

## DRAFT - Buffalo County Zoning Districts- March 2016

### **AGRICULTURE/NATURAL RESOURCE – 40 (ANR- 40)**

**The Agriculture/Natural Resource -40 District** is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR 40 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR- 40 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR- 40 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the state Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations. A maximum non-farm dwelling density of 1 dwelling per 40 acres\* with a minimum lot size of 2 acres is established for the district. Only one single family dwelling shall be permitted on a lot. It is intended that this district will be certified by the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) as a Farmland Preservation District to permit eligible landowners to receive tax credits under Subchapter IX of Chapter 71, Wis. Stats.

\*In calculating dwelling density for this district a “forty-forty” commonly described by metes and bounds that is found by survey/legal description to be less than 40 acres, shall be considered to meet the acreage density requirements provided all four quarter-quarter corners are identified as part of said survey/legal description.

A non-farm dwelling shall have a minimum setback of five hundred (500) feet from any existing feedlot or livestock confinement area with a capacity of fifty (50) animal units or more.

#### **Permitted uses:**

1. Agricultural uses conducted for the purpose of producing an income or livelihood:

- a. Agronomic crop production
- b. Apiculture
- c. Aquaculture and/or fish hatcheries
- d. Dairying
- e. Fallow land
- f. Floriculture
- g. Grazing
- h. Hatcheries
- i. Horticultural crop production
- j. Nursery, sod, and Christmas tree production
- k. Raising livestock
- l. Silviculture
- m. Viticulture

2. Farm accessory uses

- a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- b. A business, activity, or enterprise conducted by the owner or operator of a farm, that does not impair or limit the current or future agricultural use of the farm or other farmland, and that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
- c. Roadside stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
- d. Professional offices if located in a farm dwelling that meet s. 91.01(1).

e. Tourist rooming house if located in a farm dwelling that meet s. 91.01(1).

3. Minor utilities

4. Pre-existing dwellings.

a. Pre-existing dwellings established prior to December 31, 2013 located in areas subject to zoning under this chapter may be continued in residential use. Such pre-existing dwellings may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. If a pre-existing dwelling is removed, destroyed, or not occupied for a period of 12 consecutive months, it cannot be replaced or re-occupied and all future use of the property must conform to the provisions of this chapter.

5. One (1) additional farm dwelling is permitted in the ANR-40 district per base farm tract.

a. Farm dwellings do not count against the residential density limitations of the ANR-40 district.

6. Undeveloped natural resource and open space areas, and associated conservation practices.

a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

7. Transportation, utility, communication, 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.

**Conditional uses:**

1. Agricultural related uses, all listed uses shall maintain a minimum setback of 200 feet from any residential district or residential lot.

- a. Animal hospitals that primarily service livestock
- b. Animal slaughtering and/or butchering establishments
- c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
- d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment
- e. Facilities primarily engaged in providing agronomic or veterinary services to farms
- f. Feed mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
- g. Food processing plants that process raw agricultural commodities received from farms
- h. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms

2. Agricultural/Natural resource related home businesses that is owned and operated by a resident occupant which is secondary to the use of the premises, provided that the following criteria are met:

- a. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead and shall not exceed 3,000 sq. ft. in floor area or employ more than 3 fulltime employees,
- b. Crafts and other related products are allowed so that they are incidental and negligible to the agricultural related business,
- c. There shall be no outside storage or display of materials, equipment, or products except for those products that are grown on the property and are sold on a seasonal basis,
- d. There shall be no excessive noise, odor, dust, glare, vibration, or electrical disturbances beyond the lot line,
- e. One on-premise sign shall be allowed stating the name of the business, the owner /operator, and the product being sold or service offered. The sign shall not exceed twenty-four (24) square feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.

3. Blacksmiths meeting the requirements of State Statutes 91.01(1)

4. Commercial outdoor recreation areas including, but not limited to:

- a. Golf courses provided they are public use and meet State Statutes 91.46(5)
- b. Stable ring
- c. Fairgrounds provided they are public use and meet State Statutes 91.46(5)
- d. Campgrounds with twenty (20) sites or less provided they are an open space use with no structures. Additional sites may be allowed per Board of Adjustment variance.
- e. Skeet and trap shooting range that meet s. 91.46(5).

5. Commercial raising of fur-bearing animals, provided the following criteria are met:

- a. All structures and confinement areas shall maintain a minimum setback of one thousand (1,000) feet from a residential district or residential lot,
- b. Animal waste handling plan,

- c. Fencing or screening,
- 6. Kennels – commercial kennels must meet s. 91.01(1)
  - a. Structures or confinement areas shall maintain a minimum setback of two hundred (200) feet from any lot line
- 7. Non-farm dwellings
  - a. A Conditional Use Permit may be granted for up to 1 non-farm dwelling for every 40 acres of land included in the Base Farm Tract (BFT). A maximum of 4 non-farm dwellings are allowed per BFT. In addition, the ratio of all “non-farm dwelling acreage” to “farm acreage” on the BFT may not exceed 1 to 20. Non-farm dwelling acreage shall be determined by the County based on the use of the property. Two family dwellings are allowed but will count as 2 residences. Existing non-farm dwellings at the time of adoption of this chapter are counted against the number of non-farm dwellings allowed. Once the housing density for the BFT is met, it will be required that the remaining acreage in the BFT be subject to a deed restriction prohibiting any additional dwellings or non-agricultural development. In addition, the approval of a Conditional Use Permit to establish a non-farm dwelling may be subject (based on the size of the lot) to recording of a deed restriction that shall apply to the dwelling and to the balance of acreage on the lot on which the dwelling is located. The deed restriction shall prohibit any additional dwellings or non-agricultural development on the remainder of the lot ensuring “farm acreage” is maintained.
    - (1) A parcel for a non-farm dwelling authorized by an Administrative Conditional Use Permit shall not do any of the following:
      - (i) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a farm residential parcel or farm dwelling.
      - (ii) Significantly impair or limit the current or future agricultural use of other protected farmland.
    - (2) Calculation. The allowable number of non-farm residential lots shall be calculated by dividing the size of the BFT in acres by the maximum residential density of the district. (Example: 96 acre lot in the Agriculture/Natural Resource – 40 district results in  $96/40 = 2.3$  lots.)
    - (3) Rounding. Any fractional lot resulting from the calculation in 6 (a) (3) which is at least .75 shall be rounded up to the next whole number.
    - (4) Minimum lot size. No lot or building site shall be created which does not meet the minimum lot area requirements of this Ordinance.
- 8. Nonprofit, and/or charitable organizations related to agriculture meeting the requirements of State Statutes 91.46(5)
- 9. Nonmetallic mineral extraction meeting the requirements of State Statutes 91.46(6)
- 10. Public wayside or roadside park meeting the requirements of State Statutes 91.46(5)
- 11. Temporary Sawmills, duration not to exceed 90 days
- 12. Temporary concrete or asphalt plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed 120 days and meet State Statutes 91.46(6).
- 13. Land alteration over one acre for non-agricultural purposes.
- 14. Communication Towers over 100 feet in height, including all ancillary equipment and meet State Statutes 91.46(4).
- 15. Municipal buildings for the maintenance of roads and storage of equipment and materials meeting the requirements of State Statutes 91.46(5)
- 16. Sanitary landfill meeting the requirements of State Statutes 91.46(5)
- 17. Churches/Religious Institutions/Cemeteries meeting the requirements of State Statutes 91.46(5).
- 18. Schools/Colleges/Universities meeting the requirements of State Statutes 91.46(5).
- 19. Winery/Brewery/Other related use provided the product is made on site.
- 20. Bed and Breakfasts that meet s. 91.01(1).

**Prohibited uses:**

- 1. Any use not specifically listed as a permitted or conditional use.

**Standards for Rezoning land out of the Agriculture/Natural Resource -40 District.**

1. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning out of the farmland preservation district by March 1 of each year.
2. Decisions on zoning petitions for rezoning areas within a farmland preservation district shall be based on the following findings:
  - a. The land is better suited for a use not allowed in the farmland preservation zoning district.
  - b. The rezoning is consistent with any applicable comprehensive plan.
  - c. The rezoning is substantially consistent with the county certified farmland preservation plan.
  - d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - e. Adequate public facilities to serve the development are present or will be provided.
  - f. Provision of these facilities will not be an unreasonable burden to local government.
  - g. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
  - h. The need of the proposed development in an agricultural area.
  - i. The availability of alternate locations.
  - j. The productivity of the agricultural land involved.

**Definitions (definitions will be located in the definitions section of the Zoning Ordinance)**

“Base farm tract” means one of the following: (1) All contiguous parcels in a farmland preservation zoning district that are part of a single farm when DATCP first certifies the farmland preservation ordinance under the new law (or on an earlier date specified in the ordinance), regardless of any subsequent changes in the size of the farm. (2) Any other tract that DATCP by rule defines as a “base farm tract.”

“Farm acreage” means the size of a farm in acres.

“Farm dwelling” means any of the following structures that is located on a “farm”:

- (1) A single-family or duplex dwelling that is the only residential structure on the “farm” or is occupied by any of the following:
  - (a) An owner or operator of the farm.
  - (b) A parent or child of an owner or operator of a farm.
  - (c) An individual who earns more than 50 percent of his or her gross income from the farm.
- (2) A state-certified migrant labor camp

“Non-farm dwelling” means any dwelling other than a “farm dwelling.”

“Non-farm dwelling acreage” means the total number of acres of all parcels on which “non-farm dwellings” are located.

**AGRICULTURE/NATURAL RESOURCE – 20 (ANR- 20)**

**The Agriculture/Natural Resource -20 District** is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR 20 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR- 20 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR- 20 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate

inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the state Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations. A maximum non-farm dwelling density of 2 dwellings per 40 acres\* is established for the district.

\*In calculating dwelling density for this district a “forty-forty” commonly described by metes and bounds that is found by survey/legal description to be less than 40 acres, shall be considered to meet the acreage density requirements provided all four quarter-quarter corners are identified as part of said survey/legal description.

Only one single family dwelling shall be permitted on a lot. The minimum lot size for a non-farm dwelling in the ANR 20 District is two acres. An exception to the minimum lot size and minimum lot width applies to a ‘Lot of Record’. A Lot of Record being a parcel of land which was recorded with the Register of Deeds prior to the adoption of this Zoning Ordinance.

A non-farm dwelling shall have a minimum setback of five hundred (500) feet from any existing feedlot or livestock confinement area with a capacity of fifty (50) animal units or more.

**Permitted uses:**

1. Agricultural uses conducted for the purpose of producing an income or livelihood:
  - a. Agronomic crop production
  - b. Apiculture
  - c. Aquaculture and/or fish hatcheries
  - d. Dairying
  - e. Fallow land
  - f. Floriculture
  - g. Grazing
  - h. Greenhouses
  - i. Hatcheries
  - j. Horticultural crop production
  - k. Nursery, sod, and Christmas tree production
  - l. Raising livestock
  - m. Silviculture
  - n. Viticulture
2. Accessory uses
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - b. A business, activity, or enterprise conducted by the owner or operator of a farm, that does not impair or limit the current or future agricultural use of the farm or other farmland, and that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
  - c. Roadside stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
  - d. Professional offices if located in a single family dwelling that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
  - e. Tourist rooming house if located in a single family dwelling
3. Minor utilities
4. Single family dwelling
5. Undeveloped natural resource and open space areas, and associated conservation practices.
  - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.
6. Transportation, utility, communication, 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.
7. One additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.

8. Temporary concrete or asphalt plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed 120 days
9. Temporary Sawmills, duration not to exceed 90 days

**Conditional uses:**

1. Agricultural related uses, all listed uses shall maintain a minimum setback of 200 feet from any residential district or residential lot.
  - a. Animal hospitals that primarily service livestock
  - b. Animal slaughtering and/or butchering establishments
  - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
  - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment
  - e. Facilities primarily engaged in providing agronomic or veterinary services to farms
  - f. Feed mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
  - g. Food processing plants that process raw agricultural commodities received from farms
  - h. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms
2. Airports, air strips, or landing fields
3. Arboretums
4. Blacksmiths
5. Cemeteries and/or memorial gardens
6. Commercial raising of fur-bearing animals, provided the following criteria are met:
  - a. All structures and confinement areas shall maintain a minimum setback of one thousand (1,000) feet from a residential district or residential lot,
  - b. Animal waste handling plan,
  - c. Fencing or screening,
7. Community centers
8. Convention centers, exhibition halls, and/or similar facilities
9. Government uses and facilities
10. Health care facilities
11. Home or farm based businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the following criteria are met:
  - a. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead and shall not exceed 3,000 sq. ft. in floor area or employ more than 3 fulltime employees,
  - b. Crafts and other related products are allowed so that they are incidental and negligible to the agricultural related business,
  - c. There shall be no outside storage or display of materials, equipment, or products except for those products that are grown on the property and are sold on a seasonal basis,
  - d. There shall be no excessive noise, odor, dust, glare, vibration, or electrical disturbances beyond the lot line,
  - e. One on-premise sign shall be allowed stating the name of the business, the owner /operator, and the product being sold or service offered. The sign shall not exceed twenty-four (24) square feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.
12. Libraries
13. Major utilities
14. Museums
15. Nonprofit, and/or charitable organizations and facilities
16. Nonmetallic mineral extraction
17. Parks
18. Penal / correctional institutions
19. Playgrounds
20. Public safety facilities (fire station, police station, emergency shelter, etc.)
21. Public wayside or roadside park
22. Religious institutions

23. Assisted living facilities
24. Permanent sawmills
25. Schools (K-12)
26. Communication towers over 100 feet in height, including all ancillary equipment
27. Bed and Breakfasts
28. Fur farming
29. Driving ranges
30. Golf courses
31. Skating parks
32. Skiing and/or snowboarding facilities
33. Sport fields/courts
34. Swimming pools
35. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.
36. Skeet and trap shooting range
37. Kennels
  - a. Structures or confinement areas shall maintain a minimum setback of two hundred (200) feet from any lot line
38. Land alteration over one acre for non-agricultural purposes.
39. Sanitary landfill
40. Winery/Brewery/Other related use provided the product is made on site.

**Prohibited uses:**

1. Any use not specifically listed as a permitted or conditional use.

**AGRICULTURE/NATURAL RESOURCE – 10 (ANR- 10)**

**The Agriculture/Natural Resource -10 District** is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR 10 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR- 10 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR- 10 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the state Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations. A maximum non-farm dwelling density of 4 dwellings per 40 acres\* is established for the district.

\*In calculating dwelling density for this district a “forty-forty” commonly described by metes and bounds that is found by survey/legal description to be less than 40 acres, shall be considered to meet the acreage density requirements provided all four quarter-quarter corners are identified as part of said survey/legal description.

Only one single family dwelling shall be permitted on a lot. The minimum lot size for a non-farm dwelling in the ANR 10 District is two acres. An exception to the minimum lot size and minimum lot width applies to a ‘Lot of Record’. A Lot of Record being a parcel of land which was recorded with the Register of Deeds prior to the adoption of this Zoning Ordinance.

A non-farm dwelling shall have a minimum setback of five hundred (500) feet from any existing feedlot or livestock confinement area with a capacity of fifty (50) animal units or more.

**Permitted uses:**

1. Agricultural uses conducted for the purpose of producing an income or livelihood:
  - a. Agronomic crop production
  - b. Apiculture
  - c. Aquaculture and/or fish hatcheries
  - d. Dairying
  - e. Fallow land
  - f. Floriculture
  - g. Grazing
  - h. Greenhouses
  - i. Hatcheries
  - j. Horticultural crop production
  - k. Nursery, sod, and Christmas tree production
  - l. Raising livestock
  - m. Silviculture
  - n. Viticulture
2. Accessory uses
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - b. A business, activity, or enterprise conducted by the owner or operator of a farm, that does not impair or limit the current or future agricultural use of the farm or other farmland, and that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
  - c. Roadside stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
  - d. Professional offices if located in a single family dwelling that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
  - e. Tourist rooming house if located in a single family dwelling
3. Minor utilities
4. Single family dwelling
5. Undeveloped natural resource and open space areas, and associated conservation practices.
  - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.
6. Transportation, utility, communication, 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.
7. One Additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.
8. Temporary concrete or asphalt plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed 120 days
9. Temporary Sawmills, duration not to exceed 90 days

**Conditional uses:**

1. Agricultural related uses, all listed uses shall maintain a minimum setback of 200 feet from any residential district or residential lot.
  - a. Animal hospitals that primarily service livestock
  - b. Animal slaughtering and/or butchering establishments
  - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
  - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment
  - e. Facilities primarily engaged in providing agronomic or veterinary services to farms
  - f. Feed mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
  - g. Food processing plants that process raw agricultural commodities received from farms

- h. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms
- 2. Airports, air strips, or landing fields
- 3. Arboretums
- 4. Blacksmiths
- 5. Cemeteries and/or memorial gardens
- 6. Commercial raising of fur-bearing animals, provided the following criteria are met:
  - a. All structures and confinement areas shall maintain a minimum setback of one thousand (1,000) feet from a residential district or residential lot,
  - b. Animal waste handling plan,
  - c. Fencing or screening,
- 7. Community centers
- 8. Convention centers, exhibition halls, and/or similar facilities
- 9. Government uses and facilities
- 10. Health care facilities
- 11. Home or farm based businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the following criteria are met:
  - a. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead and shall not exceed 3,000 sq. ft. in floor area or employ more than 3 fulltime employees,
  - b. Crafts and other related products are allowed so that they are incidental and negligible to the agricultural related business,
  - c. There shall be no outside storage or display of materials, equipment, or products except for those products that are grown on the property and are sold on a seasonal basis,
  - d. There shall be no excessive noise, odor, dust, glare, vibration, or electrical disturbances beyond the lot line,
  - e. One on-premise sign shall be allowed stating the name of the business, the owner /operator, and the product being sold or service offered. The sign shall not exceed twenty-four (24) square feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.
- 12. Libraries
- 13. Major utilities
- 14. Museums
- 15. Nonprofit, and/or charitable organizations and facilities
- 16. Nonmetallic mineral extraction
- 17. Parks
- 18. Penal / correctional institutions
- 19. Playgrounds
- 20. Public safety facilities (fire station, police station, emergency shelter, etc.)
- 21. Public wayside or roadside park
- 22. Religious institutions
- 23. Assisted living facilities
- 24. Permanent sawmills
- 25. Schools (K-12)
- 26. Communication towers over 100 feet in height, including all ancillary equipment
- 27. Bed and Breakfasts
- 28. Fur farming
- 29. Driving ranges
- 30. Golf courses
- 31. Skating parks
- 32. Skiing and/or snowboarding facilities
- 33. Sport fields/courts
- 34. Swimming pools
- 35. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.
- 36. Skeet and trap shooting range
- 37. Kennels

- a. Structures or confinement areas shall maintain a minimum setback of two hundred (200) feet from any lot line
- 38. Land alteration over one acre for non-agricultural purposes.
- 39. Sanitary landfill
- 40. Winery/Brewery/Other related use provided the product is made on site.

**Prohibited uses:**

- 1. Any use not specifically listed as a permitted or conditional use.

**AGRICULTURE/NATURAL RESOURCE – 5 (ANR- 5)**

**The Agriculture/Natural Resource -5 District** is established to allow a higher density of development on lands which will have a limited potential for impact on agricultural or natural resource production. It is also intended that the district promote the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR 5 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR- 5 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR- 5 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the state Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations. A maximum non-farm dwelling density of 8 dwellings per 40 acres\* is established for the district.

\*In calculating dwelling density for this district a “forty-forty” commonly described by metes and bounds that is found by survey/legal description to be less than 40 acres, shall be considered to meet the acreage density requirements provided all four quarter-quarter corners are identified as part of said survey/legal description.

Only one single family dwelling shall be permitted on a lot. The minimum lot size for a non-farm dwelling in the ANR 5 District is two acres. An exception to the minimum lot size and minimum lot width applies to a ‘Lot of Record’. A Lot of Record being a parcel of land which was recorded with the Register of Deeds prior to the adoption of this Zoning Ordinance.

A non-farm dwelling shall have a minimum setback of five hundred (500) feet from any existing feedlot or livestock confinement area with a capacity of fifty (50) animal units or more.

**Permitted uses:**

- 1. Agricultural uses conducted for the purpose of producing an income or livelihood:
  - a. Agronomic crop production
  - b. Apiculture
  - c. Aquaculture and/or fish hatcheries
  - d. Dairying
  - e. Fallow land
  - f. Floriculture
  - g. Grazing
  - h. Greenhouses
  - i. Hatcheries

- j. Horticultural crop production
  - k. Nursery, sod, and Christmas tree production
  - l. Raising livestock
  - m. Silviculture
  - n. Viticulture
2. Accessory uses
    - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
    - b. A business, activity, or enterprise conducted by the owner or operator of a farm, that does not impair or limit the current or future agricultural use of the farm or other farmland, and that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
    - c. Roadside stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
    - d. Professional offices if located in a single family dwelling that meets all of the requirements for a home occupation as described in Section \_\_\_\_ of this ordinance.
    - e. Tourist rooming house if located in a single family dwelling
  3. Minor utilities
  4. Single family dwelling, duplexes
  5. Undeveloped natural resource and open space areas, and associated conservation practices.
    - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.
  6. Transportation, utility, communication, 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.
  7. One Additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.
  8. Temporary concrete or asphalt plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed 120 days
  9. Temporary Sawmills, duration not to exceed 90 days

**Conditional uses:**

1. Agricultural related uses, all listed uses shall maintain a minimum setback of 200 feet from any residential district or residential lot.
  - a. Animal hospitals that primarily service livestock
  - b. Animal slaughtering and/or butchering establishments
  - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
  - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment
  - e. Facilities primarily engaged in providing agronomic or veterinary services to farms
  - f. Feed mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
  - g. Food processing plants that process raw agricultural commodities received from farms
  - h. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms
2. Airports, air strips, or landing fields
3. Arboretums
4. Blacksmiths
5. Cemeteries and/or memorial gardens
6. Commercial raising of fur-bearing animals, provided the following criteria are met:
  - a. All structures and confinement areas shall maintain a minimum setback of one thousand (1,000) feet from a residential district or residential lot,
  - b. Animal waste handling plan,
  - c. Fencing or screening,
7. Community centers
8. Convention centers, exhibition halls, and/or similar facilities
9. Government uses and facilities

10. Health care facilities

11. Home or farm based businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the following criteria are met:

- a. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead and shall not exceed 3,000 sq. ft. in floor area or employ more than 3 fulltime employees,
- b. Crafts and other related products are allowed so that they are incidental and negligible to the agricultural related business,
- c. There shall be no outside storage or display of materials, equipment, or products except for those products that are grown on the property and are sold on a seasonal basis,
- d. There shall be no excessive noise, odor, dust, glare, vibration, or electrical disturbances beyond the lot line,
- e. One on-premise sign shall be allowed stating the name of the business, the owner /operator, and the product being sold or service offered. The sign shall not exceed twenty-four (24) square feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.

12. Libraries

13. Major utilities

14. Museums

15. Nonprofit, and/or charitable organizations and facilities

16. Nonmetallic mineral extraction

17. Parks

18. Penal / correctional institutions

19. Playgrounds

20. Public safety facilities (fire station, police station, emergency shelter, etc.)

21. Public wayside or roadside park

22. Religious institutions

23. Assisted living facilities

24. Permanent sawmills

25. Schools (K-12)

26. Communication towers over 100 feet in height, including all ancillary equipment

27. Bed and Breakfasts

28. Fur farming

29. Driving ranges

30. Golf courses

31. Skating parks

32. Skiing and/or snowboarding facilities

33. Sport fields/courts

34. Swimming pools

35. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.

36. Skeet and trap shooting range

37. Kennels

- a. Structures or confinement areas shall maintain a minimum setback of two hundred (200) feet from any lot line

38. Land alteration over one acre for non-agricultural purposes.

39. Sanitary landfill

40. Winery/Brewery/Other related use provided the product is made on site.

**Prohibited uses:**

1. Any use not specifically listed as a permitted or conditional use.

**RESIDENTIAL (R)**

The Residential District is created to establish and protect the essential characteristics of areas within which predominantly high density residential development not served by public sewer and water facilities should occur, along with certain community and recreational uses to serve the residents of the district. A minimum lot size of 1 acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for

two (2) waste treatment systems. Additionally, this district can be utilized in areas served by public sewer facilities in which case a minimum lot size of .25 acres is required.

**Permitted uses:**

1. Accessory buildings
2. Home occupations as defined in Section \_\_\_\_\_
3. Household pets
4. Minor utilities
5. Single-family dwellings, duplexes

**Conditional uses:**

1. Community centers
2. Libraries
3. Multi-family dwellings
4. Parks
5. Playgrounds
6. Public safety facilities (fire station, police station, emergency shelter, etc.)
7. Manufactured home parks
8. Communication Towers over 35 feet
9. Religious institutions
10. Halfway houses or group homes

**Prohibited uses:**

1. Any use not specifically listed as a permitted or conditional use.

**CONSERVATION (CONS)**

The Conservation District primarily consists of county, state, and federally owned lands established to protect and preserve the natural state of certain areas such as low land swamps, marshes, wetlands, stream beds, slopes, bluffs, wooded areas, water areas and other areas of aesthetic value for the benefit of this and future generations. Development of these areas is discouraged but not prohibited unless federal, state or local ordinances that prohibit development regulate the areas.

**Permitted uses:**

1. Arboretums
2. Conservation structures.
3. Dugout ponds and level ditches
4. Fire control structures.
5. Flood overflow and movement of water
6. Forest preserves, forestry and the production of forest products.
7. Forestry and game management
8. Grazing.
9. Hiking trails
10. Hunting, fishing, and/or wildlife preserve; or other historic/scientific areas
11. Minor Utilities
12. Navigation
13. Parks
14. Passive recreation (hiking, picnicking, bird watching, community gardening, etc.)
15. Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds
16. Water-related recreational uses (fishing, boating, swimming, wading, beaches, etc.)
17. Winter-related recreational uses (ice skating, sledding, skiing, snowboarding, etc.)

**Conditional uses:**

All of the uses listed below, as well as any structures accompanying otherwise permitted uses, shall require a conditional use permit.

1. Archery ranges
2. Bath houses
3. Camps
4. Campgrounds
5. Conservation organizations.
6. Conservatories
7. Government operated mines, quarries and gravel pits.
8. Horse-related activities (riding academy, polo field, etc.)
9. Major Utilities
10. Nature centers
11. Playgrounds
12. Shooting ranges
13. Zoological and botanical gardens
14. Dams, flowages and hydroelectric power

**Prohibited uses:**

1. Any use not specifically listed as a permitted or conditional use.

**COMMERCIAL DISTRICT (C)**

The Commercial District is created to establish and protect locations in which a wide variety of compatible commercial uses can be located. Within this district, residential development and heavy manufacturing uses are not permitted in the interest of furthering the livelihood of the permitted retail commercial uses and protecting uses from the effects of incompatibility. A minimum lot size of 1 acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for two (2) waste treatment systems. In areas served by public sewer facilities a minimum lot size of .25 acres is required.

**Permitted uses:**

1. Appliances, computers, or electronics—sales and/or services
2. Artistic/creative schools, studios, and/or shops (dance, music, photography, etc.)
3. Building or yard—sales and/or services for development, maintenance, or improvement (hardware store, garden center, mechanical contractor, sign painter, plumber, etc.)
4. Clothing, footwear, or personal accessories—sales and/or services
5. Collectibles—sales and/or services (antiques, books, music, models, etc.)
6. Communication enterprises (newspaper office, radio station, etc.)
7. Day-care facilities or pre-schools
8. Financial institutions or services (banks, credit unions, financial planners, etc.)
9. Fitness or sports—sales and/or services (fitness center, yoga, martial arts, sporting goods, bicycle shop, etc.)
10. Florist and/or gift shops
11. Food and drink—sales, packaged, without alcohol (convenience store, market, deli, coffee shop etc.)
12. Food and drink—sales, prepared, with alcohol (restaurant, caterer, tavern, etc.)
13. Furniture or interior accessories—sales and/or services
14. General retail sales.
15. Health care sales and/or services (clinics, optometrists, dentists, pharmacies, etc.)
16. Internet cafés
17. Laundromats, dry cleaning
18. Lodges, meeting halls, offices of labor organizations, or similar facilities
19. Mini-warehouse storage facilities
20. Minor utilities
21. Motor vehicle sales and/or services without fuel storage tanks
22. Office support and/or supplies
23. Personal grooming or therapeutic body work—sales and/or services (salon, spa, etc.)
24. Pet shops

25. Professional offices (attorney, realtor, insurance agent, etc.)
26. Public and private parking
27. Restaurants, but not including drive-in restaurants,
28. Theater (indoor only)
29. Travel bureau services
30. Veterinary services, without outside runs

**Conditional uses:**

1. Automotive gasoline station, convenience store (with or without fuel sales)
2. Automotive repair service,
3. Automotive sales and service,
4. Bottled gas storage and distribution
5. Campgrounds
6. Construction and/or contracting businesses, or lumber yards, with all operations and storage (not including off-street parking and loading of vehicles in operating condition) conducted and maintained wholly inside of buildings, except that storage may be maintained outside if no part of the storage is less than 15 feet from any lot line of the tract on which the use is located and provided any such storage is screened from other properties with a decorative fence or planting
7. Cultural facilities (library, museum, indoor theater, community center, etc.)
8. Department stores
9. Drive-Ins serving food or beverages for consumption outside the structure
10. Food and drink—sales, packaged, with alcohol (convenience store, market, deli, coffee shop etc.)
11. Full veterinarian services, outside runs
12. Funeral homes and/or crematories, provided all principal structures and uses are not less than 25 feet from any lot line
13. Greenhouses or similar growing facilities
14. Lodging facilities (hotel, motel, etc.)
15. Motor vehicle sales and/or services, provided all fuel pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed road right-of-way line
16. Outdoor theaters
17. Parks and playgrounds
18. Recreation-related businesses—indoor (bowling alley, dance hall, arcade, etc.)
19. Recreation-related businesses—outdoor (shooting range, driving range, miniature golf, etc.)
20. Tattoo and/or piercing establishments
21. Major utilities
22. Wine, liquor, and/or fermented malt beverage—production
23. Restaurant, drive-in.
24. Printing, lithograph, photo engraving, etc.

**Prohibited uses:**

1. Any use not specifically listed as a permitted or conditional use.

**INDUSTRIAL (I)**

The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to lots and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. The district is also designed to accommodate warehouse and limited commercial uses. A minimum lot size of 1 acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for two (2) waste treatment systems. In areas served by public sewer facilities a minimum lot size of .25 acres is required.

**Permitted uses:**

1. Blacksmiths
2. Building material sales

3. Commercial radio or television transmitting antenna towers or other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages
4. Contractor and/or construction offices, shops, and/or yards (building, cement, electrical, heating, ventilating and air conditioning, masonry, lumber, painting, plumbing, refrigeration, roofing, etc.)
5. Distribution businesses.
6. Emergency services or shelters
7. Feed mills
8. Light manufacturing and assembly.
9. Machinery rental, sales, and/or services
10. Machine shops, metal products manufacture, and/or tool and die shops
11. Manufacturing, assembling, fabricating, packaging, processing, repairing, servicing, cleaning, storing, refining, distilling, condensing, bottling, baking, canning, preserving, or testing any legal food, beverage, material, organic substance, device, component, or consumer good.
12. Meeting halls and/or offices of labor organizations
13. Minor utilities
14. Monument stone cutting
15. Motor vehicle services
16. Pattern shops
17. Plating operations (electroplating, chrome plating, gilding, galvanizing, etc.)
18. Printing, binding, fulfillment, and/or lithography facilities
19. Professional or business offices
20. Public safety facilities (fire station, police station, emergency shelter, etc.)
21. Road test facilities
22. Sign painting
23. Slaughterhouses
24. Soldering and/or welding shops
25. Trade schools and/or training facilities
26. Truck terminals and freight houses.
27. Warehouses, lockers, or cold storage facilities
28. Wine, liquor, and/or fermented malt beverage—production

**Conditional uses:**

1. Airports, air strips, or landing fields, provided the site is not less than 20 acres
2. Animal hospitals
3. Asphalt or concrete plants.
4. Bottling plant,
5. Clothing manufacture,
6. Crematories
7. Dry-cleaning plants and/or laundries
8. Heavy industrial uses, as determined and permitted by the zoning committee on an individual basis.
9. Industrial sand mining
10. Major utilities
11. Machine shop, welding, metal fabrication, processing and welding
12. Manufacturing, assembling, fabricating, packaging, processing, repairing, servicing, cleaning, storing, refining, distilling, condensing, bottling, baking, canning, preserving, or testing any legal chemical or fuel product.
13. Paper and wood product manufacturing and storage,
14. Paving batch plant for cement, asphalt and related materials
15. Penal /correctional institutions
16. Recreational facilities, indoor (shooting ranges, skating rinks, swimming pools, athletic courts, etc.)
17. Research laboratories
18. Salvage / junk dealers
19. Sawmills
20. Stockyards
21. Transportation terminals for passengers and/or freight (bus, heliport, tax, rail, etc.)

- 22. Uses generating more than 200 vehicle trips per day.
- 23. Waste storage, treatment, or recycling facilities
- 24. Water filtration plants
- 25. Waste disposal facilities
- 26. Enameling

**Prohibited uses:**

- 1. Any use not specifically listed as a permitted or conditional use.

**DRAFT TABLE - Zoning District Requirements**

Zoning Districts	Min. Lot Area (acres)	Min. Lot Width (Bldg. Line)	Max. Resid. Density (d.u. per 40 acres)	Side Yard	Rear Yard
<b>Agriculture/Natural Resource – 40 (ANR-40)</b>	2	100 Feet	1 per 40 Acres	20 Feet	40 Feet
<b>Agriculture/Natural Resource – 20 (ANR-20)</b>	2	100 Feet	2 per 40 Acres	20 Feet	40 Feet
<b>Agriculture/Natural Resource – 10 (ANR-10)</b>	2	100 Feet	4 per 40 Acres	20 Feet	40 Feet
<b>Agriculture/Natural Resource – 5 (ANR-5)</b>	2	100 Feet	8 per 40 Acres	20 Feet	40 Feet
<b>Residential (R)</b>	1 acre, .25 acres in areas served by public sewer facilities	100 Feet	NA	10 Feet	10 Feet
<b>Commercial (C)</b>	1 acre, .25 acres in areas served by public sewer facilities	100 Feet	NA	10 Feet	10 Feet
<b>Industrial (I)</b>	1 acre, .25 acres in areas served by public sewer facilities	100 Feet	NA	10 Feet	10 Feet
<b>Conservation (CONS)</b>	1	100 Feet	NA	10 Feet	10 Feet

**Maximum residential density calculations in the Agriculture/Natural Resource – 20, Agriculture/Natural Resource – 10, Agriculture/Natural Resource – 5 districts.**

- (1) Allowable residential density for lots under same ownership shall be kept on file in the Zoning Office.
- (2) Applicability. Maximum residential density shall apply to the creation of residential lots in the Agriculture/Natural Resource – 20, Agriculture/Natural Resource – 10, Agriculture/Natural Resource – 5 districts.
- (3) Number of residential lots. Lots existing on the effective date of this ordinance shall not be divided into residential sites which exceed the allowable number of sites or portion thereof for the Agriculture/Natural Resource – 20, Agriculture/Natural Resource – 10, Agriculture/Natural Resource – 5 districts.
  - (a) Calculation. The allowable number of residential lots shall be calculated by dividing the size of the tract in acres by the maximum residential density of the district. (Example: 46 acre lot in the ANR -10 district results in  $46/10 = 4.6$  lots.)

(b) Rounding. Any fractional lot resulting from the calculation in (3) (a) which is at least .75 shall be rounded up to the next whole number.

(c) Existing dwelling units. Any dwelling unit which exists on the tract of land to be divided shall not count against the maximum residential density allowed.

(d) Minimum lot size. No lot or building site shall be created which does not meet the minimum lot area requirements of this Ordinance.

(4) Transfer of allowable density. The transfer of allowable density from one lot to a contiguous lot under the same ownership is permitted. Such transfer may also be across a public highway to a lot under the same ownership which has opposite frontage.

(5) All lots to contain allowance for residential use. No lot shall be created which does not carry with it the allowance for at least one dwelling unit under the maximum density calculation unless such lot is permanently deed restricted to nonresidential use.

### **Definitions**

Lot:

A parcel of land, not divided by a public right-of-way and sufficient in size to meet the lot width and lot area requirements of this Ordinance, which parcel is legally created and is occupied or designed to provide space for one principal structure and approved use, including all of the open space requirements under this Ordinance. Subject to the requirements as to consolidation of adjoining lots under common ownership as set forth in this ordinance, a lot may include all contiguous property under single ownership, consisting of multiple deeds or other instruments of legal description.

Lot of Record:

Any lot, the description of which is properly recorded with the Buffalo County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.