

10/6/06

### NOTICE OF PUBLIC HEARING

The Common Council of the City of Madison having before it for consideration a proposed ordinance relating to zoning and city planning.

NOTICE IS HEREBY GIVEN, that a public hearing will be held in the Council Chambers, Room 201, in the City-County Building on Monday, October 23, 2006 at 6:00 p.m. before the Plan Commission, where opportunity will be afforded to all interested in being heard; and on Tuesday, November 7, 2006 at 6:45 p.m. before the regular meeting of the Common Council, at which time action on the ordinance will be considered.

**Public Hearing items may be called at any time after the beginning of the Plan Commission public hearings – 6:00 pm. Anyone wishing to speak on an item must fill out a registration slip and give it to the person running the meeting. The registration slips are on a table near the front of the meeting room, just inside the doors to the room.**

**The Plan Commission uses a “consent agenda”, which means that the Commission can consider any item at 6:00 pm, if there are no registrants wishing to speak in opposition regardless of where the item is listed on the agenda”.**

Regulation of yard sales  
ORDINANCE FILE #04601

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

1. Subsection (2) entitled "Definitions" of Section 28 03 entitled "Rules and Definitions" of the Madison General Ordinances is amended by amending or adding therein the following:

"Accessory Building Or Use. An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use;
2. Serves exclusively the principal building or principal use;
3. Is subordinate in floor area, extent or purpose to the principal building or principal use served or is a secondary dwelling unit;
4. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
5. Is located on the same zoning lot as the principal building or principal use served, with the single 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.

An accessory building or use includes, but is not limited to, the following:

1. A children's playhouse, garden house or private greenhouse;
2. A garage, carport, compost bin, shed or building for storage incidental to a permitted use;
3. Incinerators incidental to a permitted use;
4. 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;
5. 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;
6. Off-street motor vehicle parking areas and loading facilities; and
7. Signs, as permitted and regulated in each district incorporated in this ordinance.
8. Keeping of chickens, as permitted and regulated in each district incorporated in this ordinance.
9. Secondary dwelling units
10. Yard sales."

"Yard Sale. Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential."

2. Paragraph 8. of Subdivision (b) entitled "Permitted Uses" of Subsection (8) entitled "R1 Single-Family Residence District " of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

- "8. Accessory uses, including but not limited to the following:
- a. Athletic fields and playfields, noncommercial, including stadiums or grandstands.
  - b. Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and their immediate families.
  - c. Home occupations, as regulated in Sec. 28.04(26). (Am. by Ord. 13,730, 11-26-04)
  - d. Professional offices in homes.
  - e. (R. by Ord. 5831, 5-6-77)
  - f. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as a principal use for a period not to exceed the duration of such construction.
  - g. Temporary real estate offices for purposes of conducting sale of property in the tract where such temporary office is located for a period not to exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is lesser.
  - h. (Cr. by Ord. 4887, 2-7-75; R. by Ord. 13,730, 11-26-04)
  - i. (R. by Ord. 10,948, 7-30-94)
  - j. Keeping of up to four (4) chickens, provided that:
    - i. The principal use is a single-family dwelling.
    - ii. No person shall keep any rooster.
    - iii. No person shall slaughter any chickens.
    - iv. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times
    - v. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.
    - vi. The owner or operator obtains a license under Sec. 9.52, M.G.O.
  - k. Yard sales provided that:
    - i. No sale exceeds four (4) days in duration.
    - ii. Not more than one (1) sale is held in any four (4) month period."

3. Paragraph 7. of Subdivision (b) entitled "Permitted Uses" of Subsection (8) entitled "R4L Limited General Residence District " of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

- "7. Accessory uses, including but not limited to the following:
- a. Home occupations, as regulated in Sec. 28.04(26). (Am. by Ord. 13,730, 11-26-04)
  - b. Professional offices in homes.
  - c. Keeping of up to four (4) chickens, provided that:
    - i. The principal use is a single-family dwelling.
    - ii. No person shall keep any rooster.
    - iii. No person shall slaughter any chickens.
    - iv. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
    - v. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.
    - vi. The owner or operator obtains a license under Sec. 9.52, M.G.O.
  - d. Yard sales provided that:
    - i. No sale exceeds four (4) days in duration.
    - ii. Not more than one (1) sale is held in any four (4) month period."

4. Paragraph 7. of Subdivision (b) entitled "Permitted Uses" of Subsection (8) entitled "R4A Limited General Residence District " of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

- "7. Accessory uses, including but not limited to the following:

- a. Home occupations, as regulated in Sec. 28.04(26). (Am. by Ord. 13,730, 11-26-04)
- b. Professional offices in homes.
- c. Keeping of up to four (4) chickens, provided that:
  - i. The principal use is a single-family dwelling.
  - ii. No person shall keep any rooster.
  - iii. No person shall slaughter any chickens.
  - iv. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
  - v. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.
  - vi. The owner or operator obtains a license under Sec. 9.52, M.G.O.
- d. Yard sales provided that:
  - i. No sale exceeds four (4) days in duration.
  - ii. Not more than one (1) sale is held in any four (4) month period."

PUBLICATION DATE: TCT:10/09/06 & 10 16/06      MARIBETH WITZEL-BEHL CITY CLERK

COMMON COUNCIL OFFICE (21)  
LISA VELDRAN  
417 CCB

CITY TRAFFIC ENGINEER  
DAN MCCORMICK  
MMB

DANE COUNTY ZONING ADMIN  
116 CCB

CITY PLANNING & DEVELOPMENT  
MARK OLINGER  
MMB

CITY ENGINEER  
GARY DALLMANN  
115 CCB

WATER UTILITY  
AL LARSON  
119 E OLIN AVENUE

BOARD OF EDUCATION  
545 W DAYTON ST  
MADISON WI 53703

AIRPORT DIRECTOR  
DANE COUNTY REGIONAL AIRPORT  
4000 INTERNATIONAL LN  
MADISON WI 53704