

Ordinance No. 2026-02
State of Wisconsin
County of Washington
Town of Farmington

**AN ORDINANCE AMENDING ARTICLE J, ACCESSORY USES AND STRUCTURES;
FENCES; SECTIONS 13-1-140(b)(3) 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 13-1-140, Authority, is hereby amended to read as follows (deletions indicated by ~~striketrough~~; insertions by underline)

Article J: Accessory Uses and Structures; fences;

Sec.13-1-140 Accessory Uses Or Structures.

- (a) **Compliance with District Regulations.** Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions.** An accessory use or structure may be established subject to the following regulations:
 - (1) **Attached Accessory Building Size Limits.** No attached accessory building or structure shall exceed the height of the principal building or structure.
 - (2) **Attached Accessory Buildings Yard Requirements.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) **Detached Garages or Accessory Buildings.** In specified Zoning categories, the following shall apply:
 - a. On a lot having at least 3 2 acres, non-dwelling uses and structures accessory to permitted and conditional uses may not exceed twelve hundred (1,200) square feet total per parcel. On a lot having at least 3 acres, non-dwelling uses and structures, accessory to permitted and conditional uses may not exceed fifteen hundred (1,500) square feet total per parcel, with an additional 100 sq. ft. for each additional acre of land up to five acres (See Section 13-1-23(h) regarding new garage requirement and minimum square footage).
 - b. On a lot having less than 3 2 acres, non-dwelling uses and structures accessory to permitted and conditional uses may not exceed ~~twelve hundred (1,200) square feet~~ eight-hundred sixty-four (864) square feet total per parcel. (See Section 13-1-23(h) regarding new garage requirement and minimum square footage).
 - c. In the RD Residential District and CE Country Estates Residential District, no detached garage or accessory building(s) or structures shall occupy more than twenty-five percent (25%) of the required rear yard area.

- d. For parcels of 5 acres or more in the AG Agricultural District, non-dwelling uses and structures accessory to permitted and conditional uses are not required to meet any specific size requirements.
 - e. For a Garden/Tool/Storage shed 120 sq. ft. or less in area ~~which has no foundation or slab~~, a Zoning Permit is not required; however, all other zoning regulations are still applicable. In addition to max allowed size Accessory Building, one Garden Shed does not exceed 120 sq. ft. is allowed.
 - f. Residential district accessory buildings shall not exceed ~~thirty-five (35) feet~~ twenty-five (25) feet in height. ~~and agricultural district accessory buildings shall not exceed one hundred (100) feet in height.~~ Buildings on parcels 2-5 acres shall not exceed thirty-five (35) feet in height. Agricultural district buildings shall not exceed one hundred (100) feet in height.
 - g. No detached garage or accessory building shall be located within three (3) feet of any other accessory building, or within five (5) feet of a side or rear lot line.
 - h. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one-(1) hour fire resistive construction are complied with.
 - i. Storage Containers, Shipping Containers, Trailers and Box Trailers are not allowed as permanent Accessory Structures or Storage Units. Canvas/Fabric Sheds, Car Ports, Structures are not allowed as permanent Accessory Structure or Storage Units.
- (c) **Use Restrictions - Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) **Use Restrictions - Nonresidential Districts.** An accessory use or structure in a commercial or industrial district may be established in the rear yard or side yard and shall have setbacks as prescribed as follows:
- (1) Side Yard Setback. Fifteen (15) feet.
 - (2) Rear Yard Setback. Twenty-five (25) feet.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within thirty (30) days of occupancy of the project.

- (h) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

Sec. 13-1-141 Fences.

- (a) **Fences Defined.** For the purpose of this Section,
- (1) **Fence.** An enclosed barrier consisting of wood, plastic, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) **Boundary Fence.** A fence placed the property lines of adjacent properties.
 - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape, with its decorative or finished side facing the adjoining lots or streets.
 - (5) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
 - (6) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (b) **Fence Construction.** The decorative or finished side of a fence shall face the adjoining properties and streets.
- (c) **Height of Fences Regulated.**
- (1) Except as provided in Section 13-1-90, regarding corner lot vision clearance, a fence or wall may be erected, placed, or maintained along a lot line to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of three (3) feet. Any such fence exceeding six (6) feet in height shall be set back a minimum of three (3) feet from all lot lines. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
 - (2) On business or industrially zoned property adjacent to residentially zoned property, no fence or wall may be erected, placed, or maintained along a lot line at a height exceeding eight (8) feet.

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 on this 8th day of September 2026.

Ayes 3 Noes 0 Absent 0

TOWN OF FARMINGTON

By 
DOUG NEUMANN, Town Chairperson

Date Approved: 9-08-2026

Date Published/Posted: 9-11-2026

Attest:

Patricia Hoerig
PATRICIA HOERIG, Town Clerk