

Tuesday, September 19, 2023

7:00 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public may attend in-person or remotely through the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/81726729769>

Or by Telephone: +1 (312) 626-6799

Webinar ID:

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Plan Commission for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Commission about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Commission should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Commission for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to community.development@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the August 15, 2023 Plan Commission meeting.

4. PUBLIC HEARINGS.

- a. Public hearing regarding Ordinance 2023-06, an ordinance amending Sec. 62-227 Accessory Uses, Buildings or Structures.
- b. Public hearing regarding Ordinance 2023-09, an ordinance amending various changes to Chapter 62 - Zoning, related to solar energy collection systems.
- c. Public hearing regarding Ordinance 2023-10, an ordinance amending various sections of the McFarland Building Code related to site erosion control and stormwater management.

5. BUSINESS.

- a. Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-06, an ordinance amending Sec. 62-227 Accessory Uses, Buildings or Structures of the McFarland Zoning Code.

- b. Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-09, an ordinance amending various sections of the McFarland Zoning Code related to solar energy collection systems.
- c. Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-10, an ordinance amending various sections of the McFarland Building Code related to site erosion control and stormwater management.

6. SCHEDULE NEXT MEETING DATE.

- a. Tuesday October 17, 2023 at 7:00 p.m.

7. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

Plan Commission Minutes August 15, 2023, at 7:00 P.M.

Members Present: Carolyn Clow, Peter Bloechl-Anderson, Stephanie Brassington, Chris Reynolds, Jill Halverson

Members Excused: Scott Peters, Austen Conrad,

Staff Present: Andrew Bremer, Kong Thao, Karen Knoll

1. CALL TO ORDER, ROLL CALL

Chair Clow called the meeting to order at 7:02 P.M.

2. PUBLIC APPEARANCES.

None.

3. APPROVAL OF MINUTES

- a. Motion to approve the minutes of the July 18, 2023, Plan Commission meeting.

Clow moved to approve the minutes of the July 18, 2023, Plan Commission meeting. Brassington seconded the motion. Motion carried 3-0-2, with abstention from Reynolds and Halverson.

4. BUSINESS

- a. Discussion and action on a Certified Survey Map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel located at 4056 Mahoney Road, Town of Dunn, WI.

No new information was presented by Staff since the public hearing in July. Clow motioned to approve a Certified Survey Map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel located at 4056 Mahoney Road, Town of Dunn, WI. Motion seconded by Brassington. Motioned passed 5-0.

- b. Discussion and action on a Certified Survey Map (CSM) requested by Lineage Logistics Services LLC for 4704 Terminal Drive.

No new information was presented by Staff since the public hearing in July. Clow motioned to approve a Certified Survey map (CSM) requested by Lineage Logistics Services LLC for 4704 Terminal Drive conditioned on updating the boundary description and map to reflect the metes and bounds description of the

outer boundary of proposed Lot 1 prior to recording with the Dane County Register of Deeds. Motion seconded by Brassington. Motion passed 5-0.

- c. Discussion and action on a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court.

No new information was presented by Staff since the public hearing in July. Clow motioned to approve a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court

with the following condition of approval:

1. The applicant to maintain storage of wax no greater than 6 feet in height unless approved by the McFarland Fire & Rescue Department.

Motion seconded by Brassington. Motion passed 5-0.

- d. Discussion and action on a Site Design Review Permit for an accessory structure requested by Flint Hills Resources located at 4405 Terminal Drive.

Thao provided summary of the agenda item addressing the relative scale and structure proposed. The Commission discussed the structure's intended use and design.

Clow motioned to approve a Site Design Review Permit for an accessory structure requested by Flint Hills Resources located at 4405 Terminal Drive as submitted. Motion seconded by Bloechl-Anderson. Motion passed 5-0.

- e. Discussion and action on a Site Design Review Permit for an accessory structure requested by Avant Gardening & Landscaping located at 3055 Siggelkow Road.

Thao provided summary of the agenda item addressing the relative scale and structure proposed. The Commission discussed the structure's intended use and design. Tom and Randi Payne, both located at 3063 Siggelkow Rd, completed the Public Comment Forms to express opposition to the agenda item. Both did not speak at the meeting.

Clow motioned to approve a Site Design Review permit for an accessory structure requested by Avant Gardening & Landscaping located at 3055 Siggelkow Road as submitted. Motion seconded by Bloechl-Anderson. Motion passed 5-0.

- f. Discussion on a preapplication development concept plan submitted by Tim Neitzel for a 53-unit multifamily building located at 5513 Bremer Road.

Clow provided procedures for the preapplication prior to Bremer's review of the staff summary. Clow emphasized the item is for discussion only and no action will be considered at this time. Bremer addressed the discrepancy of the total number of units, pointing out the two studio units on the first floor which adds an additional unit. Bremer provided the Commission and the attendees with details on what a preapplication meeting includes and its possible proceedings. Bremer provided staff summary addressing the adjacent properties and their current zoning, past activities associated with the property, and how the proposed project compares with the comprehensive plan and existing zoning. Bremer provided additional comments related to Figure 4.2 of the comprehensive plan within the staff summary as it relates to setback distances, building elevations, yard spaces, staff recommendations for sustainable features, driveway and traffic concerns, and parking.

Jacob Morrison, Knothe & Bruce Architects, provided comments on the conceptual plans submitted, floorplan layout, parking, and its amenities.

Clow opened the item for public comment at 7:46 PM.

The following individuals spoke in opposition to the proposed concept plan:

- Stuart Allbaugh, 5622 Lake Edge Rd
- Sue Smith, 5434 Bremer Rd
- Dorice Hughes, 5508 Bremer Rd
- Andrew Bouffiou, 5435 Bremer Rd
- Maureen Gaffney, 5504 Bremer Rd
- Lars Barber, 5434 Bremer Rd
- Michele Bouffiou, 6004 Johnson St
- Janine Turner, 5516 Bremer Rd
- Dawn Faust, 5426 Bremer Rd
- Timothy Gill, 5410 Bremer Rd
- Jim St. Vincent, 2889 Bible Camp Rd & Yahara Lakes Association
- Mark Neidinger, 5411 Norma Rd
- Terri Bouffiou, 5410 Norma Rd
- Colleen Murphy, 5201 Norma Rd

Concerns expressed by those who spoke in opposition included:

- Size of the project is too big, number of dwelling units per acre is too high.
- Development would alter character of neighborhood.
- Consistency with existing zoning.

- Consistency with the Comprehensive Plan.
- Impacts to traffic on Bremer Road. No additional entrances from Terminal Drive.
- Impacts from water run-off on adjacent properties and Lake Waubesa.
- Impacts to safe pedestrian and bicycle traffic on Bremer Road.
- Not enough off-street parking spaces.
- Impacts to existing woodlands, wildlife, and natural habitats.
- Impacts from vehicle headlights on adjacent properties.
- Impacts from increased noise.
- Precedence for development of the adjacent woodland property on Terminal Drive.
- Impacts to the School District, classroom sizes, and property taxes

Attendees present at the meeting not wishing to speak but completed a public comment form expressing opposition to the proposed project are as provided: Dan & Kathy Piekarz, 5600 Lake Edge Rd #210; Toby Reible, 5401 Norma Rd; Mike Klune, 5508 Bremer Rd; Doreen Runge, 4515 Bellevue Ct; Tim Gaffney, 5504 Bremer Rd; Jim Opoien, 5604 Lake Edge Rd #105; Randall Snell, 5604 Lake Edge Rd #203; Randell & Nancy Legler, 5600 Lake Edge Rd #111; Debra Crye, 5217 Glen Rd.

Seth Allen, property owner of 5513 Bremer Rd, was present and in support of the project. Allen did not speak.

Clow closed the public comments at 8:34 PM. Clow provided clarification on some of the comments made by the attendees who spoke, stating that the item was for discussion only and that the Village did not receive an official application, therefore no decisions will be made at this meeting.

Brassington asked the architect team about the themes heard by the public. The architect team commented on being open to incorporating some of the feedback into future planning with the developer. The Commission discussed the zoning classifications and the comprehensive plan's future land use map for the property and surrounding properties. Bloechl-Anderson confirmed with Bremer that the proposed concept would require both a comprehensive plan amendment and a rezone approval from the Village Board. Bremer indicated that the next steps for the developer after the pre-application meeting include deciding whether they want to submit official permit applications for the project as proposed or as modified, further refine the concept in some manner for continued pre-application discussion, or drop the project entirely. Bremer indicated there is no specific timeline for these activities.

- g. Discussion and action to recommend to the Village Board a proposal from MSA Professional Services for Land Use Planning for Redevelopment District Plans No. 1 & 2.

Bremer provided summary on the agenda item highlighting the project's timeline, schedule of project meetings, and MSA's proposal. Discussion from the Commission included MSA's budget layout, scheduled meetings and project timeline. Clow motioned to recommend to the Village Board approval of a proposal from MSA Professional Services for Land Use Planning for Redevelopment District Plans 1 & 2. Motion seconded by Bloechl-Anderson. Motion passed 5-0.

- h. Discussion regarding proposed changes to Chapter 8, Article XVII, Site Erosion Control and Article XVIII Stormwater Management.

Bremer provided a summary on the agenda item addressing reasoning for the changes. Action on the proposed amendments will be considered at the next scheduled Plan Commission Meeting.

- i. Discussion regarding proposed changes to Chapter 62, Zoning regarding solar energy collection systems.

Bremer provided a summary on the agenda item addressing areas where new language is expected to be added. Action on the proposed amendments will be considered at the next scheduled Plan Commission Meeting.

- j. Discussion and action regarding Plan Commission procedures and timelines for considering action on applications requiring public hearings.

Bremer provided a summary on the agenda item and the Commission's practice to delay action on applications requiring a public hearing to the next meeting. The Commission discussed the compiled two years of agenda items requiring public hearings and those that received an objection, details of current practices and proposed practices changes. Bremer noted that the majority of the public hearings did not have registered opposition and therefore the Plan Commission may be adding unnecessary delay if staff and the Commission are otherwise ready to take action on the application. The Plan Commission discussed that the majority of public hearings did not have registered opposition and that the additional month between the public hearing and action usually didn't result in additional public input at the next meeting. Bremer noted that Option 3 from his staff report is the same procedures used by the Dane County Zoning and Land Regulation Committee.

Clow motioned to direct Community Development Department staff to prepare future Plan Commission applications, adjacent property owner public hearing notifications, and agendas utilizing the written procedures under Option 3 of the staff report.

- Option 3 in the of the Staff Report states: As a matter of default for all applications requiring a public hearing include an agenda item under Business for action that evening; however, at the start of the public hearing provide all interested parties with a reading of the following Plan Commission public hearing procedure: *"If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application under Business items this evening."*

Motion seconded by Brassington. Motion passed 5-0.

5. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, September 17, 2023 at 7:00PM

6. ADJOURNMENT.

Brassington motioned to adjourn, Halverson seconded the motion. Motion carried 5-0. Meeting adjourned at 9:18 PM.

**VILLAGE OF
McFarland**
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Public hearing regarding Ordinance 2023-06, an ordinance amending Sec. 62-227 Accessory Uses, Buildings or Structures.

PREVIOUS ACTION:

May 16, 2023 Plan Commission - discussion only

June 20, 2023 Plan Commission - discussion only

ISSUE SUMMARY:

As part of the Village's approved Capital Improvement Plan, the Department/Plan Commission will be undertaking a comprehensive rewrite of the Village's Zoning Code beginning in 2024, with adoption likely in 2025. One area of the code that has been increasingly problematic to administer is accessory uses and structures. The Department has had to enforce ordinance provisions that may run contrary to modern planning best practices or historically acceptable neighborhood development patterns. Staff is proposing to complete a minor update to the Zoning Code focused on accessory uses and structures prior to the comprehensive rewrite in 2024. General areas of modification include:

- **Placement Restrictions.** Consider allowances for accessory structures in side or front yards. Currently, accessory structures are only allowed in rear yards only. Ordinance 2023-06 also includes a modified figure sourced from the City of Madison Zoning Code that illustrates where on a property an accessory structure could be located with the proposed changes to the Zoning Code.
- **Maximum Size and Height Restrictions.** Addressing the maximum percentage of yards that may be occupied by an accessory structure. Currently, the size is limited to 40% of the rear yard area; however, the existing code is unclear whether the 40 percent is cumulative or per structure. The maximum size and height requirements also don't differentiate between different types of districts; however, more rural zoning districts (e.g. A-1 and RH-1) allow agricultural uses that could likely require accessory structures that are larger than the ground floor of a principal structure or need to be taller than the current 15-foot height limitation.
- **Building Materials.** Currently, the Zoning Code provides an accessory structure needs to be similar in style and materials to the principal buildings in the neighborhood. This is vague and broad language that is difficult to enforce.
- **Clarify maximum size, height, location and material requirements for accessory buildings in commercial and manufacturing districts.**



Within the packet is a redline copy of proposed changes to the Zoning Code based on the prior analysis and discussion at the May 16 and June 20, 2023 Plan Commission meetings.

Public Comments

The Department did not receive any written public comments concerning Ordinance 2023-06 for the Plan Commission's consideration prior to publication of the meeting packet.

If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application under Business items this evening.

FINANCIAL/BUDGET IMPACT:

This project was completed utilizing internal staff with a review of the ordinance by the Village Attorney.

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Sec. 62-227 - Accessory uses, buildings or structures

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for public hearing only.

ATTACHMENTS:

1. Draft Ord_2023-06 Accessory Uses, Buildings, and Structures_09.13.2023

**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 REFFERAL: 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

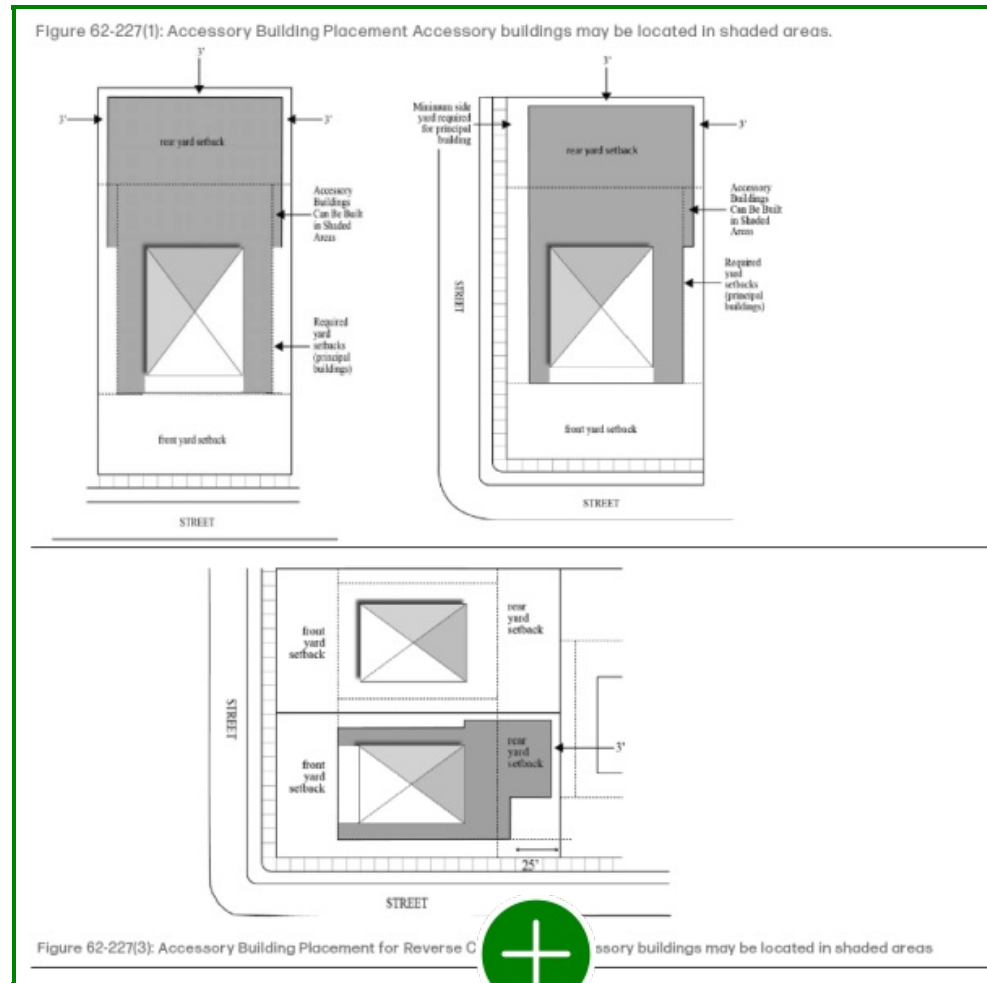
- (a) *Building permit required.* No owner shall, within the Village, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building 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. ~~An~~ 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:
 - a. 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.
 - b. 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:
 - a. The maximum height shall not exceed twenty (20) feet in height in the RH-1 Rural Homes District.
 - b. 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.
 - c. 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.~~
 - a. 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.
 - b. In a required rear yard setback a minimum of three (3) feet from any property line.
 - c. 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.
 - 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 in 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) *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:
- Within the buildable lot area for principal structures based on the district requirements for the property.
 - 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.
 - 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.
 - 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.
 - 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:
- That such private garage shall be located not less than five (5) feet from the front lot line;
 - That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - 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:
- There must be particular physical or topographical conditions of the property that prevent locating the garage within the standard building envelope of the lot.
 - The garage must comply with all fire separation requirements of the applicable building code.
 - 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
JULY 11, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Brandt	_____	_____	_____	_____
Brassington	_____	_____	_____	_____
Clow	_____	_____	_____	_____
Fessler	_____	_____	_____	_____
Flaherty	_____	_____	_____	_____
Jerke	_____	_____	_____	_____
Wreh	_____	_____	_____	_____

Presiding Officer

Attest

Carolyn Clow, Village President, Village of
McFarland

Cassandra Suettinger, Deputy
Administrator/Clerk, Village of McFarland

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director, Kong Thao, Associate Planner

AGENDA ITEM: Public hearing regarding Ordinance 2023-09, an ordinance amending various changes to Chapter 62 - Zoning, related to solar energy collection systems.

PREVIOUS ACTION:

August 15, 2023 - Plan Commission held introductory discussion on this item. No action was taken.

September 11, 2023 - Sustainability & Natural Resources Committee recommended approval of Ordinance 2023-09.

ISSUE SUMMARY:

The Village's Zoning Code does not specifically address uses and regulations for "solar farms", generally defined as where the principal use of the property is for multiple solar collectors on ground mounted racks or poles that harvest and convert solar energy into the electrical grid. The Zoning Code classifies permitted and conditional uses using the North American Industrial Classification System (NAICS). Sec. 62-69 does provide regulations for where "utility lines and pumping stations" are permitted within agricultural, conservancy and residential districts. Sec. 62-71 also provides regulations for where "Utilities (NAICS 221000)" are permitted in commercial districts. Neither of these categories specifically address solar farms. The 2022 NAICS Code 221114 Solar Electric Power Generation is defined as: *"This U.S. industry comprises establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems."* NAICS Code 22114 also includes Corresponding Index Entries titled "electric power generation, solar", "power generation, solar electric," and "solar farms". On-site or on-building "solar collectors", where the solar collectors are not the principal use of the property, are also not particularly well defined under the Village Zoning Code, but are considered permitted accessory uses in all zoning districts by staff. Staff desires to clarify the definitions and regulations concerning the approval processes for solar uses (permitted and accessory) within the Zoning Code.

Public Comments

The Department did not receive any written public comments concerning Ordinance 2023-09 for the Plan Commission's consideration prior to publication of the meeting packet.



If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application under Business items this evening.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Sec. 62-4. - Definitions

Sec. 62-69. - Permitted uses

Sec. 62-71. - Permitted or conditional uses - Commercial Districts

Sec. 62-210 - Specific Requirements Regarding Solar Energy Collection Systems

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for public hearing only.

ATTACHMENTS:

1. Draft Ord_2023-09 Solar Energy Collection Systems_08.31.2023

**VILLAGE OF MCFARLAND
ORDINANCE 2023-09**

**VARIOUS AMENDMENTS TO CHAPTER 62, ZONING CODE RELATED TO
SOLAR ENERGY COLLECTION SYSTEMS**

PURPOSE: To amend the Village Zoning Code to include regulations regarding Solar Energy Collection Systems

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

REFERRAL: Plan Commission (Required), Sustainability & Natural Resources Committee (Recommended)

PUBLIC HEARING (REQUIRED): Class 2, held by Plan Commission

WHEREAS, the Plan Commission, and Sustainability & Natural Resources Committee, have determined that certain amendments to the Village Zoning Code are necessary in order to clarify zoning regulations related to solar energy collection systems; 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 solar energy collection systems.

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

SECTION 1: **AMENDMENT** “Subdivision V Signal Receiving Antennas, Wind Energy Systems” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision V Signal Receiving Antennas, Wind And Solar Energy Systems

SECTION 2: **AMENDMENT** “62-4 Definitions” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

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) *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."
- (an) *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.
- (ao) *Dwelling, detached.* A dwelling that is entirely surrounded by open space on the same lot.
- (ap) *Dwelling, multiple-family.* A building, or portion thereof, containing three or more dwelling units.

- (aq) *Dwelling, single-family.* A building containing one dwelling unit only.
- (ar) *Dwelling, two-family.* A building containing two dwelling units only.
- (as) *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.
- (at) *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.
- (au) *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.
- (av) *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.
- (aw) *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.
- (ax) *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.
- (ay) *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.
- (az) *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.
- (ba) *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.
- (bb) *Farmstead.* A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (bc) *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.

- (bd) *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.
- (be) *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.
- (bf) *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.
- (bg) *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.
- (bh) *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.
- (bi) *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.
- (bj) *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.
- (bk) *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.
- (bl) *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.
- (bm) *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.
- (bn) *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.

- (bo) *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.
- (bp) *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.
- (bq) *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.
- (br) *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.
- (bs) *Home professional office*. A home occupation consisting of the office of a recognized profession.
- (bt) *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.
- (bu) *Hotel, apartment*. A building in which at least 90 percent of the accommodations are dwelling units or are occupied by permanent guests.
- (bv) *Household*. A family or nonfamily group living in a nontransient manner in a single dwelling unit.
- (bw) *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.
- (bx) *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.
- (by) *Improvement*. Any building, structure, place, work of art or other object that is all or part of any physical betterment of real property.
- (bz) *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.
- (ca) *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.
- (cb) *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.

- (cc) *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.
- (cd) *Landmarks Commission*. The Landmarks Commission under this Code.
- (ce) *Landscape surface area ratio (LSR)*. The percentage of the gross site area that is preserved as permanently protected landscaped area.
- (cf) *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.
- (cg) *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.
- (ch) *Lodging room*. A room rented as sleeping and living quarters without kitchen facilities and with or without an individual bathroom.
- (ci) *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.
- (cj) *Lodginghouse*. A building where lodging only is provided for compensation for not more than three persons not members of the family.
- (ck) *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.
- (cl) *Lot area*. The area of a horizontal plane bounded by the front, side and rear lot lines.
- (cm) *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.
- (cn) *Lot coverage (residential)*. The area of a lot occupied by the principal building or buildings and accessory building.
- (co) *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.

- (cp) *Lot depth.* The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- (cq) *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.
- (cr) *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.
- (cs) *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.
- (ct) *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.
- (cu) *Lot line, side.* Any lot line not a front lot line or a rear lot line.
- (cv) *Lot lines.* The property lines bounding the lot.
- (cw) *Lot lines and area.* The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (cx) *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.
- (cy) *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.
- (cz) *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.
- (da) *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.
- (db) *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.
- (dc) *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.
- (dd) *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.

- (de) *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.
- (df) *Mobile home lot*. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (dg) *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.
- (dh) *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.
- (di) *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.
- (dj) *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.
- (dk) *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.
- (dl) *Multifamily development*. One lot having a total of three or more dwelling units, regardless of the number of principal residential structures.
- (dm) *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.
- (dn) *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.
- (do) *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.
- (dp) *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.
- (dq) *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.
- (dr) *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.

- (ds) *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.
- (dt) *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.
- (du) *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.
- (dv) *Parking lot.* A structure or premises containing five or more parking spaces open to the public.
- (dw) *Parties in interest.* Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.
- (dx) *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.
- (dy) *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.
- (dz) *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.
- (ea) *Public way.* Any sidewalk, street, alley, highway or other public thoroughfare.
- (eb) *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.
- (ec) *Reserved parking space.* Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.
- (ed) *Retail.* The sale of goods or merchandise in small quantities to the consumer.
- (ee) *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.

- (ef) *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.
- (eg) *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.
- (eh) *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.
- (ei) Reserved.
- (ej) *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.
- (ek) *Solar Energy Collection, Farm (Principal Use)*. A lot on which the the primary land use is an array of multiple solar collectors on ground-mounted racks or poles that harvest and convert solar energy into thermal, chemical or electrical energy and transmit the same.
- (el) *Solar Energy Collection System*. All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.
- (em) *Solar Energy Collection System, Roof & Building Mounted (Accessory Use)*. A solar energy collection system that is structurally mounted 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. It is installed parallel to the roof or building surface with a few inches gap.
- (en) *Solar Energy Collection System, Ground Mounted (Accessory Use)*. A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.
- (eo) *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.
- (ep) *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.
- (eq) *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.
 - (er) *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.
 - (es) *Structural alterations*. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
 - (et) *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.
 - (eu) *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.
 - (ev) *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.
 - (ew) *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.
 - (ex) *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.
 - (ey) *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.
 - (ez) *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.

- (fa) *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.
- (fb) *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.
- (fc) *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.
- (fd) *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.
- (fe) *Use, principal*. The main use of land or building as distinguished from subordinate or accessory use.
- (ff) *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.
- (fg) *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.
- (fh) *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.
- (fi) *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.
- (fj) *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.

- (fk) *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.
- (fl) *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.
- (fm) *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)

SECTION 3: AMENDMENT “62-69 Permitted Uses” of the Village of
McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

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	C O	R-1	R-1A	R-1B	R-2	R-3	R-MH	R-E	RH-1
Residential uses										
Single-family detached dwellings	P	N	P	P	P	P	N	P	P	P
Conversion of a single-family to a two-family	N	N	C	C	C	C	C	C	C	C
Temporary auxiliary apartment ²	N	N	C	C	C	N	C	C	C	C
Manufactured home, built after 10/74	C	N	P	P	P	P	N	P ¹	P	P

Two-family dwellings	N	N	N	N	N	P	P	N	P	N
Zero lot line dwellings	N	N	N	N	N	P	P	N	P	N
Multifamily dwellings, up to eight units/acre	N	N	N	N	N	N	P	N	N	N
Multifamily dwellings, up to 15 units/acre	N	N	N	N	N	N	C	N	N	N
Elderly occupied dwellings, up to ten units/acre	N	N	N	N	N	N	N	N	P	N
Elderly occupied dwellings, up to 21 units/acre	N	N	N	N	N	N	N	N	C	N
Community based residential facilities	N	N	P	P	P	P	P	P	P	P
Business uses										
Community living arrangements, up to eight people	N	N	P	P	P	P	P	P	P	P
Home day care (4—8, licensed) ³	N	N	P	P	P	P	N	P	C	P
Home day care (3 or fewer, unlicensed)	N	N	P	P	P	P	P	P	C	P
Home occupations ³	P	N	P	P	P	P	P	P	P	P
Day care center (9 or more, licensed)	N	N	N	N	N	N	C	N	C	N
Community living arrangements, over eight people	N	N	C	C	C	C	C	C	C	C
Landscaping businesses on parcels 2 acres or larger	P	N	N	N	N	N	N	N	N	C
Public uses										
Greenways, open space, parks and pools	P	P	P	P	P	P	P	P	P	P
Off-street parking facilities	N	C	N	N	N	N	N	N	N	N
Nursing homes, hospitals	N	N	N	N	N	N	P	N	N	N
Clubs, lodges	C	N	N	N	N	N	P	N	N	C

Elementary and secondary schools	C	N	P	P	P	P	P	P	P	P
Public libraries	N	N	P	P	P	P	P	P	P	P
Fire stations	C	N	P	P	P	P	P	P	P	P
Cemeteries and mausoleums	C	N	C	C	C	C	C	C	C	C
Athletic facilities	N	N	C	C	C	C	C	C	C	C
Houses of worship and their affiliated uses	C	N	P	P	P	P	P	P	P	P
Industrial and higher uses										
Sewage treatment plants	N	N	N	N	N	N	N	N	N	N
Utility lines and pumping stations	P	C	P	P	P	P	P	P	P	P
<u>Solar Energy Collection System, Farm (Principal Use)</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Accessory uses										
Private garage space	P	N	P	P	P	P	P	P	P	P
Gardening/storage sheds	P	C	P	P	P	P	N	N	P	P
Off-street parking facilities	P	C	P	P	P	P	P	P	P	P
Normal household pets, not exceeding 3 mature pets	P	N	P	P	P	P	P	P	P	P
Agriculture and forestry ⁴	P	C	N	N	N	N	N	N	N	P
<u>Solar Energy Collection System, Roof & Building Mounted, and Ground Mounted</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

¹ Manufactured homes placement shall comply with all of the following requirements and limitations:

- (1) The home shall be doublewide of at least 24 feet in width and 36 feet in length.
- (2) The home shall be installed on an approved foundation system in conformity

with the uniform building code. The wheels and axles must be removed.

- (3) 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.
- (4) 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.

²There must be a minimum of 800 square feet of floor area for each dwelling unit, exclusive of halls and entries, cellar and basements.

³Refer to Section 62-230.

⁴Keeping of chickens permitted in residential areas pursuant to subsections (d) and (e).

- (b) *Overlay districts.* Permitted and conditional uses in Overlay Districts shall include the uses permitted in the underlying zoning district subject to additional compliance with the provisions of any requirements of this Section or any other applicable ordinance.
- (c) *Review of building plans.* Within any Overlay District, all plans for new construction or exterior remodeling shall be reviewed and approved by the Village Plan Commission and the Fire/EMS Chief prior to the issuance of a building permit.
- (d) *Keeping of chickens.* The keeping of no more than four chickens shall be allowed in the R-1, R-1A, R-1B, R-2, 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.
- (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 two acres but over 20,000 sq. ft. no more than ten chickens shall be allowed. Any structure housing livestock shall be at least 100 feet from an urban residentially zoned district.

(Code 1998, § 13-1-48; Ord. No. 2003-03, § 1(13-1-48), 3-24-2003; Ord. No. 2011-10, § 2, 5-23-2011; Ord. No. 2013-14, § 69, 11-11-2013)

SECTION 4: **AMENDMENT** “62-71 Permitted Or Conditional Uses--Commercial Districts” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

62-71 Permitted Or Conditional Uses--Commercial Districts

The permitted and allowable conditional uses in each district of the commercial zoning districts shall be set forth in the following table:

COMMERCIAL DISTRICT PERMITTED USES^(4, 5, 6, 7)

Land Uses ⁽¹⁾	NAICS	C-G ⁽²⁾	C-H	C-P	C-L	M-IC

Agricultural services and support	115000	C	C	C	N	N
Mining	212000	N	N	N	N	C
Utilities	221000	N	C	C	N	C
Construction contractors	236000	N	P	P	N	P
Wood product manufacturing	321000	N	p(7)	p(7)	N	P
Drugs manufacturing	325410	N	p(7)	p(7)	N	P
Plastics manufacturing	326100	N	p(7)	p(7)	N	P
Printing	323000	C	C	p(7)	N	P
Fabricated metal manufacturing	332000	N	p(7)	p(7)	N	C
Machinery & equipment	333000	N	p(7)	p(7)	N	P
Computer manufacturing	334000	N	p(7)	p(7)	N	P
Electrical manufacturing	335000	N	p(7)	p(7)	N	P
Manufacturing not listed above		N	p(7)	p(7)	N	P
Retail buildings						
20,000 sq. ft. or greater	44000 — 450000	C	N	N	N	N
Auto dealers (new and used)	441100	C	C	N	N	N
Motorcycle, boat, and other vehicle dealers	441220 & 441229	C	C	N	N	N
Furniture store	442110	P	N	N	N	N
Electronics/appliance store	443100	P	N	N	N	N
Building materials (fully enclosed only)	444100	N	C	C	N	P
Hardware store	444130	P	C	N	N	N
Landscape/nursery	444220	N	C	N	N	N
Food store (except convenience)	445110	P	C	N	N	N
Liquor store	445310	P	N	N	N	N
Pharmacies and drug stores	446110	P	P	N	N	N
Cosmetic and beauty supplies	446120	P	P	N	N	N
Gasoline stations and convenience stores	447110	C	C	N	N	N

Clothing store	448100	P	N	N	N	N
Jewelry store	448310	P	N	N	N	N
Sporting goods, hobby, book and music	451100	P	N	N	N	N
Department store	452110	P	N	N	N	N
Miscellaneous shopping	453000	P	N	N	N	N
Mail-order houses	454113	C	C	C	N	P
Fuel dealers	454310	N	N	N	N	C
Rail transportation	482110	N	N	N	N	C
Trucking	484000	N	C	N	N	P
Transit and ground passenger transportation	485000	C	C	C	N	C
Wholesale, trade (except for petro terminals)	423000 & 424000	N	C	C	N	P
Petro terminal	424710	N	N	N	N	C
Post office	491110	P	N	N	N	N
Warehousing & storage (fully enclosed only)	493110	C	C	P	N	P
Custodial services	561720	N	P	P	C	C
Vehicle repair and body shops	811111 & 811121	C	C	N	C	C
Car wash/oil change	811190	C	P	N	N	N
Consumer electronics repair	811211	C	C	N	C	C
Mini-warehouses	531130	N	C	N	C	N
Commercial banking	522110	P	P	N	P	N
Financial services	522291	P	P	N	P	N
Insurance	524113	P	P	N	P	N
Real estate offices	531210	P	P	N	P	N
Auto leasing	532110	C	C	N	N	N
Movies/videos	532230	P	N	N	N	N
Commercial and industrial equipment rental ⁽³⁾	532400	P	P	P	P	P

Legal services	541110 & 541190	P	P	P	P	N
Accounting and tax preparation	541210	P	P	P	P	N
Architectural engineering and related services	541310	P	P	P	P	N
Computer services	541510	P	P	P	P	N
Management consulting services	541610	P	P	P	P	N
Research/testing services	541710	N	P	C	P	N
Advertising service agencies	541810	P	P	P	P	N
Photo studios	541921	P	C	N	P	N
Employment services	561300	P	P	P	P	N
Business support services	561400	P	P	P	P	N
Travel services	561510	P	N	N	C	N
Veterinary clinics	541940	C	C	N	N	N
Elementary and secondary schools	611110	C	C	N	P	N
Library	519120	C	C	N	P	N
Medical services and offices	621100	P	C	P	P	N
Medical labs	621500	N	C	P	N	N
Hospitals and clinics	622110	C	C	N	N	N
Nursing homes	623110	P	P	N	N	N
Individual and family services, and commercial day care	624100	P	C	N	P	N
Museum/gallery/historical sites	712100	P	C	N	P	N
Bowling center	713950	P	C	N	N	N
Sports and recreation instruction	611620	P	C	N	C	N
Fitness centers	713940	P	C	N	C	N
Amusement arcades (except billiards)	713120	C	C	N	C	N
Lodging	721110	C	P	C	N	N
Restaurants	722100	P	P	N	C	N
Limited-service restaurants, including fast food	722211	C	C	N	N	N

Taverns	722410	P	N	N	C	N
Furniture repair and re-upholstery	811420	C	C	N	C	N
Computer and office machine repair	811212	P	P	N	N	N
Other household repair	811490	P	P	N	C	N
Personal care services	812100	P	N	N	N	N
Funeral home and services	812210	P	C	N	P	N
Kennels and pet boarding	812910	C	C	N	N	N
Laundry, coin-operated	812310	P	N	N	N	N
Dry cleaning and laundry (except coin-operated)	812320	C	N	N	N	N
Parking lots	812930	C	C	N	N	N
Religious/civic/business/professional organizations	813000	P	C	N	P	N
Executive, legislative and other general government	921100	P	N	N	N	N
Residences permitted R-2 and R-3		C	N	N	N	N
Adult businesses (see Section 11-261(d))		N	P	N	N	P
Adult bookstore (see Section 11-261(c))		P	P	N	N	P
Commercial laundry (no direct customer pickups and drop-offs, no dry cleaning)	812331	N	N	N	N	C
<u>Solar Energy Collection System, Roof & Building Mounted, and Ground Mounted (Accessory Use)</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

(1) The meaning of the terms shall be the same as that used in the North American Industry Classification System (NAICS), 2007 Edition or revised edition thereof, published by the U.S. Printing Office, with the number of the intended NAICS number following the land use name.

(2) All uses that are permitted or conditional in C-G are permitted or conditional in the C-C Central Commercial District.

(3) Indoor storage only. Outdoor storage allowed upon issuance of a conditional use permit.

- (4) All businesses, servicing, processing or display of materials for rent or sale, except for off-street parking of motor vehicles in operable condition and open storage of materials accessory to a principal use shall be conducted within completely enclosed buildings. Open storage accessory to principal uses in the C-G, C-H, C-P, C-L, and C-C zoning districts may be allowed upon issuance of a conditional use permit.
- (5) All nonenclosed areas of the site that are used for off-street parking, loading or driveways for motor vehicles shall be paved or effectively dust-proofed and measures shall exist on-site to prevent tracking of mud from the site on to public streets.
- (6) All commercial business in the C-C, C-G, C-L or M-1C Districts that are open to the public between the hours of 2:30 a.m. and 5:30 a.m. shall require a conditional use permit.
- (7) Light manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, provided all manufacturing activities are contained entirely within an enclosed building, and noise, odor, smoke, heat, glare, and vibration resulting from manufacturing activity, are confined entirely within the building. Does not include industrial processing from raw materials.

(Code 1998, § 13-1-50; Ord. No. 2003-03, § 1(13-1-50), 3-24-2003; Ord. No. 2004-02, § 1, 1-29-2004; Ord. No. 2009-16, § 1, 8-24-2009; Ord. No. 2011-03, § 1, 1-10-2011; Ord. No. 2014-07, § 1, 6-23-2014; Ord. No. 2015-03A, § 2, 4-27-2015)

SECTION 5: **ADOPTION** “62-210 Specific Requirements Regarding Solar Energy Collection Systems” of the Village of McFarland Municipal Code is hereby *added* as follows:

ADOPTION

62-210 Specific Requirements Regarding Solar Energy Collection Systems(*Added*)

- (a) Ground mounted solar energy collection systems shall comply with the requirements for accessory structures. Roof, building and canopy mounted solar energy collection systems shall comply with the height limits and setbacks for primary structures, when affixed to a principal structure, or accessory structures, when affixed to an accessory structure, with the exemption that the height limits for a primary structure, or accessory structure, may be exceeded by up to twelve (12) inches to accommodate solar energy collection equipment.
- (b) Solar Energy Collection Systems, Farms:
- (1) A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards given local soil and climate conditions.

- (2) Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
- (3) Systems, equipment, and structures shall not exceed thirty (30) feet in height when ground mounted.
- (4) Vegetation under ground mounted solar energy collection systems should consist of pollinator-friendly vegetation or similar prairie grass seed mix.
- (5) Ground mounted solar energy collection systems shall have a minimum setback for all equipment, excluding fences, of twenty-five (25) feet from the front lot line and ten (10) feet from side or rear lot lines, subject to modification as approved by the Plan Commission as part of a conditional use permit and site design review permit.
- (6) Systems equipment and structures shall be fully enclosed and secured by a fence or wall per the requirements in Sec. 8-369. Knox boxes and keys, or other similar measures as approved by the McFarland Fire & Rescue Department, shall be provided at locked entrances for emergency personnel access.
- (7) An appropriate warning sign shall be provided at the entrance to the facility and shall include the facilities 911 address and a twenty-four hour emergency contact number.
- (c) Any conditions or restrictions placed on the solar energy collection 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.

SECTION 6: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: **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 8: **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

_____.

	AYE	NAY	ABSENT	ABSTAIN
Brandt	_____	_____	_____	_____
Brassington	_____	_____	_____	_____
Clow	_____	_____	_____	_____
Fessler	_____	_____	_____	_____
Flaherty	_____	_____	_____	_____
Jerke	_____	_____	_____	_____
Wreh	_____	_____	_____	_____

Presiding Officer

Attest

Carolyn Clow, Village President,
Village of McFarland

Cassandra Suettinger, Deputy
Administrator/Clerk, Village of
McFarland

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director, Kong Thao, Associate Planner

AGENDA ITEM: Public hearing regarding Ordinance 2023-10, an ordinance amending various sections of the McFarland Building Code related to site erosion control and stormwater management.

PREVIOUS ACTION:

August 15, 2023 - Plan Commission held introductory discussion on this item. No action taken.
September 11, 2023 - Sustainability & Natural Resources Committee recommended approval of Ordinance 2023-10

ISSUE SUMMARY:

Dane County made several updates to their code of ordinances to help mitigate flooding, including requiring peak rate control for the 200-year storm, the previous requirement was 100-year, definition updates (e.g. redevelopment sites), definition additions (e.g. green infrastructure), and adding volume requirements for closed watersheds. The latter actually mirrors what the Village already did for Juniper Ridge. As a municipality within the County, the Village is required to enforce these new requirements and has been doing so since they went into effect. Within the packet is a draft copy of Article 8-XVII Site Erosion Control and Article 8-XVIII Stormwater Management prepared by the Village Engineer illustrating the proposed revisions in order to bring the Municipal Code up to the current County requirements. These ordinances are part of Chapter 8, Building Code.

Public Comments

The Department did not receive any written public comments concerning Ordinance 2023-10 for the Plan Commission's consideration prior to publication of the meeting packet.

If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application under Business items this evening.

FINANCIAL/BUDGET IMPACT:

None

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:



Article XVII Site Erosion Control
Article XVIII Stormwater Management

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for public hearing only.

ATTACHMENTS:

1. Draft Ord_2023-10 Erosion Control and Stormwater Management_08.29.2023

**VILLAGE OF MCFARLAND
ORDINANCE 2023-10**

**VARIOUS AMENDMENTS TO ARTICLE 8-XVII SITE EROSION CONTROL AND
ARTICLE 8-XVIII STORMWATER MANAGEMENT**

PURPOSE: To amend Chapter 8, Building Code, Article 8-XVII Site Erosion Control and Article 8-XVIII Stormwater Management.

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

RECOMMENDED REFERRAL: Plan Commission, Sustainability & Natural Resources Committee

PUBLIC HEARING (RECOMMENDED) Class 2, held by Plan Commission

WHEREAS, the Plan Commission, and Sustainability & Natural Resources Committee, have determined that certain amendments to the Village Building Code are necessary in order to meet erosion control and stormwater management requirements adopted by Dane County; 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 mitigating erosion and flooding.

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

SECTION 1: **AMENDMENT** “8-671 Design Criteria, Standards And Specifications For Control Measures” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-671 Design Criteria, Standards And Specifications For Control Measures

All control measures required to comply with this Article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and/or Village Engineer to prevent or reduce all of the following:-

(a) Deposition of soil from being tracked onto streets by vehicles.

- (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
- (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
- (d) The discharge of sediment from drainage ways that flow off the site.
- (e) The discharge of sediment by dewatering activities.
- (f) The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
- (g) The transport by runoff of chemicals, cement and other building compounds and materials on the construction site during the construction period.

(Code 1998, § 15-5-5)

SECTION 2: **AMENDMENT** “8-672 Maintenance Of Control Measures” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-672 Maintenance Of Control Measures

All sedimentation basins and other control measures necessary to meet the requirements of this Article shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions. The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed.

(Code 1998, § 15-5-6)

SECTION 3: **AMENDMENT** “8-705 General Plan Requirements” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-705 General Plan Requirements

- (a) *Generally.* Erosion control plans required under Section 8-703 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment, and shall include the items required in Section 8-672.
- (b) *Plan elements.* All erosion control plans shall include the following elements:
- (1) Site boundaries superimposed on a USGS 7.5-minute topographical map;
 - (2) Cross sections of road and drainage ditches;
 - (3) Profiles within road and drainage ditches;
 - (4) Culvert sizes;
 - (5) Direction of flow of runoff;
 - (6) Watershed size for each drainage area;
 - (7) Design discharges for ditches and structural measures;
 - (8) Runoff velocities for particular projects:
 - a. The standard design shall include run-off velocities for the two-year 24-hour storm event;
 - b. Designs of detention basins shall include, in addition to the two-year 24-hour storm, runoff velocities for the ten-year 24-hour storm event;
 - (9) Fertilizer, mulching and seeding rates and recommendations;
 - (10) Time schedules for stabilization of ditches and slopes;
 - (11) Plans shall adhere to the following minimum standards:
 - a. ~~Prevent gully erosion and limit off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed 7.5 tons per acre per year~~Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed 5.0 tons sediment yield per acre annually, as determined using the U.S. Natural Resources Conservation Service Technical Guide;
 - b. Plan compliance under Subsection (b)(2)k.1. shall be determined using the Natural Resource Service Technical Guide or other commonly accepted soil erosion control methodology approved by the Dane County Conservationist and the Village Engineer, which includes the following considerations:
 1. Season of year;
 2. Site characteristics;
 3. Soil erodibility and slope; and
 - c. For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area;
 - (12) Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - (13) A proposed timetable of steps to mitigate the erosion caused by land development activity, in a manner consistent with accepted erosion control

methods suitable to the specific site, including a timetable for prompt revegetation; all revegetation by seeding must be completed by September 15. Any seeding not completed by September 15 must be accomplished using sod. Any vegetated areas not established by November 15, shall be considered as though no vegetation is established until April 15 of the following year at the soonest and may be subject to additional erosion control measures such as sod, erosion mat, increased application rates of seed and mulch, or other measures required by the Village Engineer;

- (14) Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all stormwater management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
- (15) Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
- (16) Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent;
- (17) Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes;
- (18) Provisions to ensure streets are swept clean of sand, dirt, mud, trash, straw, etc., daily;
- (19) Limits of disturbed area;
- (20) Limits of impervious area; and
- (21) Provisions to reduce dust by means of watering or application of polymers or other acceptable means of dust control.

(Code 1998, § 15-5-7(b); Ord. No. 2002-09, § 7, 9-9-2002; Ord. No. 2005-04, §§ 3, 8—13, 3-28-2005)

SECTION 4: **AMENDMENT** “8-815 Definitions” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-815 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) *Agricultural land use/activity*. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption; pasturing or yarding of

- livestock; growing and tending of gardens and trees; and harvesting of trees.
- (b) *Best management practice (BMP)*. A practice, technique, or measure that is an effective, practical means of preventing or reducing soil erosion and/or water pollution from runoff both during and after land development activities. These can include structural, vegetative or operational practices.
 - (c) *Business day*. A day on which Village offices are routinely and customarily open for business.
 - (d) *Closed Watershed*. An area that does not have a surface outlet, with water only able to leave through evaporation, infiltration, or mechanical means. For the purposes of this ordinance, the following are considered closed watersheds:
 - (1) Internally drained watersheds that are at least 20,000 square feet in area and at least one (1) foot in depth from invert to lowest surface outlet.
 - (2) Watersheds with no surface outlet discharges from a two (2) year, twenty four (24) hour design storm.
 - (3) Areas that have historically not drained through surface outlets, as determined by the local approval authority.
 - (e) *Common plan of development or sale*. All lands included within the boundary of a certified survey or plat, or with a series of adjacent surveys or plats created for the purpose of development or sale where multiple, separate and distinct land-developing activity may take place at different times and on different schedules.
 - (f) *Community water supply*. A public water supply system that serves at least 15 service connections used by yearround residents or regularly serves at least 25 yearround residents. Any water supply system serving seven or more homes, ten or more mobile homes, ten or more apartment units or ten or more condominium units shall be considered a community water supply system unless the owners of the property served by the water supply system provide information to the satisfaction of the Director of Public Works indicating that 25 yearround residents will not be served.
 - (g) *Design storm*. A hypothetical discrete rainstorm characterized by a specific duration, spatial distribution, rainfall intensity, return frequency, and total rainfall depth.
 - (h) *Discharge volume*. The quantity of runoff discharged from the land surface as the result of a rainfall event.
 - (i) *Division of land*. Either a minor or major Subdivision as defined in this Section respectively.
 - (j) *Existing development*. Buildings, other structures and impervious surfaces existing prior to the adoption of the ordinance from which this Article is derived.
 - (k) *Fee in lieu*. A payment of money to the Village in place of meeting all or part of the stormwater performance standards required by this Article.
 - (l) *Financial guarantee*. A cash deposit, performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village by an applicant to ensure that requirements of this Article are carried out in compliance with the stormwater management plan.
 - (m) *Green Infrastructure*. Practices that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or

to surface waters. Green Infrastructure includes, but is not limited to, the following practices: rainwater harvesting/reuse, rain gardens, bioretention systems, infiltration basins, planters that are connected to roof drainage, vegetated swales, permeable pavement, green roofs, and rain barrels.

- (n) *Gross aggregate area*. The total area, in acres, of all land located within the property boundary containing the land development activity.
- (o) *Groundwater enforcement standard*. A numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.07 and Wis. Admin. Code § NR 140.10 or Wis. Stats. § 160.09 and Wis. Admin. Code § NR 140.12.
- (p) *Groundwater preventive action limit*. A numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.15 and Wis. Admin. Code §§ NR 140.10, 140.12, or 140.20.
- (q) *Heavily disturbed site*. A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earth moving activities, including filling.
- (r) *Hydrologic soil group (HSG)*. The same meaning as used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.
- (s) *Impervious surface*. A surface that does not allow infiltration during precipitation events. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surface.
- (t) *Infiltration*. The process by which rain or surface runoff penetrates into the soil.
- (u) *Land development activity*. Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. These land development activities include, but are not limited to, any manmade alteration of the land surface that results in a change in topography or existing vegetative and nonvegetative soil cover, which may lead to changes in stormwater runoff and result in increased soil erosion and movement of sediment into waters of the state, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and the construction or redevelopment of buildings, roads, parking lots, paved and unpaved areas and similar facilities. This term does not include agricultural land use activities.
- (v) *Lightly disturbed site*. A site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earth moving activities.
- (w) *Maintenance agreement*. A legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (x) *Municipal water supply system*. A community water supply system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (y) *New development*. Any of the following activities:
 - (1) Structural development, including construction of a new building or other structures;

- (2) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;
- (3) Land disturbing activities; or
- (4) Creation or expansion of impervious surface.
- (z) *Nonerosive velocity*. A rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.
- (aa) *Nonstorm discharge*. A discharge to the stormwater management system created by some process other than stormwater runoff.
- (ab) *Nonstructural measure*. A practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities other than residential development. Development of the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication, and utilities. The term does not include agricultural land use activity.
- (ac) *Peak flow discharge rate*. The maximum rate at which a unit volume of stormwater is discharged resulting from a rainfall event.
- (ad) *Pervious surface*. A surface that allows infiltration of precipitation or surface flow during a large portion of a precipitation event. Lawns, fields and woodlands are examples of pervious surfaces.
- (ae) *Plan*. An erosion control plan under Article XVII, Division 2 of this Chapter or a stormwater management plan under Division 8-XVIII-4 of this Article.
- (af) *Post-construction stormwater discharge*. Any stormwater discharged from a site following the completion of land development activity and final site stabilization.
- (ag) *Post-development condition*. The extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence stormwater runoff and infiltration.
- (ah) *Practice/management practice*. A practice, technique or measure that is an effective, practical means of preventing or reducing soil corrosion and/or water pollution from runoff both during and after land development activities.
- (ai) *Predevelopment condition*. The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land development activity are managed in an environmentally sound manner. Lands shall be deemed to have runoff characteristics equivalent to NRCS TR-55 Curve Numbers (CNs) of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C, and D, respectively. This term is used to match pre- and post-development stormwater peak flows and volumes as required by this Article. In a situation where cumulative impervious surface created after the adoption of the ordinance from which this Article is derived exceeds the 20,000 square feet threshold, the pre-development conditions shall be those prior to any land disturbance.
- (aj) *Pretreatment*. The treatment of stormwater prior to its discharge to the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
- (ak) *Redevelopment*. Any development that replaces existing impervious surfaces or results

in the cumulative increase of less than 20,000 square feet of impervious surface to a site since August 21, 2001 on sites predominately developed as commercial, industrial, institutional or multifamily. Sites may be a combination of new development and redevelopment.

~~Any construction, alteration or improvement exceeding 4,000 square feet of land disturbance performed on sites where the entire existing site is predominantly developed to commercial, industrial, institutional or multifamily residential uses. Projects may include a mix of redevelopment and new impervious surfaces.~~

- (al) *Residential*. A residential dwelling containing one or two dwelling units.
- (am) *Runoff*. The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (an) *Runoff curve number (RCN)*. The meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Construction Service Engineering, Field Manual for Conservation Practices.
- (ao) *Site*. The bounded area described in an erosion control plan or stormwater management plan.
- (ap) *Site restriction*. Any physical characteristic that limits the use of a stormwater best management practice.
- (aq) *Slope*. The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous incline or decline over an area of land.
- (ar) *Storm events*. The precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Dane County, Wisconsin. For example, one-year, two-year, ten-year and 100-year storm events mean the precipitation amounts that occur over a 24-hour period that have a recurrence interval of one, two, ten and 100 years.
- (as) *Stormwater conveyance system*. Any method employed to carry stormwater runoff from a land development activity to the waters of the state. Examples of methods include: swales, channels and storm sewers.
- (at) *Stormwater management measure*. Structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (au) *Stormwater management plan*. One or more documents that together identify the actions to be taken and/or the practices to be installed to reduce stormwater peak discharge rates, volumes and pollutant loads, from land development activity, to levels meeting the purpose and intent of this Article.
- (av) *Stormwater management system plan*. A comprehensive plan developed to address stormwater drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Article.
- (aw) *Stormwater runoff*. That portion of precipitation falling during a rainfall event, or that portion of snow- and ice-melt, that does not soak into the soil, and flows off the surface of the land and into a natural or artificial conveyance network.
- (ax) *Street reconstruction*. Removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.
- (ay) *Structural measure*. A source area practice, conveyance measure, and/or end-of-pipe treatment that is designed to control stormwater runoff pollutant loads, discharge volumes, and peak discharge rates. Channels, weirs, swales, detention and retention ponds, and overflow and outfall structures are all examples of structural measures to

contain storm events.

- (az) *Structure*. Any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed or lake bed.
- (ba) *Submission*. The plan materials and/or hydrologic calculations required to be presented to the Village for review.
- (bb) *TR-55*. Technical Release 55, Urban Hydrology for Small Watersheds, published by the Engineering Division, United States Natural Resource Conservation Service, United States Department of Agriculture, June 1992.
- (bc) *Unnecessary hardship*. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this Article.
- (bd) *Village Engineer*. The individual designated to administer the Article.
- (be) *Well*. An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater.
- (bf) *Wetland functional value*. The type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.
- (bg) *Wetlands*. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigated and restored wetlands.
- (bh) *WPDES*. Wisconsin Pollutant Discharge Elimination System.
- (bi) *WPDES stormwater permit*. A permit issued by the Wisconsin Department of Natural Resources under Wis. Stats. § 283.33 that authorizes the point source discharge of stormwater to waters of the state.

(Code 1998, § 15-5-23; Ord. No. 2002-10, § 1(15-5-23), 9-9-2002; Ord. No. 2005-05, § 2, 3-28-2005)

SECTION 5: **AMENDMENT** “8-844 Stormwater Discharge Quantity” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-844 Stormwater Discharge Quantity

Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site as described in this Article. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows. On-site management practices shall be used to meet the following minimum performance standards, however, redevelopment projects shall not be required to comply with Subsections (a), (b) or (c) of this Section:

(a) *Runoff rate control.*

- (1) *Hydrologic calculations.* All runoff calculations shall be according to the methodology described in TR-55, or other methodology approved by the Village Engineer and the Dane County Conservationist. The pre-development runoff curve number (RCN) used in such calculations shall be 30 for HSG A, 58 for HSG B, 71 for HSG C, and 78 for HSG D.

Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.

- (2) *Design standards.* All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following [storms, using the NOAA Atlas 14 website](#):

- a. Maintain predevelopment peak runoff rates for the two-year, 24-hour storm event (~~2.83~~2.9 inches over 24 hours duration);
- b. Maintain predevelopment peak runoff rates for the ten-year, 24-hour storm event (4.~~20~~5 inches over 24 hours duration);
- c. Maintain predevelopment peak runoff rates for the 25-year, 24-hour storm event (4.~~89~~4 inches over 24 hours duration);
- d. Maintain predevelopment peak runoff rates for the 100-year, 24-hour storm event (6.~~05~~1 inches over 24-hour duration);
- e. [Maintain predevelopment peak runoff rates for the 200-year, 24-hour storm event \(7.29 inches over 24-hour duration\).](#)

- (b) *Peak flow rates of stormwater runoff.* The proposed land development shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment conditions for storms of 24-hour duration and recurrence intervals of two, ten, 25, ~~and~~ 100, ~~and~~ 200 years.

- (c) *Conveyance systems.* All stormwater conveyance systems within the proposed development, and receiving surface runoff from the proposed development, shall be designed to completely contain peak storm flows as described in this Article. Calculations for determining peak flows for conveyance system sizing shall use curve numbers based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for the on-site areas. Appropriate post-development curve numbers are described in TR-55.

- (d) *Open channel conveyance systems.* For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
- (e) *Storm sewer pipes.* For storm sewer pipes the peak flow from the ten year, 24-hour storm shall be completely contained within the pipes.
- (f) *Determination of peak flow rates and volume of runoff.* Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of this Article shall be computed based on the principals and procedures described in TR 55. The Village Engineer may approve other calculation methods.
- (g) *Rainfall distributions.* The rainfall distributions for the storm events shall be based on the NRCS Type II storms as described in TR-55.
- (h) *Increases or decreases in the hydrology of wetlands.* Increases or decreases in the hydrology of wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using methods acceptable to the Village Engineer. Significant changes to wetland functional values shall be avoided as defined in Wis. Admin. Code Ch. NR 103.
- (i) *Runoff from the ~~1~~200-year storm.* Runoff from the ~~1~~200-year storm to public right-of-way stormwater easements, or environmental corridors where downstream accommodations are not in place shall be maintained.
- (j) For redevelopment with proposed impervious surface area greater than 80% of existing, the first 0.5 inches of runoff must be captured using green infrastructure.
- (k) Closed Watersheds. Pre-development modeling must include closed watershed areas. Sites within closed watersheds must be designed to achieve 90% Stay-on without exemption. Sites with areas subject to inundation (ground elevations below the watershed outlet elevation) must include:
 - (1) A stable outlet capable of handling overflow events.
 - (2) An emergency drawdown or pumping plan.
 - (3) Storage capacity for back-to-back 100-year storm events.

(Code 1998, § 15-5-25(b); Ord. No. 2002-10, § 1(15-5-25(b)), 9-9-2002; Ord. No. 2005-05, § 7, 3-28-2005)

SECTION 6: AMENDMENT “8-904 Requirements” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-904 Requirements

- (a) *Enumerated.* The stormwater management plan required under this Article shall comply with the requirements in Chapter 14 of the Dane County Ordinances, as well as the following:

- (1) Name, address, and telephone number for the following or their designees:
landowner; developer; project engineer for practice design and certification;
person responsible for installation of stormwater management practices;
person responsible for maintenance of stormwater management practices prior
to the transfer, if any, of maintenance responsibility to another party.
- (2) A proper legal description of the property proposed to be developed
referenced to the U.S. Public Land Survey system or to block and lot numbers
within a recorded land **Subdivision** plat. Include a USGS 7.5-minute
topographical map showing the property boundaries of the proposed
development.
- (3) Predevelopment site conditions, including:
 - a. One or more site maps at a scale of not less than one inch equals 100
feet. The site maps shall show the following:
 1. Site location and legal property description;
 2. Predominant soil types and hydrologic soil groups;
 3. Existing cover type and condition;
 4. Topographic contours of the site at the scale not to exceed
two feet;
 5. Topography and drainage network including enough of the
contiguous properties to show runoff patterns onto, through,
and from the site;
 6. Watercourses that may effect or be affected by runoff from the
site;
 7. Flow path and direction for all stormwater conveyance
sections, including time of travel and time of concentration
applicable to each;
 8. Watershed boundaries used in determinations of peak flow
discharge rates and discharge volumes from the site;
 9. Lakes, streams, wetlands, channels, ditches, and other
watercourses on and immediately adjacent to the site;
 10. Limits of the 100-year floodplain;
 11. Location of wells located within 1,200 feet of stormwater
detention ponds, infiltration basins, or infiltration trenches;
 12. Delineation of wellhead protection areas delineated pursuant
to Wis. Admin. Code § NR 811.16.
 - b. Computations of peak flow discharge rates and discharge volumes for
the two-year/24-hour, ten-year/24-hour, 25-year/24-hour design storm
events and 100-year/24-hour storm events. All major assumptions
used in developing input parameters shall be clearly stated. The
computations shall be made for each discharge point in the
development, and the geographic areas used in making the
calculations shall be clearly cross referenced to the required maps.
- (4) Post-development site conditions, including:
 - a. Explanation of the provisions to preserve and use natural topography

- and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
- b. Explanation of any restrictions or stormwater management measures in the development area imposed by wellhead protection plans and Village ordinances.
 - c. One or more site maps at a scale of not less than one inch equals 100 feet showing:
 - 1. Revised pervious land use including vegetative cover type and condition;
 - 2. Impervious land use including all buildings, structures, and pavement;
 - 3. Revised topographic contours of the site at a scale not to exceed two feet;
 - 4. Revised drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;
 - 5. Locations and dimensions of drainage easements;
 - 6. Locations of maintenance easements specified in the maintenance agreement;
 - 7. Flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each;
 - 8. Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;
 - 9. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainageway; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes;
 - 10. Any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - d. Computation of the runoff volume resulting from the 1.5-inch rainfall, and computations of peak flow discharge rates and discharge volumes for the two-year/24-hour, ten-year/24-hour, 25-year/24-hour storm events, and 100-year/24-hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required maps.
 - e. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.
 - f. Results of impact assessments on wetland functional values.

- g. Design computations and all applicable assumptions for the stormwater conveyance (open-channel, closed-pipe) system.
- h. Design computations and all applicable assumptions for stormwater quality practices (sedimentation type, filtration-type, infiltration-type) as needed to show that practices are appropriately sized to accommodate runoff from the 1.5-inch rainfall. For practice designs that depart from those specified in the Wisconsin Storm Water Manual, Part 2, the results of continuous simulation modeling, conducted according to the guidelines established in this manual, shall be presented in such a way as to show the reduction in average annual total suspended solids loading from the developed site.
- i. Detailed drawings including cross sections and profiles of all permanent stormwater conveyance and treatment practices.
- j. Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
- k. Other information as needed by the Village Engineer to determine compliance of the proposed stormwater management measures with the provisions of this Article.
- l. All site investigations, plans, designs, computations, and drawings shall be certified by a competent engineer, to be prepared in accordance with accepted engineering practice and in accordance with The Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources, the Natural Resources Conservation Service's Field Office Technical Guide, Chapter 4, and any other technical methodology approved by the Dane County Conservationist.

(b) *Exceptions.* The Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under this Article.

(Code 1998, § 15-5-28; Ord. No. 2002-10, § 1(15-5-27), 9-9-2002; Ord. No. 2005-05, §§ 10—12, 3-28-2005)

SECTION 7: AMENDMENT “8-816 Applicability And Jurisdiction” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-816 Applicability And Jurisdiction

(a) *Applicability.* This Article applies to land development activities within the boundaries

of the Village as well as all land development activities subject to the Village's extraterritorial plat review jurisdiction that meet the following criteria:

- (1) Any development other than agricultural development after August 22, 2001, that results in the cumulative addition of 20,000 square feet of impervious surface to the site;
 - (2) Agricultural development where the resulting new total impervious surface area exceeds 20,000 square feet;
 - (3) Any development that requires a **Subdivision** plat, as defined in Chapter 56;
 - (4) Any development that requires a Certified Survey Map, as defined in Chapter 56 for property intended for commercial or industrial use;
 - (5) Land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets any of the criteria herein, even though multiple, separate and distinct land development activities may take place at different times on different schedules;
 - (6) Land development activity of any size that, in the opinion of the Village Engineer, is likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution or the transportation of particulate matter, or which endangers downstream property or public safety.
- (b) *Exemptions and clarifications.* Exemptions from the provisions of this Article shall be as follows:
- (1) Any activity directly related to the planting, growing and harvesting of agricultural crops that creates no impervious surfaces shall be exempt from all requirements of this Article.
 - (2) Redevelopment where no additional impervious surfaces are created shall be exempt from the requirements of Section 8-844. Where new impervious surfaces are created in a redevelopment project, all provisions of this Article shall apply to the new impervious surfaces.

(Code 1998, § 15-5-24; Ord. No. 2002-10, § 1(15-5-24), 9-9-2002; Ord. No. 2005-05, § 3, 3-28-2005)

SECTION 8: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: 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 10: 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

	AYE	NAY	ABSENT	ABSTAIN
Brandt	_____	_____	_____	_____
Brassington	_____	_____	_____	_____
Clow	_____	_____	_____	_____
Fessler	_____	_____	_____	_____
Flaherty	_____	_____	_____	_____
Jerke	_____	_____	_____	_____
Wreh	_____	_____	_____	_____

Presiding Officer

Attest

Carolyn Clow, Village President,
Village of McFarland

Cassandra Suettinger, Deputy
Administrator/Clerk, Village of
McFarland

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-06, an ordinance amending Sec. 62-227 Accessory Uses, Buildings or Structures of the McFarland Zoning Code.

PREVIOUS ACTION:

ISSUE SUMMARY:

Information regarding this agenda item is found under Agenda Item 4a.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, second, to recommend approval of Ordinance 2023-06 to the Village Board.

ATTACHMENTS:

None

**VILLAGE OF
McFarland**
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-09, an ordinance amending various sections of the McFarland Zoning Code related to solar energy collection systems.

PREVIOUS ACTION:

ISSUE SUMMARY:

Information regarding this item is found under Agenda Item 4b.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, second, to recommend approval of Ordinance 2023-09 to the Village Board.

ATTACHMENTS:

None

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, September 19, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Ordinance 2023-10, an ordinance amending various sections of the McFarland Building Code related to site erosion control and stormwater management.

PREVIOUS ACTION:

ISSUE SUMMARY:

Information regarding this item is found under Agenda Item 4c.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, second, to recommend approval of Ordinance 2023-10 to the Village Board.

ATTACHMENTS:

None