

ARTICLE VIII – AG-FP AGRICULTURE FARMLAND PRESERVATION DISTRICT

1. Purpose

This district preserves agricultural land, protects farmland resources, maintains rural character, and guides development consistent with the Town Comprehensive Plan and County Farmland Preservation Plan.

2. Definitions

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 incidental to, an agricultural use including storage of commodities, livestock facilities, equipment maintenance or storage, renewable energy facilities primarily serving the farm, and similar uses.
- b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- c. A farm residence.
- d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - 1. It is conducted on a farm by an owner or operator of that farm.
 - 2. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 - 3. It employs no more than 4 full-time employees annually.
 - 4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- e. Any other use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an accessory use.

Agricultural Use – means any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; and any other use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agricultural use.

Agriculture-Related Use – means an agricultural equipment dealership; a facility providing agricultural supplies; a facility for storing or processing agricultural products; or a facility for processing agricultural wastes; and any other use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use.

Common Ownership – Ownership by the same individual, married couple, corporation, partnership, limited liability company, estate, trust, or other legal entity.

Contiguous – Land parcels sharing a boundary or separated only by roads, rivers, transmission lines, or transportation rights-of-way.

Farm – means all land under common ownership that is primarily devoted to agricultural use.

Farm Residence – means (a) a single-family or duplex residence that is the only residential structure on the farm or is occupied by (1) an owner or operator of the farm, (2) a parent or child of an owner or operator of the farm, or (3) an individual who earns more than 50 percent of his or her gross income from the farm; or (b) a migrant labor camp certified under s. 103.92, Wis. Stats.

Gross Farm Revenue – Gross receipts from agricultural uses excluding the cost basis of livestock or commodities purchased for resale.

Livestock – Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

Open Space Parcel – A parcel without buildings except small sheds or hunting blinds.

Person – An individual, corporation, partnership, limited liability company, trust, estate, or other legal entity.

Prime Farmland – Land classified as Class I or Class II soils by the USDA Natural Resources Conservation Service or identified as prime farmland in the County Farmland Preservation Plan.

Prior Nonconforming Use – A land use that lawfully existed before the adoption of this ordinance but does not conform to current regulations.

Protected Farmland – Land located in a certified farmland preservation zoning district or protected by farmland preservation agreements or agricultural conservation easements.

3. Land Use in Farmland Preservation District

Only the following uses are allowed:

- Permitted Uses (Section 4)
- Conditional Uses (Section 5)
- Prior nonconforming uses per Wisconsin Statutes

4. Permitted Uses

- Agricultural uses
- Accessory uses (including not more than two farm residences per lot)
- Agriculture-related uses
- Undeveloped natural resource and open space areas
- A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use
- Any other use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as a permitted use under s. 91.44, Wis. Stats.

5. Conditional Uses

Conditional uses may be approved only if all of the following are met, and only if the use satisfies the applicable findings required under Wis. Stat. s. 91.46 for that category of use:

- Supports agriculture
- Consistent with farmland preservation purpose
- Appropriate location
- Minimizes farmland conversion
- Does not impair surrounding farmland
- Minimizes and repairs construction damage

Conditional uses are limited to the following categories (Wis. Stat. s. 91.46):

- Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under s. 91.46(4), Wis. Stats. (including railroad rights-of-way and passenger depots not including switching or freight yards)
- Governmental, institutional, religious, or nonprofit community uses that qualify under s. 91.46(5), Wis. Stats.
- Oil and gas exploration or production licensed by the Department of Natural Resources under subch. II of ch. 295, Wis. Stats.
- Any other use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as a conditional use under s. 91.46, Wis. Stats.

6. Rezoning Standards

Rezoning land out of this district is governed by Wis. Stat. s. 91.48 and may be approved only upon findings that (1) the land is better suited for a use not allowed in the farmland preservation district; (2) the rezoning is consistent with the applicable comprehensive plan and any certified county farmland preservation plan; (3) the rezoning does not substantially impair or limit the current or future agricultural use of surrounding parcels of protected farmland; and (4) adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

7. Lot Requirements

Minimum frontage: 100 feet.

Minimum lot size: 5 acres.

8. Height Regulations

Farm: 60 ft | Other: 35 ft

9. Setbacks

Front 40 ft from the ri | Side 25 ft | Rear 25 ft | Corner 50 ft

10. Building Size

Minimum 1,050 sq ft (1-story) or 750 sq ft (multi). Width 22 ft.

11. Parking

Per Article XIV

12. Signs

Per Article XIII

13. Nonconforming Uses

Allowed per Wisconsin Statutes