

- structure by more than 20 feet.*
- (b)** *For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.*
- (c)** *Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.*
- (d)** *Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.*

(42) Community living arrangements.

- (a)** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services:
1. a community living arrangement for adults, as defined in [s. 46.03 \(22\), Wis. Stats.](#) and [s. 50.01\(1g\), Wis. Stats.](#)
 2. a community living arrangement for children, as defined in [s. 48.743 \(1\), Wis. Stats.](#)
 3. a foster home, as defined in [s. 48.02 \(6\), Wis. Stats.](#), or
 4. or an adult family home, as defined in [s. 50.01 \(1\), Wis. Stats.](#)
- (b)** Community living arrangements do not include:
1. day care centers,
 2. nursing homes,
 3. hospitals,
 4. prisons or jails.

(43) *Community garden.*

A private or public facility for cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

(43)(44) *Composting facility.*

A commercial or public solid waste processing facility where yard, kitchen or garden waste is transformed into soil conditioner or fertilizer by biological decomposition.

(44)(45) Condominium.

Individual ownership of a structure, a unit in a multi-unit structure, or a piece of real property located on a commonly held parcel of land organized under [Chapter 703, Wisconsin Statutes](#). Buildings in a condominium shall meet the density and locational requirements of the zoning district in which they are located.

(45)(46) *Consistent with.*

Further or does not contradict:

- (a)** *The purposes and standards of this ordinance, or*
- (b)** *the policies contained in relevant town comprehensive plans, the Dane County Comprehensive Plan or the Dane County Farmland Preservation Plan.*

~~(82)~~(83) Limited family business.

A small family-run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except up to ~~four~~ one or ~~four~~ one full-time equivalents, must be a member of the family residing on the premises.

~~(83)~~(84) Limited farm business.

An agricultural accessory use that meets all of the following criteria:

- (a) Consists of a business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm,
- (b) Requires no buildings, structures, or improvements other than existing agricultural buildings or a farm residence
- (c) Employs no more than 4 full-time equivalent employees annually, who are not members of the family residing on the farm, and;
- (d) Does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

~~(84)~~(85) Livestock.

- (a) Except as listed below, bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (b) For the purposes of this ordinance, the following are not considered livestock:
 - 1. Five or fewer equine animals on a premises in the Rural Mixed-Use Districts;
 - 2. Domestic fowl;
 - 3. Domestic pets;
 - 4. Domestic beekeeping.

~~(85)~~(86) Location survey.

Survey information prepared by a licensed surveyor indicating the location of property lines and building location distances from those property lines for the specific portions of the building indicated in this ordinance.

- (a) Such surveys need not provide all the parcel information set forth by Wisconsin Administrative Code Chapter A-E 7.02 Minimum Standards for Property Surveys item A-E 7.01(2), but may exclude unnecessary information as permitted in A-E 7.01(2).
- (b) All location surveys must comply with the accuracy standard required by A-E 7.06 Measurements.

~~(86)~~(87) Long-term care facility.

Any of the following:

- (a) A nursing home, as defined in s. 50.01 (3), Wis. Stats.
- (b) A community-based residential facility, as defined in s. 50.01 (1g), Wis. Stats.
- (c) A facility, as defined in s. 647.01 (4), Wis. Stats.
- (d) A swing bed in an acute care facility or extended care facility, as specified under 42 USC 1395tt.

(b) Examples of such land uses include, but are not limited to: professional services, insurance services, realty offices, financial services, repair and maintenance of small items conducted indoors; medical offices and clinics, veterinary clinics, barbershops, beauty shops, and related land uses.

(c) Personal and professional services do not include adult entertainment or vehicle repair and maintenance services.

~~(119)~~(120) Personal storage facility.

A facility that provides indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Also known as "mini-warehouses."

~~(120)~~(121) Planned unit development.

(d) A form of land development, conceived and implemented as a cohesive, unified project and permitted only after following the procedures for creating a planned unit development district as provided in [s. 10.291](#) of this ordinance.

(e) Within a planned unit development, regulations on permitted or conditional land uses, setbacks, lot or zoning parcel sizes or other development standards may vary to suit the proposed use and the site, as determined in the General Development Plan and Specific Improvement Plan approved by the County Board specifically for that project.

~~(121)~~(122) Principal building.

A building within which a majority of the principal use of a premises or lot is conducted.

~~(122)~~(123) Principal use.

The primary use of a premises.

(124) Property maintenance shed.

A small utility structure, no larger than 400 square feet, used exclusively for storage of materials or equipment in conjunction with the maintenance of the property. Property maintenance sheds may be allowed on properties without a principal residence. Property maintenance sheds have no plumbing fixtures and cannot be used for living or sleeping purposes.

~~(123)~~(125) Racetrack.

An outdoor entertainment activity consisting of any location hosting a gathering of more than three people for the purpose of repetitive motor vehicular activity over a fixed course or area, which persists for periods in excess of 30 minutes in any one 24 hour period.

~~(124)~~(126) Recorded.

Recorded with the Dane County Register of Deeds.

1270 10.100. Standards and Requirements for All Land Uses

1271 10.101. Administration, Enforcement and Penalties

1272 (1) Zoning Permits

1273 (a) *Zoning permits required.* Unless specifically exempted below, the following activities may
1274 not occur until the zoning administrator, or his or her designee, issues a zoning permit
1275 specific to the use and premises:

- 1276 1. Erection or construction of any new building
1277 2. The addition to, or structural alteration or expansion, horizontally or vertically of, any
1278 existing building.
1279 3. Change of land use for any building, structure or premises
1280 4. The erection, replacement, or reconstruction of a sign.
1281 5. Erection of covered enclosures for domestic fowl. Notwithstanding the exemption set
1282 forth in section 10.101(1)(b), zoning permits shall be required prior to the erection,
1283 placement or construction of covered enclosures for domestic fowl, regardless of size.

1284 (b) *Exceptions.* Zoning Permits under this chapter are not required for accessory buildings
1285 equal to or less than 120 square feet on non-permanent foundations, provided they meet
1286 all setback, height, and lot coverage requirements.

1287 (c) ~~Outstanding Unresolved violations or arrears.~~ The Zoning Administrator may not issue a
1288 zoning permit for any property upon which there are:

- 1289 1. ~~Outstanding Unresolved violations of this ordinance, or Chapters 11, 17, 14, 74, 75 or 46,~~
1290 ~~Dane County Code, or~~
1291 2. ~~Delinquent real estate taxes.~~

1292 (d) *Application materials.* An application for a zoning permit shall be filed with the zoning
1293 administrator on a form prescribed by the zoning administrator. Only complete
1294 applications will be accepted. At a minimum, applications for a zoning permit must include
1295 the following:

- 1296 1. Name and address of the owner of the property; Contractor name; Legal description of
1297 the property; project description; and cost of construction.
1298 2. A scaled site plan of the property showing the location all existing buildings, proposed
1299 buildings, and location of the well and septic system, as applicable. The plan shall show
1300 an accurate dimension of the proposed building's location in relation to the property
1301 lines, floodplain, lake, stream, or wetland.
1302 3. Floor plans of the proposed building. The plan shall identify each room and the proposed
1303 use.
1304 4. Elevation drawings of the building. The elevation drawing shall show the vertical
1305 dimension from the roof eave and peak to the finish ground elevation. The height of the
1306 building is based on the elevation which faces the public or private thoroughfare which
1307 affords primary means of access to the property, excluding the driveway.

10.101(7) Administration, Enforcement and Penalties

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5. Property Owner Consent. If the applicant for any conditional use permit is not the owner of the property, the applicant must provide a signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the conditional use permit application.

(c) Approval process.

1. Hearing on application.

- a. Upon receipt of a complete and acceptable application , statement, site plan and operational plan , the zoning committee shall hold a public hearing on each application for conditional use. The zoning committee shall establish, by rule, a regular schedule and location for public hearings. The zoning committee may prescribe or amend rules for the conduct of the hearing and preserving a publicly-accessible recording of the proceedings.
- b. The Department of Planning Development will publish a Class 2 notice of each public hearing , as provided in [chapter 985](#) of the Wisconsin Statutes. The Department will also provide direct notice to the Town Clerk of any towns affected by the proposed conditional use. The zoning committee shall establish policies governing notice to other parties of interest.

2. Zoning Committee Action.

- a. The zoning committee is authorized by s. [59.69\(2\)\(bm\)](#), Wis. Stats. to grant conditional use permits.
- b. The zoning committee, after a public hearing, shall, within a reasonable time, grant, grant with conditions or deny any application for conditional use.
- c. The zoning committee shall not take action on the application for conditional use until it receives action from the town board or the time period for action by the town board described in [s.10.101\(7\)\(b\)3](#). has expired.
 - i. If the town board denies the conditional use permit within the timeframes described in s.10.101(7)(b)3 , the zoning committee need take no further action.
 - ii. The zoning committee may approve or deny a conditional use permit without town action if the town board fails to act within the time period set forth in s.10.101(7)(b)3 below.

d. The zoning committee may postpone action on any conditional use permit until any unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the property brought into full compliance with applicable standards.

d.e. Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- i. General standards for approval of a conditional use under [s. 10.101\(7\)\(d\)](#);
- ii. Any prescribed standards specific to the applicable zoning district.

10.101(7) Administration, Enforcement and Penalties

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impaired or diminished by establishment, maintenance or operation of the conditional use;

- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.

g. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

g-h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in [s. 10.220\(1\)](#).

2. Conditions

a. *Standard conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit:*

- i. *Any conditions required for specific uses listed under [s. 10.102](#).*
- ii. *The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.*
- iii. *New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.*
- iv. *The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.*
- v. *Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.*
- vi. *Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter*

10.101(8) *Administration, Enforcement and Penalties*

Last updated February 22, 2018

- 1726 c. A written legal description accurately describing the area to be rezoned;
1727 d. A scaled drawing of the proposed rezone area, including area in acres or square
1728 feet;
1729 e. The town(s) in which the proposed rezone is located;
1730 f. Parcel ID numbers affected by the proposed rezone;
1731 g. A written narrative describing the proposed use;
- 1732 3. *Site plan*. For rezones to the HAM-R, HAM-M, LC, LC, HC, RI or MI zoning districts, the
1733 applicant must provide site plans as described in [s.10.101\(6\)](#);
- 1734 4. *Land division application*. If required under Chapter 75, Dane County Code, the applicant
1735 must provide draft certified survey maps, preliminary plats, land division applications and
1736 any associated fees;
- 1737 5. *Fees*. The applicant must provide payment of all applicable fees as described in Chapter
1738 12, Dane County Code.
- 1739 6. *Other information*. Any other information the zoning administrator, or designee,
1740 determines necessary to evaluate the nature, location or intensity of the proposed use or
1741 consistency with the *Dane County Comprehensive Plan* or the *Dane County Farmland*
1742 *Preservation Plan*.
- 1743 7. Incomplete applications will not be accepted.
- 1744 (c) Approval process.
- 1745 1. Zoning committee, town board and county board action.
- 1746 (a) The zoning committee, town board and county board shall follow the process for
1747 public hearing, recommendations, amendment, approval, denial and re-referral of
1748 petitions to rezone as described in [s. 59.69\(5\)\(e\), Wis. Stats.](#)
- 1749 ~~(a)~~ (b) *The zoning committee may postpone action on any rezone petition until any*
1750 *unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are*
1751 *corrected and the property brought into full compliance with applicable standards.*
- 1752 ~~(b)~~(c) The zoning committee or county board may adopt additional rules and
1753 procedures for petitions to rezone under the authority of Chapter 7, Dane County
1754 Code.
- 1755 2. County executive action. The county executive shall, within a reasonable time of county
1756 board action, take action on the proposed rezone petition. The county executive may
1757 sign, refuse to sign or veto the rezone petition within the timelines described in [s.](#)
1758 [59.17\(6\), Wis. Stats.](#)
- 1759 (d) Conditions on rezone petitions.
- 1760 1. The zoning committee may recommend and the county board may adopt an ordinance
1761 effecting an amendment of the zoning district map containing the condition that the
1762 change in the map will take effect on such date occurring within a specified number of
1763 months of the date of county board approval of the amendment when the first on-site
1764 inspection for building location is made and approved for the project sought to be
1765 established, and in the event such approved inspection has not occurred by the end of

10.102(3) General Provisions Applicable to All Uses in All Zoning Districts

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2. Except for agricultural accessory buildings, or where otherwise authorized by conditional use permit, a principal building must exist or be under construction prior to the construction of an accessory building.
 3. Except for accessory dwelling units, accessory buildings may not be used for living spaces. No guesthouses or apartments are allowed.
 4. Except for accessory dwelling units or as specifically permitted by conditional use permit, plumbing fixtures are prohibited in accessory buildings.
 5. All accessory buildings must meet size, height and lot coverage restrictions of the general provisions and applicable zoning district.
- (b) Accessory buildings must meet required setbacks from roads and the locational requirements of the Shoreland, Wetland, and Floodplain Districts Modifications to existing buildings.
1. Nothing herein contained shall require any change in the plans, construction or intended use of a building or premises for which plans have been prepared heretofore, and the construction of which shall have been diligently pursued within three (3) months after the effective date of this ordinance.

(3) Compliance with other laws, regulations and codes.

All buildings and structures must comply with any other applicable state or federal laws, administrative code or local ordinances governing design, location, construction or use.

(4) Junk and refuse.

Except for salvage yards, solid waste disposal operations or solid waste recycling centers under an approved conditional use permit, all properties shall be maintained to be free of accumulated junk or refuse.

(5) Lighting.

Except for lighting of the United States flag, any outdoor lighting associated with any permitted or conditional use shall be directed downward and away from adjacent properties and public rights-of-way, and shall be designed to minimize ambient light spill.

(6) Noise Reduction.

(a) *Town boards and the zoning committee may, as necessary, set decibel limits appropriate to the use and location as a condition on a Conditional Use Permit or on a conditional rezoning petition.*

(b) *Town boards and the zoning committee may, as necessary, recommend decibel limits appropriate to the use and location as a condition on rezones to General Commercial, Heavy Commercial, Limited Commercial or Hamlet Mixed-Use districts.*

(c) *Noise abatement on blasting sites shall not conflict with or exceed the requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.*

10.103(12) Special Requirements for Particular Uses

Last updated February 22, 2018

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department, detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).
4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.
- (b) Permit conditions.
 1. Any approved conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.
 2. The Zoning Committee may revoke any Conditional Use Permit it finds in violation of this section. Continued use of residence with a revoked conditional use permit shall require approval of a rezone petition to a zoning district that allows nonfarm residential use.
 3. The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. And 2. of this section.
- (12) Limited family business.
 - (a) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.
 - (b) The use shall employ no more than ~~four~~one or ~~four~~one full-time equivalent, employees who is not a member of the family residing on the premises.
 - (c) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
 - (d) The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
 - (e) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
 - (f) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.
 - (g) Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
 - (h) The conditional use permit shall automatically expire on sale of the property or the

10.103(16) *Special Requirements for Particular Uses*

Last updated February 22, 2018

15. At their own initiative or at the applicant's request, the town board and zoning committee may set further reasonable restrictions on a mineral extraction operation, or prohibit any mineral extraction accessory use.
- (c) Additional conditions for particular circumstances. Where any of the following circumstances apply, the zoning committee and town board shall also impose the following conditions on any approved conditional use permit for mineral extraction:
1. **Blasting.**
 - a. **Blasting Schedule.** Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur, to minimize impact on neighboring properties. Schedules for blasting need not conform to hours of operation for the overall mineral extraction project.
 - a. **Notice of Blasting Events.** Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time.
 - b. **Other standards.** All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.
 - c. **Fly rock** shall be contained within the permitted mineral extraction area.
 2. **Fuel storage.** All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
 3. **Mineral extraction at or near groundwater.** All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
 - ~~3.4.~~ **In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.**

(16) **Outdoor assembly events [as defined in [s.10.004\(112\)](#)]**

- (a) The landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:
1. the number of events proposed each year
 2. the maximum expected attendance at each event
 3. off-street parking, to meet standards in [s.10.102\(8\)](#)
 4. days and hours of operation
 5. ingress and egress
 6. sanitation
 7. trash / recycling collection and disposal

3172 10.212. RE (Recreational) Zoning District

3173 (1) Purpose.

3174 The purpose of the RE Recreational District is to allow for a mix of environmental conservation
3175 and both passive and active outdoor recreation activities. Permitted uses are those typically
3176 associated with public or private parks, golf courses and similar land uses that produce limited
3177 noise, traffic, light and other potential nuisances. Conditional uses include those uses, such as
3178 lighted athletic fields, outdoor concerts and commercial uses that have the potential to
3179 generate significant noise, traffic or other impacts to neighboring properties.

3180 (2) Permitted uses

- 3181 (a) Undeveloped natural resource and open space area.
3182 (b) Hiking, fishing, trapping, hunting, swimming and boating.
3183 (c) Outdoor passive recreation
3184 (d) Propagation and raising of game animals, fowl and fish.
3185 (e) The practice of silviculture, including the planting, thinning and harvesting of timber.
3186 (f) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and
3187 tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
3188 (g) Pasturing/grazing of domestic animals, limited to one (1) animal unit per each full acre.
3189 (h) Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and 11.08,
3190 Dane County Code. Pasturing of livestock is subject to the animal unit limitation in sub. (e),
3191 above.
3192 (i) Soil conservation, shoreland, wetland and ecological restoration practices
3193 ~~(i)~~(j) Nonresidential buildings or structures accessory to any permitted use, provided any
3194 such building or structure is not located in a floodway, shoreland-wetland, or inland-
3195 wetland district.
3196 ~~(j)~~(k) The establishment and development of public and private parks and recreation areas,
3197 primitive campgrounds, boat access sites, natural and outdoor education areas, historic
3198 and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.
3199 ~~(k)~~(l) Agricultural uses
3200 (m) Community gardens
3201 ~~(l)~~(n) Outdoor active recreation, not lighted for nighttime activities
3202 ~~(m)~~(o) Outdoor passive recreation
3203 ~~(n)~~(p) Recreational accessory uses
3204 ~~(o)~~(q) Utility services associated with, and accessory to, a permitted or conditional use
3205 ~~(p)~~(r) The construction and maintenance of roads, railroads, utilities, provided that:
3206 1. The facilities cannot as a practical matter be located outside the RE district; and
3207 2. Any filling, excavating, ditching, draining, land disturbance or removal of vegetation that
3208 is to be done must be necessary for such construction or maintenance and must be done

10.221. FP-1 (Small-lot Farmland Preservation) Zoning District

(1) Purpose.

The FP-1 district is designed to:

- (a) Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The FP-1 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- (b) 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.
- (c) Preserve agricultural and open space uses on zoning lots between one (1) and thirty-five (35) acres in size.
- (d) Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Supported Agriculture farms.
- (e) Preserve remnant parcels of productive agricultural land following development of adjoining property.
- (f) Meet the criteria for certification as a Farmland Preservation Zoning District under [s. 91.38, Wis. Stats.](#)

(2) Permitted uses.

The following are permitted uses in this district:

- (a) Agricultural uses. Livestock use must comply with Chapter ATP 50, Wisconsin Administrative Code.
- (b) Agricultural Accessory Uses, subject to the exceptions and limitations below.
 - 1. Exceptions.
 - a. Farm residences are not permitted in the FP-1 zoning district.
 - b. Uses listed as conditional uses below.
 - 2. Limitations.
 - a. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on five-ten or fewer days in a calendar year.
 - b. 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.
- (c) Sales of agricultural products produced on the farm.

10.221(3) FP-1 (Small-lot Farmland Preservation) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

- 3300 (d) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
3301 (e) Undeveloped natural resource and open space areas.
3302 (f) Utility services associated with, and accessory to, a permitted or conditional use.
3303 (g) A transportation, utility, communication, or other use that is:
3304 1. required under state or federal law to be located in a specific place, or;
3305 2. is authorized to be located in a specific place under a state or federal law that specifically
3306 preempts the requirement of a conditional use permit.

3307 **(3) Conditional uses.**

- 3308 (a) Agricultural accessory uses. In addition to the other requirements of this ordinance, the
3309 following uses must meet the definition of an agricultural accessory use under [s. 10.004\(12\)](#).
3310 1. Agricultural entertainment activities or special events.
3311 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of
3312 farm machinery and technology, agricultural association meetings and similar activities,
3313 occurring on more than ~~five~~ten days in a calendar year.
3314 3. Limited farm business.
3315 4. Sale of agricultural and dairy products not produced on the premises and incidental sale
3316 of non-alcoholic beverages and snacks.
3317 5. Sanitary facilities in an agricultural accessory building.
3318 (b) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
3319 not listed as a permitted use above.
3320 (c) *Electric generating facilities, provided 100% of the production output of the facility is*
3321 *derived from renewable energy resources.*

3322 **(4) Lot size requirements.**

- 3323 (a) *Minimum lot size. All lots created in the FP-1 zoning district must be at least one acre in*
3324 *area, excluding public rights-of-way.*
3325 (b) *Maximum lot size. All lots created in the FP-1 zoning district must be smaller than 35 acres*
3326 *in area, excluding public rights-of-way.*
3327 (c) Minimum lot width. There is no minimum lot width in the FP-1 zoning district.

3328 **(5) Setbacks and required yards.**

- 3329 (a) Front yard. Any permitted structure must comply with road setbacks as described in [s.](#)
3330 [10.102\(9\)](#). For parcels without road frontage, structures must be at least 50 feet from the
3331 lot line where primary access to the parcel is made.
3332 (b) Side yard.
3333 1. Structures housing livestock must be at least:
3334 a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet
3335 zoning districts,
3336 b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning
3337 districts, or

10.222(3) *FP-35 (General Farmland Preservation) Zoning District*

Last updated February 28, 2018~~February 27, 2018~~

2. Residential accessory structures, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with either:
 - a. an existing residence permitted under 1. ~~Above~~above, or
 - b. a farm residence approved by conditional use permit.
3. Rental of existing or secondary residences located on a farm, but no longer utilized in the operation of the farm.
4. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
5. 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 ~~five~~ten days in a calendar year.
6. 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.
- (c) Sales of agricultural products produced on the farm.
- (d) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
- (e) Undeveloped natural resource and open space areas.
- (f) Utility services associated with, and accessory to, a permitted or conditional use.
- (g) 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.

The following uses require a Conditional Use Permit in this district:

- (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 a farm.
 3. Attached accessory dwelling units associated with a farm residence.
 - ~~3.4.~~ 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 ~~five~~ten days in a calendar year.
 - ~~4.5.~~ Farm Residence, subject to **s. 10.103(11)**.
 - ~~5.6.~~ Limited Farm Business, subject to **s. 10.103(13)**.

10.223(3) *FP-B (Farmland Preservation – Business) Zoning District*

Last updated February 28, 2018~~February 27, 2018~~

2. 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 ~~five~~ten days in a calendar year.
3. 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
4. Residential accessory structures, 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.
- (c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the FP-B district.
- (d) Sales of agricultural products produced on the farm.
- (e) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
- (f) Undeveloped natural resources and open space areas
- (g) Utility services associated with a farm or a permitted agricultural accessory use.
- (h) 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. 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 ~~five~~ten days in a calendar year.
 4. Farm Residence, subject to s. 10.103(11).
 5. Limited farm business.
 6. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
 7. 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.

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:

(b) 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.

(c) 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.

(d) 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.

(e) 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.

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

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

(h) Pace and shape urban growth.

~~The purpose of the AT-35 Agriculture Transition District is to preserve, for an unspecified time period in agricultural and related open space land uses, those lands generally located in proximity to developed areas within Dane County where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district.~~

(2) Permitted uses

10.231(2) AT-35 (Agriculture Transition, 35 acres) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

- (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3) below, and subject to the following limitations and standards.
4. Any residence lawfully existing as of February 20, 2010, provided all of the following criteria are met:
- d. the use remains residential,
 - e. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
 - f. 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.
5. Residential accessory structures, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with either:
- g. an existing residence permitted under 1. above, or
 - h. a farm residence approved by conditional use permit.
6. Rental of existing or secondary residences located on a farm, but no longer utilized in the operation of the farm.
- ~~4.1.~~ Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
- ~~5.2.~~ 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 ~~five~~ten days in a calendar year.
- ~~6.3.~~ 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.
- ~~7. Residential accessory structures, 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.~~
- (c) Undeveloped natural resource and open space areas
- (d) Sales of agricultural products produced on the premises.
- (e) Utility services associated with, and accessory to, a permitted or conditional 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.

The following uses require a Conditional Use Permit in this district:

10.231(4) AT-35 (Agriculture Transition, 35 acres) Zoning District

Last updated ~~February 28, 2018~~ February 27, 2018

- (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 a farm.
 3. Attached accessory dwelling units associated with a farm residence.
 - ~~2.~~
 - ~~3.4.~~ 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 ~~five~~ ten days in a calendar year.
 - ~~4.5.~~ Farm Residence, subject to s. 10.103(11).
 - ~~5.6.~~ Limited Farm Business.
 - ~~6.7.~~ Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
 - ~~7.8.~~ Secondary farm residence, subject to s. 10.103(11).
- (b) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
- (c) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(14) and Chapter 74.
- (d) 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.
- (e) *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 AT-35 zoning district must be at least thirty-five (35) acres in area, excluding public rights-of-way.
- (b) Maximum lot size. None.
- (c) Minimum lot width. None.

(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:

10.232(3) AT-B (Agriculture Transition – Business) Zoning District

Last updated ~~February 28, 2018~~ February 27, 2018

1. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
 2. 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 ~~five~~ten days in a calendar year.
 3. 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
 4. Residential accessory structures, 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.
 - (c) Agriculture-related uses, except uses listed as conditional uses, consistent with the purpose statement for the AT-B district.
 - (d) Sales of agricultural products produced on the premises.
 - (e) Undeveloped natural resources and open space areas
 - (f) Utility services associated with, and accessory to, a permitted or conditional use.
 - (g) 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. 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 ~~five~~ten days in a calendar year.
 4. Farm Residence, subject to s. 10.103(11).
 5. Limited farm business.
 6. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
 7. 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;

10.233(6) RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

- 4006 1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 4007 2. Uncovered decks or porches attached to a principal residence must be at least 38 feet
- 4008 from the rear lot line.
- 4009 3. Structures housing livestock must be at least:
- 4010 a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
- 4011 zoning districts,
- 4012 b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
- 4013 districts, or
- 4014 c. 10 feet from any other rear lot line.
- 4015 4. Accessory structures not housing livestock must be at least 10 feet from any rear lot line.
- 4016 **(6) Building height.**
- 4017 **(a) Residential buildings.**
- 4018 1. Principal residential buildings shall not exceed a height of two and a half stories or 35
- 4019 feet.
- 4020 2. Residential accessory buildings shall not exceed a height of 35 feet.
- 4021 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.
- 4022 **(7) Lot coverage.**
- 4023 The total area of all buildings and structures must not exceed 10% of the total lot area,
- 4024 excluding public rights-of-way.
- 4025 **(8) Other restrictions on buildings.**
- 4026 **(a) Principal buildings.** No more than one principal building is permitted per lot.
- 4027 **(b) Accessory buildings.**
- 4028 1. There is no limitation on the number of accessory buildings in the RM-8 district.
- 4029 2. Except for agricultural accessory buildings, ~~A~~accessory buildings may not be constructed
- 4030 on a property without a principal residence.
- 4031 3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically
- 4032 authorized by an approved conditional use permit. Accessory buildings may not be used
- 4033 as living space.
- 4034

10.233(6) RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District

Last updated March 7, 2018~~March 7, 2018~~~~February 27, 2018~~

- 4014 1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 4015 2. Uncovered decks or porches attached to a principal residence must be at least 38 feet
- 4016 from the rear lot line.
- 4017 3. Structures housing livestock must be at least:
- 4018 a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
- 4019 zoning districts,
- 4020 b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
- 4021 districts, or
- 4022 c. 10 feet from any other rear lot line.
- 4023 4. Accessory structures not housing livestock must be at least 10 feet from any rear lot line.
- 4024 (6) Building height.
- 4025 (a) Residential buildings.
- 4026 1. Principal residential buildings shall not exceed a height of two and a half stories or 35
- 4027 feet.
- 4028 2. Residential accessory buildings shall not exceed a height of 35 feet.
- 4029 (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4030 (7) Lot coverage.
- 4031 The total area of all buildings and structures must not exceed 10% of the total lot area,
- 4032 excluding public rights-of-way.
- 4033 (8) Other restrictions on buildings.
- 4034 (a) Principal buildings. No more than one principal building is permitted per lot.
- 4035 (b) Accessory buildings.
- 4036 1. There is no limitation on the number of accessory buildings in the RM-8 district.
- 4037 2. Except for agricultural accessory buildings or for property maintenance sheds specifically
- 4038 approved by conditional use permit, Accessory buildings may not be constructed on a
- 4039 property without a principal residence.
- 4040 3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically
- 4041 authorized by an approved conditional use permit. Accessory buildings may not be used
- 4042 as living space.
- 4043

10.234(6) RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

- 4109 b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning
4110 districts, or
4111 c. At least 10 feet from any other side lot line.
4112 3. Accessory structures not housing livestock must be at least 10 feet from any side lot line.
4113 (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
4114 1. Principal residential buildings must be at least 50 feet from the rear lot line.
4115 2. Uncovered decks or porches attached to a principal residence must be at least 38 feet
4116 from the rear lot line.
4117 3. Structures housing livestock must be at least:
4118 a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
4119 zoning districts,
4120 b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
4121 districts, or
4122 c. 10 feet from any other rear lot line.
4123 4. Accessory structures not housing livestock must be at least 10 feet from any rear lot line.
- 4124 (6) Building height.
4125 (a) Residential buildings.
4126 1. Principal residential buildings shall not exceed a height of two and a half stories or 35
4127 feet.
4128 2. Residential accessory buildings shall not exceed a height of 35 feet.
4129 (b) *Agricultural buildings*. There is no limitation on height for agricultural buildings.
- 4130 (7) Lot coverage.
4131 The total area of all buildings and structures must not exceed 10% of the total lot area,
4132 excluding public rights-of-way.
- 4133 (8) Other restrictions on buildings.
4134 (a) Principal buildings. No more than one principal building is permitted per lot.
4135 (b) Accessory buildings.
4136 1. There is no limitation on the number of accessory buildings in the RM-16 district.
4137 2. Except for agricultural accessory buildings, Accessory accessory buildings may not be
4138 constructed on property without a principal residence.
4139 3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically
4140 authorized by an approved conditional use permit. Accessory buildings may not be used
4141 as living space.
4142

10.234(6) RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District

Last updated March 7, 2018~~March 7, 2018~~~~February 27, 2018~~

- 4118 b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning
4119 districts, or
4120 c. At least 10 feet from any other side lot line.
- 4121 3. Accessory structures not housing livestock must be at least 10 feet from any side lot line.
- 4122 (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
- 4123 1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 4124 2. Uncovered decks or porches attached to a principal residence must be at least 38 feet
4125 from the rear lot line.
- 4126 3. Structures housing livestock must be at least:
- 4127 a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
4128 zoning districts,
- 4129 b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
4130 districts, or
- 4131 c. 10 feet from any other rear lot line.
- 4132 4. Accessory structures not housing livestock must be at least 10 feet from any rear lot line.
- 4133 (6) Building height.
- 4134 (a) Residential buildings.
- 4135 1. Principal residential buildings shall not exceed a height of two and a half stories or 35
4136 feet.
- 4137 2. Residential accessory buildings shall not exceed a height of 35 feet.
- 4138 (b) *Agricultural buildings.* There is no limitation on height for agricultural buildings.
- 4139 (7) Lot coverage.
- 4140 The total area of all buildings and structures must not exceed 10% of the total lot area,
4141 excluding public rights-of-way.
- 4142 (8) Other restrictions on buildings.
- 4143 (a) Principal buildings. No more than one principal building is permitted per lot.
- 4144 (b) Accessory buildings.
- 4145 1. There is no limitation on the number of accessory buildings in the RM-16 district.
- 4146 2. Except for agricultural accessory buildings, or for property maintenance sheds specifically
4147 approved by conditional use permit, Accessory accessory buildings may not be constructed
4148 on property without a principal residence.
- 4149 3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically
4150 authorized by an approved conditional use permit. Accessory buildings may not be used
4151 as living space.
- 4152

10.240(1) Rural Residential Zoning Districts

Last updated March 7, 2018~~March 7, 2018~~February 27, 2018

10.240. Rural Residential Zoning Districts

10.241. RR-1 (Rural Residential, 1 to 2 acres) Zoning District

(1) Purpose.

The Rural Residential 1 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on relatively small parcels. The RR-1 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Small-scale farming.
- (c) Single family residential
- (d) Residential accessory structures
- (e) Home occupations
- (f) Incidental room rental
- (g) Foster homes for less than five children
- (h) Community living arrangements for fewer than 9 persons.
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) 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) Attached accessory dwelling units
- (b) Limited family business
- (c) Day care centers
- (d) Community living arrangements for nine (9) or more persons.
- (e) Governmental, institutional, religious, or nonprofit community uses
- (f) Property maintenance sheds.
- ~~(f)~~(g) Transient or Tourist Lodging
- ~~(g)~~(h) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

10.242(1) RR-2 (Rural Residential, 2 to 4 acres) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

10.242. RR-2 (Rural Residential, 2 to 4 acres) Zoning District

(1) Purpose.

The Rural Residential 2 district is designed to:

- (a)** *Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on compact parcels. The RR-2 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b)** *Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) Permitted uses

- (a)** Undeveloped natural resource and open space areas.
- (b)** Small-scale farming.
- (c)** Single family residential
- (d)** Residential accessory structures
- (e)** Home occupations
- (f)** Foster homes for less than five children.
- (g)** Community living arrangements for fewer than 9 persons.
- (h)** Incidental room rental
- (i)** Utility services associated with, and accessory to, a permitted or conditional use
- (j)** 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)** Accessory buildings without a principal residence on the premises.
- ~~**(a)**~~**(b)** Attached accessory dwelling units
- ~~**(b)**~~**(c)** Animal use exceeding one animal unit per acre
- ~~**(c)**~~**(d)** Limited family business
- ~~**(d)**~~**(e)** Day Care Centers
- ~~**(e)**~~**(f)** Community living arrangements for nine (9) or more persons.
- ~~**(f)**~~**(g)** Governmental, institutional, religious, or nonprofit community uses
- ~~**(g)**~~**(h)** Transient or Tourist Lodging
- ~~**(h)**~~**(i)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

- (a)** Minimum lot size. All lots created in the RR-2 zoning district must be at least 2 acres in area, excluding public rights-of-way.

10.242(1) RR-2 (Rural Residential, 2 to 4 acres) Zoning District

Last updated March 7, 2018~~March 7, 2018~~February 27, 2018

10.242. RR-2 (Rural Residential, 2 to 4 acres) Zoning District

(1) *Purpose.*

The Rural Residential 2 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on compact parcels. The RR-2 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) *Permitted uses*

- (a) Undeveloped natural resource and open space areas.*
- (b) Small-scale farming.*
- (c) Single family residential*
- (d) Residential accessory structures*
- (e) Home occupations*
- (f) Foster homes for less than five children.*
- (g) Community living arrangements for fewer than 9 persons.*
- (h) Incidental room rental*
- (i) Utility services associated with, and accessory to, a permitted or conditional use*
- (j) 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) Attached accessory dwelling units*
- (b) Animal use exceeding one animal unit per acre*
- (c) Limited family business*
- (d) Day Care Centers*
- (e) Community living arrangements for nine (9) or more persons.*
- (f) Governmental, institutional, religious, or nonprofit community uses*
- (g) Property maintenance sheds.*
- ~~(g)(h)~~ *Transient or Tourist Lodging*
- ~~(h)(i)~~ *Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.*

(4) *Lot size requirements.*

- (a) Minimum lot size. All lots created in the RR-2 zoning district must be at least 2 acres in area, excluding public rights-of-way.*

10.243. RR-4 (Rural Residential, 4 to 8 acres) Zoning District

(1) Purpose.

The Rural Residential 4 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on moderately-sized parcels. The RR-4 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) *Small-scale farming.*
- (c) Single family residential
- (d) Residential accessory structures
- (e) Home occupations
- (f) Foster homes for less than five children
- (g) Community living arrangements for fewer than 9 persons.
- (h) *Incidental room rental*
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) 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) Accessory buildings without a principal residence on the premises.*
- ~~(a)~~*(b) Attached accessory dwelling units*
- ~~(b)~~*(c) Animal use exceeding one animal unit per acre*
- ~~(c)~~*(d) Limited family business*
- ~~(d)~~*(e) Day Care Centers*
- ~~(e)~~*(f) Community living arrangements for nine (9) or more persons.*
- ~~(f)~~*(g) Governmental, institutional, religious, or nonprofit community uses*
- ~~(g)~~*(h) Transient or Tourist Lodging*
- ~~(h)~~*(i) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.*

(4) Lot size requirements.

- (a) Minimum lot size. All lots created in the RR-4 zoning district must be at least 4 acres in

10.243(1) RR-4 (Rural Residential, 4 to 8 acres) Zoning District

Last updated March 7, 2018~~March 7, 2018~~~~February 27, 2018~~

10.243. RR-4 (Rural Residential, 4 to 8 acres) Zoning District

(1) Purpose.

The Rural Residential 4 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on moderately-sized parcels. The RR-4 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) *Small-scale farming*.
- (c) Single family residential
- (d) Residential accessory structures
- (e) Home occupations
- (f) Foster homes for less than five children
- (g) Community living arrangements for fewer than 9 persons.
- (h) *Incidental room rental*
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) 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) *Attached accessory dwelling units*
- (b) Animal use exceeding one animal unit per acre
- (c) *Limited family business*
- (d) Day Care Centers
- (e) Community living arrangements for nine (9) or more persons.
- (f) *Governmental, institutional, religious, or nonprofit community uses*
- ~~(f)~~(g) *Property maintenance sheds.*
- ~~(g)~~(h) Transient or Tourist Lodging
- ~~(h)~~(i) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) *Lot size requirements.*

- (a) Minimum lot size. All lots created in the RR-4 zoning district must be at least 4 acres in

10.244(1) RR-8 (Rural Residential, 8 to 16 acres) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

10.244. RR-8 (Rural Residential, 8 to 16 acres) Zoning District

(1) Purpose.

The Rural Residential 8 district is designed to:

- (a)** *Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on relatively large residential parcels. The RR-8 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b)** *Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) Permitted uses

- (a)** Undeveloped natural resource and open space areas.
- (b)** Small-scale farming.
- (c)** Single family residential
- (d)** Residential accessory structures
- (e)** Home occupations
- (f)** Foster homes for less than five children
- (g)** Community living arrangements for fewer than 9 persons.
- (h)** Incidental room rental
- (i)** Utility services associated with, and accessory to, a permitted or conditional use
- (j)** 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)** Accessory buildings without a principal residence on the premises.
- ~~(a)~~**(b)** Attached accessory dwelling units
- ~~(b)~~**(c)** Animal use exceeding one animal unit per acre
- ~~(c)~~**(d)** Limited family business
- ~~(d)~~**(e)** Day Care Centers
- ~~(e)~~**(f)** Community living arrangements for nine (9) or more persons.
- ~~(f)~~**(g)** Governmental, institutional, religious, or nonprofit community uses
- ~~(g)~~**(h)** Transient or Tourist Lodging
- ~~(h)~~**(i)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

- (a)** Minimum lot size. All lots created in the RR-8 zoning district must be at least 8 acres in

10.244(1) RR-8 (Rural Residential, 8 to 16 acres) Zoning District

Last updated March 7, 2018~~March 7, 2018~~~~February 27, 2018~~

10.244. RR-8 (Rural Residential, 8 to 16 acres) Zoning District

(1) *Purpose.*

The Rural Residential 8 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on relatively large residential parcels. The RR-8 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.*
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

(2) *Permitted uses*

- (a) Undeveloped natural resource and open space areas.*
- (b) Small-scale farming.*
- (c) Single family residential*
- (d) Residential accessory structures*
- (e) Home occupations*
- (f) Foster homes for less than five children*
- (g) Community living arrangements for fewer than 9 persons.*
- (h) Incidental room rental*
- (i) Utility services associated with, and accessory to, a permitted or conditional use*
- (j) 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) Attached accessory dwelling units*
- (b) Animal use exceeding one animal unit per acre*
- (c) Limited family business*
- (d) Day Care Centers*
- (e) Community living arrangements for nine (9) or more persons.*
- (f) Governmental, institutional, religious, or nonprofit community uses*
- (g) Property maintenance sheds.*
- ~~*(g)(h)*~~ *Transient or Tourist Lodging*
- ~~*(h)(i)*~~ *Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.*

(4) *Lot size requirements.*

- (a) Minimum lot size. All lots created in the RR-8 zoning district must be at least 8 acres in*

4459 not listed as a permitted use above.

4460 **(4) Lot dimensions.**

4461 **(a)** Lots on public sewer.

4462 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public
4463 rights-of-way.

4464 2. **Maximum lot size. All lots must be smaller than 16,000 square feet in area, excluding**
4465 **public rights of way.**

4466 3. Minimum lot width. All lots must be at least 60 feet wide.

4467 **(b)** Lots not on public sewer.

4468 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public
4469 rights-of-way.

4470 ~~2. Maximum lot size. All lots must be smaller than one acre in area, excluding public rights-~~
4471 ~~of way.~~

4472 ~~3.2.~~ Minimum lot width. All lots must be at least 100 feet wide.

4473 **(5) Setbacks and required yards.**

4474 **(a)** Front yard. Any permitted structure must comply with road setbacks as described in
4475 s.10.102(9).

4476 **(b)** Side yard.

4477 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
4478 feet from any one side lot line.

4479 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4480 must be at least:

4481 a. 4 feet from any side lot line on lots 60 feet or more in width, or

4482 b. 2.5 feet from any side lot line on lots less than 60 feet in width

4483 **(c)** Rear yard.

4484 1. Permitted residences must be at least 25 feet from the rear lot line.

4485 2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet
4486 from the rear lot line.

4487 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
4488 rear lot line.

4489 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4490 must be at least:

4491 a. 4 feet from any rear lot line on lots 60 feet or more in width, or

4492 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

4493 **(6) Building height.**

4494 **(a)** Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
4495 in height.

4496 **(b)** Accessory buildings. **Unless under an approved conditional use permit under s.**

10.251(4) SFR-08 (Single-Family Residential, small lots) Zoning District

Last updated March 7, 2018~~March 7, 2018~~~~February 27, 2018~~

4473 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
4474 not listed as a permitted use above.

4475 (4) **Lot dimensions.**

4476 (a) Lots on public sewer.

4477 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public
4478 rights-of-way.

4479 **2. Maximum lot size. All lots must be smaller than 16,000 square feet in area, excluding**
4480 **public rights of way.**

4481 3. Minimum lot width. All lots must be at least 60 feet wide.

4482 (b) Lots not on public sewer.

4483 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public
4484 rights-of-way.

4485 ~~2. Maximum lot size. All lots must be smaller than one acre in area, excluding public rights-~~
4486 ~~of way.~~

4487 **3.2.** Minimum lot width. All lots must be at least 100 feet wide.

4488 (5) Setbacks and required yards.

4489 (a) Front yard. Any permitted structure must comply with road setbacks as described in
4490 s.10.102(9).

4491 (b) Side yard.

4492 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
4493 feet from any one side lot line.

4494 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4495 must be at least:

4496 a. 4 feet from any side lot line on lots 60 feet or more in width, or

4497 b. 2.5 feet from any side lot line on lots less than 60 feet in width

4498 (c) Rear yard.

4499 1. Permitted residences must be at least ~~25~~**50** feet from the rear lot line.

4500 2. Uncovered decks and porches attached to a permitted residence must be at least ~~13~~**38**
4501 feet from the rear lot line.

4502 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
4503 rear lot line.

4504 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4505 must be at least:

4506 a. 4 feet from any rear lot line on lots 60 feet or more in width, or

4507 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

4508 (6) **Building height.**

4509 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
4510 in height.

10.252. SFR-1 (Single-Family Residential, 1 to 2 acres) Zoning District

(1) Purpose.

The Single Family Residential 1 district is designed to:

(a) Provide for single-family residential principal uses, compatible home occupations, and residential accessory structures, appropriate to a suburban or rural subdivision setting, on lot sizes of one to two acres. The SFR-1 district accommodates uses which are compatible with residential uses, are typically found in a suburban neighborhood.

(b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses.

(a) Undeveloped natural resource and open space areas.

(b) Agricultural uses, except as listed below, lawfully existing as of December 31, 2015

1. Exceptions. Livestock uses lawfully existing as of December 31, 2015, shall be considered a nonconforming use under s. 10.102(7)(b).

(c) Single family residential

(d) Residential accessory structures

*(e) Domestic fowl and **beekeeping***

(f) Home occupations

(g) Foster homes for less than five children

(h) Community living arrangements for fewer than 9 persons.

*(i) **Incidental room rental***

(j) Utility services associated with, and accessory to, a permitted or conditional use

(k) 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) **Attached accessory dwelling units***

(b) Day Care Centers

(c) Community living arrangements for nine (9) or more persons.

(d) Governmental, institutional, religious, or nonprofit community uses

*(e) **Transient or Tourist Lodging***

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

(4) Lot dimensions.

(a) Minimum lot size. All lots must be at least one acre in area, excluding public rights-of-way.

~~(b) Maximum lot size. All lots must be smaller than two acres in area, excluding public rights~~

4547 ~~of way.~~

4548 ~~(c)~~**(b)** Minimum lot width. All lots must be at least 100 feet wide.

4549 **(5)** Setbacks and required yards.

4550 **(a)** Front yard. Any permitted structure must comply with road setbacks as described in
4551 s.10.102(9).

4552 **(b)** Side yard.

4553 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
4554 feet from any one side lot line.

4555 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4556 must be at least:

4557 a. 4 feet from any side lot line on lots 60 feet or more in width, or

4558 b. 2.5 feet from any side lot line on lots less than 60 feet in width

4559 **(c)** Rear yard.

4560 1. Permitted residences must be at least 25 feet from the rear lot line.

4561 2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet
4562 from the rear lot line.

4563 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
4564 rear lot line.

4565 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4566 must be at least:

4567 a. 4 feet from any rear lot line on lots 60 feet or more in width, or

4568 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

4569 **(6)** Building height.

4570 **(a)** Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
4571 in height.

4572 **(b)** Accessory buildings. Accessory buildings shall not exceed 16 feet in height.

4573 **(7)** Lot coverage and building area.

4574 **(a)** The total area of all buildings and structures must not exceed:

4575 ~~(a)~~**1.** Interior lots: 35% of the total lot area, excluding public rights-of-way.

4576 **2.** Corner lots: 40% of the total lot area, excluding public rights-of-way.

4577 **(b)** Accessory buildings cannot exceed 100% of the area of the footprint of the principal
4578 building.

4579

4556 ~~of way.~~

4557 ~~(c)~~**(b)** Minimum lot width. All lots must be at least 100 feet wide.

4558 (5) Setbacks and required yards.

4559 **(a)** Front yard. Any permitted structure must comply with road setbacks as described in
4560 s.10.102(9).

4561 **(b)** Side yard.

4562 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
4563 feet from any one side lot line.

4564 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4565 must be at least:

4566 a. 4 feet from any side lot line on lots 60 feet or more in width, or

4567 b. 2.5 feet from any side lot line on lots less than 60 feet in width

4568 **(c)** Rear yard.

4569 1. Permitted residences must be at least ~~25~~50 feet from the rear lot line.

4570 2. Uncovered decks and porches attached to a permitted residence must be at least ~~13~~38
4571 feet from the rear lot line.

4572 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
4573 rear lot line.

4574 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4575 must be at least:

4576 a. 4 feet from any rear lot line on lots 60 feet or more in width, or

4577 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

4578 (6) **Building height.**

4579 **(a)** Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
4580 in height.

4581 **(b) Accessory buildings. Accessory buildings shall not exceed 16 feet in height.**

4582 (7) Lot coverage and building area.

4583 **(a)** The total area of all buildings and structures must not exceed:

4584 ~~(a)~~**1.** Interior lots: 35% of the total lot area, excluding public rights-of-way.

4585 **2.** Corner lots: 40% of the total lot area, excluding public rights-of-way.

4586 **(b)** Accessory buildings cannot exceed 100% of the area of the footprint of the principal
4587 building.

4588

- 4617 | ~~rights of way.~~
- 4618 | ~~(c)~~**(b)** Minimum lot width. All lots must be at least 100 feet wide.
- 4619 | **(5)** Setbacks and required yards.
- 4620 | **(a)** Front yard. Any permitted structure must comply with road setbacks as described in
- 4621 | s.10.102(9).
- 4622 | **(b)** Side yard.
- 4623 | **1.** Except as exempted in 2 below, all principal and accessory structures must be at least 10
- 4624 | feet from any one side lot line.
- 4625 | **2.** Accessory structures in the rear yard that are at least 10 feet from the principal residence
- 4626 | must be at least:
- 4627 | **a.** 4 feet from any side lot line on lots 60 feet or more in width, or
- 4628 | **b.** 2.5 feet from any side lot line on lots less than 60 feet in width
- 4629 | **(c)** Rear yard.
- 4630 | **1.** Permitted residences must be at least 25 feet from the rear lot line.
- 4631 | **2.** Uncovered decks and porches attached to a permitted residence must be at least 13 feet
- 4632 | from the rear lot line.
- 4633 | **3.** Except as exempted in 4 below, accessory structures must be at least 10 feet from the
- 4634 | rear lot line.
- 4635 | **4.** Accessory structures in the rear yard that are at least 10 feet from the principal residence
- 4636 | must be at least:
- 4637 | **a.** 4 feet from any rear lot line on lots 60 feet or more in width, or
- 4638 | **b.** 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4639 | **(6)** **Building height.**
- 4640 | **(a)** Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
- 4641 | in height.
- 4642 | **(b)** Accessory buildings. Accessory buildings shall not exceed 16 feet in height.
- 4643 | **(7)** Lot coverage and building area.
- 4644 | **(a)** The total area of all buildings and structures must not exceed:
- 4645 | ~~(a)~~**1.** Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 4646 | **2.** Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 4647 | **(b)** Accessory buildings cannot exceed 100% of the area of the footprint of the principal
- 4648 | building.
- 4649 |

10.253(1) SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District

Last updated ~~March 7, 2018~~March 7, 2018~~February 27, 2018~~

- 4626 ~~rights of way.~~
- 4627 ~~(c)~~(b) Minimum lot width. All lots must be at least 100 feet wide.
- 4628 (5) Setbacks and required yards.
- 4629 (a) Front yard. Any permitted structure must comply with road setbacks as described in
- 4630 s.10.102(9).
- 4631 (b) Side yard.
- 4632 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
- 4633 feet from any one side lot line.
- 4634 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
- 4635 must be at least:
- 4636 a. 4 feet from any side lot line on lots 60 feet or more in width, or
- 4637 b. 2.5 feet from any side lot line on lots less than 60 feet in width
- 4638 (c) Rear yard.
- 4639 1. Permitted residences must be at least ~~25~~50 feet from the rear lot line.
- 4640 2. Uncovered decks and porches attached to a permitted residence must be at least ~~13~~38
- 4641 feet from the rear lot line.
- 4642 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
- 4643 rear lot line.
- 4644 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
- 4645 must be at least:
- 4646 a. 4 feet from any rear lot line on lots 60 feet or more in width, or
- 4647 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4648 (6) Building height.
- 4649 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
- 4650 in height.
- 4651 (b) Accessory buildings. Accessory buildings shall not exceed 16 feet in height.
- 4652 (7) Lot coverage and building area.
- 4653 (a) The total area of all buildings and structures must not exceed:
- 4654 ~~(a)~~1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 4655 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 4656 (b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal
- 4657 building.
- 4658

10.254(5) TFR-08 (Two-Family Residential) Zoning District

Last updated ~~February 28, 2018~~ February 27, 2018

1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public rights-of-way.

~~2. Maximum lot size. All lots must be smaller than 16,000 square feet in area, excluding public rights-of-way.~~

~~3.2.~~ Minimum lot width. All lots must be at least 60 feet wide.

(a) Lots not on public sewer.

1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public rights-of-way.

~~2. Maximum lot size. All lots must be smaller than one acre in area, excluding public rights-of-way.~~

~~3.2.~~ Minimum lot width. All lots must be at least 100 feet wide.

(5) Setbacks and required yards.

(a) Front yard. Any permitted structure must comply with road setbacks as described in s.10.102(9).

(b) Side yard.

1. Except as exempted in 2 below, all principal and accessory structures must be at least 10 feet from any one side lot line.

2. Accessory structures in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any side lot line on lots 60 feet or more in width, or

b. 2.5 feet from any side lot line on lots less than 60 feet in width

(c) Rear yard.

1. Permitted residences must be at least 25 feet from the rear lot line.

2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet from the rear lot line.

3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the rear lot line.

4. Accessory structures in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any rear lot line on lots 60 feet or more in width, or

b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

(6) **Building height.**

(a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet in height.

(b) Accessory buildings. **Unless under an approved conditional use permit under s. 10.254(3)(a),** accessory buildings shall not exceed 12 feet in height.

(7) Lot coverage and building area.

(a) The total area of all buildings and structures must not exceed:

10.254(7) TFR-08 (Two-Family Residential) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

~~(a)~~1. Interior lots: 35% of the total lot area, excluding public rights-of-way.

2. Corner lots: 40% of the total lot area, excluding public rights-of-way.

(b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal building.

~~(b)~~

10.255(5) MFR-08 (Multi-Family Residential) Zoning District

Last updated February 26, 2018~~February 22, 2018~~

- 4752 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public
4753 rights-of-way.
- 4754 ~~2. Maximum lot size. All lots must be smaller than 16,000 square feet in area, excluding~~
4755 ~~public rights-of-way.~~
- 4756 ~~3.2.~~ Minimum lot width. All lots must be at least 60 feet wide.
- 4757 (b) Lots not on public sewer.
- 4758 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public
4759 rights-of-way.
- 4760 ~~2. Maximum lot size. All lots must be smaller than one acre in area, excluding public rights-~~
4761 ~~of way.~~
- 4762 ~~3.2.~~ Minimum lot width. All lots must be at least 100 feet wide.
- 4763 (5) Setbacks and required yards.
- 4764 (a) Front yard.
- 4765 1. Any permitted structure must comply with road setbacks as described in s.10.102(9)
- 4766 2. Multiple family dwelling buildings located in the interior of a complex shall provide a
4767 front yard of not less than 15 feet, each building shall be provided with its own front yard
4768 area irrespective of the yards required for other buildings.
- 4769 (b) Side yard.
- 4770 1. Except as exempted in 2 below, all principal and accessory structures must be at least 10
4771 feet from any one side lot line.
- 4772 2. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4773 must be at least:
- 4774 a. 4 feet from any side lot line on lots 60 feet or more in width, or
4775 b. 2.5 feet from any side lot line on lots less than 60 feet in width
- 4776 (c) Rear yard.
- 4777 1. Permitted residences must be at least 25 feet from the rear lot line.
- 4778 2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet
4779 from the rear lot line.
- 4780 3. Except as exempted in 4 below, accessory structures must be at least 10 feet from the
4781 rear lot line.
- 4782 4. Accessory structures in the rear yard that are at least 10 feet from the principal residence
4783 must be at least:
- 4784 a. 4 feet from any rear lot line on lots 60 feet or more in width, or
- 4785 (6) 2.5 feet from any rear lot line on lots less than 60 feet in width. Building height.
- 4786 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
4787 in height.
- 4788 (b) Accessory buildings. Unless under an approved conditional use permit under s.
4789 10.255(3)(a), accessory buildings shall not exceed 12 feet in height.

10.255(7) MFR-08 (Multi-Family Residential) Zoning District

Last updated February 28, 2018~~February 27, 2018~~

(7) Lot coverage and building area.

(a) The total area of all buildings and structures must not exceed:

~~(a)~~ **1.** Interior lots: 35% of the total lot area, excluding public rights-of-way.

2. Corner lots: 40% of the total lot area, excluding public rights-of-way.

(b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal building.

~~(b)~~

10.261(7) HAM-R (Hamlet Residential) Zoning District

Last updated February 26, 2018~~February 22, 2018~~

4901
4902
4903

The total building footprint of residential buildings and residential accessory buildings shall not exceed ~~35~~60 percent of the lot area.

10.262(6) HAM-M (Hamlet – Mixed-Use) Zoning District

Last updated February 26, 2018~~February 22, 2018~~

- 4980 **2. Uncovered decks and porches attached to a permitted residence must be at least 8 feet**
4981 **from the rear lot line.**
- 4982 **3. Accessory structures must be at least 6 feet from any rear lot line.**
- 4983 **(6) Building height and area limitations.**
- 4984 **(a) Commercial buildings. Unless authorized by conditional use permit, commercial buildings**
4985 **shall not exceed 10,000 square feet in total floor area and shall not exceed 70 feet in height**
4986 **or four and one-half (4 ½) stories, whichever is less.**
- 4987 **(b) Residential buildings.**
- 4988 **1. Principal buildings. Principal residential buildings shall not exceed 35 feet in height or**
4989 **two and one-half (2-1/2) stories, whichever is less.**
- 4990 **2. Accessory residential buildings. Unless authorized by conditional use permit, residential**
4991 **accessory buildings shall not exceed 12 feet in height.**
- 4992 **(7) Lot coverage.**
- 4993 **The total building footprint of commercial buildings, residential buildings and residential**
4994 **accessory buildings shall not exceed ~~35-60~~ percent of the lot area.**

10.272(1) GC (General Commercial) Zoning District

Last updated February 26, 2018~~February 22, 2018~~

10.272. GC (General Commercial) Zoning District

(1) Purpose.

(a) *The General Commercial Zoning District is intended to accommodate retail, sales, service, lodging, and office uses, where: primary commercial activity occurs indoors; commercial uses are of moderate scale and intensity, and; uses are appropriate to a developed area. Outdoor sales are not permitted.*

(b) *Permitted uses are typically characterized by moderate traffic and parking requirements, with low or moderate noise, odors, vibrations, fumes or other potential direct external nuisances.*

(c) *Conditional uses include compatible commercial uses that have a somewhat higher amount of outdoor activity, operate outside of normal business hours, or taller or more massive buildings. As a district primarily devoted to commercial uses, residential uses are listed as conditional uses to make sure residential areas are designed for compatibility with nearby commercial areas, including provisions or designs, such as visual screening, or safe pedestrian access, to protect residents' safety and welfare.*

(2) Permitted Uses.

(a) Undeveloped natural resource and open space areas.

(b) Agricultural uses. Livestock not permitted.

(c) Contractor, landscaping or building trade operations.

~~**(b)**~~**(d)** Day care centers

~~**(c)**~~**(e)** Governmental, institutional, religious, or nonprofit community uses.

~~**(a)**~~**(f)** Office uses

~~**(b)**~~**(g)** Indoor entertainment or assembly

~~**(c)**~~**(h)** Indoor sales

~~**(d)**~~**(i)** Indoor storage and repair.

~~**(e)**~~**(j)** Off-site parking

~~**(f)**~~**(k)** Personal or professional service

~~**(g)**~~**(l)** Transient or tourist lodging

~~**(h)**~~**(m)** 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.

~~**(i)**~~**(n)** Utility services associated with, and accessory to, a permitted or conditional use.

~~**(j)**~~**(o)** Veterinary clinics.

(3) Conditional Uses.

(a) Airport, landing strip or heliport.

(b) Animal boarding, domestic pets

(c) Commercial Indoor Lodging.

10.273(1) HC (Heavy Commercial) Zoning District

Last updated ~~February 26, 2018~~ February 22, 2018

5147 10.273. HC (Heavy Commercial) Zoning District

5148 (1) Purpose.

- 5149 (a) The Heavy Commercial Zoning District is intended to accommodate retail, service, light
5150 industrial lodging, and office uses, where: primary commercial activity may occur either
5151 indoors or outdoors; commercial uses are of relatively large scale and intensity, and; uses
5152 are appropriate to a highly developed area.
- 5153 (b) Permitted uses are typically characterized by relatively high traffic volumes and substantial
5154 parking requirements, with some potential for noise, odors, vibrations, fumes or other
5155 potential direct external nuisances.
- 5156 (c) Conditional uses include commercial uses that have a somewhat higher amount of outdoor
5157 activity, or operate outside of normal business hours.

5158 (2) Permitted Uses.

- 5159 (a) Undeveloped natural resource and open space areas.
- 5160 (b) Adult book stores, subject to s.10.103(2).
- 5161 (c) Agricultural uses. Livestock not permitted.
- 5162 (d) Contractor, landscaping or building trade operations.
- 5163 ~~(e)~~(e) Day care centers
- 5164 ~~(f)~~(f) Governmental, institutional, religious, or nonprofit community uses.
- 5165 ~~(g)~~(g) Indoor entertainment or assembly
- 5166 ~~(h)~~(h) Indoor sales
- 5167 ~~(i)~~(i) Indoor storage and repair.
- 5168 ~~(j)~~(j) Light industrial
- 5169 ~~(k)~~(k) Off-site parking
- 5170 ~~(l)~~(l) Office uses
- 5171 ~~(m)~~(m) Outdoor sales, display or repair
- 5172 ~~(n)~~(n) Outdoor storage
- 5173 ~~(o)~~(o) Personal or professional service
- 5174 ~~(p)~~(p) Transient or tourist lodging
- 5175 ~~(q)~~(q) A transportation, utility, communication, or other use that is:
- 5176 1. required under state or federal law to be located in a specific place, or;
- 5177 2. is authorized to be located in a specific place under a state or federal law that specifically
- 5178 preempts the requirement of a conditional use permit.
- 5179 ~~(r)~~(r) Utility services.
- 5180 ~~(s)~~(s) Vehicle repair or maintenance service
- 5181 ~~(t)~~(t) Veterinary clinics.

5182 (3) Conditional Uses.

- 5183 (a) Bus terminals.
- 5184 (b) Caretaker's residence.

5609 **10.292. UTR (Utility, Transportation and Right-of-Way) Zoning District**

5610 **(1) Purpose**

5611 The UTR Utility, Transportation and Right-of-Way district is intended to provide for parcels
5612 intended for purely utilitarian, nonresidential uses with no principal structure. The UTR district is
5613 intended for parcels that due to their size, width, location, proximity to a roadway, division by
5614 municipal boundaries or other circumstance are unsuitable for most forms of residential,
5615 commercial or other structural development, yet lack significant natural resource features.

5616 **(2) Permitted uses.**

5617 **(a) Undeveloped natural resource use.**

5618 **(b) Community gardens.**

5619 ~~(b)~~**(c) Small-scale agriculture**

5620 ~~(c)~~**(d) Public or private roadways**

5621 ~~(d)~~**(e) Bicycle or hiking trails**

5622 ~~(e)~~**(f) Private driveways or onsite parking**

5623 ~~(f)~~**(g) Railroad, utility or access easements or rights-of-way**

5624 ~~(g)~~**(h) Stormwater facilities**

5625 ~~(h)~~**(i) Utility services.**

5626 ~~(i)~~**(j) A transportation, utility, communication, or other use that is:**

5627 1. required under state or federal law to be located in a specific place, or;

5628 2. is authorized to be located in a specific place under a state or federal law that specifically
5629 preempts the requirement of a conditional use permit.

5630 ~~(j)~~**(k) Invasive species control activities.**

5631 **(3) Conditional uses**

5632 **(a) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,**
5633 **not listed as a permitted use above.**

5634 **(b) Storage structures, not to exceed 250 square feet.**

5635 **(c) Runways or take-off and landing areas associated with airports, landing strips or heliports.**

5636 **(4) Building size and area limitations.**

5637 **(a) Building height. Buildings, as approved by conditional use permit, shall not exceed a height**
5638 **of 12 feet, excluding utility structures or communication towers.**

5639 **(5) Lot dimensions.**

5640 **(a) Minimum lot area. There is no minimum lot area for lots in the UTR district.**

5641 **(b) Maximum lot area. There is no maximum lot area for lots in the UTR district.**

5642 **(c) Minimum lot width. There is no minimum lot width for lots in the UTR district.**

5643 **(6) Setbacks and required yards.**