Chapter 400. Zoning

Article VIII. Base Districts

§ 400-42. RCE Country Estate District.

A. Statement of intent. This district is intended to preserve a rural setting of very low density and high quality for "estate" or "gentleman's farm" type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas both intended and not intended to be served by municipal sewer or water facilities.

B. Basic regulations. (See Article **V** for general enabling and qualifying language.)

(1) Lot size.

(a) Minimum area: 120,000 square feet.

(b) Minimum average width: 250 feet.

(2) Density. Residential lot area per dwelling unit; lot area per dwelling unit: 120,000 square feet.

(3) Building location.

(a) Minimum setback: 50 feet.

(b) Minimum offset:

[1] One side: 40 feet.

[2] All other sides: 40 feet.

(4) Building size.

(a) Minimum residential floor area:

[1] Single-family:[1]

[a] First floor: 1,100 square feet.

[b] Total: 1,100 square feet.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

[2] Multifamily per dwelling unit: –.

(b) Floor area ratio: 15%.

(5) Open space. Minimum per residential dwelling unit: 80,000 square feet.

(6) Height. Maximum permitted:

(a) Principal structure: 35 feet.

(b) Accessory structure: see Article **V**.

C. Permitted uses (see Article **V**).

(1) Permitted uses by right.

(a) Single-family detached dwellings.

(b) Public parks and recreation areas, but not including facilities for organized athletics except as a permitted conditional use.

(c) Crop, dairy, cattle, horse, goat/sheep and tree farming subject to the following:
[Amended 6-26-2018 by Ord. No. 1418; 3-18-2020 by Ord. No. 1442]

[1] The keeping or raising of hogs or fur bearing animals shall not be permitted.

[2] The keeping or raising of poultry and domestic livestock, except for hogs and fur bearing animals, the raising of which is absolutely prohibited in this district, shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in area on the basis of not more than one head of livestock per 40,000 square feet of land, nor more than 50 fowl per 40,000 square feet of land.

(d) Horticulture, but not including commercial greenhouses in excess of 1,000 square feet.

(e) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

(2) Permitted accessory uses.

(a) Private garages subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No private garage in a residence district shall be used for operation of any metal working, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.

(b) One private garden shed subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.

(c) Other accessory structures subject to the provisions of Article **XV** and subject to approval of the Plan Commission and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No accessory structure in a residential district shall be used for the carrying on of any metal working, woodworking, masonry, carpentry, contracting or repair business except as a permitted accessory use or home occupation.

(d) The following signs subject to the general regulations governing signs:

[1] A sign identifying the property or the name of the owner or occupant not in excess of six square feet.

[2] A "No Hunting," "No Trespassing" or other similar sign and not in excess of six square feet in area.

[3] Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than two signs on any single parcel.

(e) Home occupations and professional offices, when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the

conditions in § **400-164** of this chapter. (Home occupations, when undetermined if they meet the restrictions in § **400-164**, may be allowed by Plan Commission determination and approval as necessary. The Plan Commission may allow minor variations to the restrictions in § **400-164** by conditional use grant only. However, the home occupation must demonstrate that it does not negatively affect the residential area.)[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(f) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises subject to the following:
[Amended 10-23-2014 by Ord. No. 1386]

[1] The keeping or raising of hogs or fur bearing animals other than rabbits shall not be permitted.

[2] The raising of chickens for personal use, on lots less than 120,000 square feet, shall be considered an accessory use in all single-family residential zoning districts and shall meet the following requirements below:

[a] Up to a total of four chickens allowed per single-family property. No chickens are allowed on commercial, industrial, or multifamily properties.

[b] No roosters.

[c] No slaughtering on site.

[d] Chickens shall be kept within a secure outdoor enclosure of no more than 50 square feet and said enclosure must be maintained in a clean and sanitary condition. Said enclosure must be cleaned on a regular basis to prevent offensive odors.

[e] Enclosures shall be located no closer than 25 feet to neighboring dwellings and a minimum of 10 feet from the property line.

[f] Chickens may not be kept in the front yard of a property. For the purpose of this subsection, "front yard" is defined as between a home and a roadway. Homes that are located on multiple roadways are considered to have multiple front yards.

[g] Chickens may not be kept within 50 feet of the ordinary high-water mark (OHWM) of any navigable waterway.

[h] The chickens cannot cause a nuisance or unhealthy condition or interfere with the normal use of property or enjoyment of life by humans or animals.

[i] A zoning permit is required from the Public Works and Development Department before the allowance of chickens per this Subsection **C(2)(f)**.

[j] In the event a property owner/tenant does not first get a permit or if the property owner/tenant who has a valid permit does not follow the above requirements of this Subsection **C(2)(f)**, permanent revocation of the allowance of chickens on the property under this subsection may take place.

[k] By receiving an approved permit, an applicant agrees to allow the City on-site inspections, upon agreed-upon times, to review any complaints.

[l] Failure to follow the requirements of this Subsection **C(2)(f)** is subject to citation.

[3] Not more than one head of livestock or 20 fowl shall be permitted per 40,000 square feet of lot area, nor shall any such livestock or fowl be permitted on a lot less than 120,000 square feet in area unless the requirements are met for chickens per Subsection **C(2)(f)[2]** above. See Subsection **C(2)(f)[4]** for further details on how to calculate the number of livestock and fowl allowed.

[Amended 3-18-2020 by Ord. No. 1442]

[a] Storage requirements.

[i] All bedding materials must be stored indoors.

[ii] Any outdoor piles of feed and bedding shall be located at least 100 feet from any public right-of-way or adjacent residential lot line.

[iii] Manure shall be stored no less than 100 feet from any public right-of-way or adjacent residential lot line.

[4] Determining the maximum number of livestock and fowl. The calculation of the maximum number of livestock and fowl allowed applies to all subsections in § **400-42C(2)(f)**. Different animal types may be combined, but the total calculated number of animals may not exceed the maximum per-acre density identified in § **400-42C(2)(f)[3]**. For example, a three-acre lot will allow for three head of livestock or 60 fowl; or a three-acre lot can have one horse, one sheep and 20 head of fowl, or equivalent numbers not to exceed the maximum allowed.
[Added 3-18-2020 by Ord. No. 1442]

[a] Contiguous land under the same ownership. The total acreage of parcels of land that are contiguous to each other, under that same ownership and have the appropriate zoning category may be used when calculating the maximum number of animals allowed. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands.

[b] Contiguous land that is leased. If contiguous land is being leased for agricultural purposes, the leased land area can be used when calculating the maximum number of animals allowed. Once the land is no longer being leased, the maximum number of animals allowed shall be adjusted. A written lease agreement, signed by all property owners, shall be required. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands. The leased land shall be used exclusively by the lessee.

[c] When determining the maximum number of animals allowed on contiguous lands, the land area can only be used once or by one property owner. Double counting is not allowed.

(g) Private residential outdoor recreation facilities.

(h) Service buildings and facilities normally incident to the use of a public park or recreation area.

(i) Any other structure or use normally accessory to the principal uses permitted.

(j) All those uses as listed in § **267-3** of Chapter **267**, Peddlers, Solicitors and Transient Merchants, of the City Code shall be permitted without Plan Commission approval unless traffic congestion is a concern or the residential integrity of the subject and adjacent properties is compromised. Agricultural produce sales shall be of a seasonal nature, grown by the seller, on agricultural zoned property or agriculturally used property including the principal residence.

(k) Hobby kennels, subject to the conditions in § **400-166A** of this chapter.[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(l) Mother-in-law/family units, subject to the conditions in § **400-165** of this chapter.[4]

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(m) Vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as not more than 300 square feet, except that a maximum of two rental spaces may be permitted where they are the only spaces provided on said lot.

(n) For lakeshore properties, one boathouse in addition to the accessory uses permitted, and subject to the approval of the Public Works and Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to the following:

[1] Location: minimum 20 feet from the ordinary high-water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.

[2] Height: not greater than 15 feet above the lowest grade.

[3] Area: no greater than 525 square feet.

(o) Bed-and-breakfast. A bed-and-breakfast is an owner-managed and -occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation. A bed-and-breakfast facility is allowed in some residential zoning districts provided a conditional use grant is first received from the City's Plan Commission. Bed-and-breakfast operation is subject to the following conditions and submittal requirements being met through the City's Plan Commission:
[Added 8-19-2010 by Ord. No. 1326]

[1] A building, site and operation plan outlining all pertinent details must be submitted to the Plan Commission (narrative, building elevations, floor plans, site plan, lighting, landscaping, refuse, etc.).

[2] The facility shall have any applicable state licenses/approvals required for lodging and/or food services and comply with and maintain all health, safety, building, and fire codes as may be required or applicable.

[3] A maximum of five bed-and-breakfast units may be established within a structure.

[4] The bed-and-breakfast establishment shall provide a minimum of one parking space per bed-and-breakfast sleeping room and a minimum of two parking spaces for the use of the operator and family of the operator; provided, however, that the City Plan Commission may determine it sufficient for fewer parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. The parking must follow other parking requirements per this code and may require additional screening depending on the desired location and surrounding land uses. Parking shall not be detrimental to nearby properties due to excess noise, odor, glare or other factors.

[5] Signage is limited per the sole direction of the Plan Commission.

[6] The owner shall reside on site.

[7] Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.

[8] All bed-and-breakfast units shall be established within the principal or accessory structures on the property.

[9] The principal structure shall have a minimum size of 1,500 gross square feet.

[10] No liquor is to be sold or served on the premises unless the operator has first obtained a liquor license from the City.

[11] All bed-and-breakfast facilities must maintain a guest logbook that must include the names and home addresses of guests, guest license plate numbers if traveling by automobile, dates of stay, and the room number of each guest. The log must be available for inspection by City public safety staff upon request.

[12] No guest shall stay in the facility for more than 14 days within any thirty-day period.

(3) Permitted uses by conditional grant.

(a) Public and private commercial and private noncommercial group outdoor recreational facilities.

(b) Public and private schools.

(c) Churches and religious institutions.

(d) Public administrative offices and service buildings.

(e) Private lodges and clubs.

(f) Commercial development of historic restorations.

(g) Nursing and rest homes and homes for the aged, including day care.[5]

[5] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(h) Summer theaters and outdoor music amphitheaters.

(i) Public utility offices and installations.

(j) Existing duplexes.

(k) Home occupation not meeting the above accessory requirement.

(l) Separate quarters away from the main building for:

[1] Household or farm employees, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.

[2] Persons related to the residents of the principal structure, provided such structure shall not be rented or leased. Said quarters shall be a minimum of 1,200 square feet.

(m) Guesthouses on lots of at least 120,000 square feet, provided such structure shall not be rented or leased. Such structure shall be a minimum of 1,200 square feet.

(n) Rustic structures.

(o) For lakeshore properties: boating and yacht clubs, marinas and launching sites, lake resorts and boat liveries.[6]

[6] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(p) Bed-and-breakfasts as regulated by Subsection **C(2)(o)**.
[Added 8-19-2010 by Ord. No. 1326]

(q) Waiver of a dimensional zoning regulation for a reasonable accommodation for a person with disabilities. See § **400-159G** for details.
[Added 3-22-2012 by Ord. No. 1351]

(r) (Reserved)[7]

[7] *Editor's Note: Former Subsection **C(3)(r)**, listing vacation rentals per § **400-159H**, added 6-26-2018 by Ord. No. 1418, was superseded 4-12-2022 by Ord. No. 1470. See now Ch. **297**, Short-Term Rentals.*

(s) Adaptive reuse of existing barns for an event/wedding venue as per § **400-159J** of this chapter.
[Added 3-18-2020 by Ord. No. 1442]

(4) Lakeshore property restrictions.

(a) No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or access to or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, or patrons of a permitted commercial use or of a permitted organizational use.[8]

[8] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

(b) No building shall be permitted closer than 50 feet to the shoreline of a lakeshore lot, except that no offset shall be required for piers or similar use areas and a boathouse as permitted above.