

LEGISTAR – FILE NO. 66791 – SUBSTITUTE - BODY

DRAFTER'S ANALYSIS: This ordinance creates a new mixed-use and commercial district, the Tiny House Village (“THV”) District. The Common Council may establish THV Districts through the enactment of a zoning map amendment as provided in MGO Sec. 28.182.

Under this ordinance, a Tiny House Village is a site, lot, parcel, or tract of land designed, maintained, or used for the purpose of supplying a location or accommodations for more than three (3) Tiny Houses, which the ordinance defines as any movable sleeping quarters used as an individual’s place of habitation. A Tiny House Village must be owned or operated by a non-profit, religious, or governmental entity. Within the THV District, Tiny House Village is a permitted use. Other uses are also permitted in the THV District, but these uses must be incidental to the THV use.

This ordinance also creates density and area requirements and supplemental regulations for the THV District, including that each THV shall have a management plan, follow certain regulations related to open fires and cooking, use only specified forms of heating, and obtain a campground license pursuant to Wis. Admin Code Chapter ATCP 79, if applicable.

Madison currently has two tiny house villages, which were previously approved by the Common Council as planned developments. The regulations contained in this proposed ordinance are largely based on the regulations contained in those individual planned developments.

The proposed substitution allows tarps in subsection (d) in response to feedback by residents of Tiny House Villages to accommodate their need to use tarps for material covering. Subsection (e) is changed to allow recreational fires, as allowed in all other residential districts. Subsection (f) is changed for better fire safety. Subsection (g) is eliminated to allow for composting toilets but subsection (i) is changed to require management plans to include a composting toilet waste plan.

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

1. Section 28.070 entitled “Tiny House Village (THV)” of the Madison General Ordinances is created as follows:

“(1) Statement of Purpose.

The Common Council finds that a core component of the public health, safety, and welfare is ensuring that all residents have access to safe, stable, affordable, and legal places to sleep. The Common Council also finds that meeting this need in today’s economy requires creativity and flexibility with respect to the type of housing allowed in the City’s Zoning Code. The Tiny House Village (THV) District recognizes the success of previous tiny house village communities in meeting this critical need for Madison’s residents and therefore establishes a regulatory framework for the establishment of Tiny House Villages within the City.

(2) General Requirements.

Tiny House Village District is a specific type of zoning classification established pursuant to the procedures contained in MGO Sec. 28.182 for a map amendment where the principal use of the property is a Tiny House Village. All additional uses allowed in the district shall be incidental to the Tiny House Village use pursuant to the definition of Incidental Use in MGO Sec. 28.211.

(3) Permitted and Conditional Uses.

See Table 28D-2 for a full list of allowable uses in the Tiny House Village (THV) district.

(4) Density and Area Requirements.

A Tiny House Village District shall meet the following requirements:

Tiny House Village District

Lot area sq. ft.	15,000
Lot width	50
Front yard setback (structures)	15 or the setback of the adjacent district, whichever is greater
Side yard setback (structures)	6 or the setback of the adjacent district, whichever is greater
Rear yard setback (structures)	20 or the setback of the adjacent district, whichever is greater
Maximum height	25
Maximum lot coverage (buildings and paved areas)	85%

2. Subsection (1) of Section 28.061 entitled “Mixed-Use and Commercial Districts Uses” of the Madison General Ordinances is amended as follows:

“(l) “THV” means Tiny House Village District.”

3. Subsection (1) of Section 28.061, Table 28D-2, entitled Mixed-Use and Commercial Districts is amended as follows:

Table 28D-2

Mixed-Use and Commercial Districts									
	LMX	NMX	TSS	MXC	CC-T	CC	RMX	THV	Supplemental Regulations
Residential Uses									
<u>Tiny House Village</u>								<u>P</u>	<u>Y</u>
Agricultural Uses									
Community Garden	P	P	P	P	P	P	P	<u>P</u>	<u>Y</u>
Market Garden	C	C	C	C	C	C	C	<u>P</u>	Y
Retail Sales and Services									
Bicycle-sharing facility	P	P	P	P	P	P	P	<u>P</u>	Y
Food and related goods sales	P	P	P	P	P	P	P	<u>P</u>	<u>Y</u>
Free-standing vending	P/C	P/C	P/C	P/C	P/C	P/C	P/C	<u>P/C</u>	Y
Garden Center		C	C	P	P	P	P	<u>P</u>	Y

Mixed-Use and Commercial Districts									
	LMX	NMX	TSS	MXC	CC-T	CC	RMX	THV	Supplemental Regulations
<u>Light Manufacturing</u>								<u>P</u>	<u>Y</u>
Small appliance repair	P	P	P	P	P	P	P	<u>P</u>	<u>Y</u>
Small engine repair			C	C	C	C	C	<u>P</u>	<u>Y</u>
Civic and Institutional									
Counseling, community services organization		P	P		P		P	<u>P</u>	<u>Y</u>
Accessory Uses and Structures									
Solar energy systems	P	P	P	P	P	P	P	<u>P</u>	Y
Wind energy systems	C	C	C	C	C	C	C	<u>C</u>	Y
Keeping of chickens	P	P	P	P	P	P	P	<u>P</u>	Y
Keeping of honeybees	P	P	P	P	P	P	P	<u>P</u>	Y
Food and Beverages									
Catering	C	C	P	P	P	P	P	<u>P</u>	<u>Y</u>
Coffee shop, tea house	P	P	P	P	P	P	P	<u>P</u>	<u>Y</u>

4. Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended as follows:

“Tiny House. Any movable sleeping or living quarters used as an individual’s place of habitation.

Tiny House Village. Any site, lot, parcel, or tract of land designed maintained, intended or used for the purpose of supplying a location or accommodations for more than three (3) Tiny Houses and may include all buildings included or intended for use as part of the Tiny House Village.”

5. Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended as follows:

“Tiny House Village.

(a) The Tiny House Village shall be owned or operated by a non-profit institution, religious institution, or government entity.

(b) Each Tiny House shall have a smoke detector, carbon monoxide detector and fire extinguisher.

- (c) Only listed vented gas (liquid propane or natural) heaters or electric heat shall be permitted in Tiny Houses.
- (d) Tents, and canopies or tarps are not permitted on the site except for temporary construction purposes.
- (e) Outdoor fires shall not be ignited or kindled on the site, including comply with all Madison Fire Department outdoor fireplace regulations. †The burning of garbage or waste is prohibited. Grills may be used for cooking.
- (f) Open flame cooking devices or heating elements shall not be used within Tiny Houses.
- (g) Composting toilets or other holding tank toilets shall not be used.
- (hg) The owner or operator shall allow any City of Madison public official presenting proper identification to conduct lawful inspections of the Tiny House Village.
- (ih) The maximum occupancy of any portable shelter unit located on the site shall not exceed 2 persons, and that visitors to the portable shelter community/living space shall not be permitted to camp on-site or stay overnight in the portable shelter community.
- (ji) The owner or operator shall submit a Management Plan to the Zoning Administrator for the facility prior to issuance of a certificate of occupancy:

 - 1. Required management plan contents: contact information for the owner or operator of the Tiny House Village, site plan showing tiny house locations, roads, accessory buildings, parking, bicycle parking, storage of belongings, trash storage/removal, composting toilet waste plan, transportation support, and a severe weather plan.
 - 2. Recommended management plan contents: contact information for individuals living in the Tiny House Village.
- (k) That the hours of operation for all activities other than the Tiny House Village shall be 8:00 a.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 8:00 p.m. Saturday and Sunday."