

AT-M (Agriculture Transition – Middleton) Zoning District *DRAFT*
Zoning district for lands transitioning from agriculture and open space to residential uses.

10.235. AT-M (Agriculture Transition – Middleton) Zoning District

(1) Applicability

The AT-M Agriculture Transition – Middleton Zoning District shall apply and be limited only to lands in the Town of Middleton.

(2) Purpose.

The purpose of the AT-M Agriculture Transition – Middleton District is to accommodate a mix of agricultural, open space, and residential uses in the Town of Middleton in areas planned for future development, areas currently in agricultural or open space uses, or areas appropriate for long term preservation due to the presence of sensitive or unique environmental features. As a result of its unique history and pattern of development over time, reliance on intergovernmental planning agreements, and continuing growth pressures, this district applies only to lands in the Town of Middleton. It is intended that this district serve as a transitional zoning designation to accommodate the platting and development of lands as they convert from agriculture and open space uses to residential uses. It is also intended that the Town of Middleton and Dane County periodically review the status of lands that have been platted and developed to consider the possibility of assigning other appropriate zoning classifications based on the resulting land use and size of the property.

(3) Permitted uses

(a) Single family residential. The minimum lot size shall be 25,000 square feet.

(b) Agricultural Uses. The minimum lot size shall be 5 acres. Livestock use must comply with Chapter ATPC 50, Wisconsin Administrative Code.

(c) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3) below, and subject to the following limitations and standards. The minimum lot size shall be 5 acres.

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 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. Agricultural accessory buildings. One agricultural accessory building may be constructed on a property without a principal residence.

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34 **(d)** Residential accessory structures.

35 **(e)** Home occupations.

36 **(f)** Foster care for less than 5 children.

37 **(e)** Community living arrangements for less than 9 people.

38 **(f)** Incidental room rental.

39 **(g)** Undeveloped natural resource and open space areas.

40 **(h)** Sales of agricultural products produced on the premises. The minimum lot size shall be 5 acres.

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

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

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

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

46 **(4)** Conditional uses.

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

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

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

52 2. Airports, landing strips or heliports for private aircraft owned by the owner or operator of a
53 farm.

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

57 4. Limited Farm Business.

58 5. Sale of agricultural and dairy products not produced on the premises and incidental sale of
59 non-alcoholic beverages and snacks.

60 **(b)** Limited Family Business. A minimum lot size of 1 acres is required for this conditional use.

61 **(c)** Domestic pet animal boarding. A minimum lot size of 5 acres is required for this conditional use.

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- 62 **(d)** Large animal boarding. A minimum lot size of 16 acres is required for this conditional use.
- 63 **(e)** Attached accessory dwelling units.
- 64 **(f)** Sanitary facilities in agricultural accessory buildings. A minimum lot size of 5 acres is required for
65 this conditional use.
- 66 **(g)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not
67 listed as a permitted use above.
- 68 **(h)** Governmental, institutional, religious, or nonprofit community uses.
- 69
- 70 **(i)** Day care centers.
- 71
- 72 **(j)** Transient or tourist lodging.
- 73 **(k)** Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s.
74 10.103(14) and Chapter 74. A minimum lot size of 16 acres is required for this conditional use.
- 75 **(l)** Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for
76 production of material to be used in construction or maintenance of public roads, to be limited
77 in time to project duration. A minimum lot size of 16 acres is required for this conditional use.
- 78 **(m)** Electric generating facilities, provided 100% of the production output of the facility is derived
79 from renewable energy resources. A minimum lot size of 1 acres is required for this conditional
80 use.
- 81 **(n)** Communication towers.
- 82 **(o)** Cemeteries.
- 83 **(p)** Native wildlife rehabilitation facilities.
- 84 **(5)** Lot size requirements. Minimum lot size requirements differ based on the land use as specified
85 below and elsewhere in this section. Note: the maximum density of development is controlled by
86 county and local town ordinances. The maximum density of development shall not exceed the more
87 restrictive ordinance.
- 88 **(a)** Minimum lot size – residential or open space uses. The minimum lot size shall be at least 25,000
89 square feet in area, excluding public rights-of-way.
- 90 **(b)** Minimum lot size – renewable energy electric generating facilities, limited family businesses.
91 The minimum lot size shall be at least 1 acre, excluding public rights-of-way.
- 92 **(c)** Minimum lot size – agricultural and agricultural accessory uses, seasonal storage of recreational
93 equipment, domestic pet animal boarding, and sanitary facilities in agricultural accessory
94 buildings. The minimum lot size shall be at least 5 acres, excluding public rights-of-way.

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(d) Minimum lot size – Non-metallic mineral extraction operations, asphalt plants or ready-mix concrete plants, and large animal boarding. The minimum lot size shall be at least 16 acres, excluding public rights-of-way.

(e) Maximum lot size. None.

(f) Minimum lot width – Agricultural uses: 250 feet width at location of agricultural accessory building.

(g) Minimum lot width – Residential uses: 90 feet at building setback line.

(6) Setbacks.

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

(b) Side yards.

1. Except as exempted in 2 below, all principal and accessory structures must be at least 10 feet from any one side lot line with a total of at least 25 feet from both side lot lines.

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 90 feet or more in width, or

b. 2.5 feet from any side lot line on lots less than 90 feet in width

3. Structures housing livestock must be at least:

a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts

b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or

c. At least 10 feet from any other side lot line.

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

1. Principal residential buildings must be at least 50 feet from the rear lot line.

2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.

3. Except as detailed in 4 and 5 below, accessory structures must be at least 10 feet from the rear lot line.

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- 124 **4.** Accessory structures in the rear yard that are at least 10 feet from the principal
125 residence must be at least:
126 **a.** 4 feet from any rear lot line on lots 90 feet or more in width, or
127 **b.** 2.5 feet from any rear lot line on lots less than 90 feet in width.
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- 129 **5.** Structures housing livestock must be at least:
130 **a.** 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
131 zoning districts
132 **b.** 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
133 district, or
134 **c.** 10 feet from any other rear lot line.
- 135 **(7)** Building height.
- 136 **(a)** Residential buildings.
- 137 **1.** Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
138 **2.** Residential accessory buildings shall not exceed a height of 16 feet.
- 139 **(b)** Agricultural buildings. There is no limitation on height for agricultural buildings.
- 140 **(8)** Lot coverage.
- 141 **(a)** On parcels less than 2 acres in size, no building together with its accessory buildings shall occupy
142 in excess of thirty percent (30%) of the area of an interior lot or thirty-five percent (35%) of the
143 area of a corner lot.
- 144 **(b)** On parcels over 2 acres in size, no building together with its accessory buildings shall occupy in
145 excess of ten percent (10%) of the area of a lot.
- 146 **(9)** Other restrictions on buildings.
- 147 **(a)** Principal buildings. There shall be no more than one principal building permitted per lot.
- 148 **(b)** Accessory buildings.
- 149 **1.** There is no limitation on the number of agricultural accessory buildings in the AT-M district.
150 **2.** One agricultural accessory building may be constructed on property without a principal
151 residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
152 **3.** Sanitary fixtures are permitted in agricultural accessory buildings on parcels over 35 acres in
153 size, however accessory buildings may not be used as living space.