



Legislation Text

File #: 04601, Version: 2

Fiscal Note

No appropriation required.

Title

SUBSTITUTE - Amending Section 28.03(2) of the Madison General Ordinances to add yard sales as an accessory use and add a definition of yard sale, and amending Sections 28.08(2)(b)8., 28.08(9)(b)7. and 28.08(11)(b)7. of the Madison General Ordinances to add yard sales, with limits on duration and frequency, as a specific accessory use in residential districts.

Body

DRAFTER'S ANALYSIS: The intent of this amendment is to recognize yard sales as a specific accessory use in residential districts and to designate limitations on their duration and frequency.

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).
- 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 three (3) 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).
 - 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 three (3) 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).
 - 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 three (3) month period."