

A-1 AGRICULTURE –Farmland Preservation

All uses allowed in the A-1 District must be either agricultural uses or uses that are consistent with agricultural use. No structure or improvement may be built on the land unless it is consistent with agricultural use.

A. DEFINITIONS

1. Accessory Use. 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) A home occupation (see definitions section C).

2. Agricultural Use. Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising/boarding; orchards; plant greenhouses and nurseries; Christmas tree production, poultry raising; raising of grain, forage, mint and seed crops; raising of fruits, nuts, vegetables, and berries; sod farming; placing land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.; (participating in the milk production termination program under 7 USC 1446 (d)); and vegetable raising.

3. Consistent with Agricultural Use. Consistent with agricultural use means any activity that meets all of the following conditions:

a. The activity will not convert land that has been devoted primarily to agricultural use.

b. The activity will not limit the surrounding land's potential for agricultural use.

c. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

d. The activity will not conflict with agricultural operations on other properties.

4. DATCP. The Wisconsin Department of Agriculture, Trade and Consumer Protection.

5. Expansion. For the purpose of administering the regulations of A-1 Agriculture expansion shall mean the increase in animal units for any legal entity which requires additional buildings or confinement areas to be constructed or erected. Such expansion definition shall apply to existing and/or new animal feeding operations and/or animal waste storage facilities. Replacement that is the same size or smaller and in the same location, provided it is a conforming use, is not considered new.

a. Farm. All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted

to agricultural use if any of the following apply:

- The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
- A majority of the land is in agricultural use.

6. Gross Farm Revenue. Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. This includes receipts accruing to a renter, but does not include rent paid to the land owner.

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

8. Irrevocable Letter of Credit. An irrevocable promise by the applicant/developer's bank that the bank will make any payment to the Town requested by the Town of Glenmore should the Town of Glenmore, in the Town's sole discretion, believe that the applicant/developer has broken one or more of its promises to the Town.

B. PERMITTED USES

1. Agricultural use – see definition.
2. Single-family residences existing as of 5-5-08, and additions thereto or replacements thereof on the existing site (within 200 feet of the existing residence), including normal residential appurtenances such as a pool, deck or patio.
3. Transmission lines, substations, telephone and telegraph lines, public utility installation, public streets, street rights-of-way and street improvements, or other uses that are required under state or federal law to be located in a specific place, or that are 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.
4. Undeveloped natural resources and open spaces.
5. Accessory uses –see definition, except those that are listed in par. C.

Examples include:

- a. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
- b. A facility used to store process inputs primarily for agricultural uses on the farm.
- c. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- d. A solar collector that provides energy primarily for use on the farm.
- e. On-farm fuel or agricultural storage facilities.

f. New or expanding structures or confinement areas necessary for housing animal units. NOTE: The Town of Glenmore requires a letter from the Brown County Land Conservation Department stating the county is aware of the potential for increased animal units and the farm is in compliance with nutrient management requirements.

g. Home occupations (see definitions section C) except farmstead retail outlets (see par C conditional uses).

h. Outdoor furnace (see section D par. M)

i. Roadside stands meeting the requirements of accessory use in par. A, provided the structure does not cover more than three (300) square feet in ground area and does not exceed ten (10) feet in height.

C. CONDITIONAL USES

The Town may issue a conditional use permit for certain agriculture related uses if all of the following apply:

1. The use supports agricultural uses in the A-1 Agriculture zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.
2. The use and its location in the A-1 Agriculture zoning district are consistent with the purposes of the A-1 Agriculture zoning district.
3. The use and its location in the A-1 Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
6. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

A conditional use permit is required for the following listed uses. Findings must be made to show that any conditional uses are consistent with agricultural use and meet the criteria listed one (1) through six (6) above. The conditional use permit may be subject to any additional conditions that the Town deems necessary to carry out the purposes of this ordinance.

- a. Airfields, airports, and heliports, provided that they are public uses, or private uses consistent with agriculture.

- b. Animal waste storage facility.
 - Required Setbacks:
 - 250 feet from a well
 - 250 feet from a property line
 - 250 feet from a public road right of way
 - 300 feet from a lake or perennial stream (as defined by USGS quadrangle maps)”
- c. Artificial lakes / artificial ponds.
- d. Cemeteries and mausoleums that qualify under WI s. 91.46(1)(g).
- e. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, and churches and their accessory unoccupied storage outbuildings provided that they are non-profit or governmental uses which do not conflict with agricultural use.
- f. Riding stables and/or boarding facilities that qualify under the definition of accessory use in par. A.
- g. Fire stations, police stations, post offices and other governmental facilities.
- i. Farmstead food processing facilities that process food produced on the farm.
- j. Microwave relay towers that qualify under WI s. 91.46(4) unless authorized under WI s. 91.44(1)(f).
- k. Parks, recreational sites and golf courses, if they are public (governmental) facilities.
- l. Farmstead retail outlets selling agricultural products produced on the farm that qualify under the definition of accessory use in par. A.
- m. Radio, television, telecommunication, and cell towers which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation. All towers must qualify under WI s. 91.46(4) unless authorized under WI s. 91.44(1)(f).
- n. Railroad right-of-way, not including switching, storage, freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
- o. Slaughterhouse.
- p. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.

q. Wind energy system – Large. One turbine with a nameplate capacity of more than 100 kilowatts and is used to generate energy for commercial sale.

r. Wind energy system – Small. One turbine with a nameplate capacity of 100 or less kilowatts and is primarily used to generate energy for use by the landowner.

s. Meteorological towers, if they are temporary.

t. Sawmill that processes wood received directly from farms.

u. Agronomic or veterinary service to farms.

v. Sales of feed, seed, fertilizer, and pesticides directly to farms.

D. REZONING LAND OUT OF A-1 AGRICULTURE

Land may not be rezoned out of a farmland preservation zone unless the Town finds all of the following:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezone is consistent with the comprehensive plan.
3. The rezone is substantially consistent with the Brown County Farmland Preservation Plan.
4. The rezone will not substantially impair or limit current or future agricultural use of other protected farmland.

By March 1 of each year, the Zoning Administrator must report to DATCP and Brown County the total acres rezoned, and send a map showing the location of acres rezoned during the preceding year.

E. LOT REQUIREMENTS

Any new lots created must have access to a public road.

F. HEIGHT REGULATION

1. Farm structures – sixty (60) feet maximum*.
2. Residential dwellings – thirty-five (35) feet maximum.

*Except as provided by **General Provisions**, Subsection E, Height Regulations.

G. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance.

However, in no case shall front yard or corner side yard be less than twenty-five (25) feet from the street right-of-way.

2. Side yard, when not abutting a street, shall have a minimum setback of twenty-five (25) feet. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

H. BUILDING SIZE

Minimum size of a residential dwelling shall be one thousand (1,000) square feet ground floor area for a one (1) story dwelling and eight hundred fifty (850) square feet minimum ground floor area for dwellings having more than one story.

I. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in **General Provisions**, Subsection C, Building and Uses.

J. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements**.

K. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

L. OTHER PROVISIONS AND REQUIREMENTS

1. Single family residences and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one (1) acre and one hundred fifty (150) continuous feet of street frontage. Such dwelling and related structures, as identified on an appropriate Certified Survey Map or Plat of Survey, shall be submitted for review for possible rezone at the time of sale.

2. Other structures or buildings allowed within A-1 Agriculture shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

3. Pre-existing residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their pre-existing use and are exempted from any limitations imposed or authorized under Section 60.61(5) of the Wisconsin State Statutes and **General Provisions**, Subsection C. Buildings and Uses.

A-1.1 AGRICULTURE –General Agriculture

All uses, setbacks, provisions, and requirements are the same as A-1 Agricultural-Farmland Preservation.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO _____

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to _____. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____, 20_____

Town Chairman

ATTEST:

Town Clerk