounted or building-mounted.
- (c) *Acre, net*. The actual land devoted to the land use, excluding public streets, public

- lands or unusable lands, and school sites contained within 43,560 square feet.
- (d) *Adjacent*. Neighboring or within visible proximity (e.g., includes property that is across the street or public right-of-way and includes all properties directly impacted by a proposed development whether abutting or not).
 - (e) *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.
 - (f) *Alley*. A public way not more than 24 feet wide that affords only a secondary means of access to abutting property.
 - (g) *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.
 - (h) *Apartment*. A room or suite of rooms in a multiple-family structure that is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
 - (i) *Arterial street*. A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
 - (j) *Automobile laundry*. A building or portion thereof containing facilities for washing automobiles using production-line methods with a chain, conveyor, blower, steam-cleaning device or other mechanical devices or any premises with a capacity of washing 20 or more vehicles per eight-hour day.
 - (k) *Awning*. A retractable, rooflike cover, temporary in nature, which projects from the wall of a building.
 - (l) *Basement*. That portion of any structure located partly below the average adjoining lot grade, which is not designed or used primarily for year-around living accommodations.
 - (m) *Block*. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of corporate limits of the Village.
 - (n) *Boardinghouse*. A building other than a hotel or restaurant where meals or lodging are regularly furnished by a rearrangement for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
 - (o) *Bufferyard*. A unit of land, together with a specified type and amount of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between them.
 - (p) *Buildable lot area*. The portion of a lot remaining after required yards have been provided.

- (q) **Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or firewall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.
- (r) **Building, completely enclosed.** A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- (s) **Building coverage.** The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross section of a building or buildings.
- (t) **Building detached.** A building surrounded by open space on the same lot.
- (u) **Building height.** A vertical distance from the curb level or the approved ground level opposite the center of the front of a building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean-height level between eaves and ridges of a gable, hip or gambrel roof.
- (v) **Building, principal.** A building in which the principal use of the lot on which it is located is conducted.
- (w) **Building setback line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (x) **Bulk.** Used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another and includes the following:
 - (1) Size and height of buildings;
 - (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
 - (3) Gross floor area of buildings in relation to lot area (floor area ratio);
 - (4) All open spaces allocated to buildings; and
 - (5) Amount of lot area provided per dwelling unit or lodging room.
- (y) **Business.** An occupation, employment or enterprise that occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (z) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (aa) **Clinic, medical and dental.** A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include an accessory dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
- (ab) **Club or lodge, private.** A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. Where properly licensed under existing Village ordinances, the consumption of intoxicating beverages by members of

such club or lodge or their guests may be permitted.

- (ac) *Community living arrangement.* The following facilities licensed or operated or permitted under the authority of the child welfare agencies under Wis. Stats. § 48.60, foster homes for children under Wis. Stats. § 48.02(6), group homes for children under Wis. Stats. § 48.02(7), and community-based residential facilities under Wis. Stats. § 50.01(1g), but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of Wis. Stats. §§ 46.03(22), 59.69(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (ad) *Conditional uses.* Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (ae) *Conforming building or structure.* Any building or structure that:
 - (1) Complies with all the regulations of this Chapter or any amendment thereto governing bulk or the zoning district in which such building or structure is located; or
 - (2) Is designed or intended for a conforming use.
- (af) *Conservation standards.* Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the Natural Resources Conservation Service for Dane County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets the landowner's needs in developing soil and water conservation.
- (ag) *Controlled access arterial street.* The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (ah) *Convalescent home and nursing home.* A home for the aged, infirm, chronically ill or incurable persons in which five or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospital clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.
- (ai) *Curb level.* The level of the established curb in front of such building measured at the center of such front.
- (aj) *Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (ak) *District, basic.* A part of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (al) *District, overlay.* Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

(am) Down Zoning Ordinance. A zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land, that are specified in a zoning ordinance or other land use regulation, to fewer uses than were allowed under its previous usage.

(an) *Dwelling.* A building or part of a building containing one or more dwelling units and also containing other directly associated elements such as hallways, storage areas or common laundry facilities. For purposes of this Chapter, this term does not include "group lodging facilities."

(ao) *Dwelling, attached.* A dwelling separated from another dwelling unit and having any portion of any roof, wall or floor in common with another dwelling unit.

(ap) *Dwelling, detached.* A dwelling that is entirely surrounded by open space on the same lot.

(aq) *Dwelling, multiple-family.* A building, or portion thereof, containing three or more dwelling units.

(ar) *Dwelling, single-family.* A building containing one dwelling unit only.

(as) *Dwelling, two-family.* A building containing two dwelling units only.

(at) *Dwelling unit.* An area within a dwelling that is designed, occupied or intended to be occupied by a family (or by a nonfamily household) as permitted by this Chapter as separate living quarters with private kitchen, sanitary, sleeping and living quarters within the unit.

(au) *Eating place.* Establishments primarily engaged in the retail sale of prepared food and drinks for consumption on the premises. Caterers and institutional food service establishments are included. The term shall not apply to houses of worship, religious, fraternal, youths' or patriotic organizations, service clubs and civic or union organizations that occasionally prepare or serve or sell meals to transients or the general public, nor shall it include any public or private school lunchroom.

(av) *Efficiency unit.* A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove shall not exceed 90 square feet in area and shall not be used for sleeping purposes.

(aw) *Elderly dwelling.* A building, or portion thereof, designed, designated and used exclusively by a person who is 55 years of age or older, or a family, the head of which or spouse is 55 years of age or older.

(ax) *Essential services.* Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes,

traffic signals, pumps, lift stations and hydrants, but not including buildings.

- (ay) *Establishment, business.* A place of business carrying on operations that are physically separate and distinct from those of any other place of business located on the same zoning lot.
- (az) *Family.* An individual or group of two or more individuals who are related by blood, marriage or adoption, together with not more than four additional persons not so related, living as a single household in a dwelling unit. For purposes of this Chapter, family includes nonfamily households.
- (ba) *Family day care.* The provision of day care for children for compensation within a dwelling whether or not licensed by the state, including educational services so long as the care and services are taking place within a dwelling.
- (bb) *Farming, general.* Includes floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (bc) *Farmstead.* A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (bd) *Floor area.* The sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building that is designed for the parking of motor vehicles in order to meet the parking requirements of this Article.
- (be) *Floor area ratio.* An intensity measured as a ratio derived by dividing the total floor area of a building by the gross area site. Where the lot is part of a larger development and has no bufferyard, that lot area may be used instead of the gross site area.
- (bf) *Foster home.* Any facility that is operated by a person required to be licensed by Wis. Stats. § 48.62(1)(a) and that provides care and maintenance for no more than four children or, if necessary to enable a sibling group to remain together, for no more than six children or, if the State Department of Children and Families promulgates rules permitting a different number of children, for the number of children permitted under those rules.
- (bg) *Frontage.* All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (bh) *Garage, private.* A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (bi) *Garage, public.* Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

- (bj) *Gross floor area.* The area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The gross floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.
- (bk) *Gross site area.* The area of land that is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. The gross site area shall be legally described and made part of the application for zoning approvals.
- (bl) *Group foster home.* Any facility operated by a person required to be licensed by Wis. Stats. § 48.62 for the care and maintenance of five to eight foster children.
- (bm) *Group lodging facilities.* Building or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than as a dwelling, dwelling unit, hotel or motel.
- (bn) *Group lodginghouse.* A group lodging facilities containing general lodging rooms not having kitchen facilities, offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants.
- (bo) *Guest, permanent.* A person who occupies or has the right to occupy on a monthly or longer basis a hotel or apartment hotel accommodation as such person's domicile and place of permanent residence.
- (bp) *Historic District.* An area designated by the Village Board on the recommendation of the Landmarks Commission, pursuant to this Section, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Village, state or nation.
- (bq) *Historic site.* A parcel of land having historic significance due to a substantial value in tracing prehistory or history of aboriginal people, or upon which an historic event has occurred, and which has been designated as an historic site under this Chapter, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (br) *Historic structure.* An improvement that has a special character or historic interest or value in showing the development, heritage or cultural characteristics of the Village, state or nation, which has been designated as an historic structure under this Chapter.
- (bs) *Home occupation.* Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or in structures accessory thereto.
- (bt) *Home professional office.* A home occupation consisting of the office of a recognized profession.
- (bu) *Hotel.* A facility containing sleeping rooms with private or semi-private bathroom facilities offered overnight lodging to the public for compensation and catering

primarily to the traveling public. A hotel shall offer services such as maid, telephone, desk and vending services. It may offer a restaurant, recreational facilities and meeting facilities.

- (bv) *Hotel, apartment.* A building in which at least 90 percent of the accommodations are dwelling units or are occupied by permanent guests.
- (bw) *Household.* A family or nonfamily group living in a nontransient manner in a single dwelling unit.

- (bx) *Impervious surface.* Those surfaces that do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

- (by) *Impervious surface ratio.* A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on a site by the gross site area.
- (bz) *Improvement.* Any building, structure, place, work of art or other object that is all or part of any physical betterment of real property.
- (ca) *Improvement parcel.* A parcel of property containing an improvement that is treated as a single entity for the purpose of levying real estate taxes. The term shall also include any unimproved area of land which is treated as a single parcel for real estate tax purposes.
- (cb) *Junk.* Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

- (cc) *Junkyard.* An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
- (cd) *kennel, animal.* Any premises, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.
- (ce) *Landmarks Commission.* The Landmarks Commission under this Code.
- (cf) *Landscape surface area ratio (LSR).* The percentage of the gross site area that is preserved as permanently protected landscaped area.
- (cg) *Landscaped area.* The area of the site that is planted and continually maintained in vegetation, including grasses, ground cover, shrubs, bushes and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.
- (ch) *Loading area.* A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (ci) *Lodging room.* A room rented as sleeping and living quarters without kitchen facilities

and with or without an individual bathroom.

- (cj) *Lodging room (for determining lot area requirements and off-street parking requirements)*. For the purpose of determining the lot area requirements, any lodging room designed or intended to be occupied by more than two persons shall be determined as one lodging room for each two persons; provided, however, that in a lodginghouse or a fraternity and sorority house the number of lodging rooms shall be determined by dividing the total number of persons intended to occupy the lodging rooms by two.
- (ck) *Lodginghouse*. A building where lodging only is provided for compensation for not more than three persons not members of the family.
- (cl) *Lot*. A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (cm) *Lot area*. The area of a horizontal plane bounded by the front, side and rear lot lines.
- (cn) *Lot, corner*. A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- (co) *Lot coverage (residential)*. The area of a lot occupied by the principal building or buildings and accessory building.
- (cp) *Lot coverage (except residential)*. The area of a lot occupied by the principal buildings or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (cq) *Lot depth*. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- (cr) *Lot, interior*. A lot situated on a single street that is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (cs) *Lot line*. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (ct) *Lot line, front*. In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Chapter, have the privilege of electing any street lot line the front lot line, providing that such choice, in the opinion of the Zoning Administrator, will not be injurious to the existing, or to the desirable future development of the adjacent properties.
- (cu) *Lot line, rear*. The lot line that is opposite the most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line 20 feet in length, entirely within the lot parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard.

- (cv) *Lot line, side.* Any lot line not a front lot line or a rear lot line.
- (cw) *Lot lines.* The property lines bounding the lot.
- (cx) *Lot lines and area.* The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (cy) *Lot of record.* A lot that is part of a Subdivision or a Certified Survey Map that has been recorded in the Office of the Register of Deeds of Dane County or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the effective date of the ordinance from which this Chapter is derived. Any lot or parcel of land created through a violation of any other applicable laws or ordinances of the state and the Village shall not, in this instance, be considered a lot of record.
- (cz) *Lot, reversed corner.* A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (da) *Lot, substandard.* A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (db) *Lot, through.* A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (dc) *Lot width.* The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth, said measurement to be made at the rear line of the required front yard.
- (dd) *Lot, zoning.* A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record.
- (de) *Minor structures.* Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.
- (df) *Mobile home.* A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (dg) *Mobile home lot.* A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (dh) *Mobile home park.* A parcel of land that has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (di) *Mobile home Subdivision.* A land Subdivision, as defined by Wis. Stats. Ch. 236 and any Village land division ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the

- rental arrangements in mobile home parks.
- (dj) *Modular unit.* A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.
 - (dk) *Motel.* A facility offering services of a hotel but where the sleeping rooms are physically arranged so that most have access to outside, adjacent parking areas without passing through the lobby.
 - (dl) *Motor freight terminal.* A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.
 - (dm) *Multifamily development.* One lot having a total of three or more dwelling units, regardless of the number of principal residential structures.
 - (dn) *Nameplate.* A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.
 - (do) *Nonconforming building or structure.* A building or structure that does not comply with all of the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
 - (dp) *Nonconforming use.* A use of land that does not comply with all the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.
 - (dq) *Nonfamily households.* A group of individuals not exceeding five in number who do not constitute a "family" as defined in this Section and who live as a single household in a dwelling unit.
 - (dr) *Nursery school.* A facility licensed as a day care center by the state where persons provide for compensation and/or consideration for service, group care for four or more children under seven years of age, for less than 24 hours a day at a location other than the child's own home or the homes of relatives or guardians.
 - (ds) *Nursing home.* An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.
 - (dt) *Office for a professional person.* An office for a professional person is one in which services are performed by persons engaged in a profession requiring advanced training in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts.
 - (du) *Off-street parking.* A site not within the public right-of-way devoted to the parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.
 - (dv) *Outdoor furnace.* An apparatus designed to burn solid or liquid combustible material to produce heat and/or heat hot water for a building in which it is not located.
 - (dw) *Parking lot.* A structure or premises containing five or more parking spaces open to the public.
 - (dx) *Parties in interest.* Includes all abutting property owners, all property owners within

100 feet, and all property owners of opposite frontages.

- (dy) *Planned residential development, dwelling.* A parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two or more principal residential buildings and where regulations may be modified as regulated in this Chapter.
- (dz) *Professional office in a home.* The office or studio in a person's residence or a person engaged in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts, provided that such use shall comply with all of the conditions of a home occupation, except that mechanical equipment customarily appurtenant to said profession may be used, provided no external manifestations thereof are apparent at the property line.
- (ea) *Public airport.* Any airport that complies with the definition contained in Wis. Stats. § 114.013(3), or any airport that serves or offers to serve common carriers engaged in air transport.
- (eb) *Public way.* Any sidewalk, street, alley, highway or other public thoroughfare.
- (ec) *Railroad right-of-way.* A strip of land containing railroad tracks and customary auxiliary facilities for only track operation. For the purpose of this Chapter, a railroad right-of-way does not include land used or intended to be used for switching, spur, lead, team or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.
- (ed) *Reserved parking space.* Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.
- (ee) *Retail.* The sale of goods or merchandise in small quantities to the consumer.
- (ef) *Roadside stand.* A temporary structure that is not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premises.
- (eg) *Row house.* A place of abode not more than two stories in height, arranged to accommodate three or more attached living units in which each living unit is separated from the adjoining unit by an unpierced vertical occupancy separation of not less than one hour fire-resistive construction, extending from the basement or lowest floor to the underside of the roof boards. Each living unit shall have separate entrances and exits leading directly to the outside.
- (eh) *Screening.* A hedge, wall or fence to provide a visual separator and physical barrier not less than four feet nor more than six feet in height, unless otherwise provided for in this Chapter.
- (ei) *Setback.* The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed 24 inches. Any overhang of the cornice in excess of 24 inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over 24 inches. Uncovered steps shall not be included in measuring the setback.

- (ej) Reserved.
- (ek) *Signs*. Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (el) *Solar Energy Collection System*. All equipment required to harvest solar energy to generate electricity, including solar panels, solar storage units, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.
- (em) *Solar Energy Collection System, Building & Roof Mounted (Accessory Use)*. A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof or side of a building or other permitted principal or accessory structure, including limited accessory equipment associated with the system which may be ground mounted. Building and roof mounted systems are accessory to the principal use.
- (en) *Solar Energy Collection System, Ground Mounted (Accessory Use)*. A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is accessory to the principal use.
- (eo) *Solar Energy Collection System, Ground Mounted (Principal Use - Solar Farm)*. A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the principal use for the lot on which it is located and typically designed for providing energy to off-site uses or export to the wholesale market..
- (ep) *Solar Photovoltaic System*. A solar energy collection system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.
- (eq) *Solar Storage Units*. A component of a solar energy collection system or device that is used to store solar generated electricity or heat for later use.
- (er) *Story*. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
- (es) *Story, half*. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4 1/2 feet above the finished floor of such story. In the case of single-family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, one-half story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (et) *Street*. Property other than an alley or private thoroughfare or travelway that is subject to public easement or right-of-way for use as a thoroughfare and serves as a principal means of access to abutting property.
- (eu) *Street yard*. A yard facing a street and extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two or more street yards.

- (ev) *Structural alterations.* Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (ew) *Structure.* Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (ex) *Temporary auxiliary apartment.* A living arrangement that permits an elderly or handicapped person to live in a temporary separate living area within a single-family detached dwelling unit in the R-1 Residential District, or which permits a relative or personal attendant of an elderly or handicapped person to live in a temporary, separate living area within such a dwelling unit. Such living area may contain separate bath and kitchen facilities to permit a degree of independence. Ingress and egress for such a living area may be either from within the principal dwelling unit or from a side or rear entrance.
- (ey) *Temporary structure.* A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (ez) *Traditional neighborhood development.* A development as defined by Wis. Stats. § 66.1027(1)(c) that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, pedestrian-orientation, compatible mixed land uses, village squares and greens.
- (fa) *Trailer.* Any structure that is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other motive power and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation or issued for hauling purposes.
- (fb) *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.
- (fc) *Usable open space.* That part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening, and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage. The only exception to this standard is where the required open space is designed to be part of the individual living units in the form of patios or decks.
- (fd) *Use.* The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (fe) *Use, accessory.* A subordinate building or use that is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (ff) *Use, conditional.* A use that, because of its unique or varying characteristics, cannot be

properly classified as a permitted use in a particular district. After due consideration, as provided for in this Chapter, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted.

- (fg) *Use, permitted.* A use that may be lawfully established in a particular district or districts provided it conforms with all requirements and regulations of such district in which such use is located.
- (fh) *Use, principal.* The main use of land or building as distinguished from subordinate or accessory use.
- (fi) *Utilities.* Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (fj) *Vision triangle.* A vision triangle is the triangular area located at the street corner formed by connecting the point of intersection of the curbs of the intersecting streets, or the point of intersection of the asphalt edges of the streets if no curb is present, with two other points located a distance away from the point of intersection along the line of the intersecting curb, or the asphalt edge of the street if no curb is present. On collector and arterial streets, the distance away from the point of intersection to the point along that collector or arterial street is 35 feet. For local streets, the distance away from the point of intersection to the point along that street is 30 feet. For private streets, the distance away from the point of intersection to the point along that street is 25 feet. For alleys, the distance away from the point of intersection to the point along that alley is 20 feet. The functional classification of streets and alleys shall be determined by the Village Engineer consistent with the definitions provided under Section 56-2.
- (fk) *Yard.* An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (fl) *Yard, front.* A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The side where the address is shall be considered the front yard.
- (fm) *Yard, rear.* A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building.
- (fn) *Yard, side.* A yard extending from the front yard to the rear yard, lying between the main building and a side lot line. The width of a side yard shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. A side yard does not include any yard that is a street yard.
- (fo) *Zero lot line.* The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (fp) *Zoning permit.* A permit issued by the Zoning Administrator to certify that the use of

lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

(Code 1998, § 13-1-300; Ord. No. 2003-03, § 1(13-1-300), 3-24-2003; Ord. No. 2003-04, §§ 2, 3, 3-24-2003; Ord. No. 2009-08, § 2, 3-23-2009; Ord. No. 2009-11, §§ 1, 3, 4-27-2009)

PASSED AND ADOPTED BY THE VILLAGE OF MCFARLAND VILLAGE BOARD
NOVEMBER 26, 2024.

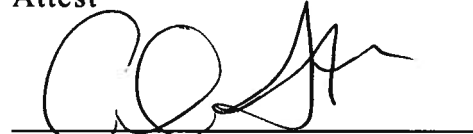
	AYE	NAY	ABSENT	ABSTAIN
Brandt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Brassington	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Clow	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Fessler	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Leamy	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Peña	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Prill	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



Carolyn Clow, Village President,
Village of McFarland

Attest



Cassandra Suettinger, Deputy
Administrator/Clerk, Village of
McFarland