

4.6 AGRICULTURAL DISTRICT THREE (A-3)

(1) Purpose and Intent.

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town's Comprehensive Plan. This District is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use and to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes and to be eligible for the State of Wisconsin Farmland Preservation Program. The intent of the A-3 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller Farm units. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on-site sewer limitations.

(2) Permitted Uses.

The following uses are permitted in the A-3 Zoning District:

(A) Agricultural Uses. The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:

1. General farming including dairying, livestock facilities up to 1 animal unit per 1 acre as defined in appendix, poultry raising, nurseries, and other similar agricultural enterprises in accordance with Section 91.01(2) of the Wisconsin State Statutes.
2. Forestry, beekeeping, crop, grazing, hatcheries, nurseries, orchards, and other similar agricultural enterprises or uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
3. Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. Any other use that DATCP, by rule identified as an agricultural use.

(B) Agricultural Accessory Uses on Farms. The following agricultural accessory uses on a farm shall be permitted:

1. An activity or business operation that is an integral part of or incidental to an agricultural use.

2. Farm Residence, including normal residential appurtenances, with an attached or unattached garage.
3. An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - a. A facility used to keep livestock on the Farm.
 - b. A facility used to store or process inputs primarily for agricultural uses on the Farm.
 - c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the Farm.
 - d. A wind turbine or solar energy facility that collects wind or solar energy on the Farm, and uses or transforms it to provide energy primarily for use on the Farm so long as said wind turbine or solar energy facility complies with all height restrictions.
 - e. Paddocks.
 - f. Stables and holding pens.
 - g. Any building permitted hereunder, including buildings clearly incidental to the residential use of the property, must meet the following standards:
 - i. The cumulative area of **all** accessory buildings shall not exceed the following:
 1. 1,000 square feet on parcels of 3- 5 acres in size;
 2. 1,500 square feet on parcels of 5 -7 acres in size; and
 3. 2,400 square feet on parcels of 7 -10 acres in size.
 - ii. Up to two (2) accessory buildings are permitted so long as the cumulative square footage of all accessory buildings does not exceed the limits set forth above.

iii. The maximum height of an accessory building of 1,000 square feet or less in size shall be 14 feet measured from floor to peak. No maximum height shall apply to accessory buildings of more than 1,000 square feet in size.

(C) Sale of Farm Products. Sale of Farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(D) Transportation, Utility, Communication, or Other Uses. Transportation, utility, communication, or other uses required under state or federal law that preempts the requirement of a conditional use permit in accordance with Section 91.44 (1)(f) of the Wisconsin State Statutes.

(3) Conditional Uses.

A conditional use in the A-3 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

(A) Standards for Issuance. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:

1. The use and its location are consistent with the purposes of this District.
2. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agriculture use or open space use.
4. 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.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (B) Agricultural-Related Uses. Any Farm-related commercial or industrial facilities or uses, whether or not said use is located on a Farm, that are directly related to the Farm operation, including the following:
1. A livestock facility over 1 animal unit as defined in appendix per each acre.
 2. Marketing livestock to or from Farms.
- (C) Home Occupation. Any home business, activity or enterprise allowed in this District must meet the requirements of Section 13 of this Ordinance in addition to **all** of the following:
1. Be conducted by the owner or operator of the Farm.
 2. Require no buildings structures or improvements other than one that is integral part or incidental to an agricultural use or is a Farm residence.
 3. Not employ more than 4 full time people annually.
 4. Not impair or limit the current or future agriculture use of the farm.
- (D) Governmental, Institutional, Religious, or Nonprofit Community Uses. The following governmental, institutional, religious, or nonprofit community uses: gas/electric utility, government buildings, libraries, museums, parks/recreation area, playgrounds, police station, post office, public buildings, public utility facilities, recreational centers, schools (graded), and schools (higher education).
- (E) Accessory Building. An accessory building, structure, or improvement that meets the requirements of s. 91.46(2)(a) and (b) of Wisconsin State Statutes and is used for the following purposes:
1. A facility used to store or process raw agricultural commodities, all of which are produced on the Farm.
 2. A waste storage or processing facility used to store or process animal waste produced from livestock kept on the Farm.

(F) Transportation and Communication Uses.

1. The following transportation, communication, utility, or drainage uses: so long as said uses are in compliance with subparagraph (b) below: transportation terminals for bus, truck, or rail, transmission lines for telephone, communication towers, internet, fiber-optics, or electric, and water storage facilities.
2. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:
 - a. The use and its location are consistent with the purposes of this District.
 - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agriculture 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.

(4) **Requirements for Permitted and Conditional Uses.**

Within the A-3 District the following standards shall apply.

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| (A) | <u>Minimum Lot Size:</u> | 3 acres |
| (B) | <u>Maximum Lot Size:</u> | 10 acres |
| (C) | <u>Maximum Building Height:</u> | |
| | Residential Structures: | 35 ft. |
| | All Other Structures: | See Below |
| (D) | <u>Minimum Front Yard Setback:</u> | 50 ft. |
| (E) | <u>Minimum Front Yard Setback (arterials):</u> | 150 ft. from R.O.W |

- (F) Minimum Rear Yard Setback: 50 ft.
- (G) Minimum Side Yard:
 - Principal Buildings: 20 ft. on each side
 - Accessory Buildings: 10 ft. on each side
- (H) Minimum Lot Width at Building Line: 100 ft.
- (I) Height Requirements. Farm structures over 50' in height shall be setback from lot lines a distance equal to the height of the structure.
- (J) General Setbacks. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (K) Maximum Cumulative Area of All Accessory Buildings.
 - Parcels of 3- 5 acres in size 1000 sq. ft.
 - Parcels of 5-7 acres in size 1500 sq. ft.
 - Parcels of 7-10 acres in size 2400 sq. ft.
- (L) Agricultural Use. Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this ordinance.
- (M) New Livestock Facilities. All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
- (N) Expanding Livestock Facilities. All expanding livestock facilities greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.

(O) Setbacks Relating to Livestock Facilities

1. Property Lines. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
2. Public Road Right-of-Way. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
3. Waste Storage Structures. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- No larger than the existing structure;
- No further than 50 feet from the existing structure; and
- No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

4. Water Quality and Related Setbacks.
 - a. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
 - b. Flood Plain. A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
 - c. Wells. All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the WI ADMIN CODE. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
 - d. Single-Family Residence. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(5) **Rezoning Land in Agricultural Zoning District**

- (A) Rezoning Out of Agricultural Zoning District. The Town of Plymouth may rezone land out of A-3 Zoning District if it meets **all** of the following in addition to the requirements of Section 10:
1. The rezoned land is better suited for a use not allowed in the A-3 Zoning District.
 2. The rezoning is consistent with any applicable comprehensive plan.
 3. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

4. The rezoning is substantially consistent with the county certified farmland preservation plan.
- (B) DATCP and County Reports. The Town shall by March 1 of each year provide to the DATCP and the County a report of the number of acres that the political subdivision has rezoned out of an Agricultural Zoning District during the previous year and a map that clearly shows the location of those acres.
- (C) Existing Farm Dwelling and Related Farm Structures. Existing Farm dwelling and related Farm structures that have been constructed prior to November 7th 1995 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-3 District and the new parcel with the existing Farm dwelling and related Farm structures shall conform to the standard of the Zoning District for the new parcel's lot size.