

§ 350-27. A-1 Farmland Preservation District. [Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 11-14-2017 by Ord. No. 22-2017]

A. Purpose. The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

(1) Permitted uses:

- (a) Agricultural uses. See Subsection D for agricultural use definitions.
- (b) Not including the specified accessory uses identified in Subsection A(2), other accessory uses, including the farm residence. See Subsection D for "accessory use" definition.
- (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
- (d) [Subsection A(1)(c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that if state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by Subsection A(1)(c) might include, for example, state and federal highways, federally mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
- (e) Undeveloped natural resource and open space areas.
- (f) Nonfarm residences built prior to January 1, 2014.

(2) Conditional uses:

- (a) Agriculture-related uses. (See Subsection D for "agriculture-related use" definition.) No more than two agriculture-related uses or any combination of agriculture-related uses or uses described in Subsection A(2)(b) below, shall be allowed on contiguous lands under common ownership. **[Amended 9-20-2022 by Ord. No. 17-2022]**
- (b) A business, activity, or enterprise, whether or not associated with an agricultural use, and is not a dog breeding facility or a dog breeder as defined in ATCP 16, which meets all of the following requirements: **[Amended 9-21-2021 by Ord. No. 30-2021]**

[1] It is conducted on a farm by an owner or operator of that farm.

[2] It requires no buildings, structures, or improvements other than those

described in Subsection D(1) and (3) of the definition of "accessory use," And

- a. The majority of the footprint of the new (or modified) accessory building is utilized as an integral part of or incidental to the agricultural use of the farm, or
- b. The accessory building is used seasonally for the business, activity or enterprise, whether or not associated with an agricultural use, and is converted back to either an integral part of or incidental to the agricultural use for the majority of the year.

- [3] The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.
- [4] It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- [5] A farm residence is already established on the same parcel as the business, activity or enterprise. **[Added 9-20-2022 by Ord. No. 17-2022]**
- [6] The farm is at least eight acres in area. **[Added 9-20-2022 by Ord. No. 17-2022]**
- [7] No more than two businesses, activities or enterprises, whether or not associated with an agricultural use, including any agriculture-related uses from Subsection A(2)(a) above, shall be allowed by conditional use permit per farm. **[Added 9-20-2022 by Ord. No. 17-2022]**
- (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [3] The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- [3] The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- [5] Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Nonmetallic mineral extraction, if all of the following apply:
 - [1] The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under § 295.14, Wis. Stats. (including all applicable provisions of this chapter), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
 - [2] The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [3] The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
 - [4] The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - [5] The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [6] The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
 - [7] Compliance with Chapter 323 (Nonmetallic Mining Reclamation).
- (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (g) Private airport or air strip qualifying as an accessory use under § 91.01(1), Wis. Stats.
- (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats. Dog breeder(s) or dog breeding facility(ies) as defined in ATCP 16.01 are not allowed in the A-1, Farmland Preservation Zoning District. **[Amended 9-21-2021 by Ord. No. 30-2021]**
- (i) Game farms/shooting preserves qualifying as an accessory use under § 91.01(1)(b), Wis. Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (j) Shooting ranges meeting the requirements in § 91.01(1)(d), Wis. Stats.
- (k) Manure storage systems. (Please note that permits for manure storage systems are

subject to § ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code.)

- (l) Slaughtering of livestock from the A-1 District.
- (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine, in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this chapter. Dog breeder or dog breeding facility as defined in ATCP 16 are exempt from this provision. **[Amended 9-21-2021 by Ord. No. 30-2021]**

(3) Area, height and setback requirements:

- (a) Dimensional standards: A lot or parcel shall have no less than eight acres of contiguous land area. **[Amended 5-21-2019 by Ord. No. 11-2019]** The area within the road right(s)-of-way shall not be included in the minimum acreage requirement, however, design standards, pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply.

~~Note: The area within the road right(s)-of-way shall not be included for these standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Divisions and Subdivision, shall apply to a newly created lot or parcel for this subsection.~~

- (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.
- (c) Principal structure setback and height standards.

[1] Highway setbacks: Refer to § 350-50A. **[Amended 9-21-2021 by Ord. No. 30-2021]**

[2] Rear yard setback: 25 feet minimum.

[3] Side yard setback: 12 feet minimum.

[4] Structure height, dwelling structure: 35 feet.

- (d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

[1] Setbacks: same as principal structure.

[2] Height: none.

[3] Structure footprint area: none.

[4] Volume: none.

[5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

- B. Rezoning land out of the A-1 Farmland Preservation Zoning District. Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:
- (1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.
 - (2) The rezoning is consistent with the Green Lake County Comprehensive Plan.
 - (3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (5) Note: The above Subsection B(1) through (4) does not apply to any of the following situations:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
 - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- C. Certification of ordinance and amendments by DATCP.
- (1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
 - (2) Green Lake County shall notify DATCP of any amendments as required by § 91.36(8), Wis. Stats.
 - (3) Green Lake County shall notify DATCP by March 1 annually of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by §§ 91.48(2) and 91.48(3), Wis. Stats.
- D. Farmland preservation definitions. For the purposes of § 350-27 of this chapter, the following definitions shall be used. Please see § 350-77 for conventional zoning district definitions.

ACCESSORY USE — Within the A-1 Zoning District, any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. **Mobile homes, semi-trailers, camping units, recreational vehicles, mobile office units, buses, motor coaches, trailers, boats and railroad box cars shall not be used as accessory buildings or structures. Buildings, structures, or improvements that meet this definition** may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.

- (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to an agricultural use.
 - (3) A farm residence, including normal residential appurtenances.
 - (4) Any other use that DATCP, by rule, identifies as an accessory use.

AGRICULTURAL USE — Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

AGRICULTURE-RELATED USE — An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture-related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 Zoning District.

CERTIFIED FARMLAND PRESERVATION PLAN — A farmland preservation plan that is certified as determined under § 91.12, Wis. Stats.

CERTIFIED FARMLAND PRESERVATION ZONING ORDINANCE — A zoning ordinance that is certified as determined under § 91.32, Wis. Stats.

COMMON OWNERSHIP —

- (1) Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in

common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

- (2) Land is deemed to be under "common ownership," for purposes of this chapter, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this chapter.

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of § 91.46, Wis. Stats.

CONTIGUOUS — Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

DOG BREEDER — A person who in any license year sells at least 25 dogs, from more than three litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this definition if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owner or occupied by that agent.**[Added 9-21-2021 by Ord. No. 30-2021]**

DOG BREEDING FACILITY — A place in this state where dogs are bred and raised and from which at least 25 dogs from more than three litters are sold in a license year.**[Added 9-21-2021 by Ord. No. 30-2021]**

DOG KENNEL — An establishment, that is not a dog breeding facility, in which dogs are housed, boarded, groomed, sheltered, protected, trained or sold for fee or compensation.**[Added 9-21-2021 by Ord. No. 30-2021]**

FARM —

- (1) All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:
 - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or
 - (b) A majority (greater than 50%) of the land is in agricultural use.
- (2) In determining whether land is in agricultural use for purposes of the definition of "agricultural use," a zoning authority may consider how the land is classified for property tax purposes. (See Ch. Tax 18, Wis. Adm. Code.)

FARM RESIDENCE —

- (1) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50% of his or her gross income from the farm.

- (2) To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

GROSS FARM REVENUES — Gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.

LICENSE YEAR — Means the twelve-month period ending on September 30 for a license granted by the Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer, dog breeder or as a dog breeding facility.**[Added 9-21-2021 by Ord. No. 30-2021]**

LIVESTOCK — Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

NONCONFORMING USES OR STRUCTURES — Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter which does not conform to the regulations of this chapter. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NONFARM RESIDENCE — Any residence other than a farm residence.

OPEN SPACE PARCEL — A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PERSON — An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

PROTECTED FARMLAND — Land that is any of following:

- (1) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

§ 350-28. A-2 General Agriculture District. [Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 10-15-2013 by Ord. No. 1070-2013; 11-14-2017 by Ord. No. 22-2017]

A. Purpose. This agricultural district is intended to preserve and enhance land for agricultural uses. This district's uses and standards are designed to implement comprehensive plan goals by encouraging agricultural uses of various sizes in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid conflict with agricultural uses. This district is generally compatible with other agricultural districts where varying levels of agricultural uses and open space uses are permitted and supported by the comprehensive plan, such as, but not limited to, A-1 Farmland Preservation and R-4 Rural Residential. The best use of these lands is agricultural.

(1) Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses.

(a) ~~Accessory structure/use, agricultural~~ Agricultural uses allowed in the A2 zoning district include:

- [1] Crop or forage production
- [2] Keeping livestock
- [3] Beekeeping
- [4] Nursery, sod, or Christmas tree production
- [5] Orchard / vineyard
- [6] Horticulture / floriculture
- [7] Aquaculture
- [8] Fur farming
- [9] Forestry and forest management
- [10] Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation program.
- [11] Any other use that the Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an agricultural use.
- [12] One nonfarm residence, including normal residential appurtenances.

(b) ~~Accessory structure/use, residential~~ Accessory uses allowed in the A2 zoning district include:

- [1] A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use on a farm. Mobile homes, semi-trailers, camping units, recreational vehicles, mobile office units, buses, motor coaches, trailers, boats and railroad box cars shall not be used as accessory buildings or structures. Buildings, structures, or improvements that meet this definition may include, for example:
 - a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - e. A wind turbine or solar energy facility that collects wind or solar energy on

the farm, and uses or transforms it to provide energy primarily for use on the farm.

f. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.

g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

[2] An activity or business operation that is an integral part of, or incidental to an agricultural use.

[3] A farm residence, including normal residential appurtenances.

(c) (Reserved)

(d) ~~Beekeeping~~ Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

(e) ~~Crops, cash~~ Undeveloped natural resources and open space uses.

~~(f) Crops, field.~~

~~(g) Dairying.~~

~~(h) Dwelling, single-family.~~

~~(i) Egg production.~~

~~(j) Farm, sod.~~

~~(k) Farm, tree.~~

~~(l) Floriculture.~~

~~(m) Forestry.~~

~~(n) Grazing.~~

~~(o) Greenhouse, accessory to permitted use.~~

(f) Home occupation when established in a residential dwelling unit; all of the following shall apply:

[1] Shall be located in the place of permanent residency; and

[2] Is incidental to the residential occupancy; and

[3] Is limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and

[4] That no mechanical equipment is used other than such as is permissible for typical residential purposes; and

[5] There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and

[6] That no person outside the immediate resident family operates such home occupation; and

[7] A sign per § 350-43B(3) is allowed.

~~(g) Horticulture.~~

~~(h) Livestock, raising/keeping.~~

~~(i) Nursery, aquatic.~~

~~(j) Nursery, plant.~~

~~(k) Orchard.~~

~~(l) Paddocks.~~

(g) Professional home office when established in a residential dwelling unit; all of the following shall apply:

[1] Located in the practitioner's place of permanent residency; and

[2] Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and

[3] A sign per § 350-43B(3) is allowed; and

[4] One person that is not a member of the resident family may be employed on the premises.

(h) Riding stable, personal.

(i) Roadside stand of less than 300 square feet in area as a temporary structure not wholly enclosed for the sale of produce grown on the premises. One stand allowed per premises.

(j) Signs per § 350-43.

~~(aa) Trail, biking.~~

~~(bb) Trail, hiking.~~

~~(cc) Trail, horse.~~

~~(dd) Trail, nature.~~

~~(ee) Trail, recreation.~~

~~(ff) Utility, local service lines/structures.~~

~~(gg) Viticulture.~~

~~(hh) All permitted uses described in § 350-27, Farmland Preservation District.~~

(2) Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits.

(a) ~~Air landing field, agricultural landowner use~~ Agricultural-related uses (See Section 350-77 for definition). No more than two agriculture-related uses or any combination of agriculture-related uses or uses described in (b) below shall be allowed on contiguous

lands under common ownership.

- (b) ~~Animal veterinary clinic. [Amended 9-21-2021 by Ord. No. 30-2021]~~ A business, activity or enterprise, whether or not associated with an agricultural use on the farm which meets all of the following requirements:
- [1] It is conducted on the farm by an owner or operator of that farm.
 - [2] The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.
 - [3] It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
 - [4] A farm residence is already established on the same parcel as the business, activity or enterprise.
 - [5] The farm is at least 8 acres in area.
 - [6] No more than two businesses, activities or enterprises, whether or not associated with an agricultural use on the farm, shall be allowed on contiguous lands under common ownership.
- (c) ~~Animal hospital~~ Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility or drainage uses, facilities for the generation of sunlight, wind, coal, or natural gas, if all of the following apply:
- [1] The use is reasonable designed to minimize the conversion of land from agricultural use, at and around the site of the use.
 - [2] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [3] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) ~~Animal kennel~~ Government, institutional, religious or nonprofit community uses, if all of the following apply:
- [1] The use is reasonable designed to minimize the conversion of land from agricultural use, at and around the site of the use.
 - [2] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [3] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (e) ~~Animal shelter~~ Nonmetallic mineral extraction, if all of the following apply:
- [1] The operation complies with Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.14, Wis. Stats. (including all applicable provisions of this chapter), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
 - [2] The use is reasonable designed to minimize the conversion of land from agricultural use, at and around the site of the use.
 - [3] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

[4] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (f) ~~Dog breeder or dog breeding facility. [Amended 9-21-2021 by Ord. No. 30-2021].~~ Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (g) ~~Cemetery.~~ Private airport or air strip.
- (h) ~~Churches and religious structures~~ Dog kennel(s).
- (i) ~~Dwelling for caretaker/laborer(s), may be multiple units~~ Game farms/shooting preserves.
- (j) ~~Farm, fish~~ Shooting ranges.
- (k) ~~Farm, fur~~ Slaughtering of livestock.
- (l) ~~Farm, game~~ Processing of agricultural byproducts or wastes received directly from farms.
- ~~(m) Farm implement sales/repair/service.~~
- ~~(n) Feed lot over 100 animals.~~
- ~~(o) Fish pond, commercial.~~
- ~~(p) Greenhouse, commercial retail.~~
- ~~(q) Livestock auction/sales facility.~~
- ~~(r) Lumber yard.~~
- ~~(s) Municipal buildings including administrative offices, meeting hall and any municipal accessory structure.~~
- ~~(t) Radio or television broadcasting studio.~~
- ~~(u) Railroad depot/station.~~
- ~~(v) Riding stable with boarding/stabling, commercial.~~
- ~~(w) Sawmill.~~
- ~~(x) Schools.~~
- ~~(y) Sewage disposal plant.~~
- ~~(z) Tower and appurtenances, communication or relay.~~
- ~~(aa) Utility substation/other structure, public.~~
- ~~(bb) Utility transmission lines, not regulated by the Public Service Commission.~~
- ~~(cc) RV and boat storage for rental.~~
- ~~(dd) Yard and landscaping services.~~
- ~~(ee) All conditional uses listed in § 350-27, Farmland Preservation District.~~

(3) Area, height and setback requirements.

- (a) A lot or parcel shall have no less than eight acres of contiguous land area. **The area within the road right(s)-of-way shall not be included in the minimum acreage requirement, however, design standards, pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply.**
- (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.

~~Note: The area within the road right(s) of way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.~~

(c) Principal structure setback and height standards.

[1] Highway setbacks: Refer to § 350-50A. **[Amended 9-21-2021 by Ord. No. 30-2021]**

[2] Rear yard setback: 25 feet minimum.

[3] Side yard setback: 12 feet minimum.

[4] Structure height, dwelling structure: 35 feet.

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

[1] Setbacks: same as principal structure.

[2] Height: none.

[3] Structure footprint area: none.

[4] Structure volume: none.

[5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

§ 350-41. R-4 Rural Residential District. [Amended 6-20-2006 by Ord. No. 866-06; 11-12-2008 by Ord. No. 940-08; 2-15-2011 by Ord. No. 989-2011; 8-21-2012 by Ord. No. 1033-2012]

A. Purpose. This residential district is intended to provide for limited rural residential use development; require a large residential land area to maintain the rural character and to accommodate uses that are not urban in nature including light agriculture. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging a blend of residential and agricultural uses. This district may be used as a transitional zone to retain land in a less intensive use until the appropriate time for a more intensive residential or other use occurs. The lands in this district should be predominately agricultural areas not suited for agricultural production or those lands due to location that would have limited impact on agricultural production. Residents of this district may experience conditions associated with adjoining agricultural lands that are not experienced in areas of predominately residential use.

~~A.~~(1) Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses.

~~(1)(a) Accessory structure/use~~ Agricultural uses allowed in the R4 zoning district include:

- [1] Crop or forage production.
- [2] Keeping livestock
- [3] Beekeeping.
- [4] Nursery, sod, or Christmas tree production.
- [5] Orchard / vineyard.
- [6] Horticulture / floriculture.
- [7] Aquaculture.
- [8] Fur farming.
- [9] Forestry and forest management
- [10] Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation program.
- [11] Any other use that the Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an agricultural use.
- [12] One nonfarm residence, including normal residential appurtenances

~~(2)(b) Beekeeping~~ Agricultural accessory uses

~~(3)(c)~~ Community living, eight or fewer residents.

~~(4) Crops, field.~~

~~(5)(d)~~ Day care, eight or fewer children.

~~(6) Dwelling, single-family.~~

~~(7) Dwelling, two-family (duplex)~~

~~(8) Floriculture~~

~~(9) Grazing~~

~~(10) Greenhouse, accessory to the permitted use.~~

~~(11)(e)~~ Home occupation:

- [1] Shall be located in the place of permanent residency;
- [2] Is incidental to the residential occupancy;
- [3] Limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level;
- [4] That no article is sold or offered for sale on the premises except such as produced by the home occupation;
- [5] That no stock-in-trade is kept or sold;
- [6] That no mechanical equipment is used other than such as is permissible for typical residential purposes;
- [7] There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
- [8] That no person outside the immediate resident family operates such home occupation.

~~(12) Horticulture~~

~~(13) Livestock, raising/keeping.~~

~~(14) Orchard~~

~~(15) Paddock~~

~~(16)(f).~~ Professional home office when established in a residential dwelling unit shall be:

~~(a)~~[1] Located in the practitioner's place of permanent residency;

~~(b)~~[2] Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and

~~(e)~~[3] Not more than one person not a member of the resident family shall be employed on the premises.

(g) Recreational trails.

(h) Riding Stable.

(i) Roadside stand of less than 300 square feet in area as a temporary structure, not wholly enclosed, for the sale of produce grown on the premises. One stand allowed per premises.

(j) Signs per § 350-43.

(k) Unoccupied outside storage of camping trailer, motor home boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.

(l) Utility, local lines.

(m) A mobile or manufactured home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile or manufactured home shall be located after obtaining all necessary permits, for no more than one year and shall be located on the premises with the construction of the new permanent structure. **[Amended 3-19-2019 by Ord. No. 2-2019]**

(2) Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits. **[Amended 11-14-2017 by Ord. No. 22-2017]**

(a) **Agricultural-related uses (See Section 350-77 for definition). Only one agricultural-related use allowed on an R4-zoned lot or parcel.**

(b) Bed-and-breakfast establishment.

(c) Community living, nine or more residents.

(d) Day care, nine or more children.

(e) Tourist rooming house.

(f) Tower and appurtenances, communication or relay.

(g) Utility transmission lines.

(h) Event barn (only as an accessory use to the residential use, existing buildings only).

[Added 3-19-2019 by Ord. No. 2-2019]

- (i) Kennel (must be on at least a five-acre lot or parcel and only as an accessory use to the residential use). **[Added 3-19-2019 by Ord. No. 2-2019; amended 9-21-2021 by Ord. No. 30-2021]**
- (j) RV and boat storage for rent (only as an accessory use to the residential use, existing buildings only). **[Added 3-19-2019 by Ord. No. 2-2019]**

(3) Area, height and setback requirements. **[Amended 11-14-2017 by Ord. No. 22-2017]**

- (a) A lot or parcel shall have a three-acre-minimum and less than eight-acre-maximum of contiguous land area. ~~The area within the road right(s)-of-way shall not be included in the minimum acreage requirement, however, design standards, pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply.~~

~~Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.~~

(4) Principal structure setback and height standards.

- (a) Highway setbacks: Refer to § 350-50A. **[Amended 9-21-2021 by Ord. No. 30-2021]**
- (b) Rear yard setback: 25 feet minimum.
- (c) Side yard setback: 12 feet minimum.
- (d) Structure height; dwelling structure: 35 feet overall maximum.

(5) Accessory structure standards. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. An accessory building structure shall satisfy all of the following standards: **[Amended 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]**

- (a) Setbacks: same as principal structure.
- (b) Height: None. However, there shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 20 feet in height. **[Amended 9-19-2023 by Ord. No. 13-2023]**
- (c) Structure footprint: None. **[Amended 9-19-2023 by Ord. No. 13-2023]**
- (d) Volume: None. **[Amended 9-19-2023 by Ord. No. 13-2023]**
- (e) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
- (f) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.¹

1. Editor's Note: Former Subsection F, regarding accessory nonbuilding structure standards, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.

ARTICLE XIII
Word Usage and Definitions
[Added 12-19-2006 by Ord. No. 884-06]

§ 350-77. Word usage and definitions. [Amended 12-16-2008 by Ord. No. 942-08; 12-15-2009 by Ord. No. 969-2009; 10-15-2013 by Ord. No. 1070-2013; 8-19-2014 by Ord. No. 1092-2014; 12-16-2014 by Ord. No. 1104-2014; 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021; 9-20-2022 by Ord. No. 17-2022; 6-18-2024 by Ord. No. 14-2024]

Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have in common law to give this chapter its most reasonable application. This section is intended to clarify word usage and not to establish standards for this chapter. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, and the word "shall" is mandatory and not discretionary. For terms not found in this section, other sources may be utilized to establish an applicable definition. Certain words and phrases have different meaning when used in different ordinances. Refer to specific ordinances for word usage and definition.

ACCESS AREA, LOT — The access area that is part of a contiguous land area, generally being a narrow strip of land that does not meet the minimum land area width requirements, that provides access for a permitted activity.

ACCESS AREA, PUBLIC — A land area that provides public boat access or carry-in access.

ACCESSORY STRUCTURE — A subordinate structure, detached from the principal structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property.

ACCESSORY USE — A subordinate use, which is incidental to and customarily in connection with the principal structure or use, and which is located on the same property with such principal structure or use.

ACCESS SITE/LOT — A parcel of land that is contiguous to a body of water (lake, river or stream) that provides a means of waterfront access for backlot development.

ADDITION — An expansion horizontally and/or vertically.

ADULT BATHHOUSE — An establishment or business that provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities, as defined herein.

ADULT BODY PAINTING STUDIO — An establishment or business wherein patrons are afforded an opportunity to paint images on a body that is wholly or partially nude. For purposes of this chapter, "adult body painting studio" shall not be deemed to include a tattoo parlor.

ADULT BOOKSTORE — Means, but shall not be limited to, an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities. "Adult bookstore" shall also

include, but not be limited to, establishments that have a facility or facilities, including but not limited to booths, cubicles, rooms or stalls, for the presentation of adult entertainment as defined herein, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of their regular and substantial course of conduct, offer for sale, rent, trade, lease, inspection or viewing books, films, videocassettes, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to adult entertainment as defined herein.

ADULT CABARET — A cabaret that features male or female impersonators or similar entertainers.

ADULT ENTERTAINMENT — Any exhibition of any motion picture, live performance, display or dance of any type that has a significant or substantial portion of such performance based on or that is distinguished or characterized by an emphasis on sex and/or sexual gratification, or any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or fewer persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

ADULT MODELING STUDIO — An establishment or business that provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

ADULT MOTEL — A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, as defined herein; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of more than 50 persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

ADULT MOTION-PICTURE THEATER (OUTDOOR) — A parcel of land from which individuals may view a motion picture presented out-of-doors that presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to

specified anatomical areas or specified sexual activities, as defined herein.

ADULT NOVELTY SHOP — An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items that are distinguished or characterized by their emphasis on specified anatomical areas or designated for specified sexual activities, as defined herein.

ADULT-ORIENTED ESTABLISHMENT — Shall include but not be limited to adult bookstores, adult motion-picture theaters (indoor or outdoor), adult mini motion-picture theaters, adult motels, adult novelty shops, adult cabarets, adult bathhouses, adult modeling studios, and adult body painting studios and further means any premises to which public patrons or members are regularly invited, admitted and/or allowed to view adult entertainment, whether or not such entertainment is held, conducted, operated or maintained for profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AGRICULTURAL PRACTICE OR USE — As provided in § 281.16(1)(b), Wis. Stats., means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grains, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

AGRICULTURAL-RELATED USE --- A use that is primarily (not just incidentally) related to agriculture including an agricultural equipment dealership, a landing strip for aerial spraying, an animal veterinary clinic, a commercial / retail greenhouse, a livestock auction / sales facility, a facility providing agricultural supplies, a facility for storing or processing agricultural products, or a facility for processing agricultural wastes.

AGRICULTURE — The production, storage, keeping, harvesting, grading, packing, processing, boarding or maintenance, for sale, lease or personal use, of plants and/or animals useful to humans.

AIRPORT — Any land or structure that is used or intended for use for the landing and takeoff of aircraft.

ANIMAL HUSBANDRY OPERATION — A feed lot or any kind of facility, other than a pasture, where animals have been, are, or will be fed, confined, maintained or stabled. Two or more husbandry operations under common ownership are deemed to be a single animal husbandry operation if they are adjacent to each other or if they utilize a common area or system for disposal of waste.

ANIMAL UNIT — A unit of measure used to determine the total number of single animal types or combination of animal types, which are fed, confined, maintained or stabled in an animal feeding operation.

ANIMAL UNITS COMBINED — Any combination of animal types calculated by adding the number of single animal types as multiplied by the equivalency factors of this chapter.

AUTOMOBILE BODY SHOP — A premises used for repair, replacement or reconditioning of automobile parts that does not require the removal of the engine head or pan, engine transmission, or differential involving body and fender work, painting and upholstering service.

AUTOMOBILE CAR WASH — A structure, or portion thereof, containing facilities for washing

automobiles.

AUTOMOBILE REPAIR/SERVICE FACILITY — A premises used for the retail dispensing or sales of vehicular fuels, that provides service and repairs to automobiles (excluding body shop activities), as well as other automobile service uses, including a car wash (as part of the principal structure), installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE WRECKING — The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts. (See also "junkyard.")

BACK LOT DEVELOPMENT — Also known as "lot pyramiding," "keyhole development" or "development funneling," is the practice whereby an land area is used for waterfront access by a number of land areas located away from or not contiguous to the water body.

BASEMENT — A space, the perimeter of which has more than 1/2 of its floor-to-ceiling height below the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet.

BED-AND-BREAKFAST — An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

BOOTH, ROOM or CUBICLE — Such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises that offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the task of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee for the purpose of viewing entertainment for a fee and are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin.

BREEZEWAY — An aboveground, roofed accessory structure that is utilized for the purpose of connecting two structures or buildings, as between a house and a garage, with either open or enclosed sides, with or without a foundation. A breezeway is not considered part of a dwelling.

BROADCASTING ANTENNA — Commercial, public or private broadcasting towers.

BUFFER — The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from another use or property and thus reduce undesirable influences, such as site glare, noise, dust, and other external effects.

BUILDABLE AREA — The portion of a land area remaining after required yards and open space requirements have been provided.

BUILDING — A structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

CABIN CAMP — A land area on which one or more camp cabins are located.

CAMPGROUND — An area of land that is used for the purpose of providing sites for nonpermanent overnight use by camping units and that has a valid campground permit issued under § 254.47, Wis. Stats., and Chapter HFS 178.

CAMPING UNIT — A portable device or enclosure, no more than 400 square feet in area, including a tent, camping trailer, motor home, bus, van, pick-up truck or other mobile recreational vehicle used

as a temporary shelter for human habitation.

CANOPY — A structure attached and extending from the face of a structure constructed as a permanent fixture, which may be supported from the ground.

CARETAKER — A person who is employed to perform maintenance on a property, but whom neither owns nor manages the operations of said property.

CARPORT — A roofed structure providing space for parking of motor vehicles attached to the principal structure extending over a driveway, open on all sides except for the wall(s) of the principal structure, and shall be construed to be part of the principal structure.

CEMETERY — A place set apart, either by municipal authority or private enterprise, for the interment of the dead. The term includes not only lots for burying the bodies of the dead but also avenues, walks and grounds for shrubbery and ornamental purposes.

CERTIFICATE OF COMPLIANCE — An official certification that a premises or a completed development on a premises conforms to the provisions of the applicable ordinance.

CHURCH — A structure, together with its necessary structures and uses, where persons regularly assemble for religious worship and which, together with its accessory structures and uses, is maintained and controlled by a regularly organized religious body organized to sustain public worship and which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

CLINIC, MEDICAL OR DENTAL — A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

CLUB — Structures and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit and not primarily to render a service that is customarily carried on as a business.

COMMITTEE — The Land Use Planning and Zoning Committee.

CONDITIONAL USE PERMIT — A use that may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. The Land Use Planning and Zoning Committee, as authorized by County ordinance, shall only grant a conditional use permit if the use is consistent with the purpose and intent of this chapter, and may impose conditions that are related to the requested use and reasonable to ensure compliance with this chapter. The applicant must provide substantial evidence the conditions are or will be satisfied.

CONDOMINIUM — As provided in § 703.02(4), Wis. Stats., means property being subject to a condominium declaration established under Chapter 703, Wis. Stats.

CONTRACTOR'S EQUIPMENT — Means all apparatus, machinery, vehicles and other things required for the execution and completion of work or assembly of work by any building trade or other contractor.

CONTRACTOR'S YARD or SHOP — Means any land, building or structure used for the purpose of storing contracting equipment and material or performing shop work or assembly work by any building trade or other contractor.

DAYS — Shall refer to full calendar days.

DENSITY — The relationship of an area of land (generally stated in square feet) to a dwelling unit.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

DOG BREEDER — A person who in any license year sells at least 25 dogs, from more than three litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this definition if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owned or occupied by that agent.

DOG BREEDING FACILITY — A place in this state where dogs are bred and raised and from which at least 25 dogs from more than three litters are sold in a license year.

DRIVE-THROUGH — Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the vehicle or where fast service to the vehicle occupants is a service offered regardless of whether the service is provided within the structure.

DRIVEWAY — A private way providing ingress and egress to a public or private right-of way.

DWELLING — A structure or portion thereof designed or used exclusively for human habitation, but not including mobile recreational vehicles, hotels, motels, boarding- and lodging houses.

DWELLING, MULTIPLE-FAMILY — A structure on a single land area, containing three or more dwelling units, or a structure designed for occupancy by three or more families.

DWELLING, SINGLE-FAMILY — A structure on a single land area containing one dwelling unit.

DWELLING, TWO-FAMILY — A structure on a single land area containing two dwelling units.

DWELLING UNIT — As provided in § 106.50(1m)(i), Wis. Stats., means a structure or part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons, who are maintaining a common household, to the exclusion of all others.

EASEMENT — A grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of constructing and maintaining utilities, including but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainageways, gas lines, other service utilities, driveways, etc.

EMPLOYEE — Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

ENTERTAINER — Any person who provides entertainment within an adult-oriented establishment, as defined herein, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

ENTRYWAY — An inside area through which you enter a dwelling from outside of the dwelling that leads to other rooms within a dwelling.

ESSENTIAL SERVICES — Services and utilities needed for the health, safety and general welfare of the community, such as surface, overhead or underground electrical, gas, telephone, steam, sewerage, water and other utilities and the equipment and appurtenances necessary for such systems

to furnish an adequate level of service for the area in which they are located.

EVENT BARN — A structure, that had previously been used for agricultural uses associated with a farm, that has been renovated and upgraded to local and state building codes and re-purposed as a facility for hire to host social or business gatherings, including, but not limited to, meetings, parties, seminars, weddings, receptions, family reunions, anniversaries, and barn dances. Event barns must promote the retention of the rural nature of the parcel and community in which it is located and may only be allowed by conditional use permit.

EXPANSION — An addition to an existing structure that is horizontal, vertical or both.

EXTRACTION — Any nonagricultural, artificial excavation of earth for commercial or industrial uses, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking or undermining the surface of the earth.

EXTRATERRITORIAL ZONING AREA (referred to as "ETZA") — Consists of that area of a town that has been included in a city's extraterritorial zoning area pursuant to the adoption of ordinances and resolutions under Wisconsin Statutes.

FAMILY — Those persons related by blood, marriage, adoption, or foster care or a group of persons living together in a single dwelling unit.

FARM — ~~An area of land used for agricultural practice or use.~~ All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:

- A. A majority (greater than 50%) of the land is in agricultural use. or
- B. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether the majority of the land area is in agricultural use.

FARM FAMILY BUSINESS — ~~Any lawful activity, except a farm operation, conducted primarily for any of the following:~~

- ~~A. The purchase, sale, lease, or rental of personal or real property.~~
- ~~B. The manufacture, processing or marketing of products, commodities or any other personal property.~~
- ~~C. The sale of services.~~

FARM OPERATION — ~~An owner or occupant engaged in one or more farming activities, with gross sales from such activities as set forth in §91.91(1), Wis Stats.~~

FEED LOT --- A land area for fattening animals or holding animals temporarily for shipment.

FENCE — Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Additionally:

- A. **FENCE, OPEN** — A fence constructed in a manner that provides 50% or more open space.

FENCE, PRIVACY — A fence constructed in a manner that provides less than 50% open space.

FLEA MARKET — An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR PLAN — A graphic representation of the anticipated utilization of the floor area within

a structure.

FOOTPRINT — The land area covered by a structure at ground level, measured on a horizontal plane.

GARAGE — A structure or part thereof, used or intended to be used for parking and storage of vehicles and/or other personal property.

- A. **ATTACHED** — A garage sharing a common wall with the principal structure. The attachment must extend from original grade to the roofline of one or more of the connected structures, must be completely enclosed by a roof, walls and floor (openings only for windows, skylights, and doors are allowed), and there must be a direct connection from the 2nd floor of the principal structure to the 2nd floor of the attached garage.
- B. **DETACHED** — A garage that is not attached to the principal structure, being an accessory structure.

GARAGE, PUBLIC — A structure or portion thereof, other than a private customer and employee garage or private residential garage, used for parking and storage of vehicles and available to the public.

GARAGE SALE — See "rummage sale."

GASOLINE SERVICE STATION — See "automobile repair/service facility."

~~**GENERAL DEVELOPMENT PLAN** — A report in text and in map form, with the map drawn to scale, depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.~~

~~**GOVERNMENT STRUCTURE** — State, County, Federal, City, Village, or Town structures utilized to provide a service that a specific government entity may provide.~~

GRADE, FINISHED — The final elevation of the ground surface after development.

GRADE, NATURAL — The elevation of the ground surface in its natural state, before man-made alterations.

HOME OCCUPATION — Any occupation or profession carried out for gain within a dwelling unit by a member of the family residing on the premises and where there is no emission of odor, gas, smoke, dust or noise that will be detrimental to the character of the neighborhood.

HORTICULTURE --- Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

HOSPITAL — Any structure, institution or place for the diagnosis, treatment and medical, mental, or surgical care of individuals that makes available clinical laboratory service, diagnostic x-ray and treatment facilities for surgery, or obstetrical or psychiatric care and which is accredited as a hospital by the Joint Commission on the Accreditation of Hospitals.

HOTEL — A structure in which lodging, or boarding and lodging, is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all times.

INSTITUTION — A nonprofit, religious, or public use, such as a church, public or private school, or hospital establishment for public use.

JUNK — Any scrap, waste, reclaimable material or debris, whether or not stored or used in

conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, unregistered or inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD — Any land area, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of junk.

KENNEL — An establishment, that is not a dog breeding facility as defined in ATCP 16, in which domestic animals are housed, boarded, groomed, sheltered, protected, bred, trained or sold for a fee or compensation. A property where there are fewer than five adult dogs is not considered a kennel.

LANDFILL — A system of trash, waste, refuse, debris, salvaged material or garbage disposal in which the waste is buried between layers of soil.

LICENSE YEAR — Means the twelve-month period ending on September 30 for a license granted by the Wisconsin Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer, dog breeder or a dog breeding facility.

LIVING AREA — That area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, and other similar appurtenances.

LOADING AREA — A completely off-street space or berth on the same land area, for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT — An area of land that is part of a subdivision plat, certified survey map or other document using the platting process duly recorded in the Register of Deeds office that is identified by an assigned number or letter.

LOT DEPTH — The mean distance between the front and rear lot lines.

LOT LINE — The same as boundary line; the peripheral boundary of a lot, parcel tract or any other land area that divides one recorded land area from another.

- A. **LOT LINE, STREET** — That boundary separating a land area from an existing or dedicated public street.
- B. **LOT LINE, REAR** — That boundary of a land area that is opposite the street lot line. In the case of corner lots, the rear lot line shall be opposite the shorter of the two frontages.
- C. **LOT LINE, SIDE** — That boundary of a land area that is not a street, shore or a rear lot line.
- D. **LOT LINE, SHORE** — That boundary of a land area that abuts a navigable waterway at the ordinary high-water mark.

LOT OR PARCEL, RIPARIAN — An area of contiguous land that is adjacent to perennial navigable waters, having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

LOT, SUBSTANDARD — An area of land, with or without structures having frontage on a public street, or other approved means of access, and having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of a district wherein located.

LOT WIDTH, AVERAGE — The average of the shortest horizontal distances between the side lot lines at the street lot line, rear lot line or ordinary high-water mark and at any angle point in the side lot lines.

MANUFACTURED HOME — A structure that is designed to be used as a dwelling, with or without a permanent foundation and that is certified by the federal department of Housing and Urban Development as complying with the standards established under 42USC 5401 to 5425.

MARINA — A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews and guests.

MINING — See "extraction or nonmetallic mining."

MOBILE HOME — A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

MOBILE HOME PARK — An area of land that is occupied by three or more mobile homes, manufactured homes or park model homes that is advertised or represented as a mobile home park. Mobile home parks shall include any structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.

MOTEL (MOTOR COURT, MOTOR HOTEL, MOTOR LODGE) — A structure in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress for all rooms is made from the exterior of the structure(s).

MUDROOM — A room in a dwelling designed especially for shedding of dirty or wet footwear and clothing.

NONCONFORMING LOT OR PARCEL — A lot or parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of an ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the ordinance.

NONCONFORMING STRUCTURE — An existing, usable structure or portions thereof whose location, dimensions or other physical characteristics do not conform to current ordinance standards, but was legally constructed or placed in its current location prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

NONCONFORMING USE — The lawful use of land, structure or a portion thereof that does not conform to the current land use restrictions, but which was legally established prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

NURSERY SCHOOL — A private establishment enrolling nine or more children between two and five years of age and where tuition, fees, or other forms of compensation for the care of the children are charged and which is licensed or approved by state and local authorities to operate as a nursery school.

OCCUPANCY — The residing of an individual or individuals in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial structure.

OFFICIAL MAP — The official zoning district map of Green Lake County. This map is a digital electronic data map layer of the County's Geographic Information System (GIS). The County Land Use Planning & Zoning Department updates this map to reflect changes in zoning district boundaries enacted by the County Board as amendments.

OPEN SPACE — An unoccupied space open to the sky on the same lot as the principal structure

or development, which is in addition to other required yard areas and which is not used for parking or driveway purposes.

OPEN STORAGE — Storage of any material outside of a structure.

PARCEL — An area of unplatted contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

PARKING LOT — An off-street area for the temporary storage of motor vehicles consisting of access drives/driveways, aisleways and parking spaces.

- A. **ACCESS DRIVES** — That portion of a parking lot that provides a way of approach to provide physical ingress and egress to a property.
- B. **AISLEWAYS** — That portion of a parking lot/facility that is a traveled way by which vehicles enter and depart parking spaces.
- C. **PARKING SPACES** — That portion of a parking lot/facility that provides for the temporary parking of motor vehicles within a public or private parking lot.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners of opposite frontages and all property owners within 300 feet.

PASSAGEWAY — A narrow extended room that is open on both ends, having walls on either side and under roof that allows unobstructed access to different rooms within a dwelling.

PATIO — A residential accessory structure, used as an outdoor space for leisure, dining, cooking, or similar use, that consists of a surface layer, including but limited to concrete, pavers, bricks, tiles, asphalt or stone (e.g. flagstone, limestone, bluestone, slate, granite, gravel, stone screenings) and the supporting base layers extending subgrade to the underlying soil.

PERMIT — An official finding that a proposed development and use of a property, as indicated by an application, complies with the requirements of applicable ordinances or meets special conditions of a variance or conditional use permit. The applicable ordinance will specify the development activities that need to have such a permit.

PERMITTED USE — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PREMISES — A lot together with all structures thereon.

PRINCIPAL STRUCTURE — The main or primary structure on a land area that is utilized for the property's principal use.

PRINCIPAL USE — The main or primary use of a land area as distinguished from an accessory use.

PROFESSIONAL HOME OFFICES — The office of a practitioner of a recognized profession that is located in the practitioner's place of permanent residency.

PROPERTY — A land area together with all structures thereon.

PROPERTY LINE — See "lot line."

PUBLIC LAND — Land owned or operated by a municipality, school district, county, state, or other governmental unit.

RAILROAD YARD — An open area for the storage and repair of railroad cars and engines, excluding those areas utilized for the sole purpose of movement and/or transportation of said

railroad cars and engines.

RECREATIONAL VEHICLE — See "camping unit."

RESIDENCE, FARM --- A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:

- (a) An owner or operator of the farm.
- (b) A parent or child of an owner or operator of the farm.
- (c) An individual who earns more than 50% of his or her gross income from the farm.

RESIDENCE, NONFARM --- A single or two-family dwelling /residence that is not a farm residence.

ROAD — See "street."

ROADSIDE FARM STAND — A structure used solely for the sale of farm products produced on the premises.

RUMMAGE SALE — Any display of used goods, on a property customarily used as a residence, that does not exceed four days in duration and occurs no more than once every four months.

RUNOFF — The rainfall, snowmelt or irrigation water flowing over the ground surface.

RUNWAY — A level portion of an airport having a surface specially developed and maintained for the landing and taking off of aircraft.

SATELLITE TELEVISION RECEIVING DISH — A device for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.

SCHOOL — Has the same meaning as in Wisconsin Statutes; and includes public, private, vocational and technical.

SETBACK — The horizontal distance between the structure and an established lot line.

SHOPPING CENTER — A group of commercial establishments planned, constructed and managed as a total entity, with parking provided on-site, provisions for goods delivery separated from the customer access, being developed in accordance with an approved plan.

SIGN — Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

- A. ENHANCEMENT FEATURES — Any portion of a sign structure intended to improve the physical appearance of a sign, such as but not limited to roofs, moldings, lattice or other decorative features.
- B. FREESTANDING SIGN — Any sign that is not attached to a building.
- C. OFF-PREMISES SIGN — A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed.
- D. SIGN STRUCTURE — The supports, uprights, braces or framework of a sign.

SITE PLAN — A map or graphics prepared to scale depicting the development of a land area, including, but not limited to, the location and relationship of the structures, streets, driveways,

recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered:
 - (1) Human genitals, pubic region.
 - (2) Buttocks.
 - (3) Female breasts below a point immediately above the top of the areola.
- B. Human male genitals in discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Showing of human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
- C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

SPLIT-ZONED LOT OR PARCEL — A lot or parcel whereby the lot or parcel consists of more than one zoning district.

STABLE — A structure in which domestic animals are sheltered and fed.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORY — That portion of a structure included between the surface of any floor and the surface of any floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement level having more than 1/2 of its wall surface area height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF — That portion of a structure under a roof line that intersects the wall plates not more than 4 1/2 feet above the floor level of such story.

STRUCTURAL ALTERATION — Any work on the existing structure or parts thereof beyond ordinary maintenance and repair such as but not limited to sheathing, studs, plates stringers, rafters, joists, subfloor, foundation and any others similar to this, but does not include any expansion or replacement of the structure.

STRUCTURE — A combination of materials that form a structure, permanently or temporarily

placed, for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

STRUCTURE HEIGHT — The vertical distance of a structure measured from the average elevation of the finished grade contiguous to the structure to the highest point of the roof or significant appurtenances.

SUBSTANTIAL EVIDENCE — Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

TRACT — A contiguous area of land within a parcel, the owner of the tract being the same owner as the parcel. The tract(s) within the parcel is created by a street, highway, railroad, waterway or other physical feature that causes the acreage of the parcel to be physically separated.

UNNECESSARY HARDSHIP — A criteria reviewed during a variance proceeding. Unnecessary hardship is defined differently for the following types of variances:

- A. Use variance, requires that the test of "no reasonable use in the absence of a variance" be applied to determine if there is an unnecessary hardship.
- B. Area variance, requires that the test of "whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome" be applied to determine if there is an unnecessary hardship.

USE — The purpose or activity for which the land or structure thereon is occupied, utilized or maintained.

UTILITIES — Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewerage collection, or other similar service.

VARIANCE — An authorization by the body of jurisdiction to deviate from the strict interpretation of the standards of an ordinance, when criteria are met to allow such deviation from such standards.

VISION CLEARANCE TRIANGLE — A supplemental setback at the intersection of two or more roads for the purpose of preserving a clear line of sight across the sectors of such intersection(s).

WAREHOUSE — A structure used primarily for storage of goods and materials.

WIRELESS COMMUNICATIONS FACILITIES — (1) A land area containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communication devices and equipment.

- A. **ALTERNATIVE TOWER STRUCTURE** — Man-made structures such as, but not limited to, clock towers, bell steeples, light poles, silos and similar mounting structures.
- B. **ANTENNA** — A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

- C. COLLOCATION — The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or alternative tower structure.
- D. FAA — Federal Aviation Administration.
- E. FCC — Federal Communications Commission.
- F. HEIGHT — When referring to a tower or other alternative tower structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.
- G. PERSONAL WIRELESS FACILITIES — Transmitters, antenna structures and other types of installations used to provide personal wireless services.
- H. PREEXISTING WIRELESS COMMUNICATION FACILITY — Any wireless communication facility for which a land use permit or conditional use permit has been properly issued prior to the effective date of ordinance standards.
- I. TOWER — Any structure that is designed and constructed for the purpose of supporting one or more antennas and related equipment used to transmit and/or receive signals. The term includes the structure and any support thereto.

YARD — The open land area lying between the structure and the lot line of the property.

- A. YARD, STREET — The open land area across the full width of the property between the front street lot line and the nearest point of the structure.
- B. YARD, REAR — The open land area across the full width of the property between the rear lot line and the nearest point of the structure.
- C. YARD, SIDE — The open land area between the adjacent side lot line and the nearest point of the structure and extending from the street yard to the rear yard.

ZERO LOT LINE — The instance where a structure is allowed to be constructed over a lot line of two adjoining land areas.

ZONING AMENDMENT — A change of the zoning map or zoning text authorized by the County, either in the allowed use within a district or in the boundaries of a district.

ZONING DISTRICT — An area within the limits of the County for which the regulations and requirements governing use are uniform.

ZONING DISTRICT, OVERLAY — A zoning district that encompasses one or more underlying zoning districts and that imposes additional regulations and requirements beyond those of the underlying zoning district.

ZONING MAP — The map or maps incorporated into the applicable ordinance as a part thereof designating the boundaries of the zoning districts.

350-15 Accessory buildings; accessory structures. [Amended 2-15-2011 by Ord. No. 989-2011; 11-14-2017 by Ord. No. 22-2017; 9-21-2021 by Ord. No. 30-2021]

- A. Unless otherwise stated in this chapter, accessory uses and structures are permitted in any district, but not until their principal structure/use is present or under construction.
- B. Detached accessory building structures utilized for residential storage may be expanded in accordance with this chapter, to provide additional residential storage space. Decks, open or screened porches, 3-season rooms, sunrooms or similar residential accessory structures shall not be permitted as part of, an addition to, or an expansion of a residential detached accessory building structure. Basement and/or “lean-to” addition(s) that add residential storage space to detached accessory building structures, may be permitted in accordance with this chapter, however the land area covered by the “lean-to” addition at ground level shall be included in the maximum footprint of the structure.

350-38 R-1 Single Family Residence District

E. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: [Added 2-15-2011 by Ord. No. 989-2011; amended 9-21-2021 by Ord. No. 30-2021]

(1) Setbacks: same as principal structure.

(2) ~~Structure~~ Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor ~~All~~ sidewalls, excluding basement sidewalls, shall be located below the roof trusses and shall not exceed a 15 foot internal height.

(3) Area: 1,500 square foot maximum footprint (ground floor).

(4) Volume:-25,000 cubic feet maximum external volume. Basements are exempt from the volume calculation.

(5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

(6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure. [Added 8-18-2020 by Ord. No. 9-2020]

350-39 R-2 Single-Family Mobile Home Residence District

F. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: [Added 2-15-2011 by Ord. No. 989-2011; amended 11-14-2017 by Ord. No. 22-2017; 9-21-2021 by Ord. No. 30-2021]

(1) Setbacks: same as principal structure.

(2) **Structure** Height: 25 feet maximum; ground floor surface to peak. ~~There shall be no sidewalls above the ground floor ceiling joist. Ground floor~~ All sidewalls, **excluding basement sidewalls, shall be located below the roof trusses and** shall not exceed **a 15 foot internal** height.

(3) Area: 1,500 square foot maximum footprint (ground floor).

(4) Volume: 25,000 cubic feet maximum **external** volume. **Basements are exempt from the volume calculation.**

(5) Human habitation of a detached accessory building structure may be allowed; however it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

(6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure. [Added 8-18-2020 by Ord. No. 9-2020]

350-40 R-3 Multiple-Family Residence District

E. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: [Amended 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

(1) Setbacks: same as principal structure.

(2) **Structure** Height: 25 feet maximum; ground floor surface to peak. ~~There shall be no sidewalls above the ground floor ceiling joist. Ground floor~~ All sidewalls, **excluding basement sidewalls, shall be located below the roof trusses and** not exceed **a 15 foot internal** height.

(3) Area: 1,500 square foot maximum footprint (ground floor).

(4) Volume: 25,000 cubic feet maximum **external** volume. **Basements are exempt from the volume calculation.**

(5) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.^[2]

^[2] *Editor's Note: Former Subsection F, regarding accessory nonbuilding structure standards, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.*

350-41 R-4 Rural Residential District

E. Accessory **building** structure standards. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. An accessory building structure shall satisfy all of the following standards: [Amended 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

(1) Setbacks: same as principal structure.

(2) Structure Height: None. ~~However, there shall be no sidewalls above the ground floor ceiling joist. Ground floor~~ All sidewalls, ~~excluding basement sidewalls,~~ shall be located below the roof trusses and not exceed 20 feet in height. [Amended 9-19-2023 by Ord. No. 13-2023]

(3) Structure footprint: None.[Amended 9-19-2023 by Ord. No. 13-2023]

(4) Volume: None.[Amended 9-19-2023 by Ord. No. 13-2023]

(5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

(6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.^[1]

^[1] Editor's Note: Former Subsection F, regarding accessory nonbuilding structure standards, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.