

Title 13 ► Chapter 8

Exclusive Agricultural District (A-1)

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Sec. 13-8-1 Purpose

The purposes of the A-1 District are to:

1. Preserve productive agricultural land for food and fiber production.
2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
3. Maintain a viable agricultural base to support agricultural processing and service industries.
4. Prevent conflicts between incompatible uses.
5. Reduce costs of providing services to scattered non-farm uses.
6. Pace and shape growth.
7. Implement the provisions of the county agricultural plan as adopted and periodically revised.
8. 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.

Sec. 13-8-2 Land Included Within this District

This district is generally intended to include prime agricultural lands historically exhibiting high crop yields, which generally consist of Class I, II and III soil capability classes established by the Soil Conservation Services, USDA. This district also includes other lands which are integral parts of productive farm operations.

Sec. 13-8-3 Permitted Uses

The following are permitted uses unless regulated as special exceptions under Sec.13-8-4.

1. **Agricultural Uses.** Beekeeping; dairying; egg production; floriculture; forest and game management; grazing; livestock raising (less than 750 animal units); orchards; plant greenhouses and nurseries; poultry raising (less than 10,000 fowl); raising grain, grass, mint, and seed crops; raising of fruits, nuts, berries; sod farming and vegetable raising; (Source s. 91.01 (1) Wis. Stats.) Existing farm dwellings land related structures which remain after farm consolidation or farm sale may be separated from the farm lot, and are not subject to the 35 acre minimum lot size. Refer to County and State Siting Ordinance.
2. Roadside farm produce seasonal stands for the sale of produce grown on the premises.
3. **Agriculturally Related Residences.** The only residences allowed as permitted uses are those which are to be occupied by any of the following:
 - (a) An owner of the parcel.
 - (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
 - (c) A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - (d) A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

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4. **Pre-Existing Residences and Residential Lots.** Pre-existing residences located in areas subject to zoning under this section which do not conform to paragraph 6.3(2) may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 59.97(10). Such pre-existing residences may be altered, repaired or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Residential lots of record at the date of adoption of this ordinance may be used for new residences, which shall then be classified as pre-existing residences.
5. **Other Agriculturally– Related Structures and Improvements.** No structure or improvement may be built unless consistent with the individual owner's agricultural use, or unless otherwise permitted by this ordinance.
6. **PERMITTED UTILITY USES:** Gas and electric utility uses not requiring authorization under S.196.491 (Certain Electric generating facilities and transmission lines).

Sec. 13-8-4 Conditional Uses

1. Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses.
 - (a) **Standard Applicable to Conditional Uses:** The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional uses. In passing upon applications for conditional uses, the Board of Appeals shall consider the following relevant factors:
 1. The statement purpose of the zoning ordinance and the A-1 district.
 2. The potential for conflict with agricultural use.
 3. The need of the proposed use for a location in an agricultural area.
 4. The availability of alternative locations.
 5. Compatibility with existing or permitted uses on adjacent lands.
 6. The productivity of the lands involved.
 7. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 8. The need for public services created by the proposed use.
 9. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 10. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
 - (b) **Conditions which may be Attached to Conditional Uses:** Upon a consideration of information supplied at the public hearing and a review of the standard contained in Section 13-8-4 (1)(a), the following conditions may be attached to the granting of a conditional use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls, erosion prevention measures, location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance as provided in Section 13-13 of this ordinance.
2. **Roadside farm produce seasonal stands for the sale of produce grown on the premises.**
3. **Farm consolidation:** the separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:
 - (a) The separation is for the purpose of farm consolidation;
 - (b) The residence or structure existed prior to the adoption of the ordinance;
 - (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
 - (d) The separation meets all standards applicable to conditional uses; and
 - (e) The created parcel must conform with all regulations contained in this zoning ordinance.

Sec. 13-8-5 Minimum Lot. Height and Yard Requirements

1. Minimum Lot Size
 - (a) Minimum lot size to establish a residence or farm operation is 35 acres, except as provided in (b)-(c) below (Source s. 91.75 as amended).
 - (b) The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 1.5 acres excluding road right of way.
 - (c) Where an additional residence for persons specified in subsection (b) above is located on a farm without creating a separate parcel, the residence shall be at least 75 feet from other residences.
 - (d) The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation shall be 1.5 acres excluding road right of way.
2. Yards
 - (a) The minimum side and rear yards for farm dwellings and accessory structures shall be 10 feet from the nearest lot lines except that where a pre-existing residence or residential lot abuts, then the side yard minimum shall be thirty feet from said lot line.
 - (b) Highway setbacks for farm dwellings and structures shall be as specified in Section 13-12 of this ordinance.
3. Minimum Lot Size, Height and Yard Requirements for Special Exceptions
 - (a) The minimum lot size, height, and requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 10 of this ordinance.

Sec. 13-8-6 Standards for Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all re-zonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural resources.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.
10. A-1 land changed to residential land shall be a minimum of 1.5 acres excluding the road right of-way.

NOTE: The findings should be made in writing with a copy to the applicant and the Wisconsin Department of Agriculture, Farmland Preservation Section, which under s. 91.77(3) must be notified of all re-zonings.

11. Up to 4 (four) lots in a 5 (five) year period can be sold without the need for a sub-division plan.