



# DANE COUNTY PLANNING & DEVELOPMENT

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**TO: Dane County Board of Supervisors  
Town Clerks, Supervisors & Planning Commissioners  
County Executive Joe Parisi  
All Other Interested Parties**

*Housing &  
Economic Development*  
(608)266-4270, Rm. 362

**FROM: Majid Allan, Senior Planner**

*Planning*  
(608)266-4251, Rm. 116

**DATE: August 21, 2012**

*Records & Support*  
(608)266-4251, Rm. 116

**RE: Staff review of Ordinance Amendments 12, 13, and 14, 2012-13 regarding proposed changes to the farmland preservation zoning districts - A-1EX (Exclusive Agriculture), A-4 (Small Lot Agriculture), and A-B (Agriculture Business)**

*Zoning*  
(608)266-4266, Rm. 116

**CC: Jerry Derr, President, Dane County Towns Association  
Renee Lauber, Planning Consultant, Dane County Towns Association  
Tom Jelinek, President, Dane County Farm Bureau**

*This memo describes Ordinance Amendments 12, 13, and 14, 2012-13, regarding changes to the A-1EX, A-4, and A-B zoning districts. The amendments were developed by the Chapter 10 Task Force and are designed to meet state requirements for recertification of the county's farmland preservation zoning ordinances. To assist town and county officials in decision making, the Planning Division prepares written descriptions of each proposed amendment to land use and development related ordinances. The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on OAs 12, 13, and 14 on Tuesday, September 25<sup>th</sup>. Please direct any questions to me at 267-2536, or by email at [allan@countyofdane.com](mailto:allan@countyofdane.com).*

## **I. BACKGROUND – Why are changes being proposed to the A-1EX, A-4, and A-B districts?**

In 2009, the state's "Working Lands Initiative" resulted in numerous changes to the Farmland Preservation Law (Chapter 91, Wis. Stats.). Communities that participate in the state's farmland preservation program, like Dane County, are now required to bring their farmland preservation plans, zoning ordinances, and zoning maps into compliance with the new statute, and must submit them to the state Department of Agriculture, Trade, and Consumer Protection for certification. Dane County has until **December 31, 2012** to submit our revised farmland preservation zoning ordinances to the state for review and certification. State certification is needed to ensure Dane County farmers continue to be eligible for farmland preservation tax credits, which total approximately \$1.8 million dollars / year.

The Chapter 10 Task Force developed the proposed ordinance amendments over the past year with an eye toward making the minimal changes necessary to achieve state certification, while also taking the opportunity to make some common sense improvements.

The enclosed amendments incorporate elements of a "performance-based" approach to zoning, whereby goal-oriented criteria establish review parameters for proposed uses. This approach was adopted in part to satisfy state requirements that the ordinance utilize three broad use categories defined in the

**Changes proposed to the farmland preservation zoning districts center around 3 broad use categories:**

- **Agricultural Use**
- **Agricultural Accessory Use**
- **Agriculture-Related Use**

**Revised purpose statements are also proposed for the A-1EX, A-4, and A-B districts. The proposed changes will ensure a higher degree of both predictability and flexibility for uses proposed in the three districts.**

**The ZLR Committee Public Hearing on OAs #12, 13, and 14 will be September 25, 2012. Town action on the OAs is due to the zoning office by October 25<sup>th</sup>.**

farmland preservation statute: Agricultural Use; Agricultural Accessory Use, and Agriculture-Related Use. These use categories replace many of the prescribed permitted uses, and to a lesser extent conditional uses, currently listed in each district. In addition, more detailed purpose statements are proposed to establish appropriate parameters for the three districts. These elements of a performance based approach will ensure that the districts are flexible enough to accommodate modern agricultural practices and changes in the agricultural economy, as well as other related uses, while also protecting rural agricultural areas from incompatible uses.

Currently, three of the county's zoning districts are state-certified farmland preservation districts – A-1EX, A-4, and A-3. Certification is again sought for the A-1EX and A-4 districts, and also for the A-B (Ag Business) district. Because the A-3 (Ag Transition) district is intended for areas transitioning out of agriculture, certification is not being sought for the district. The A-3 district will be useful as a large lot agricultural district for currently undeveloped agricultural and open space areas that are slated for future development in town, city, or village comprehensive plans.

If the ordinance changes are approved, owners of A-1EX, A-4, and A-B zoned land would be eligible for state farmland preservation tax credits. Because of the December 31<sup>st</sup> state deadline, staff recommends that the ZLR committee and county board take action at regularly scheduled meetings in November.

## II. DESCRIPTION OF PROPOSED CHANGES

As noted above, three use categories will provide the foundation for the county's certified farmland preservation zoning districts. Though a number of specific permitted uses no longer appear in the districts, those uses are retained under the three umbrella use categories. Existing conditional uses were left essentially unchanged, though several uses have been added at towns' request, or to comply with state requirements. The A-1EX and A-4 districts will allow agricultural uses and agricultural accessory uses. The historically under-utilized A-B district will include those two uses as well as agriculture-related uses, which will provide additional versatility to accommodate unique or innovative agriculture-related businesses.

All three districts have more detailed purpose statements outlining the range and scope of uses appropriate in the district, along with a statement of the characteristics and impacts generally associated with those uses. As is currently required, additional standards must be considered when reviewing conditional uses (see existing s. 10.123(3)(a)). Those standards have again been listed in the 3 districts. Similarly, rezoning land out of a certified farmland preservation zoning district must be accompanied by findings as required under Wis. Stats. 91.48(1)(a). Please note that the required findings have been a longstanding component of both the farmland preservation law and chapter 10 (per s. 10.123(10)).

The farmland preservation statute also requires that the county ordinance include certain permitted and conditional uses (see list, below). These additional uses primarily acknowledge the broad implementation of the farmland preservation districts or reflect the exclusive authority of the state to approve certain projects.

Permitted uses:

- New uses from Wis. Stats.
- *Undeveloped natural resource and open space areas.*
  - *A transportation, utility, communication, or other use that is:*
    - (i) *required under state or federal law to be located in a specific place, or;*
    - (ii) *is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.*

Conditional uses:

- *Governmental, institutional, religious, or nonprofit community uses.*
- *Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.*
- *Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., section 10.191 and chapter 74. The application shall include a description of the operation, a site plan and a reclamation plan.*

The following pages provide a summary of the changes that will apply to the 3 districts.

**Revised / new definitions:**

In accordance with recent changes in the state farmland preservation law, OA #12 includes revised and new definitions of various terms, which will apply to the districts that reference the terms. These include:

Revised definitions:

- Agricultural Use } Agricultural use definition revised / farm definition added in state statutes.
- Farm } Not substantively different from existing chapter 10 definitions.

- Limited Rural Business } The existing definition of a Limited Rural Business is being revised to acknowledge that the conditional use will be offered in other districts.

New definitions:

- Agricultural Accessory Use } Broad new use categories as defined in state farmland preservation law.
- Agriculture-Related Use } Ag accessory uses include farm related activities / businesses. Ag-related uses represent more intensive ag commercial uses. See OA #12, Article 4.
- Farm Operator } Definitions of these terms are being added to match existing code requirements that apply to new farm residences in the A-1EX district.
- Farm Residence }
- Substantial Farm Income }
- Limited Family Business } Limited Family Business is being defined to demonstrate that the use qualifies as an Agricultural Accessory Use. No changes are proposed to the use.

**Revised purpose statements:**

The purpose statements for A-1EX, A-4, and A-B have been revised to establish parameters for the districts. The statements include policy goals and objectives for the districts, references to the types and nature of permitted and conditional uses, as well as their characteristics and potential impacts. The purpose statements provide a context for the districts that can be used to gauge proposed agricultural, agricultural accessory, and agriculture-related uses. In each case, elements of the existing purpose statements have been retained for continuity.

For the A-1EX district a minor, but significant, change is proposed to the “applicability” section. 30 of the 34 towns in the county have adopted A-1EX zoning and participate in the farmland preservation program. Because of changes in the farmland preservation law, the four towns with A-1 zoning now have the option of adopting A-1EX zoning (or A-4 or A-B) to apply to a *portion* of the town. This would require a town to designate some portion of the town as a farmland preservation area, request that the area be similarly designated in the county farmland preservation plan, and adopt and file a resolution with the county clerk. Please note that such a change would need to be initiated by the interested town. The revised provision is under provision 1(c) of Article 11 of OA 12 and reads as follows:

*“(c) Applicability. This section shall apply only to those towns, or portions of said towns, which have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district.”*

Please refer to the purpose statements for the districts on the enclosed ordinance amendments.

**A-1EX permitted and conditional uses:**

As noted above, OA #12 would remove many of the permitted uses listed in the current ordinance. For example, the ordinance would no longer specifically list “day care for not more than 8 children”, or “road side stands” as permitted uses. However, these uses would still be permitted as “agricultural accessory uses”. Indeed, the revised ordinance construct will provide additional flexibility to consider a range of appropriate uses, provided any such use fit within the purpose statement and definition of agricultural accessory use.

Since many conditional uses currently listed in the A-1EX (and, A-4 / A-B) district could be considered agricultural accessory uses, a qualifying statement has been added to ensure a distinction is maintained between permitted and conditional uses. Under the permitted uses section, this statement reads: *“Agricultural Accessory uses, except those uses listed as conditional uses below.”* This maintains the distinction between permitted and conditional uses, while providing flexibility to consider additional agricultural or agricultural accessory uses that may be consistent with the purpose statement for the district. Road side stands, in-home day care, and home occupations, for example, would qualify as agricultural accessory uses, since they can be reasonably considered as an, “...activity or business operation that is an integral part of, or incidental to, an agricultural use.”

Conditional uses in the A-1EX district remain largely unchanged, and have been again listed under the agricultural accessory use category. Two noteworthy additions to the list of conditional uses are Limited Rural Businesses and a variant of the Limited Family Business, which would allow up to 4 full time, non-family employees. These conditional uses provide space for additional economic opportunities for farmers to make use of existing farm buildings without requiring a zoning change.

It is important to note there will be no change to how residential uses are treated in the A-1EX district, nor will these amendments have any impact on town density policies. Residences existing in the A-1EX district as of 2/20/2010 are considered permitted uses, which allows them to be repaired or replaced without limitation or need to demonstrate substantial farm income. This change was instituted in 2010 and removed a significant barrier to rehabilitation and reinvestment in rural housing stock, while continuing to allow *new* primary and secondary farm residences as a conditional use, provided substantial income *is* earned from farm operations. The changes approved in 2010 codified longstanding county policy and provided towns with formal oversight and review / approval authority.

**A-4 permitted and conditional uses:**

The A-4 district will continue to serve as essentially the small lot version of the A-1EX district. A more narrow range of uses are available, consistent with the purposes of the district. Since the A-4 district already has a limited list of permitted and conditional uses, the proposed changes are minimal. As is the case under the current ordinance, no residential uses are permitted in the A-4 district.

**A-B permitted and conditional uses:**

In addition to “agricultural use” and “agricultural accessory use”, changes to the A-B district under OA #14 will also include the “agriculture related use” category. The three use categories provide the basis for permitted uses in the district. The A-B district will provide the widest degree of flexibility to accommodate innovative or unique agri-business uses. Conditional uses are limited primarily to those currently listed in the ordinance. Similar to the A-1EX district, Limited Rural Businesses are made available as a conditional use. Veterinarian clinics would be a permitted use in the district, and landscape supply / contractors associated with a plant or tree nursery, and bed and breakfasts located on a farm would be available conditional uses.

The recommended changes to the A-B district are intended to accommodate a growing range of innovative agriculturally-based businesses and agritourism. For example, farm wineries, cheese-makers, on-farm markets, and similar “value-added” enterprises would now fit in the A-B district instead of requiring C-1 or C-2 zoning.

At the end of 2011, Towns were asked to review and comment on the proposed changes to the A-B district. The Task Force incorporated many suggestions into proposed OA #14.

### III. ANALYSIS

This section provides a brief staff analysis of the proposed ordinance changes.

- ***Provides for a broader range of agricultural-related uses appropriate for rural areas***  
The revisions to the A-1EX, A-4, and A-B districts will accommodate a wider range of appropriate uses than permissible under the current regulations. For many years, observers of county land use and zoning issues, including the Dane County Towns’ Association, have recommended changes be made to the agricultural districts to reflect modern agricultural practices and changes in the agricultural economy. The proposed changes represent a long-awaited step in that direction. Dane County is a recognized leader in agricultural entrepreneurship and innovation. The proposed ordinance amendments will help facilitate continued growth and innovation in the agricultural economy.
- ***Provides both flexibility and predictability***  
The changes will provide additional flexibility for much-needed economic opportunities for rural areas and farm families, while also maintaining rural character and minimizing conflicts with agricultural and other rural land uses. Any proposed use would need to be consistent with applicable definitions and the detailed purpose statements, providing predictability for the districts.
- ***Maintains existing uses and conditional uses***  
The revisions retain existing permitted and conditional uses, while adding a handful of uses and accommodating agricultural accessory and related uses appropriate for farmland preservation areas.

### IV. TOWN ACTION REQUIRED

As amendments to chapter 10, town action is required on OAs 12, 13, and 14 within 30 days of the county zoning committee public hearing, which is scheduled for Tuesday, September 25, 2012. Towns should submit their action reports on the amendments to the county zoning office by Thursday, October 25<sup>th</sup>. Action reports may be submitted by hardcopy, fax (267-1540), or electronically via the online Town Board Action Report form available here: [http://www.countyofdane.com/plandev/Town\\_Information.aspx](http://www.countyofdane.com/plandev/Town_Information.aspx).

If you have questions, please contact me (phone: 267-2536; email: [allan@countyofdane.com](mailto:allan@countyofdane.com)).

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES REGARDING DEFINITIONS OF AGRICULTURAL USES AND REVISIONS TO THE A-1EX (EXCLUSIVE AGRICULTURE) DISTRICT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 10.01(2a) is amended to read as follows:

**(2a) Agricultural Uses.** ~~Beekeeping, dairying, egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.~~ Means any of the following activities conducted for the purpose of producing an income or livelihood:

- (a) Crop or forage production.
- (b) Keeping livestock.
- (c) Beekeeping.
- (d) Nursery, sod, or Christmas tree production.
- (e) Floriculture.
- (f) Aquaculture.
- (g) Fur farming.
- (h) Forest management.
- (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

ARTICLE 3. Subsection 10.01(2b) is created to read as follows:

**(2b) Agricultural Accessory Use.** Means any of the following land uses on a farm:

- (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- (c) Farm Residence.
- (d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

ARTICLE 4. Subsection 10.01(2c) is created to read as follows:

**(2c) Agriculture-Related Use.** A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose:

- (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
- (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
- (c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district.

ARTICLE 5. Subsection 10.01(23f) is amended to read as follows:

**(23f) Farm.** ~~Means a tract of land utilized for the purpose of agricultural production, a tract of land devoted to the raising and breeding of domestic livestock, an area of water devoted to the raising and breeding of aquatic animals.~~ all land under common ownership that is primarily devoted to agricultural use.

ARTICLE 6. Subsection 10.01(23ga) is created to read as follows:

**(23ga) Farm Operator.** A person who, or a family at least one member of which, earns substantial farm income, as defined in section 10.01(50m), from farm operations on the farm.

ARTICLE 7. Subsection 10.01(23gb) is created to read as follows:

**(23gb) Farm Residence.** Any of the following structures that is located on a farm:

(a) A single-family residence that is occupied by any of the following:

1. A person who is both the owner and farm operator of the farm.

2. A parent or child of the owner and farm operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92, Wis. Stat.

ARTICLE 8. Subsection 10.01(30fa) is created to read as follows:

**(30fa) Limited Family Business.** A small family-run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except one or one full-time equivalent, must be a member of the family residing on the premises. Limited Family Businesses must comply with all requirements of s. 10.192.

ARTICLE 9. Subsection 10.01(30g) is amended to read as follows:

**(30g) Limited Rural Business.** A Limited Rural Business may include any use permitted in the A-B, B-1, C-1 or C-2 zoning districts if it is located exclusively in building(s) in existence prior to April 30, 2005, maintains, restores or enhances the existing exterior character of the building(s), employs no more than 4 non-family employees, and does not conflict with the overall purposes of the LC-4 district within which the Limited Rural Business is proposed. "Family" has the meaning set forth in section 10.01(23).

ARTICLE 10. Subsection 10.01(50m) is created to read as follows:

**(50m) Substantial Farm Income.** Means that a minimum of \$10,400 gross farm income / year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

ARTICLE 11. Subsection 10.123(1) is restructured and amended to read as follows:

**10.123 A-1 EXCLUSIVE AGRICULTURE [A-1(EX)] DISTRICT. (intro.)** This district is in effect in those towns which make the election under sub. (1) (c) below.

~~**(1)(a) Statement of purpose.** The purposes of the A-1 Exclusive Agriculture District are to: preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs for providing services to scattered non-farm uses; pace and shape urban growth; implement the provisions of the county agricultural plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under section 71.09(11) of the Wisconsin Statutes.~~

**(1) Purpose and applicability.**

**(a) Statement of purpose.** The A-1 Exclusive Agriculture District is designed to:

1. Provide for a wide range of agriculture and agricultural accessory uses, at various scales. The A-1(EX) district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
2. Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose

conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.

3. Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.
  4. Preserve productive agricultural land for food and fiber production.
  5. Preserve productive farms by preventing land use conflicts between incompatible uses.
  6. Maintain a viable agricultural base to support agricultural processing and service industries.
  7. Reduce costs for providing services to scattered non-farm uses;
  8. Pace and shape urban growth;
  9. Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.
- (b) Lands to be included within the A-1 Exclusive Agriculture District. This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; lands which are capable of productive use through economically feasible improvements such as irrigation, and undeveloped natural resource and open space areas.
- (c) *Applicability.* This section shall apply only to those towns, or portions of said towns, which have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district. Towns which have filed resolutions indicating acceptance of the exclusive agriculture district prior to the date of this amendment shall continue to be under the provision of this section.

ARTICLE 12. Subsection 10.123(2) is restructured, renumbered and amended to read as follows:

(2) *Permitted uses.*

- (a) Agricultural Uses, except those uses listed as conditional uses below. Keeping of livestock is prohibited on parcels smaller than 5 acres.
- (b) Agricultural Accessory Uses, except those uses listed as conditional uses below. Any residence lawfully existing as of February, 20, 2010 shall be considered a permitted use. Notwithstanding the provisions of secs. 10.21 and 10.23 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided all of the following criteria are met:
  1. the use remains residential,
  2. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
  3. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.
- (c) ~~(d)~~ Rental of existing or secondary residences located on a farm, but no longer utilized in the operation of the farm.
- ~~(e) Day care for not more than 8 children, provided day care operations take place within a residence permitted under s. 10.123(2)(b) or (3)(b).~~
- ~~(f) Utility services as defined in section 10.01(81) and small scale electric generating stations not requiring approval under section 196.941 of the Wis. Stats.~~
- ~~(g) Road side stands.~~
- ~~(h) Structures and improvements, such as but not limited to silos, barns, sheds, livestock shelters or storage sheds for farm equipment, that are accessory to a permitted agricultural use.~~
- ~~(i) Home occupations as defined in section 10.01(25) of this ordinance.~~

- ~~(j) Sale of unprocessed agricultural products produced on the farm.~~
- (d)** ~~(k)~~ Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.
- (e)** ~~(l)~~ Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on five days in a calendar year or less.

ARTICLE 13. Subsections 10.123(2)(f) and (g) are created to read as follows:

- (f)** Undeveloped natural resource and open space areas.
- (g)** A transportation, utility, communication, or other use that is:
  1. required under state or federal law to be located in a specific place, or;
  2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

ARTICLE 14. Subsection 10.123(3) is restructured, renumbered and amended to read as follows:

**(3)** Conditional uses in the A-1 Exclusive Agriculture District. The following uses require a Conditional Use Permit in this district:

- (a)** ~~The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use permit.~~
  1. ~~Standards applicable to conditional uses in the A-1 Exclusive Agriculture District. In passing applications for conditional use permits the committee shall make a finding as to whether the use is necessary in light of alternative locations and consider the following relevant factors:~~
    - a. ~~The statement of purposes of the zoning ordinance and the A-1 District.~~
    - b. ~~The potential for conflict with agricultural use.~~
    - c. ~~Compatibility with existing or permitted use on adjacent lands.~~
    - d. ~~The productivity of the lands involved.~~
    - e. ~~The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.~~
    - f. ~~The need for public services created by the proposed use.~~
    - g. ~~The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.~~
    - h. ~~The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.~~

**(a)** Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.01(2b).

1. Farm Residence, subject to sub. (4).
2. Limited Family Businesses, that are entirely within an existing building, subject to s. 10.192.
3. Limited Rural Businesses that are operated by an owner or operator of the farm.
4. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
5. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

6. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
  7. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.
  8. Agricultural entertainment activities exceeding 45 days per year, in aggregate.
  9. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Such uses must meet the definition and criteria for an Agricultural Accessory Use under s. 10.01(2b)(d), or a Limited Family Business under s. 10.01(30fa) and 10.192, or a Limited Rural Business under s. 10.01(30g).
- ~~(b) — Residence for the farm owner and operator. Substantial income, as defined in section 10.123(11), must be derived from the farm operation. Governmental, institutional, religious, or nonprofit community uses.~~
- ~~(bm) — On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), secondary farm residences which are occupied by a person who, or a family at least one member of which, earns a minimum of 20% of his or her livelihood from farm operations on the farm.~~
- ~~(br) — On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), single family dwellings or mobile homes occupied by parents or children of the farm operator and including dependency living arrangements. Farm operator means a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the farm, as defined in section 10.123(11).~~
- ~~(c) Governmental uses. Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.~~
- ~~(d) Religious uses. Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stat., section 10.191 and chapter 74. The application shall conform to the requirements of s. 10.191(2).~~
- ~~(e) Limited family businesses in existing structures, subject to s. 10.192. Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.~~
- ~~(f) — Schools.~~
- ~~(g) — Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, that comply with Wis. Stats. s. 91.75(8).~~
- ~~(h) — Non-metallic mineral extraction operations that comply with s. 91.75(9), Stats., section 10.191 and chapter 74, as applicable. The application shall include a description of the operation, a site plan and a reclamation plan.~~
- ~~(i) — Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.~~
- ~~(j) — Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.~~
- ~~(k) — Farm family business for retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space and shall comply with Wis. Stats. s. 91.75(8).~~
- ~~(L) — The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.~~
- ~~(m) — Agricultural entertainment activities which are not a permitted use under sub. (2)(k).~~
- ~~(n) (f) Small scale electric generating stations not requiring approval under section 196.491, Wis. Stat.~~

ARTICLE 14. Subsections 10.123(4) through (11) are renumbered and amended as follows:

**(4) Conditional use permits for residences in the A-1 Exclusive Agriculture zoning district.** ~~Building height limits.~~

~~(a) Residential dwellings shall not exceed 2 1/2 stories or 35 feet in height.~~

~~(b) Accessory buildings shall not exceed 35 feet in height.~~

~~(c) For agricultural accessory buildings there is no limitation on height.~~

**(a) Application.** The following information must be submitted with a Conditional Use Permit application for a Farm Residence in the A-1EX district:

1. Written description of the farm operation. The description should include the following details:

a. Location of the farm.

b. Size of the farm operation in acres.

c. Crops grown and/or livestock raised.

d. Number of employees, if any, in addition to farm family members.

e. Summary of farm income derived from the farm operation.

2. Completed IRS form "Schedule F – Profit or Loss from Farming", or subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types / location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).

4. Map / site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.

**(b) Permit conditions.**

1. The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

3. The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. and 2. of this section.

**(5) ~~Area, frontage and population density regulations.~~** ~~(a) The minimum lot size is 35 acres.~~

Standards for conditional uses in the A-1 Exclusive Agriculture zoning district.

In addition to the requirements of s.10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-1(exclusive agriculture) zoning district.

**(a) The use and its location in the A-1 Exclusive Agriculture zoning district are consistent with the purposes of the district.**

**(b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.**

**(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.**

**(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

**(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**

~~(6) **Setback requirements.** No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.~~ (a) Residential dwellings shall not exceed 2 1/2 stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

~~(7) **Side yard requirements.** (a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.~~ Area, frontage and population density regulations.

~~(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.~~

(a) The minimum lot size is 35 acres.

~~(8) **Setback requirements.** Rear yard requirements. (a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.~~

~~(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.~~ No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

~~(9) **Side yard requirements.** General provisions applicable to the A-1 Exclusive Agriculture District. In addition to the conditions provided for in sections 10.16(1) through (6a) the following additional conditions shall apply:~~

~~(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in section 10.16(3)(a).~~

~~(b) Residential and residential accessory buildings on parcels of less than 35 acres in the A-1 Exclusive Agriculture District shall comply with the standards of section 10.05(4).~~

~~(c) The keeping or raising of livestock is not permitted on parcels in the A-1 Exclusive Agriculture District which have an area of less than 5 acres.~~

~~(d) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Residence District are complied with.~~

~~(e) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.~~

~~(f) Any permitted or conditional use in the A-1 Exclusive Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.~~

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

~~(10) Rezoning of land in the A-1 Exclusive Agriculture District. No land in the Exclusive Agriculture District shall be rezoned except in accordance with s. 91.77, Wis. Stats. Rear yard requirements. (a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.~~

~~(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.~~

~~(11) General provisions applicable to the A-1 Exclusive Agriculture District. ~~Substantial income required for residential uses allowed as a conditional use.~~ In addition to the conditions provided for in sections 10.16(1) through (6a) the following additional conditions shall apply:~~

~~(a) Applicants for a Conditional Use Permit for a primary farm residence under section 10.123(3)(b) must provide evidence to the Town Board and County Zoning Committee that substantial income totaling a minimum of \$10,400 gross farm income / year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement. The following information must be submitted with a CUP application for a residential use in the A-1EX district:~~

- ~~1. Written description of the farm operation. The description should include the following details:
  - a. Location of the farm
  - b. Size of the farm operation in acres
  - c. Crops grown and/or livestock raised
  - d. Number of employees, if any, in addition to farm family members
  - e. Summary of farm income derived from the farm operation.~~

~~2. Completed IRS form "Schedule F — Profit or Loss from Farming" for the past 3 tax years.~~

~~3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).~~

~~4. Map / site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new homesite and driveway access.~~

~~(b) The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.~~

~~(c) Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.~~

~~(d) The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph (b) and (c) of this section.~~

~~(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in section 10.16(3)(a).~~

~~(b) Residential and residential accessory buildings on parcels of less than 2 acres in the A-1 Exclusive Agriculture District shall comply with the standards of section 10.05(3)~~

~~(c) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Residence District are complied with.~~

~~(d) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.~~

ARTICLE 15. Subsection 10.123(12) is created to read as follows:

**(12) Rezoning of land in the A-1 Exclusive Agriculture District.** No land in the Exclusive Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stat.

*[Explanation: This amendment updates certain provisions to the A-1 Exclusive Agricultural Zoning District in light of recent changes to the Farmland Preservation Statutes.]*

Submitted by Supervisors Miles, Downing, Clausius, and Richmond, August 16, 2012.  
Referred to ZONING & LAND REGULATION.

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AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES REGARDING REVISIONS TO  
THE A-4 (SMALL LOT AGRICULTURE) DISTRICT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 10.129(1) is restructured and amended to read as follows:

**10.129 A-4 SMALL LOT AGRICULTURE DISTRICT.**

~~(1) Statement of purpose. The purpose of the A-4 Small Lot Agriculture District is to preserve agricultural and open space uses on zoning lots between five (5) and thirty-five (35) acres in size. It is intended that the district be applied to areas where non-agricultural development would be incompatible with agricultural uses, premature or inconsistent with adopted land use or comprehensive plans. The A-4 district is designed to:~~

- (a) Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The A-4 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- (b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.
- (c) Preserve agricultural and open space uses on zoning lots between five (5) and thirty-five (35) acres in size.
- (d) Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Supported Agriculture farms.
- (e) Preserve remnant parcels of productive agricultural land following development of adjoining property.
- (f) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stat.

ARTICLE 3. Subsection 10.129(2) is amended and renumbered to read as follows:

(2) *Permitted uses.* The following are permitted uses in this district:

Agricultural Uses. The keeping of livestock shall be limited to one (1) animal unit per each full acre.

~~Utility services.~~ Agricultural accessory uses, except for the following:

Farm residences.

A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

ii. Uses listed as conditional uses below.

- c) ~~Road-side stands. Undeveloped natural resource and open space areas.~~
- d) ~~Farm accessory buildings such as, but not limited to, silos, barns, sheds, livestock shelters or storage sheds for farm equipment that are accessory to a permitted agricultural use. A transportation, utility, communication, or other use that is:~~
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

~~(e) Sale of unprocessed agricultural products produced on the farm.~~

~~(f) (e) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, occurring on five or fewer days in a calendar year.~~

ARTICLE 4. Subsection 10.129(3) is amended to read as follows:

(3) *Conditional uses.* The following uses require a Conditional Use Permit in this district:

(a) ~~Governmental uses.~~ Agricultural Uses. Livestock in excess of one animal unit per acre on parcels over five (5) acres in size.

(b) ~~Religious uses.~~ Agricultural Accessory Uses. In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.01(2b).

1. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

2. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

3. Agricultural entertainment activities not to exceed 45 days per year, in aggregate, or any event planned or anticipated to attract 200 or more persons per day. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

5. Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.

(c) ~~Schools.~~ Governmental, institutional, religious, or nonprofit community uses.

(d) ~~The seasonal storage of recreational equipment and motor vehicles owned by private individuals, such storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.~~ Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

~~(e) Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.~~

~~(f) Unlimited livestock on parcels over five (5) acres in size.~~

~~(g) Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County~~

~~Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.~~

ARTICLE 5. Subsections 10.129(4), (5), (6), (7), and (8) are renumbered to 10.129(5), (6), (7), (8), and (9), respectively.

ARTICLE 6. Subsection 10.129(4) is recreated to read as follows:

- (4) Standards for conditional uses in the A-4 small lot agriculture zoning district. In addition to the requirements of s.10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-4 small lot agriculture zoning district.
- (a) The use and its location in the A-4 small lot agriculture zoning district are consistent with the purposes of the district.
  - (b) The use and its location in the A-4 small lot agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

ARTICLE 7. Subsection 10.129(10) is created to read as follows:

- (10) Rezoning of land in the A-4 Small Lot Agriculture District. No land in the Small Lot Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stat.

*[Explanation: This amendment updates certain provisions to the A-4 Zoning District in light of recent changes to the Farmland Preservation Statutes.]*

Submitted by Supervisors Miles, Downing, Clausius and Richmond, August 16, 2012.  
Referred to ZONING & LAND REGULATION.

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AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES REGARDING REVISIONS TO  
THE A-B (AGRICULTURE BUSINESS) DISTRICT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 10.121(1) is amended to read as follows:

**10.121 A-B AGRICULTURE BUSINESS DISTRICT.** (1) Purpose. ~~The A-B Agriculture-Business District is designed to: provide for those uses which are commercial in nature; are associated with local agricultural production; require a rural location due to extensive land area needs or proximity of resources; and do not require urban services.~~

(a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The A-B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.

In appearance and operation permitted uses in the A-B district are often indistinguishable from an active farm. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.

Examples of activities in the A-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins.

Such activities are characterized by:

1. Wholesale or retail sales, and outdoor storage / display of agriculture-related equipment, inputs, and products;
  2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
  3. Small, medium, or large utilitarian structures / facilities / workshops, appropriate to the scale of use;
  4. Low to moderate traffic volumes;
  5. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing
- b) Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stat.

ARTICLE 3. Subsection 10.121(2) is amended to read as follows:

**(2) Permitted uses.**

- ~~(a) Sales, service and repair of machinery and equipment used in farming.~~ Agricultural Uses.
- ~~(b) Sales distribution, mixing, blending and storage of feeds, seeds and fertilizer.~~ Agricultural Accessory uses, except uses listed as conditional uses below.
- ~~(c) Livestock and farm commodity trucking services.~~ Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.

- ~~(d) Processing and preserving of natural agricultural products, fruits and vegetables. Undeveloped natural resource and open space areas.~~
- ~~(e) Sales, service and repair of lawn and garden equipment. A transportation, utility, communication, or other use that is:~~
  - ~~1. required under state or federal law to be located in a specific place, or;~~
  - ~~2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.~~
- ~~(f) Sales and distribution of nursery stock and plants.~~
- ~~(g) Residential use for an owner of the business.~~
- ~~(h) Sales and service of small scale methane generating equipment and alcohol distilling equipment that is designed for use in a farm operation.~~
- ~~(i) Sales and service of wind driven electrical generating equipment.~~

ARTICLE 4. Subsection 10.121(3) is amended to read as follows:

**(3) Conditional uses.**

- a) ~~Plant genetic laboratories, agricultural-related experimental laboratories;~~ Agricultural Accessory Uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s.10.01(2b).
  - 1. Farm residences.
  - 2. Limited Family Businesses or Limited Rural Businesses, including bed and breakfast operations in an existing farm residence located on a farm.
  - 3. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- b) ~~Dead stock hauling services;~~ Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under s. 10.01(2c).
  - 1. Plant or livestock genetic laboratories, agriculture-related experimental laboratories;
  - 2. Landscape supply or contracting businesses associated with a plant or tree nursery;
  - 3. Dead stock hauling services;
  - 4. Sales or storage of agricultural byproducts;
  - 5. Stock yards, livestock auction facilities;
  - 6. Bio-diesel and ethanol manufacturing;
  - 7. Manure processing facilities.
  - 8. Biopower facilities for distribution, retail or wholesale sales.
- c) ~~Sales or storage of agricultural byproducts;~~ Governmental, institutional, religious, or nonprofit community uses.
- d) ~~Stock yards, livestock auction facilities;~~ Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
- e) ~~Bio-diesel and ethanol manufacturing bio-power facilities;~~ Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stat., section 10.191 and chapter 74. The application shall include a description of the operation, a site plan and a reclamation plan.
- f) ~~Manure processing facilities.~~

ARTICLE 5. Subsection 10.121(4) is amended to read as follows:

- (4) ~~Building height limit.~~ Standards for conditional uses in the A-B (agricultural business) zoning district. In addition to the requirements of s.10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-B (agricultural business) zoning district.**

- ~~(a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be two and one-half (2-½) stories or 35 feet. The use and its location in the A-B agricultural business zoning district are consistent with the purposes of the district.~~
- ~~(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height. The use and its location in the A-B agricultural business zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.~~
- ~~(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.~~
- ~~(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.~~
- ~~(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.~~

ARTICLE 6. Subsections 10.121(5) through (10) are amended and renumbered as follows:

- ~~(5) **Area and lot width.**—A lot shall be not less than 100 feet in width at the building setback line and have an area of at least 20,000 square feet. Building height limit. (a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be two and one-half (2-½) stories or 35 feet.~~
- ~~(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height.~~
- ~~(5) (6) **Area and lot width.** A lot shall be not less than 100 feet in width at the building setback line and have an area of at least 20,000 square feet.~~
- ~~(6) (7) **Density.** Buildings shall not occupy more than sixty percent (60%) of the area of an interior or corner lot.~~
- ~~(7) (8) **Setback requirements.** Buildings that are erected, altered or moved shall be set back not less than is prescribed in section 10.17.~~
- ~~(8) (9) **Side yard requirements.** Ten (10) feet.~~
- ~~(9) (10) **Rear yard requirements.** Ten (10) feet.~~
- ~~(10) (11) **Off-street parking.** Off-street parking shall be provided as required by section 10.18.~~

ARTICLE 7. Subsection 10.121(12) is created to read as follows:

- ~~**(12) Rezoning of land in the A-B Agriculture Business District.** No land in the Agriculture Business District shall be rezoned except in accordance with s. 91.48, Wis. Stat.~~

*[Explanation: This amendment updates certain provisions to the A-B Agricultural Business Zoning District in light of recent changes to the Farmland Preservation Statutes.]*

Submitted by Supervisors Miles, Downing, Clausius and Richmond, August 16, 2012.  
 Referred to ZONING & LAND REGULATION.

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