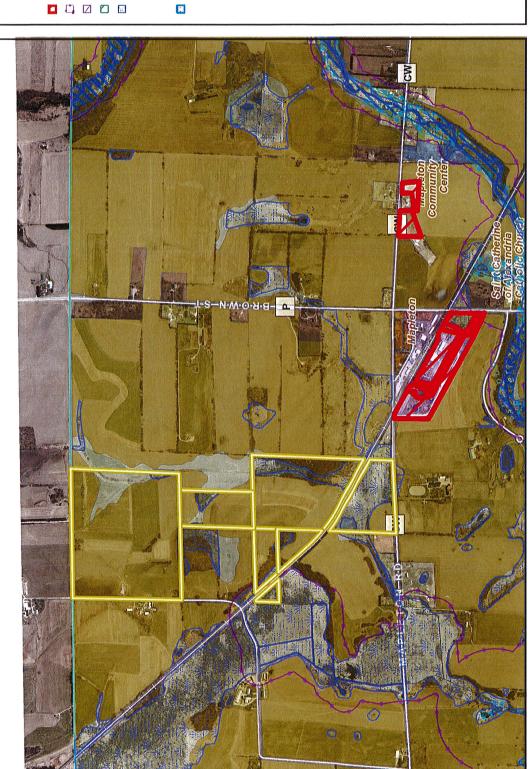
Waukesha County GIS Map



Legend

Retired Plats (Click for de Conditional Zoning Chang Retired Parcels (Click for Parcels (Click for details) Plats (Click for details)

Delafield Shoreland Overl North Lake Overlay Wetland Overlay

Shoreland Zoning Jurisdic

- Floodway (FEMA)
 Floodplain (FEMA)
 Dam Failure Study Floody Zoning Floodplain Overlay
 - Existing Floodplain Devel
 - County Zoning Districts
 - A-3 Suburban Estate Distric A-4 Country Estate District A-2 Rural Home District A-1 Agricultural District
 - A-5 Mini-Farm District
- A-B Agricultural Business Di:
 - A-T Agricultural Land Preser AD-10 Agricultural Density -
- B-1 Restricted Business Dist B-2 Local Business District
- B-4 Community Business Dit B-3 General Business Distric
- B-P Mixed Use Business Par FLC Farmland Conservancy DOD Downtown Okauchee
 - FLP Farmland Preservation
- M-1 Limited Industrial Distric HG High Groundwater
- M-2 General Industrial Distri Not Zoned
- P-I Public and Institutional D Q-1 Quarrying District
 - R-1 Residential District R-2 Residential District

Notes:

Printed: 1/3/2020

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shall also apply to the C-1 Conservancy Overlay District.

(Section 5a was created by Enrolled Ordinance 170-72, effective 12/31/15.)

SECTION 6 FLC FARMLAND CONSERVANCY DISTRICT

(Section 6 was renamed as FLC Farmland Conservancy District and amended by Enrolled Ordinance 170-72, effective 12/31/15.)

6.01 Purpose and intent.

This District is intended to apply to those areas that are designated on the Comprehensive Development Plan for Waukesha County for Farmland Preservation and which are presently in Agricultural Use by virtue of either cultivation, pasture or in some other way, and which if they were not being used for agricultural purposes would be classified as conservancy lands due to inherent wet soil characteristics and/or the presence of natural vegetation indicative of wet soils. The intent of the District is to preserve and maintain Agricultural Uses on lands suited for such purposes. They often include lands poorly suited for urban or suburban development while being particularly well suited for some types of Agricultural Use.

In this District, Structures related to farm operations, including existing dwellings, are deemed consistent with the purpose of this section where the location of Buildings associated with the permitted agricultural operation is found to conform with health, sanitation and safety provisions of this and any other state regulation or local ordinance. Determination of such suitability shall be evidenced by on-site examination and evaluation. The intent for mapping purposes is that lands within this District shall have exhibited those Agricultural Uses in the past. It is not the intent of this section to promote or permit the conversion of Wetlands. If a new Lot of less than 35 acres is proposed and a portion of the lands to be included in the Lot Area are zoned FLC District, said lands may only be included within the Lot Area if the proposal complies with the siting, density, area, etc. parameters of the FLP District.

(Section 6.01 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.02 Use regulations: Permitted Uses.

- (1) Any uses and Structures permitted in the C-1 Conservancy District and if located in a Wetland, the provisions of Section 5 shall apply.
- (2) Agricultural Uses, as defined within this Ordinance, except Fur and Pig Farms and Poultry and/or egg production which require Conditional Use authorization pursuant to Section 6 C.4. Such uses shall not fill or convert Wetlands or floodplains.
- (3) Agricultural Accessory Uses including existing single-family dwellings that existed on January 1, 2014 and shelters for housing animals that comply with Section 2.02 (12) of this Ordinance or permitted as an appurtenance to a Farm Residence, except that no Structure shall be located in a Wetland or upon lands not suited due to soil limitations.
- (4) Nurseries, greenhouses and hatcheries limiting the retail sales of such product to that which is produced by the farm operator, subject to review and approval of a Site Plan and Plan of Operation by the plan commission and the Zoning Administrator in accordance with Section 3.03(6) of this Ordinance.

- (5) Roadside Stands, subject to the provisions of Section 6.14(2)(E).
- (6) Signs not to exceed forty (40) feet in area displaying the name of the Farm or farm organization.

(Section 6.02 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.03 Conditional uses.

Conditional uses, as provided in Section 3.08(7) and listed below, and in accordance with the procedural requirements of Section 3.08(7) and the provisions of Section 6.15:

- (1) Landing Fields and Take Off Strips serving agricultural or municipal uses.
- (2) Animal Hospitals and Veterinarian Clinics; and Commercial Dog Kennels but only if they comply with the Farm Family Business provisions of ATCP 49.
- (3) Commercial Truck Parking, except that such use may be allowed but only if incidental to and compatible with the continued long term Agricultural Use of the lands as determined by the Town Plan Commission and the County Zoning Administrator and comply with the Farm Family Business provisions of ATCP 49.
- (4) Fur Farms, Pig Farms, Creameries, Condensories, Commercial or Custom Grain Drying Operations and Poultry and/or Egg Production.
- (5) Existing non-metallic mineral extraction or Quarrying (as defined in this Ordinance), except that such use may be allowed only if incidental to and compatible with the continued long term Agricultural Use of the lands which make up the major portion of lands in the FLC or FLP Districts (i.e., sand and gravel removal on non-productive lands, for example).
- (6) Private Clubs and Resorts (including commercial Boarding Stables), except that such use may be allowed only if incidental to and compatible with the continued long term Agricultural Use of the lands (i.e., private hunt clubs during the non-growing season, for example).
- (7) Land Altering Activities in accordance with the requirements of Section 3.08(7)(AA), provided such activities do not negatively affect the long-term suitability of the lands for agricultural purposes.
- (8) Limited Family Businesses, as provided for and in accordance with all parameters of Section 3.08(7)(KK). Said uses must comply with the Farm Family Business provisions of ATCP 49.
- (9) In-law Units, pursuant to Section 3.08(7)(*Z*), provided that the density requirements of the Farmland Preservation Plan are complied with.
- (10) Other uses, situations, or nonfarm type businesses not specifically provided for in this conditional use section and which may be determined to be acceptable under the provisions of Section 6.15 and in the judgment of the Town Plan Commission and County Zoning Agency, meet the intent of a conditional use as set forth in Section 3.08(1) and comply with

the Farm Family Business provisions of ATCP 49, also referred to as an Unspecified Conditional Use in this Ordinance.

(Section 6.03 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.04 Building location.

- (1) Road Setback:
 - (A) Fifty (50) feet minimum, unless measured from a Local Road, in which case, the setback is thirty-five (35) feet minimum.
 - (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) Twenty (20) feet minimum, unless otherwise excepted in this Ordinance.
 - (B) Buildings that house animals must be fifty (50) feet minimum.
 - (C) Additional regulations and exceptions from Section 3.09(3) apply.

(Section 6.04 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.05 Height regulations.

- (1) Residential buildings:
 - (A) Residential Use Structure: The regulations and exceptions of Section 3.10(1) apply.
 - (B) Accessory Building: Twenty (20) feet maximum.
- (2) Farm buildings:
 - (A) Sixty (60) feet maximum.
 - (B) Farm buildings may be increased to not more than one hundred (100) feet where the Road, and Wetland Setbacks and Offset all equal or exceed the height of the Structure.
- (3) Additional regulations and exceptions from Section 3.10 apply.

(Section 6.05 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.06 Area regulations.

- (1) Floor Area and Building Footprint
 - (A) Minimum Floor Area required for Single-Family Dwelling where permitted:
 - 1. First floor: Eight hundred fifty (850) square feet.
 - 2. Total: Eleven hundred (1,100) square feet.
 - (B) Minimum and maximum parcel size:
 Parcel Size must comply with the parameters of Section 6.19.
 - (C) Maximum Building Footprint permitted: Ten percent (10%) or eleven hundred (1,100) square feet, whichever is greater.
 - (D) Additional regulations and exceptions from Section 3.11 apply.

(Section 6.06 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

6.07 Rezoning lands out of the FLC District.

- (1) Except as provided in Section 6.07(2), lands may not be rezoned out of the FLC District unless the respective town and the County finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - (A) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - (B) The rezoning is consistent with any applicable comprehensive plan.
 - (C) The rezoning is substantially consistent with the Waukesha County Farmland Preservation Plan, which is in effect at the time of the rezoning.
 - (D) The rezoning will not substantially impair or limit current or future Agricultural Use of other protected farmland.
- (2) Subsection 6.07(1) does not apply to any of the following:
 - (A) A rezoning that is affirmatively certified by DATCP under Ch. 91 of State Statutes.
 - (B) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, Waukesha County shall provide to DATCP a report of the number of acres that Waukesha County has rezoned out of the FLC District during the previous year and a map that clearly shows the location of those acres.

(Section 6.07 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

SECTION 6.1 FLP FARMLAND PRESERVATION DISTRICT

(Section 6.1 was renamed to FLP Farmland Preservation District by Enrolled Ordinance 170-752, effective 12/31/15.)

6.11 Purpose and intent.

The intent and purposes of the FLP Farmland Preservation District are:

- (1) To maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- (2) To maintain a viable agricultural base and associated agricultural supportive uses.
- (3) To protect and preserve the rural landscape.
- (4) To implement the provisions of the Waukesha County Farmland Preservation Plan.
- (5) To comply with the provisions of the Wisconsin Farmland Preservation Law which permits eligible landowners to receive tax credits under Section 71 of the Wisconsin State Statutes.
- (6) To maintain a use that adds to the economic base of the County.

(Section 6.11 was amended by Enrolled Ordinance 170-72, effective 12/31/15.)

6.12 Lands to be included within the FLP Farmland Preservation District.

Lands that are to be included or mapped within the FLP District are limited to those lands that have been designated for farmland preservation in the adopted Waukesha County Farmland Preservation Plan.

(Section 6.12 was amended by Enrolled Ordinance 170-72, effective 12/31/15.)

6.13 Land Uses in the FLP Farmland Preservation District; General.

Only the following land uses are allowed in a Farmland Preservation District:

- (1) Uses allowed under Section 6.14 as a Permitted Use.
- (2) Uses allowed under Section 6.15 with a Conditional Use Permit.
- (3) Legal Nonconforming Uses, subject to Wisconsin State Statutes.

(Section 6.13 was amended by Enrolled Ordinance 170-72, effective 12/31/15.) (Section 6.13 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

- (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) <u>Lot Size</u>:
 - (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 DISTRICT

6.71 Purpose and Intent.

The EC Environmental Corridor 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.

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

6.72 Use Regulations.

(1) <u>Permitted Uses</u>:

- (A) Any uses permitted in the C-1 Conservancy District except that, whenever possible, pasturing and grazing of Livestock shall be located outside of the Environmental Corridor.
- (B) Single family dwellings.
- (C) Keeping of Poultry and Livestock on not less than five (5) acres of land where there shall be no more than one (1) head of Livestock or twenty (20) Poultry for the first three (3) acres of land, and one (1) additional head of Livestock or twenty (20) additional Poultry for each additional one (1) acre of land thereafter. The keeping of hogs, male goats or Fur-bearing Animals shall not be permitted.
- (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.
 - 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(1)(G).
- (F) Hobby Kennel in accordance with Section 7.01(1)(I).
- (G) Guesthouses are prohibited in the EC Environmental Corridor 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 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.)

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.

- Floor Area and Building Footprint: (1)
 - Minimum Floor Area Required for Single-family Dwelling: (A)
 - First floor: Eight hundred and fifty (850) square feet. 1.
 - Total: Eleven hundred (1,100) square feet. 2.
 - Maximum Building Footprint Permitted: (B) 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.
 - Additional regulations and exceptions from Section 3.11 apply. (C)
- Lot size and Density: (2)
 - Minimum area: (A)
 - 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.
 - Lands which lie within a larger parcel or tract of land, the remainder of which is (B) zoned either FLP Farmland Preservation District or FLC Farmland Conservancy District, shall have a minimum (gross) parcel size of thirty-five (35) acres.
 - Preservation of Green Space: (3)
 - The maximum area of disturbance in the EC Environmental Corridor District for all (A) 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 District, the area of disturbance as described in subsection 3(A) above shall be limited to that area outside of the EC Environmental Corridor 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 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 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 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.)

SECTION 6.8 EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT

All parameters and requirements of Section 6.7 EC Environmental Corridor District shall apply to lands mapped EC Environmental Corridor Overlay District. 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 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). All references to the EC District or EC Environmental Corridor District within this Ordinance shall also apply to the EC Environmental Corridor Overlay District.

(Section 6.8 was created by Enrolled Ordinance 170-72, effective 12-31-15.) (Section 6.8 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

SECTION 7 A-1 AGRICULTURAL DISTRICT

7.01 Permitted Uses.

- (1) Any use permitted in the HG High Groundwater District.
- (2) Single-family Dwelling.
- General farming on not less than five (5) acres of land, including the keeping of Poultry and Livestock, except that the keeping of hogs, male goats or Fur-bearing Animals shall not be permitted on less than twenty (20) acres. The Zoning Administrator, upon recommendation of the Town Plan Commission, may grant a waiver for the cultivation of lands on parcels smaller than five (5) acres if a determination is made that said use will not negatively affect surrounding property owners.
- (4) Horticulture, including greenhouses and nurseries.
- (5) The following Accessory Buildings, subject to the conditions specified:
 - (A) Private Garages when located on the same lot, and not involving the conduct of a business. No Garage shall be erected until its Principal Building is present or under construction.
 - (B) Quarters for household or farm employees, provided, however, that such quarters shall be occupied only by those individuals employed by the Farm or household.
 - (C) Stables, barns, or poultry houses, which house Livestock or Poultry, shall not be less than fifty (50) feet from an adjacent property line.