

SECTION 3.00 ZONING DISTRICTS

EA

3.03 EA AGRICULTURAL PRESERVATION DISTRICT

The EA Agricultural Preservation District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses.

(A) Permitted Uses. All structures or improvements within an Exclusive Agricultural District must be consistent with "Agricultural Use" as defined in Section 91.01(1) or 91.01(10) of the Wisconsin Statutes.

- (1) Apiculture (beekeeping), provided that all structures are setback from lotlines in accordance with setback requirements of this district.
- (2) Dairy farming.
- (3) Floriculture (cultivation of ornamental flowering plants).
- (4) Grazing or pasturing.
- (5) Keeping and raising of domestic stock for agribusiness, breeding, farm family recreation, or show of not more than 1,000 animal units, in accordance with Table 1 of this Ordinance.
- (6) Orchards.
- (7) Plant nurseries.
- (8) Raising of grain, grass, mint, and seed crops.
- (9) Raising of tree fruits, nuts, and berries.
- (10) Sod farming.
- (11) Vegetable raising.
- (12) Viticulture (grape growing).
- (13) General farm buildings including barns, silos, sheds, storage bins, and manure storage facilities as prescribed by County ordinance.
- (14) One (1) single-family farm dwelling with a garage to be occupied by the farm operator.

Table 1

**Number of Animal Types Equivalent to 1,000 Animal Units
and Animal Equivalency Factors**

Number Equivalent to 1,000 Animal Units	Subcategory of Animal Type	Animal Equivalency Factor	Number Equivalent to 1,000 Animal Units	Subcategory of Animal Type	Animal Equivalency Factor
	DAIRY CATTLE:			SHEEP:	
700	Milking and Dry Cows	1.4	10,000	Per Animal	0.1
910	Heifers (800 to 1,200 lbs.)	1.1			
1,670	Heifers (400 to 800 lbs.)	0.6		HORSES:	
5,000	Calves (Under 400 lbs.)	0.2	500	Per Animal	2.0
	BEEF CATTLE:			DUCKS:	
1,000	Steers or Cows (1,000 lbs to Mkt.)	1.0	5,000	Per Bird (Wet Lot)	0.2
1,250	Steers or Cows (600 to 1,000 lbs.)	0.8	100,000	Per Bird (Dry Lot)	0.01
2,000	Calves (Under 600 lbs.)	0.5			
700	Bulls	1.4		CHICKENS:	
	SWINE:		100,000	Layers	0.01
2,500	Pigs (55 lbs to Mkt.)	0.4	200,000	Broilers	0.005
10,000	Pigs (up to 55 lbs.)	0.1		TURKEYS:	
2,500	Sows	0.4	55,000	Per Bird	0.018
2,000	Boars	0.5			
			1,000	COMBINED ANIMAL UNITS:	
				Calculated Total	

Source: Cr. Register, February 1984, No. 338, eff. 3-1-84.

(15) Single-family dwellings in existence prior to the adoption of this Ordinance on April 14, 1997.

(16) Essential services.

(B) Permitted Accessory Uses

(1) Garages or carports.

(2) Forest and game management.

(C) Conditional Uses. Conditional uses shall be approved only if they are "consistent with agricultural use" as defined in s. 91.01(10) of the Wisconsin Statutes, and if they are found necessary in light of alternative locations available for that use, pursuant to s. 91.71(5) of the Wisconsin Statutes. In addition, conditional use permits may be approved for uses listed in the following subparagraphs, (3), (4), (5), (6), (14), (16), (18), (19), (20), and (21) of this section only if such use is for personal use as part of the farm operation; if they fit the definition of a "farm family" as defined in S. 91.75(8) of the Wisconsin Statutes; or if they can be shown to fall into one of the categories of s. 91.75(5) of the Wisconsin Statutes.

(1) Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than 43,560 square feet in area nor more than five (5) acres in area having a lot width of not less than 150 feet.

(2) Agricultural warehousing, provided that such use is determined to be consistent with agricultural use.

(3) Airports, airstrips, and landing fields provided that such facilities shall be governmentally owned and operated, or used for farm related operations such as crop dusting, provided that such use is determined to be consistent with agricultural use.

(4) Bed and breakfast establishments, provided that:

- a. All requirements set forth in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.
 - b. The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
 - c. No more than four bedrooms shall be rented.
 - d. Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
 - e. Individual rentals shall not exceed five (5) consecutive days in length.
 - f. No retail sales shall occur in a bed and breakfast establishment.
 - g. Adequate offstreet parking shall be provided.
 - h. One exterior advertising sign, not exceeding four (4) square feet in area, may be erected on the premises.
 - i. It shall be determined that the proposed bed and breakfast use is consistent with agricultural use.
- (5) Boat and recreation vehicle storage when the storage is in a completely enclosed structure which is at least 10 years old, provided that such use is determined to be consistent with agricultural use and provided that the use is clearly incidental to the principal farm use.
 - (6) Keeping and raising of livestock or poultry in excess of 1,000 animal units for agribusiness, breeding, recreation or show.
 - (7) Keeping and raising of animals, such as mink, rabbits, and foxes for agribusiness, breeding, recreation or show.

- (8) Keeping and raising of exotic livestock such as buffalo, deer, antelope, elk, emus, ostriches, partridges, pheasants, or other game animals for agribusiness, breeding, recreation or show. The Plan Commission may authorize or require special fencing or other security measures to contain exotic livestock.
- (9) Energy conservation uses as set forth in Section 8.08 of this Ordinance.
- (10) Farm family business provided that:
 - a. the business is located in an existing farm residence or structure, or part of a structure, that is at least five (5) years old and not dedicated to an agricultural use;
 - b. no more than two persons who are not members of the resident farm family and employed; and
 - c. such use is determined to be consistent with agricultural use.
- (11) Housing for farm laborers, and for seasonal and migratory farm workers, provided that such use is determined to be consistent with agricultural use.
- (12) Nonmetallic mineral extraction, including clay and gravel extraction, provided that all the requirements of Section 3.08 of this Ordinance are complied with; provided that the required reclamation plan shall provide for the restoration of the nonmetallic mineral extraction site to agricultural use; and provided that such use is determined to be consistent with agricultural use.
- (13) Pea vineries, creameries, and condenseries, provided that such use is determined to be consistent with agricultural use.
- (14) Utilities provided all principal structures and uses are not less than 50 feet from any residential district lot line and provided that such use is determined to be consistent with agricultural use.

- (15) Veterinary services intended to service farm animals provided that all principal uses and structures are located not less than 200 feet from a residential district and provided that such use is determined to be consistent with agricultural use.
- (16) Cellular and digital communication antennas and towers, either owned by a utility or private enterprise, provided that:
 - a. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Town to complete the communication network.
 - b. All antennas shall be constructed on existing structures, such as, but not limited to water towers, public buildings, existing utility towers, farm silos, barns, or other communication towers.
 - c. If it is determined by the Plan Commission that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three additional sets of communication antennas. The developer shall agree, in writing, to make the structure available for co-location of similar communication equipment operated by other companies at a reasonable return.
 - d. The developer may be required to post a bond or cash deposit to assure maintenance of communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Town to remove such equipment and structures.
 - e. Tower Appearance and Illumination.

1. For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower.
2. Towers shall not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration.

f. Landscaping.

Landscaping at the perimeter of the property which abuts, or is visible from, streets, residences, public parks or areas with access to the general public other than owner of the adjoining property shall be required, at a minimum, as follows:

1. For towers two hundred (200) feet in height or less, a buffer area no less than twenty-five (25) feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five (5) feet apart. Shrubs should be of a variety which can be expected to grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting. At least one (1) row of evergreen trees or shrubs, not less than four (4) feet high at the time of planting, and spaced not more than fifteen (15) feet apart, shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that would not exceed twenty (20) feet in mature height or would not affect the stability of the guys should they be uprooted, and shall not obscure visibility of the guy anchor from the transmission building or security facilities and staff.

2. For towers more than two-hundred (200) feet in height, a buffer area not less than forty (40) feet wide shall commence at the property line with at least one row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting. In addition, one (1) row of deciduous trees, not less than one and one-half inch caliper measured three (3) feet from the ground at the time of planting and spaced not more than twenty (20) feet apart, and at least one (1) row of evergreen trees or shrubs, not less than four (4) feet high at the time of planting, and spaced not more than fifteen (15) feet apart, shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that would not exceed twenty (20) feet in mature height or would not affect the stability of the guys should they be uprooted, and shall not obscure visibility of the guy anchor from the transmission building or security facilities and staff.
3. The Plan Commission may allow the use of an alternate plan or require a more restrictive plan providing for landscape and screening, including plantings, fences, walls, and other features. The plan shall accomplish the same degree of screening for tower(s) and accessory uses achieved in (1) and (2) above, except where lesser requirements are desirable for security purposes and for continued operation of existing agricultural and forest uses, including produce farms, nurseries, and tree farms.
4. Native vegetation on the site shall be preserved to the greatest practical extent. The site plan shall show any

existing native vegetation to be removed and shall indicate the type and location of native vegetation to be replanted.

g. **Parking.**

A minimum of two (2) parking spaces shall be provided on each site. On sites with personnel routinely in attendance, additional parking spaces may be required by the Plan Commission.

- (17) Boarding stables provided that confined housing of horses shall be located not closer than 100 feet to a residential district boundary or a navigable body of water.
- (18) Fish hatcheries, game farms, and hunting clubs pursuant to Section 29 of the Wisconsin Statutes and Chapter NR 16 and 19 of the Wisconsin Administrative Code.
- (19) Sawmills.
- (20) Other than occasional operation of motorized off-road vehicles, off public right-of-way or authorized trails, for racing or sport in which a fixed route has been established. The Plan Commission must find that the area used is large enough to accommodate such off-road vehicle operation; that there will be appropriate distance from neighboring properties to minimize nuisance from noise or odor; and that the off-road vehicle operation will not adversely affect the use and enjoyment of neighboring properties.
- (21) Home occupations as specified in Section 6.03(F).
- (22) Satellite dish antennas located in the side or rear yard.
- (23) One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.

(D) Parcel Area and Width

Residential structures and farm structures hereafter erected, moved, or structurally altered, and related farm activities shall provide a contiguous area of not less than 35 acres and no farm shall be less than 600 feet in width.

(E) Building Height and Area

- (1) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
- (2) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
- (3) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

(F) Yards

- (1) A minimum street yard (setback) of 100 feet from the street centerline or 42 feet from the public right-of-way, whichever is greater, shall be required.
- (2) A minimum shore yard of 75 feet from the highwater elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 25 feet.

(G) Recommendations

The Plan Commission shall review all proposed changes and amendments to the EA Agricultural Preservation District within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:

- (1) The Plan Commission shall recommend changes which remove areas from the EA Agricultural Preservation District only after a consideration of findings with respect to the following:
 - a. The land is not feasible for continued practical agricultural use;
 - b. Adequate public facilities can be provided to serve the proposed change which will not unreasonably burden the Town;
 - c. The land is suitable for the proposed change;
 - d. The proposed change will not cause unreasonable air or water pollution, soil erosion or adversely affect irreplaceable natural resources;
 - e. The proposed change would not conflict with existing agricultural uses in the area;
 - f. The proposed use is needed in the area and alternative locations are of some scarcity; and
 - g. The proposed use minimizes the amount of the converted agricultural lands.

- (2) The Plan Commission shall recommend changes which add areas to the EA Agricultural Preservation District only after a consideration of findings with respect to the following:
 - a. the land is physically suitable for long term agriculture use;
 - b. alternate land uses would not be desirable due to public service burden, potential conflict with adjacent existing land uses, or lack of need for alternate land uses on the subject parcel; and
 - c. the addition would be compatible with the spirit and the intent of this district and general neighborhood.

- (3) The Town Clerk shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the EA Agricultural District.