

(3) Offset:

(A) Twenty (20) feet minimum

(B) Additional regulations and exceptions from Section 3.09(3) apply.

(Section 6.52 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.53 Height Regulations.

The regulations and exceptions of Section 3.10 apply.

(Section 6.53 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.54 Area Regulations.

(1) Floor Area and Building Footprint:

(A) Minimum Floor Area for Single-family Dwelling:

1. First floor: Eight hundred fifty (850) square feet.

2. Total: Eleven hundred (1,100) square feet.

(B) Two family: Minimum required Floor Area per Family - Eight hundred fifty (850) square feet per unit.

(C) Maximum Building Footprint: Fifteen percent (15%) or eleven hundred (1,100) square feet, whichever is greater.

(D) Additional regulations and exceptions from Section 3.11 apply.

(2) Lot size:

(A) Minimum required area - one (1) acre.

(B) Minimum average width - one hundred and fifty (150) feet.

(3) Density Division Standards:

Development shall not exceed one (1) dwelling unit per ten (10) acres.

(Section 6.54(B)1 was amended by Enrolled Ordinance 170-72, effective 12-31-15.)

(Section 6.54 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

SECTION 6.6 A-5 MINI-FARM DISTRICT

6.61 Intent and Purpose.

This District is intended to provide for very low-density single-family residential development and the conversion of older farm dwellings to two-family units in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property. These lands are best suited for small farm units, i.e., truck farms, horse farms, hobby farms, orchards and other similar agriculturally-related activities and usually contain a predominance of U.S.D.A. defined statewide significant category soils or prime category soils on parcels which do not qualify for agricultural preservation zoning or in areas which have an existing pattern of scattered or low-density residential development. Such a District is intended to be used to implement the County or Regional Land Use Plan category entitled "other Agricultural or Rural Land".

(Section 6.61 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.62 Use Regulations.

(1) Permitted Uses:

(A) Any use permitted in the A-1 Agricultural District.

(B) Two-family uses in converted farm dwellings existing on the date of adoption of this Ordinance (February 26, 1959) subject to issuance of a Conditional Use Permit contained in Section 3.08(7)(N).

(2) Permitted Accessory Uses:

Any of those Accessory Uses permitted in the A-1 Agricultural District.

(Section 6.62 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

(Section 6.62 was amended by Enrolled Ordinance 175-18, effective 8/12/20.)

6.63 Building Location.

(1) Road Setback:

(A) Fifty (50) feet minimum, with the following exceptions for setbacks when measured from a Local Road:

1. Thirty-five (35) feet minimum if the Lot is part of a subdivision recorded after October 1, 2016.
2. Thirty-five (35) feet minimum if the Lot is served by sewer.

(B) Additional regulations and exceptions from Section 3.09(1) apply.

(2) Wetland Setback:

(A) Seventy-five (75) feet minimum.

(B) Additional regulations and exceptions from Section 3.09(2) apply.

(3) Offset:

(A) Thirty (30) feet minimum.

- (B) Not less than fifty (50) feet from an adjacent property line for any Building housing Livestock, Poultry or other animals. This does not include doghouses.
- (C) Additional regulations and exceptions from Section 3.09(3) apply.

(Section 6.63(2)(B) was amended by Enrolled Ordinance 161-13, effective 09/04/06.)
(Section 6.63 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.64 Height Limitations.

The regulations and exceptions of Section 3.10 apply.

(Section 6.64(1) was amended by Enrolled Ordinance 159-69, effective 1-17-05.)
(Section 6.64 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.65 Area Regulations.

(1) Floor Area and Building Footprint:

- (A) Minimum Floor Area required for Single-family Dwelling:
 - 1. First floor: Eight hundred fifty (850) square feet.
 - 2. Total: Eleven hundred (1,100) square feet.
- (B) Maximum Building Footprint permitted:
Ten percent (10%) or eleven (1,100) square feet, whichever is greater.
- (C) Additional regulations and exceptions from Section 3.11 apply.

(2) Lot Size:

- (A) Minimum area: Five (5) acres.
- (B) Minimum average width: Three hundred (300) feet.

(Section 6.65 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

SECTION 6.7 EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT

6.71 Purpose and Intent.

The EC Environmental Corridor Overlay District, as mapped or intended to be mapped, includes non-wetland/floodplain Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas as defined in this Ordinance, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding twelve percent (12%), and upland wooded areas, while also affording an opportunity to use the site for limited residential purposes, in concert with the goal and intent of the Regional Land Use Plan, Comprehensive Development

Plan for Waukesha County, or locally adopted plan, which recommends that residential densities in such areas not exceed one unit per five (5) acres for all parcels which lie entirely within the Environmental Corridor. Where questions arise as to the exact location or boundary of an Environmental Corridor, the extent and location of such corridors shall be refined and finally determined by infield investigation by the Zoning Administrator or his/her designee, and a notation shall be made on the District Zoning Map of the Waukesha County Zoning Code indicating that such a determination has been made for future reference and map amendment purposes.

If an in-field determination finds that all or a portion of a property within said overlay district is erroneously mapped, the field determined boundaries shall immediately become subject to the applicable underlying base zoning district regulations. Lands with an underlying zoning designation of FLP Farmland Preservation District shall comply with the more restrictive parameters of the FLP District but shall be allowed limited disturbance within EC areas if authorized in accordance with Section 6.19(3)(D).

(Section 6.71 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

(Section 6.71 was amended by Enrolled Ordinance 175-18, effective 8/12/20.)

6.72 Use Regulations.

(1) Permitted Uses:

- (A) Any uses permitted in the C-1 Conservancy Overlay District except that, whenever possible, pasturing and grazing of Livestock shall be located outside of the Environmental Corridor.
- (B) Single family dwellings.
- (C) The keeping of Poultry and Livestock in accordance with Section 7.01(3).
- (D) The following Accessory Buildings and uses, subject to the conditions specified:
 - 1. Private Garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no Private Garage shall be erected unless that Principal Building to which such garage is an Accessory Use has been erected or is to be erected simultaneously with said garage.
 - 2. Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.
 - 3. Stables, barns, or poultry houses, which house Livestock or Poultry, shall not be less than fifty (50) feet from an adjacent property line.
- (E) A Sign in accordance with Section 7.01(7).
- (F) Hobby Kennel in accordance with Section 7.01(1)(I).
- (G) Guesthouses are prohibited in the EC Environmental Corridor Overlay District.
- (H) The establishment and enhancement of public parks and recreation areas, wilderness or walk-in unimproved boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife

habitat areas, provided that any tree and vegetation removal and subsequent restoration done in the EC Environmental Corridor Overlay District and any improvements and/or construction shall be approved by the County Zoning Administrator before beginning any development activities. Vegetative restoration may be allowed within the corridor for the purpose of improving wildlife habitat or to otherwise enhance wildlife values provided all necessary permits are obtained and said activities shall only be approved after review and approval and issuance of all permits, as required. Roads and trails to service the recreational and wildlife areas, etc. may be permitted, but said Roads and trails may not include vegetation removal or other construction activity within the corridor without obtaining all approvals, as required.

(Section 6.72 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

(Section 6.72 was amended by Enrolled Ordinance 175-18, effective 8/12/20.)

6.73 Building Location.

(1) Road Setback:

(A) Fifty (50) feet minimum, with the following exceptions when measured from a Local Road:

1. Thirty-five (35) feet minimum if the Lot is part of a subdivision recorded after October 1, 2016.
2. Thirty-five (35) feet minimum if the Lot is served by sewer.

(B) Section 3.09(1) for additional regulations and exceptions.

(2) Wetland Setback:

(A) Seventy-five (75) feet minimum.

(B) Section 3.09(2) for additional regulations and exceptions.

(3) Offset:

(A) Thirty-five (35) feet minimum. In the case of existing legal nonconforming principal or accessory Structures that are less than the required thirty-five (35) foot minimum, an extension or addition may be allowed closer than thirty-five (35) feet as long as said extension or addition does not extend or encroach closer to the Side Lot Line than the existing Structure to which it is attached, at its closest point as measured in this Ordinance, and in no case shall be less than twenty (20) feet unless a Special Exception is granted by the Board of Adjustment to allow such extension or addition and with the requirement that all of the disturbance regulations of Section 6.7 of this Ordinance be met as applicable.

(B) Section 3.09(3) for additional regulations and exceptions.

(Section 6.73 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.74 Height Regulations.

The regulations and exceptions of Section 3.10 apply.

(Section 6.74 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.75 Area Regulations.

(1) Floor Area and Building Footprint:

(A) Minimum Floor Area Required for Single-family Dwelling:

1. First floor: Eight hundred and fifty (850) square feet.
2. Total: Eleven hundred (1,100) square feet.

(B) Maximum Building Footprint Permitted:

Lots that are less than two (2) acres in area are restricted to a maximum Building Footprint of seventeen and one half percent (17.5%), or eleven (1,100) square feet, whichever is greater, unless preservation of Green Space limitations are more restrictive.

(C) Additional regulations and exceptions from Section 3.11 apply.

(2) Lot size and Density:

(A) Minimum area:

The overall density of parcels lying entirely within the Environmental Corridor shall be no greater than one (1) dwelling unit per five (5) acres of corridor area with no Lot Area being less than two (2) acres in size. On parcels which contain area outside of the Environmental Corridor or partially within the Environmental Corridor and in a zoning category requiring less than a five (5) acre Lot, the five (5) acre density requirement shall not apply and the Lot can be the size required for that adjacent zoning category, as determined by the Zoning Administrator, as long as any Land Altering Activity and/or building envelopes are located outside of the corridor area and appropriately restricted as such on the face of the Certified Survey Map, Subdivision Plat or other document approved by the Waukesha County Park and Planning Commission or the Zoning Administrator and recorded in the office of the Register of Deeds. The overall goal of this requirement is to obtain a maximum density of building activity within the Environmental Corridor of not more than one (1) dwelling unit for each five (5) acres of Environmental Corridor lands.

(B) Lands which lie within a larger parcel or tract of land, the remainder of which is zoned either FLP Farmland Preservation District or FLC Farmland Conservancy District, shall have a minimum (gross) parcel size of thirty-five (35) acres.

(3) Preservation of Green Space:

(A) The maximum area of disturbance in the EC Environmental Corridor Overlay District for all Land Altering Activities and vegetative removal, including building sites, septic areas, and drive areas, shall be the greater of fifteen thousand (15,000)

square feet or fifteen percent (15%) of a parcel's area, up to a maximum of thirty-two thousand six hundred seventy (32,670) square feet, and a deed restriction shall be recorded in the office of the Register of Deeds describing the permitted area of disturbance at the time of Zoning Permit issuance.

- (B) For parcels which lie partially within and partially outside of the EC Environmental Corridor Overlay District, the area of disturbance as described in subsection 3(A) above shall be limited to that area outside of the EC Environmental Corridor Overlay District unless otherwise permitted by a building envelope on a certified survey map, subdivision plat, or other document, or unless the developable area of a parcel (that area that is not constrained by zoning district setback and offset requirements and that is located outside of the EC Environmental Corridor Overlay District) is less than fifteen thousand (15,000) square feet or is less than the area that is equal to fifteen percent (15%) of the area of a parcel, up to a maximum of thirty-two thousand six hundred seventy (32,670) square feet.

If the developable area on a Lot is less than the above specified thresholds, a maximum area of disturbance within the EC Environmental Corridor Overlay District, as described in subsection 3(A) above, up to the amount of area needed to achieve the greater of a fifteen thousand (15,000) square foot developable area or a developable area of fifteen percent (15%) of the area of the parcel, up to a maximum of 32,670 square feet of disturbance area, as described in subsection 3(A) above, may be permitted by the Zoning Administrator provided a deed restriction is recorded in the office of the Register of Deeds describing and authorizing the area of disturbance. The maximum area of disturbance within the Environmental Corridor portion of such a Lot shall be determined by calculating the available developable area that is located outside of the Environmental Corridor and subtracting the available developable area from the above described fifteen thousand (15,000) square foot or fifteen percent (15%) threshold.

(4) Tree and Vegetation Cutting and Removal:

- (A) All tree and native brush and understory vegetation cutting and removal within the EC Environmental Corridor Overlay District shall require a Zoning Permit, in accordance with Section 3.03 of this Ordinance, prior to said activities commencing, with the following exceptions:

The cutting or removal of four (4) or fewer dead, dying or diseased trees from a single property within a one-year time period, the removal of invasive species, or the removal of vegetation necessitated by extension of utilities to public or private property shall not require a Zoning Permit. In addition, the Zoning Administrator may waive Zoning Permit requirements for tree cutting or vegetation removal in the event of widespread storm damage or for the cutting of trees that present a safety hazard.

- (B) Tree and vegetation cutting or removal is regulated in order to protect natural beauty and wildlife habitat and to prevent erosion. Except for those activities conducted in accordance with the provisions of Section 6.75(3) above, tree and vegetation cutting and removal shall be limited to the cutting and removal of dead, dying, and diseased trees or vegetation; the cutting and removal of invasive species; or the cutting and removal of trees and vegetation related to the implementation of a forest management plan approved by the Zoning Administrator or his/her designee. Cutting and removal activities must

demonstrate enhancement of the Environmental Corridor. The Zoning Administrator may consult with natural resource experts at the Southeastern Wisconsin Regional Planning Commission or other governmental agencies to determine the appropriateness of the proposed cutting or removal activities and to solicit recommendations regarding any required re-planting or restoration requirements in order to ensure that the project does not have an adverse impact on the natural environment.

(Section 6.7 was amended by Enrolled Ordinance 169-46, effective 09-09-2014.)

(Section 6.75(2)(B) was amended by Enrolled Ordinance 170-72, effective 12-31-15.)

(Section 6.75 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

(Sections 6.75(3) and (4) were amended by Enrolled Ordinance 175-18, effective 8/12/20.)

SECTION 6.8 (Reserved.)

Editor's Note:

(Section 6.8 entitled "EC Environmental Corridor Overlay District" and all subsections were repealed by Enrolled Ordinance 175-18, effective 8/12/20.)

SECTION 7 A-1 AGRICULTURAL DISTRICT

7.01 Permitted Uses.

- (1) Any use permitted in the C-1 Conservancy Overlay District.
- (2) Single-family Dwellings.
- (3) Agricultural or Farm Uses. Such uses, as defined and listed in Section 2.02(13)(A) of this Ordinance, shall be permitted in accordance with the following standards except that fur farms, pig farms, and commercial poultry and egg production, and boarding stables are subject to the Conditional Use provisions of Section 3.08.
 - (A) For lots between 20,000 square feet and three acres in size.
Agricultural and Farm Uses are limited to Recreational Chicken Uses in accordance with the provisions of Section 3.21 of this Ordinance, and crop or forage production shall only be permitted upon determination and the grant of a waiver by the Zoning Administrator, upon recommendation of the Town Plan Commission, that said use will not negatively affect surrounding property owners.
 - (B) For lots a minimum of three (3) acres and up to five (5) acres in size.
Subject to the exceptions listed in Section 7.01(3) above, Agricultural and Farm Uses are permitted with animal keeping (excluding hogs, male goats and fur-bearing animals) being limited to one head of livestock and/or twenty (20) poultry for the first three (3) acres and one additional head of livestock and/or twenty additional poultry per acre for each additional acre over the three (3) acre minimum.
 - (C) For lots or farms a minimum of five (5) acres up to twenty acres in size.
Subject to the exceptions listed in Section 7.01(3) above, Agricultural and Farm Uses are permitted with animal keeping (excluding hogs, male goats and fur-bearing animals) being limited to one head of livestock and/or twenty (20) poultry for the first three (3) acres and one additional head of livestock and/or twenty