4.7 Agricultural District Three (A-3)

(1) Purpose and Intent of Agricultural District Three (A-3)

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 Smart Growth Comprehensive Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

(2) Permitted Uses

The following uses are permitted in this district:

(A) One single family dwelling per lot.

(B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barbwire fences shall be located forward of the front yard setback or building line, whichever is greater.

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(D) Gardening, including truck gardens, nurseries and greenhouses, and the raising or keeping of poultry, livestock and rabbits.

(E) Governmental and public buildings, except sewage disposal plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.

(F) Public works, playgrounds, recreational and community center buildings and grounds.

(G) Grade schools, churches and their affiliated uses.

(H) Water storage facilities and their accessory structures.

(I) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.

(J) Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(K) Livestock facilities up to one (1) animal unit per contiguous acre.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(D) Storage of nonagricultural items in existing buildings or new buildings in the immediate vicinity of existing buildings on the parcel.

(E) Telephone, telegraph and electric transmission lines, buildings, or structures.

(F) Antique shops.

(G) Auto body repair shops in existence as of December 6, 1982.

(H) A museum for the display of a white buffalo as well as the Native American offerings and artifacts relating thereto, together with an accessory retail gift store offering for sale to the general public memorabilia and other retail items related to such white buffalo.

(I) A farm market for the sale of fresh farm products produced on the premises or on other agricultural lands farmed by the owner or operator of the premises together with the following accessory uses: (1) the sale of fresh farm products purchased wholesale from others for resale to customers; (2) the sale of simple food items such as doughnuts, caramel apples, popcorn, pretzels, baked items and sandwiches prepared on site in a state approved kitchen; (3) the sale of non-alcoholic beverages such as coffee, cider, soda and bottled water; (4) the sale of honey, jellies and similar products purchased wholesale from others for resale to customers; (5) the sale of seasonal craft items and books purchased wholesale from others for resale to customers; and (6) the operation of a pumpkin patch, wagon rides, corn maze or other similar activities upon the premises or upon other adjoining agricultural lands farmed by the owner or operator of the premises.

(J) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(K) Wholesale sale and storage of mulch, rock and other landscaping materials and the processing, storage and wholesale sale of black dirt operated in conjunction with a nursery or greenhouse on the same parcel or an adjoining parcel owned by the same person or entity. Any permit issued under this subsection shall require that an appropriate road agreement be entered into between the Town and the Petitioner/Permittee designating the town road(s) by which materials may be hauled to and from the property and requiring appropriate security to protect the Town from damage to such roads resulting from such hauling.

(4) Requirements for Permitted and Conditional Uses

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

(A) Minimum Lot Size -- 3 acres

(B) Maximum Lot Size ---10 acres

(C) Maximum Building Height-----------------------35 ft. for Residential Structures
(See paragraphs 4.3(12)(B)(ii) of Section 4 of the Ordinance for the Maximum Accessory Building Height)

(D) Minimum Front Yard Setback-- 50 ft.

(E) Minimum Rear Yard Setback--- 50 ft.

(F) Minimum Side Yard;
Principal Buildings -- 20 ft. on each side
Accessory Buildings -- 10 ft. on each side

(G) Minimum Lot Width at Building Line -------------------------------------- 100 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

(I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(J) Minimum Floor Area per Family -------------------------------------- 1,000 sq. ft.

(K) General Setbacks Applicable to Livestock Structures

(i) 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.

(ii) 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.

(iii) Waste Storage Structure

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;
- 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.

(L) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) 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 § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 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.

(M) Single-Family Residences

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.