

# FP-35 (General Farmland Preservation) Zoning District

Primary zoning district for farmland preservation -- CH. 10-Zoning, [Section 10.222](#)

## Permitted Uses 10.222(2)

- Agricultural uses
- Agricultural accessory uses (except those listed as conditional uses below)
- Agricultural accessory buildings
- Agricultural entertainment less than 10 days/year
- Farm-related exhibitions, sales or events less than 11 days/year
- Seasonal storage of recreational equipment and motor vehicles (including those not owned by the landowner) in existing accessory buildings
- Residences existing as of Feb. 20, 2010 (see below)
- Large animal boarding
- Sales of agricultural products produced on the premises
- Undeveloped natural resource and open space uses
- Utility services associated with a permitted use
- Transportation, utility, communication or other use required by law

## Conditional Uses 10.222(3)

- Agricultural accessory uses:
  - Agricultural entertainment, 10 days/year or more
  - Airports, landing strips, heliports for owner of farm
  - Farm related exhibitions, sales or events, over 10 days/year
  - Farm Residence, subject to 10.103(11)
  - Attached accessory dwelling units associated with a farm residence
  - Limited Farm Business, subject to 10.103(13)
- Sale of agricultural and dairy products not produced on the premise
- Incidental sale of non-alcoholic beverages and snacks
- Secondary farm residences
  - Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
  - Non-metallic mineral extraction
  - Asphalt & ready-mix concrete plants
  - Limited asphalt or concrete plants
  - Renewable energy electricity generators

## Setbacks and Height requirements for Structures 10.222(5) & 10.222(6)

### Front setback for all structures from Highway centerline / right-of-way line (whichever is greater)

State or Federal Highway: 100/42 feet minimum  
 County Highway: 75/42 feet minimum  
 Town Road: 63/30 feet minimum  
 Subdivision streets platted prior to ordinance: 20 feet minimum  
 All other streets: 30 feet minimum from right-of-way

### Maximum Height:

Residences: 2½ stories or 35 feet maximum  
 Accessory buildings: 35 feet maximum  
 Agricultural buildings: No height requirement

### Permitted residences:

**Side yard:** 25 feet total, with no single side less than 10 feet minimum  
**Rear yard:** 50 feet minimum  
 Uncovered decks/porches: 38 feet minimum

### Rear and side yards:

**Not housing livestock:** 10-feet

### Housing livestock:

100 feet from Residential or Hamlet zoning districts  
 50 feet from Rural Residential zoning districts  
 10 feet from all other zoning districts

## Lot Width & Area 10.222(4)

**Minimum:** 35 acres  
**Maximum:** None

**Minimum lot width:** None

## Maximum Lot Coverage all buildings and structures

None.

## Accessory Buildings Requirements 10.222(8)

- Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate farm operation or agricultural accessory use.
- Sanitary fixtures are permitted in agricultural accessory buildings

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- No living spaces are allowed in accessory buildings.
- Reduced setbacks may be used for residential accessory buildings on lots. The buildings must be located in the rear yard and must be at least 10 feet away from the principal building.
- Zoning Permit fees are exempt for farm buildings on farms of 35 acres or larger.

**NOTE:** A Zoning Permit is required for every building larger than 120 square feet in size. Zoning Permits are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet setback, height, and lot coverage requirements.

For more information on the regulation of accessory buildings please see the Dane County Zoning *Guide for Accessory Buildings* Handout.

### **Existing Residences in FP-35 10.222(b)1.**

- Any residence lawfully existing as of February 20, 2010 shall be considered a permitted use. Such structures may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided **all** of the following criteria are met:
  1. The use remains residential.
  2. The structure complies with all building height, setback, side yard and rear yard standards of this ordinance.
  3. For replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the town board and county zoning committee.
- Residential accessory buildings, home occupations, foster care for less than 5 children, community living arrangements for less than 9 people, and incidental room rental are permitted when associated with:
  - An existing residence as permitted above
  - A farm residence approved by conditional use permit
- Existing residences or secondary residences located on a farm, but which are no longer utilized in the operation of the farm may be rented.

### **Limited Farm Businesses 10.004(85) & 10.103(13)**

Limited farm businesses are an agricultural accessory use and must meet the following criteria:

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

In addition, a **limited farm business** as a conditional use in the FP-35 district is further restricted:

- The uses are limited to those listed as permitted uses in the LC or GC zoning districts, provided the use does not conflict with the overall purposes of the FP-35 district
- The area dedicated to the limited farm business use must not exceed 10,000 square feet in indoor floor area
- The use must be contained entirely within building(s) in existence prior to April 30, 2005
- The landowner must maintain, restore, or enhance the existing exterior character of the building(s)
- No more than 4 non-family employees may be employed.