

Ordinance No. 2025- 02
State of Wisconsin
County of Washington
Town of Farmington

**AN ORDINANCE AMENDING SECTIONS 13-1-1, 13-1-8, 13-1-45,
13-1-181, 13-1-182, AND 13-1-190 OF THE ZONING CODE OF
THE TOWN OF FARMINGTON**

WHEREAS, the Town Board hereby determines that it is necessary to update the Zoning Code in the Town of Farmington to be consistent with state law and to support current land uses within the Town boundaries.

NOW, THEREFORE, the Town Board of the Town of Farmington, Washington County, Wisconsin, does ordain as follows:

Section 1. **Amending Code**. Section 13-1-1, Authority, is hereby amended to read as follows (deletions indicated by ~~strike through~~; insertions by underline):

"Sec. 13-1-1 Authority.

These regulations are adopted under the authority granted by Secs. 60.18 60.61 and 62.23(7) Wis. Stats."

Section 2. **Amending Code**. Section 13-1-8(b), Definitions, is hereby amended to add the following definition:

"(153) **Zoological Activities.** Zoological activities include zoos and sanctuaries, defined as operations for the care, exhibition, preservation, and breeding of animals, with associated educational programs on parcel(s) of land containing in the aggregate not less than 100 acres of land. This includes internal development and redevelopment of new exhibits, visitor centers, trails, parking lots, accessory retail and footprint expansion upon the acquisition of adjacent agricultural zoned parcels or subdivision of existing parcels. Zoological activities, may include but are not limited to visitor centers, parking lots, trails, educational facilities, food/beverage sales, special events, weddings, or similar uses, and accessory retail sales such as gift shops."

Section 3. **Amending Code**. Section 13-1-45, AG Agricultural District, is hereby amended to read as follows (deletions indicated by ~~strike through~~; insertions by underline):

"Sec. 13-1-45 AG Agricultural District.

(a) **Purposes.** The purposes of the AG Agricultural District are to:

- (1) Preserve productive agricultural land for food and fiber production;
- (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- (3) Maintain a viable agricultural base to support agricultural processing and service industries; and
- (4) Prevent conflicts between incompatible uses;

(b) **Permitted Uses.** The following are permitted uses unless regulated as

conditional uses under Subsection (c) below:

- (1) Beekeeping;
- (2) Churches and schools;
- (3) Commercial feedlots;
- (4) Dairying, egg production;
- (5) Day care centers with a capacity for eight (8) or fewer persons
- (6) Fish or fur farming;
- (7) Floriculture;
- (8) Forest and game management;
- (9) Gas and electric utility uses not requiring authorization under Sec. 196.491, Wis. Stats. (Certain electric generating facilities and transmission lines).
- (10) Grazing;
- (11) Home occupations and professional home offices;
- (12) Livestock operations;
- (13) Manure Pits;
- (14) Orchards;
- (15) Plant greenhouses and nurseries (non-retail) (Retail requires Conditional Use Permit);
- (16) Poultry raising;
- (17) Public parks including golf courses;
- (18) Raising of grain, grass, mint, and seed crops;
- (19) Raising fruits, nuts, berries; sod farming and vegetable raising;
- (20) Roadside produce stands;
- (21) Single family dwellings;
- (22) Sod farming;
- (23) Zoological activities.

(c) **Accessory Uses.** See Section 13-1-140 for Accessory Use Regulations

(d) **Conditional Uses.**

- (1) Agricultural supporting services;
- (2) Agricultural warehouses or milk processing plants;
- (3) Agritourism Activities;
- (4) All other agriculture-related retail or wholesale businesses;
- (5) Bed and breakfast establishments;
- (6) Cemeteries;
- (7) Day care/Nursery School facilities requiring state licensing;
- (8) Dependent units (accessory apartments) meeting the standards of Section 13-1-42(g);
- (9) Greenhouses, nurseries, truck farms and orchards which also have commercial trade connected with the business;
- (10) Home Industry Business;
- (11) Kennels;
- (12) Plant greenhouses and nurseries (retail)
- (13) Remodeling of farm dwellings which existed prior to April 16, 1957, into two-family dwellings provided that each unit shall have at least nine hundred (900) square feet of living area;
- (14) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production;

(15) Two-family dwellings.

(e) **Area, Height and Yard Requirements.**

(1) Minimum Lot Size.

(a) The minimum lot area for one-family units shall be forty thousand (40,000) square feet for parcels created prior to the adoption date of this ordinance, and five (5) acre parcels created after the adoption date of this ordinance.

(b) The minimum average lot width shall be two-hundred (200) feet.

(2) Yards.

(a) The minimum side and rear yards for dwellings shall be twenty-five (25) feet from the nearest lot lines.

(b) Highway setbacks for farm dwellings and structures shall be as specified in Section 13-1-24. Agricultural accessory buildings eight hundred sixty-four (864) square feet or less shall have side and rear yard setbacks of five (5) feet.

(c) Agricultural accessory buildings over eight hundred sixty-four (864) square feet shall have side and rear yard setbacks of twenty-five (25) feet.

1. Total floor area of a dwelling:

a. One (1) story: One thousand two hundred (1,200) square feet.

b. Two (2) story: One thousand four hundred (1,400) square feet; first floor minimum eight hundred (800) square feet.

c. Bi-level: One thousand four hundred (1,400) square feet.

d. Tri-level: One thousand four hundred (1,400) square feet; total combined living area on two levels to meet one thousand two hundred (1,200) square feet, with balance on third level.

(3) Maximum Building Coverage of Lot. Twenty percent (20%).

(4) Maximum Building Height for Residences. Thirty-five (35) feet or two and one-half (2 1/2) stories.

(5) Maximum Accessory Building Height. One hundred (100) feet.

(f) **Animals On Single Family Subdivided Lots.** For all lots or parcels of less than five (5) acres, No no more than five (5) chickens, ducks or similar poultry, or eight (8) rabbits, are permitted on a lot of at least one and one-half (1½) acres. No more than one (1) animal (such as a horse, cow, sheep or llama) on a lot having at least three (3) acres, and two (2) animals on a lot having at least four and a half (4½) acres. Exotic animals requiring a state permit authorizing possession are prohibited within this district."

Section 4. **Amending Code.** Section 13-1-181, Initiation of Changes or Amendments, more specifically subsection 13-1-181(c), Action, is hereby amended to read as follows (deletions indicated by ~~strike through~~; insertions by underline):

"(c) Action. The Town Board shall hold a public hearing as provided for in Sec. ~~62-23(7)(d)~~ 60.61(4), Wis. Stats., and review all proposed changes and amendments. Prior to making a determination on the application, the Town Board shall refer the application to the Plan Commission for the Commission's review and advisory recommendation. The Town Board shall determine whether

the petition be granted as requested, modified or denied.”

Section 5. **Repealing and Recreating Code.** Section 13-1-182, Protest, is hereby repealed and recreated to read as follows:

“**Sec. 13-1-182 Protest.** A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a two-thirds vote of the town board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under Wis. Stat. § 62.23(6)(am)1.b. and if a protest against the proposed revision is presented to the town board prior to or at the public hearing pursuant to Wis. Stat. § 60.61(4)(c)1., by the owner or operator of the airport bordered by the airport affected area.”

Section 6. **Amending Code.** Section 13-1-190, Appeals to the Zoning Board of Appeals, more specifically subsection 13-1-190(d), Powers of Zoning Board of Appeals, is hereby amended to read as follows (deletions indicated by ~~strike through~~; insertions by underline):

- “(d) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated in Section 13-1-195, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator/Permit Issuer or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) ~~**Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Board has made a review and recommendation.~~
 - (4) ~~**Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.~~
 - (53) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Town Board Plan Commission has made a review and recommendation.
 - (64) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Town Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
 - (75) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Section 7. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance

shall not be affected.

Section 8. **Effective Date.** This Ordinance shall take effect upon publication or posting by the town clerk as required, pursuant to Wis. Stat. § 60.80.

Adopted by the Town of Farmington Town Board of Supervisors this 9th day of December, 2025.

Ayes 3 Noes 0 Absent 0


TOWN OF FARMINGTON

By 
DOUG NEUMANN, Town Chairperson

Date Approved: 12/9/25

Date Published/Posted: 12/09/2025

Attest:


PATRICIA HOERIG, Town Clerk