

**(c) Rear yard.** Any permitted structures must be set back from rear property lines as follows:

1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Structures housing livestock must be at least:
  - a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,
  - b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or
  - c. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.

**(6) Building height.**

**(a) Residential buildings.**

1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.

**(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.

**(7) Lot coverage.** There is no limitation on lot coverage in the FP-35 district.

**(8) Other restrictions on buildings.**

**(a) Principal residential buildings.** Except for secondary farm residences authorized by conditional use permit, no more than one principal building is permitted per lot.

**(b) Accessory buildings.**

1. There is no limitation on the number of accessory buildings in the FP-35 district.
2. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory buildings may not be used as living space.

[History: 10.222 cr., 2018 OA-20, pub. 01/29/19.]

### **10.223 FP-B (FARMLAND PRESERVATION - BUSINESS) ZONING DISTRICT.**

**(1) Purpose.** The FP-B Farmland Preservation - Business District is designed to:

**(a)** Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The FP-B district accommodates uses which are commercial or industrial in nature; are

associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.

1. In appearance and operation permitted uses in the FP-B district are often indistinguishable from a farm.

2. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.

3. Examples of activities in the FP-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:

- a. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
- b. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
- c. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
- d. Low to moderate traffic volumes;
- e. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing;
- f. Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

**(2) Permitted uses.**

**(a) Agricultural uses.**

**(b) Agricultural accessory uses,** except those uses listed as conditional uses and subject to the limitations and standards below.

1. Any residence lawfully existing as of February 20, 2010, provided all of the following criteria are met:

- a. the use remains residential,
- b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
- c. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans

adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.

**2.** Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.

**3.** Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.

**4.** The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited

**5.** Residential accessory buildings, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with a farm residence approved by conditional use permit.

**6.** Sales of agricultural products produced on the farm.

**7.** Large animal boarding.

**(c)** Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the FP-B district.

**(d)** Undeveloped natural resources and open space areas

**(e)** Utility services associated with a farm or a permitted agricultural accessory use.

**(f)** A transportation, utility, communication, or other use that is:

**1.** required under state or federal law to be located in a specific place, or;

**2.** is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(3)** Conditional uses.

**(a)** Agricultural accessory uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.004(12) .

**1.** Agricultural entertainment activities or special events occurring 10 days or more per calendar year, in aggregate.

**2.** Airports, landing strips or heliports for private aircraft owned by the owner or operator of the farm or agriculture-related use on the premises.

**3.** Attached accessory dwelling units associated with a farm residence.

**4.** Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than ten days in a calendar year.

**5.** Farm residence, subject to s. 10.103(11).

**6.** Limited farm business, subject to 10.103(13).

**7.** Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

**8.** Secondary farm residence, subject to s. 10.103(11).

**(b)** Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under s. 10.004(14).

**1.** Bio-diesel and ethanol manufacturing.

**2.** Biopower facilities for distribution, retail, or wholesale sales.

**3.** Colony house.

**4.** Commercial animal boarding for farm animals, and not including boarding for domestic pets.

**5.** Composting facility.

**6.** Dead stock hauling services.

**7.** Manure processing facilities.

**8.** Stock yards, livestock auction facilities.

**(c)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

**(d)** Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74. The application shall conform to the requirements of s. 10.103(15).

**(e)** Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

**(f)** Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.

**(4)** Lot size requirements.

**(a)** Minimum lot size. All lots created in the FP-B zoning district must be at least 20,000 square feet in area, excluding public rights-of-way.

- (b) Maximum lot size. None.
- (c) Minimum lot width. All lots created in the FP-B zoning district must have a minimum lot width of 100 feet.
- (5) Setbacks.
- (a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).
- (b) Side yards. Any permitted structures must be set back from side property lines as follows:
1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.
  2. Structures housing livestock must be at least:
    - a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,
    - b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or
    - c. At least 10 feet from any other side lot line.
  3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
  2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
  3. Structures housing livestock must be at least:
    - a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,
    - b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or
    - c. 10 feet from any other rear lot line.
  4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
- (6) Building height.
- (a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
  2. Residential accessory buildings shall not exceed a height of 35 feet.
- (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- (7) Lot coverage. There is no limitation on lot coverage in the FP-B district.
- (8) Other restrictions on buildings.
- (a) Accessory buildings.
1. There is no limitation on the number of accessory buildings in the FP-B district.

2. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.

3. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory buildings may not be used as living space.

[History: 10.223 cr., 2018 OA-20, pub. 01/29/19; (8)(a) am., 2019 OA-20, pub. 1/28/20.]

## 10.230 RURAL MIXED-USE & TRANSITIONAL ZONING DISTRICTS.

### 10.231 AT-35 (AGRICULTURE TRANSITION, 35 ACRES) ZONING DISTRICT.

(1) Purpose. The AT-35 Agriculture Transition district is designed to:

(a) Accommodate, for an unspecified period of time, a wide range of agriculture and agricultural accessory uses, at various scales in areas that are ultimately planned for either:

1. nonfarm urban or suburban development,
2. a long-term mixture of agricultural and residential uses, or
3. transition to a Farmland Preservation district.

(b) The district applies to such existing or proposed uses on properties located outside of mapped agricultural preservation areas as shown in the Dane County Farmland Preservation Plan.

(c) The AT-35 district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.

(d) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.

(e) Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.

(f) Reduce costs for providing services to scattered non-farm uses.