



## CITY OF FITCHBURG

Planning Department

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### NOTICE PUBLIC HEARING April 21, 2026

**PLEASE TAKE NOTICE** that the Plan Commission of the City of Fitchburg, Dane County, Wisconsin will hold a public hearing on **Tuesday, April 21, 2026, at 6:30 p.m.** in the Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI 53711 on a proposed Ordinance 2026-O-08, Amending Chapter 22 of the Fitchburg Code of Ordinances By Repealing and Recreating Chapter 22 Article V Division 2 – A-X Exclusive Agricultural District, Sections 22-481 – 22-484 Inclusive; Repealing and Recreating Chapter 22 Article V Division 4. A-S Small Lot Agricultural District, Sec. 22-540 – Conditional Uses; and Amending Chapter 22 Article VII Division 2 – Administration and Enforcement Section 22-651 – Definitions. This Ordinance is intended to update the requirements for agricultural zoning in compliance with State of Wisconsin statutes.

A copy of the proposed amendments, existing zoning code, and current zoning map may be obtained from the Planning Department or <https://www.fitchburgwi.gov/2379/Zoning>

At the above indicated time, all interested persons will be given an opportunity to speak.

March 31, 2026  
Date

Deanna H Schmidt  
Zoning Administrator

For publication in the Wisconsin State Journal legals on Tuesday, April 7<sup>th</sup>, 2026, and Tuesday, April 14<sup>th</sup>, 2026.

Mayor Arata-Fratta  
Introduced by

Planning  
Prepared by

Agricultural & Rural Affairs  
Committee, Plan Commission  
Referred to

April 21, 2026  
Date

**ORDINANCE 2026-O-08**

**AMENDING CHAPTER 22 OF THE FITCHBURG CODE OF ORDINANCES BY REPEALING AND RECREATING CHAPTER 22 ARTICLE V DIVISION 2 – A-X EXCLUSIVE AGRICULTURAL DISTRICT, SECTIONS 22-481 – 22-484 INCLUSIVE; REPEALING AND RECREATING CHAPTER 22 ARTICLE V DIVISION 4. A-S SMALL LOT AGRICULTURAL DISTRICT, SEC. 22-540 – CONDITIONAL USES; AND AMENDING CHAPTER 22 ARTICLE VII DIVISION 2 – ADMINISTRATION AND ENFORCEMENT SECTION 22-651 – DEFINITIONS.**

The Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

**Section 1.** – Pursuant to Wis. Stat. 66.0103, that amendments to Chapter 22 of the Fitchburg General Code of Ordinances, as identified in Exhibit A herein, which have been available for public inspection not less than 2 weeks prior to being enacted, are hereby adopted by reference as if fully set forth herein.

**Section 2.** – The provisions of this ordinance and attached amendments in Exhibit A shall be deemed severable, and it is expressly declared that the City Council would have passed the other provisions of this ordinance of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance and attached amendments, or the application thereof, to any person or circumstances is held invalid, the remainder of the ordinance and attached amendments and the application of such provisions to other persons or circumstances shall not be affected thereby.

**Section 2.** – Pursuant to Wis. Stats, 66.0103, the City Clerk is directed to publish a copy of this ordinance Amending Chapter 22 with the attached amendments as identified in Exhibit A, as adopted hereby, and to keep a copy on file in their office permanently and open for public inspection during regular office hours.

**Section 3.** – Except as otherwise set forth herein, after approval by the Common Council, this Ordinance and the attached amendments to Chapter 22 of the Fitchburg General Code of Ordinances as described in the attached Exhibit A take effect on the day after publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Julia Arata-Fratta, Mayor

\_\_\_\_\_  
Tracy Oldenburg, City Clerk

Published:

**EXHIBIT A**

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## **ARTICLE V. AGRICULTURAL DISTRICTS**

### *DIVISION 1. GENERALLY*

**Secs. 22-457—22-480. Reserved.**

### *DIVISION 2. A-X EXCLUSIVE AGRICULTURE DISTRICT*

#### **Sec. 22-481. Purpose; intent.**

- (a) The purposes of the A-X Exclusive Agriculture District are to:
- (1) Preserve productive agricultural land for food and fiber production;
  - (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
  - (3) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (4) Prevent conflicts between incompatible uses;
  - (5) Reduce costs for providing services to scattered nonfarm uses;
  - (6) Pace and shape urban growth;
  - (7) Implement the provisions of the county agricultural plan; and
  - (8) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stats. ~~§ ss. 71.57 to 71.61~~~~09(11)~~.
- (b) This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (c) The plan commission may consider a rezone out of A-X Exclusive Agriculture District after holding a public hearing pursuant to Wis. Stats., § 91.48, if all ~~of~~ the following apply:
- (1) The ~~political-subdivision~~city finds all ~~of~~ the following, after public hearing:
    - a. The rezoned 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's 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.

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- (2) The city shall, by March 1 of each year, provide a rezone report and map to DATCP and Dane County identifying the number of acres rezoned out of A-X.

(3) The city may allow a rezone for a rural single-family residential lot in conformance with Rural Residential Development Criteria as adopted in the City of Fitchburg Comprehensive Plan.

(Ord. No. 2010-O-09, § 22.70, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 2, 2-24-2015)

### **Sec. 22-482. Permitted uses.**

For the A-X Exclusive Agriculture District, permitted uses are as follows:

- (1) Agricultural uses as defined by Wis Stat. § 91.01(2)(a), provided that a facility used to keep ~~cattle, swine, poultry, sheep or goats~~ livestock will have less than 500 animal units.

~~(2) New farm residence that is the only residence on the farm and is occupied by an individual who earns more than 50 percent of his or her gross income on the farm, subject to the provisions of chapter 24, land division. For more than one farm residence, see section 22-483(1).~~

- ~~(3)~~ Existing farm residence, occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm, lawfully existing as of [the date of this ordinance].

- ~~(4)~~ The following agricultural accessory uses provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b) or (d)

- a. ~~Roadside stands for t~~ The sale of agricultural products produced primarily from that farm operation.
- b. Wind tower, solar panels, or manure digester intended to serve a single farm.
- c. Agricultural entertainment activities, including incidental preparation and sale of beverages and food, with all applicable permits, anticipated to have an attendance of less than 500 persons at any one time during the day and occurring ten days or less in a calendar year.
- d. Limited vocational activities (refer to section 22-55(2)).

- ~~(5)~~ Undeveloped natural resource and open space areas.

(Ord. No. 2010-O-09, § 22.71, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 3, 2-24-2015; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-483. Conditional uses.**

In addition to the conditional use requirements in section 22-640, no conditional use in the A-X District shall be approved by the plan commission unless the commission shall also find:

1. The use and its locations in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
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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.

The Department of Agriculture, Trade and Consumer Protection may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with Wis. Stats. § 91.42.

For the A-X Exclusive Agriculture District, conditional uses are as follows:

- (1) A second or subsequent single-family farm residence to be ~~occupied by either a parent or child of the farm~~ occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm ~~operator or an individual who earns more than 50 percent of his or her gross income on the farm.~~ A second farm residence shall be sited as to be:
  - a. Compatible with adjacent farm operations. Compatible means it does not convert prime farmland or cropland from agricultural use, unless no reasonable alternative site is available, and does not significantly impair or limit the current or future agricultural use of any other farmland.
  - b. Outside of environmentally sensitive areas including wetlands, floodplain, drainageway, and environmental corridors.
  - c. Compatible with woodland cover. A forestry management plan, approved by the City Forester, is required for wooded or partially wooded sites. Heritage trees and their critical root radius shall be fully protected and remain undisturbed.
  - d. Located on an existing parcel of land a minimum of 35 acres in size with frontage on a public road.
- (2) Governmental, institutional, ~~or religious use~~ or nonprofit community use that comply with Wis. Stats. § 91.46(5).
- (3) Transportation, communications, pipeline, electric transmission, utility including wind energy ~~and~~ solar energy, and drainage uses ~~that comply with Wis. Stats. § 91.46(4).~~
- (4) Conversion of existing single-family farm residence to a two-family farm residence, if ~~both residences are to be occupied by an individual who earns more than 50 percent of his or her gross income on the~~ both residences are occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm.
- (5) Separation of farm residences and related structures which existed prior to the effective date of the ordinance from which this article is derived and which remain after farm consolidation.
- (6) The following agricultural accessory uses, provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b) or (d):
  - a. Horse boarding, breeding, training and other equestrian facilities.
  - b. Bed and breakfast establishments.
  - c. Agricultural entertainment activities, including incidental preparation and sale of beverages and food, with all applicable permits, anticipated to have an attendance of more than 500 persons at any one time during the day or occurring more than ten days in a calendar year.
  - d. Retail establishments, ~~not including roadside stands~~, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site;

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e. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.

- (7) Agriculture—~~r~~Related ~~u~~Uses that comply with Wis. Stats. § 91.01(3) and any other use that the department of agriculture, trade and consumer protection, by rule identifies as an agriculture-related use, such as:
- (a) Agricultural equipment dealership.
  - (b) Agricultural research facilities.
  - (c) Grain elevators.
  - (d) Manure digesting facilities which serve more than one farm operation.
  - (e) Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - (f) Feed mills.
  - (g) Animal feed storage facilities.
  - (h) Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (8) Nonmetallic mineral extraction operations that comply with Wis. Stats. § 91.46(6).-
- (9) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.

(106) New farm residence that is the only residence on the farm and is occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm ~~individual who earns more than 50 percent of his or her gross income on the farm~~, subject to the provisions of chapter 24, land division. For more than one farm residence, see section 22-483(1). A new farm residence shall be sited as to be:

- a. Compatible with adjacent farm operations. Compatible means it does not convert prime farmland or cropland from agricultural use, unless no reasonable alternative site is available, and does not significantly impair or limit the current or future agricultural use of any other farmland.)
- b. Outside of environmentally sensitive areas including wetlands, floodplain, drainageway, and environmental corridors.
- c. Compatible with woodland cover. A forestry management plan, approved by the City Forester, is required for wooded or partially wooded sites. Heritage trees and their critical root radius shall be fully protected and remain undisturbed.
- d. Located on an existing parcel of land a minimum of 35 acres in size with frontage on a public road.

- (110) The seasonal storage of recreational equipment, motor vehicles, and boats owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of [date of this ordinance]. The storage of a dealer's inventory or the construction of any new building for storage is prohibited.

(Ord. No. 2010-O-09, § 22.72, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

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## Sec. 22-484. Dimensional standards.

For the A-X Exclusive Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size: 35 acres.
- (2) Minimum lot width: 150 feet.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side yard abutting public street: 30 feet.
- (7) Maximum height of dwelling structures: 35 feet.
- (8) Maximum height of farm buildings: No limitation.
- (9) Maximum height of other structures: 45 feet, may exceed on a conditional use basis.
- (10) Side setback for barns, feeding or loafing sheds, hog houses and ~~the like~~ similar structures: 100 feet, if adjacent to residential district. [Any pre-existing structures in compliance with the ten-foot side setback as of the date of an adjacent zoning change to a residential district are exempt from the 100-foot side setback and may be replaced within the same footprint and height.](#)
- (11) General provisions:
  - a. Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which has been received for review by the agency prior to the effective date of the A-X Exclusive Agriculture District shall have the same status as pre-existing lots.
  - b. Any pre-existing substandard parcels in the A-X Exclusive Agriculture District that have a width of less than 150 feet and have an area of less than five acres do not permit the keeping or raising of livestock.
  - c. Any pre-existing residential building or its accessory building that is located on a lot that does not meet the area requirements of section 22-58 and is destroyed by fire, explosion, act of God or act of public enemy, the building may be rebuilt, provided the locational requirements of the R-L Residence District are complied with.

(Ord. No. 2010-O-09, § 22.73, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

## Secs. 22-485—22-506. Reserved.

### *DIVISION 3. A-T TRANSITIONAL AGRICULTURE DISTRICT*

#### Sec. 22-507. Purpose.

- (a) The purpose of the A-T Transitional Agriculture District is to provide a non-certified agricultural zoning district to preserve productive farm operations. Productive farm operations include lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation. The A-T district does not qualify for farmland preservation tax credits.

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- (b) The permitted and conditional uses and dimensional standards required in the A-T district are the same as the A-X district.

(Ord. No. 2010-O-09, § 22.74, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

**Secs. 22-508—22-537. Reserved.**

*DIVISION 4. A-S SMALL LOT AGRICULTURE DISTRICT*

**Sec. 22-538. Purpose.**

- (a) The purposes of the A-S Small Lot Agriculture District are to:
- (1) Preserve productive agricultural land for food and fiber production;
  - (2) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (3) Prevent conflicts between incompatible uses; and
  - (4) Reduce costs for providing services to scattered nonfarm uses on zoning lots below 35 acres in size.
- (b) This district may be applied to areas where smaller agricultural parcels form a portion of a contiguous agricultural block of land and where non-agricultural development would be incompatible with surrounding agricultural uses. The A-S district is also intended to ensure that urban agriculture and community gardens in the urban service area are located to meet the needs for local food production. The A-S district is not intended for residences. The A-S district does not qualify for farmland preservation credit.
- (c) This district may also be used as a temporary holding zone for outlots created for staging purposes and which are to be replatted and developed at a later date consistent with the comprehensive plan.

(Ord. No. 2010-O-09, 10-12-2010)

**Sec. 22-539. Permitted uses.**

For the A-S Small Lot Agriculture District, permitted uses are as follows:

- (1) Agricultural uses. The number of livestock kept on a zoning lot in the A-S district shall not exceed one animal unit for each full acre.
- (2) Roadside stands for the sale of agricultural products produced primarily from that farm operation.
- (3) Undeveloped and natural resource and open spaces areas.
- (4) Structures and improvements that are consistent with agricultural uses such as, but not limited to, barns, silos, livestock shelters or storage sheds for farm equipment.
- (5) Agricultural entertainment activities anticipated to have an attendance of less than 150 persons at any one time during the day.
- (6) Wind tower, solar panels, or manure digester intended to serve a single farm.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

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## Sec. 22-540. Conditional uses.

For the A-S Small Lot Agriculture District, conditional uses are as follows:

- (1) Additional livestock over the one animal unit per full acre.
- (2) Agriculture-related uses and any other use that the state department of agriculture, trade and consumer protection by rule identifies as an agriculture-related use, such as:
  - a. Agricultural equipment dealership.
  - b. Agricultural research facilities.
  - c. Grain elevators.
  - d. Manure digesting facilities which serve more than one farm operation.
  - e. Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - f. Feed mills.
  - g. Animal feed storage facilities.
  - h. Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (3) Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site;
- (4) Agricultural entertainment activities anticipated to have an attendance of more than 150 persons at any one time during the day;
- (5) [Horse boarding, breeding, training and other equestrian facilities. One caretaker's residence, attached to the facilities, and occupied by the operator of the facilities.](#)
- (6) Rural event venue:
  - a. All applicable rules, regulations, and requirements not identified in the following, b.—o., shall be met.
  - b. Minimum lot size shall be three acres, maximum lot size shall be ten acres, with the exception of an existing A-S lot which shall follow the minimum and maximum lot size of the A-S zoning district, and the venue shall be part of a farm, defined herein as all land under common ownership that is primarily devoted to agricultural use, with said use defined in section 22-651 herein.
  - c. Any new building shall also house one or more of the following uses:
    1. Agricultural entertainment.
    2. Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site.
  - d. A 200 foot open buffer shall be provided on all sides of the property not abutting a public roadway. Event activities are not permitted within this buffer area. Where possible, agricultural crops or suitable landscaping shall remain or be grown in the buffer area, to maintain the rural/agricultural character of the site. Buffer content shall be subject to review and approval of the fire inspector. This buffer requirement may be increased, decreased, or waived at the discretion of the plan commission.

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- e. Buffer plantings shall be provided along a property line where there is an abutting residence to screen views, lights and noise from the operation. Plantings shall be as specified in the conditional use permit.
  - f. The increase in traffic generated by the venue shall not create a nuisance to nearby residents by way of traffic, noise, or significant increases in parking on public ways.
  - g. Parking may be either gravel or paved as determined by the plan commission. Overflow parking on grass or hay areas is permissible.
  - h. Parking areas of any type shall not be located in the required buffer area or within any other setback areas required by this section.
  - i. Signage and site lighting shall comply with city ordinances. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from adjacent properties.
  - j. Structures shall meet Fire Code standards for public assembly and shall be inspected by the fire inspector prior to occupancy.
  - k. The display of fireworks on the site is permitted only following issuance of a separate fireworks permit from the city. ~~Any open fires, including outdoor bonfires, are allowed only after prior written approval of the fire inspector.~~ require approval from the Fitchburg Fire Department. The launching of fire kites is prohibited.
  - l. Amplified music and dancing are permitted only within the venue as part of the conditional use permit. Outside amplified music is only permitted by a sound permit per existing city ordinance, issued prior to each such event.
  - m. The sale and consumption of alcohol beverages on the premises are subject to the city's licensing requirements, and all other applicable regulations. A license is not required for events where alcohol beverages are brought to the venue premises and offered on a complimentary basis to guests. The serving area for alcohol beverages shall not exceed 1,200 square feet. Additionally, no money may exchange hands for events, including, but not limited to, entrance fees, donations, raffles, food or plate charge, to the portion of the license not required.
  - n. The following accessory uses are permitted on the site following issuance of the required conditional use permit:
    - 1. Non-motorized playground equipment.
    - 2. Wagon, sleigh, and hay rides.
    - 3. Animal displays, petting farms, and pony rides.
    - 4. An outdoor site for conducting wedding ceremonies.
    - 5. Food preparation facilities to support on-site activities.
    - 6. Seasonal outdoor mazes of agricultural origin, such as of corner hay/straw bales design.
  - o. Conditional use permit applicants shall provide the following information at the time of application:
    - 1. All information not identified in the following, 2.—11., but required per the city's existing conditional use permit application.
    - 2. Size of venue and guest capacity, including a floor plan of the venue and other areas/structures to be utilized, provision of restroom facilities (temporary, portable restroom facilities ~~are prohibited~~ shall only be permitted for special events occurring on no
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[more than ten days in a calendar year](#)), and location of refuse/recycling receptacles and disposal method.

3. Signage and lighting plan.
4. Months (seasons) and hours/days of operation.
5. Primary types of events to be hosted and events which will not be hosted, to include descriptions of proposed accessory activities such as hayrides, petting farms, bonfires, etc.
6. Anticipated number of events per year and maximum number of attendees per event.
7. Music use at the venue, including types of sound amplification.
8. Temporary structures or tents to be used in association with events.
9. Acknowledgment of placement of a deed restriction on the property, to be recorded at the time of issuance of the conditional use permit, ensuring rural event venue use, or another permitted/conditional use as allowed in the Agriculture-Small (A-S) zoning district, in to perpetuity or to such time as the city extinguishes said restriction.
10. Insurance coverage.
11. Any other documentation required by the zoning administrator.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-541. Dimensional standards.**

For the A-S Small Lot Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size:
  - a. Three acres.
- (2) Maximum parcel size: Less than 35 acres.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side setback for barns, feeding or loafing sheds, hog houses and the like: 100 feet if adjacent to residential district.
- (7) Side yard abutting public street: 30 feet.
- (8) Maximum building height: 45 feet, except there is no height limitation for farm buildings. Other structures may exceed 45 feet on a conditional use basis.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2013-O-33, § 1, 1-14-2014)

### **Secs. 22-542—22-560. Reserved.**

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## ARTICLE VII. SPECIAL DISTRICTS

### DIVISION 2. ADMINISTRATION AND ENFORCEMENT

#### Secs. 22-651. Definitions.

ADD - Base Farm Tract means all land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm as of the base year of 1979.

AMEND - Farm residence. A single-family or duplex residence that is the only residential structure on the farm ~~or~~ and is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A ~~parent or child~~ family member of an owner or operator of the farm.
- (3) ~~An individual who earns more than 50 percent of his or her gross income from the farm.~~

ADD - New Farm Residence means a farm residence that is constructed after [date of ordinance]. This includes replacements for existing farm residences.

## **ARTICLE V. AGRICULTURAL DISTRICTS**

### *DIVISION 1. GENERALLY*

**Secs. 22-457—22-480. Reserved.**

### *DIVISION 2. A-X EXCLUSIVE AGRICULTURE DISTRICT*

**Sec. 22-481. Purpose; intent.**

- (a) The purposes of the A-X Exclusive Agriculture District are to:
- (1) Preserve productive agricultural land for food and fiber production;
  - (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
  - (3) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (4) Prevent conflicts between incompatible uses;
  - (5) Reduce costs for providing services to scattered nonfarm uses;
  - (6) Pace and shape urban growth;
  - (7) Implement the provisions of the county agricultural plan; and
  - (8) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stats. ss. 71.57 to 71.61.
- (b) This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (c) The plan commission may consider a rezone out of A-X Exclusive Agriculture District after holding a public hearing pursuant to Wis. Stats., § 91.48, if all the following apply:
- (1) The city finds all the following, after public hearing:
    - a. The rezoned 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's 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.
  - (2) The city shall, by March 1 of each year, provide a rezone report and map to DATCP and Dane County identifying the number of acres rezoned out of A-X.
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- (3) The city may allow a rezone for a rural single-family residential lot in conformance with Rural Residential Development Criteria as adopted in the City of Fitchburg Comprehensive Plan.

(Ord. No. 2010-O-09, § 22.70, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 2, 2-24-2015)

### **Sec. 22-482. Permitted uses.**

For the A-X Exclusive Agriculture District, permitted uses are as follows:

- (1) Agricultural uses as defined by Wis Stat. § 91.01(2)(a), provided that a facility used to keep livestock will have less than 500 animal units.
- (2) Existing farm residence, occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm, lawfully existing as of [the date of this ordinance].
- (3) The following agricultural accessory uses provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b)or(d)
  - a. The sale of agricultural products produced primarily from that farm operation.
  - b. Wind tower, solar panels, or manure digester intended to serve a single farm.
  - c. Agricultural entertainment activities, including incidental preparation and sale of beverages and food, with all applicable permits, anticipated to have an attendance of less than 500 persons at any one time during the day and occurring ten days or less in a calendar year.
  - d. Limited vocational activities (refer to section 22-55(2)).
- (4) Undeveloped natural resource and open space areas.

(Ord. No. 2010-O-09, § 22.71, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 3, 2-24-2015; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-483. Conditional uses.**

In addition to the conditional use requirements in section 22-640, no conditional use in the A-X District shall be approved by the plan commission unless the commission shall also find:

1. The use and its locations in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural 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.

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The Department of Agriculture, Trade and Consumer Protection may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with Wis. Stats. § 91.42.

For the A-X Exclusive Agriculture District, conditional uses are as follows:

- (1) A second or subsequent single-family farm residence to be occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm. A second farm residence shall be sited as to be:
    - a. Compatible with adjacent farm operations. Compatible means it does not convert prime farmland or cropland from agricultural use, unless no reasonable alternative site is available, and does not significantly impair or limit the current or future agricultural use of any other farmland.)
    - b. Outside of environmentally sensitive areas including wetlands, floodplain, drainageway, and environmental corridors.
    - c. Compatible with woodland cover. A forestry management plan, approved by the City Forester, is required for wooded or partially wooded sites. Heritage trees and their critical root radius shall be fully protected and remain undisturbed.
    - d. Located on an existing parcel of land a minimum of 35 acres in size with frontage on a public road.
  - (2) Governmental, institutional, religious or nonprofit community use that comply with Wis. Stats. § 91.46(5).
  - (3) Transportation, communications, pipeline, electric transmission, utility including wind energy and solar energy, and drainage uses that comply with Wis. Stats. § 91.46(4).
  - (4) Conversion of existing single-family farm residence to a two-family farm residence, if both residences are occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm.
  - (5) Separation of farm residences and related structures which existed prior to the effective date of the ordinance from which this article is derived and which remain after farm consolidation.
  - (6) The following agricultural accessory uses, provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b)or(d):
    - a. Horse boarding, breeding, training and other equestrian facilities.
    - b. Bed and breakfast establishments.
    - c. Agricultural entertainment activities, including incidental preparation and sale of beverages and food, with all applicable permits, anticipated to have an attendance of more than 500 persons at any one time during the day or occurring more than ten days in a calendar year.
    - d. Retail establishments, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site
    - e. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.
  - (7) Agriculture—related uses that comply with Wis. Stats. § 91.01(3) and any other use that the department of agriculture, trade and consumer protection, by rule identifies as an agriculture-related use, such as:
    - (a) Agricultural equipment dealership.
    - (b) Agricultural research facilities.
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- (c) Grain elevators.
  - (d) Manure digesting facilities which serve more than one farm operation.
  - (e) Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - (f) Feed mills.
  - (g) Animal feed storage facilities.
  - (h) Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (8) Nonmetallic mineral extraction operations that comply with Wis. Stats. § 91.46(6).
  - (9) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.
  - (10) New farm residence that is the only residence on the farm and is occupied by an owner or operator of the farm, or a family member of an owner or operator of the farm, subject to the provisions of chapter 24, land division. For more than one farm residence, see section 22-483(1). A new farm residence shall be sited as to be:
    - a. Compatible with adjacent farm operations. Compatible means it does not convert prime farmland or cropland from agricultural use, unless no reasonable alternative site is available, and does not significantly impair or limit the current or future agricultural use of any other farmland.)
    - b. Outside of environmentally sensitive areas including wetlands, floodplain, drainageway, and environmental corridors.
    - c. Compatible with woodland cover. A forestry management plan, approved by the City Forester, is required for wooded or partially wooded sites. Heritage trees and their critical root radius shall be fully protected and remain undisturbed.
    - d. Located on an existing parcel of land a minimum of 35 acres in size with frontage on a public road.
  - (11) The seasonal storage of recreational equipment, motor vehicles, and boats owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of [date of this ordinance]. The storage of a dealer's inventory or the construction of any new building for storage is prohibited.

(Ord. No. 2010-O-09, § 22.72, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-484. Dimensional standards.**

For the A-X Exclusive Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size: 35 acres.
- (2) Minimum lot width: 150 feet.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side yard abutting public street: 30 feet.

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- (7) Maximum height of dwelling structures: 35 feet.
  - (8) Maximum height of farm buildings: No limitation.
  - (9) Maximum height of other structures: 45 feet, may exceed on a conditional use basis.
  - (10) Side setback for barns, feeding or loafing sheds, hog houses and similar structures: 100 feet, if adjacent to residential district. Any pre-existing structures in compliance with the ten-foot side setback as of the date of an adjacent zoning change to a residential district are exempt from the 100-foot side setback and may be replaced within the same footprint and height.
  - (11) General provisions:
    - a. Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which has been received for review by the agency prior to the effective date of the A-X Exclusive Agriculture District shall have the same status as pre-existing lots.
    - b. Any pre-existing substandard parcels in the A-X Exclusive Agriculture District that have a width of less than 150 feet and have an area of less than five acres do not permit the keeping or raising of livestock.
    - c. Any pre-existing residential building or its accessory building that is located on a lot that does not meet the area requirements of section 22-58 and is destroyed by fire, explosion, act of God or act of public enemy, the building may be rebuilt, provided the locational requirements of the R-L Residence District are complied with.

(Ord. No. 2010-O-09, § 22.73, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

**Secs. 22-485—22-506. Reserved.**

*DIVISION 3. A-T TRANSITIONAL AGRICULTURE DISTRICT*

**Sec. 22-507. Purpose.**

- (a) The purpose of the A-T Transitional Agriculture District is to provide a non-certified agricultural zoning district to preserve productive farm operations. Productive farm operations include lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation. The A-T district does not qualify for farmland preservation tax credits.
- (b) The permitted and conditional uses and dimensional standards required in the A-T district are the same as the A-X district.

(Ord. No. 2010-O-09, § 22.74, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

**Secs. 22-508—22-537. Reserved.**

*DIVISION 4. A-S SMALL LOT AGRICULTURE DISTRICT*

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**Sec. 22-538. Purpose.**

- (a) The purposes of the A-S Small Lot Agriculture District are to:
  - (1) Preserve productive agricultural land for food and fiber production;
  - (2) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (3) Prevent conflicts between incompatible uses; and
  - (4) Reduce costs for providing services to scattered nonfarm uses on zoning lots below 35 acres in size.
- (b) This district may be applied to areas where smaller agricultural parcels form a portion of a contiguous agricultural block of land and where non-agricultural development would be incompatible with surrounding agricultural uses. The A-S district is also intended to ensure that urban agriculture and community gardens in the urban service area are located to meet the needs for local food production. The A-S district is not intended for residences. The A-S district does not qualify for farmland preservation credit.
- (c) This district may also be used as a temporary holding zone for outlots created for staging purposes and which are to be replatted and developed at a later date consistent with the comprehensive plan.

(Ord. No. 2010-O-09, 10-12-2010)

**Sec. 22-539. Permitted uses.**

For the A-S Small Lot Agriculture District, permitted uses are as follows:

- (1) Agricultural uses. The number of livestock kept on a zoning lot in the A-S district shall not exceed one animal unit for each full acre.
- (2) Roadside stands for the sale of agricultural products produced primarily from that farm operation.
- (3) Undeveloped and natural resource and open spaces areas.
- (4) Structures and improvements that are consistent with agricultural uses such as, but not limited to, barns, silos, livestock shelters or storage sheds for farm equipment.
- (5) Agricultural entertainment activities anticipated to have an attendance of less than 150 persons at any one time during the day.
- (6) Wind tower, solar panels, or manure digester intended to serve a single farm.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

**Sec. 22-540. Conditional uses.**

For the A-S Small Lot Agriculture District, conditional uses are as follows:

- (1) Additional livestock over the one animal unit per full acre.
- (2) Agriculture-related uses and any other use that the state department of agriculture, trade and consumer protection by rule identifies as an agriculture-related use, such as:
  - a. Agricultural equipment dealership.
  - b. Agricultural research facilities.
  - c. Grain elevators.
  - d. Manure digesting facilities which serve more than one farm operation.

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- e. Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - f. Feed mills.
  - g. Animal feed storage facilities.
  - h. Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (3) Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site;
- (4) Agricultural entertainment activities anticipated to have an attendance of more than 150 persons at any one time during the day;
- (5) Horse boarding, breeding, training and other equestrian facilities. One caretaker's residence, attached to the facilities, and occupied by the operator of the facilities.
- (6) Rural event venue:
- a. All applicable rules, regulations, and requirements not identified in the following, b.—o., shall be met.
  - b. Minimum lot size shall be three acres, maximum lot size shall be ten acres, with the exception of an existing A-S lot which shall follow the minimum and maximum lot size of the A-S zoning district, and the venue shall be part of a farm, defined herein as all land under common ownership that is primarily devoted to agricultural use, with said use defined in section 22-651 herein.
  - c. Any new building shall also house one or more of the following uses:
    - 1. Agricultural entertainment.
    - 2. Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site.
  - d. A 200 foot open buffer shall be provided on all sides of the property not abutting a public roadway. Event activities are not permitted within this buffer area. Where possible, agricultural crops or suitable landscaping shall remain or be grown in the buffer area, to maintain the rural/agricultural character of the site. Buffer content shall be subject to review and approval of the fire inspector. This buffer requirement may be increased, decreased, or waived at the discretion of the plan commission.
  - e. Buffer plantings shall be provided along a property line where there is an abutting residence to screen views, lights and noise from the operation. Plantings shall be as specified in the conditional use permit.
  - f. The increase in traffic generated by the venue shall not create a nuisance to nearby residents by way of traffic, noise, or significant increases in parking on public ways.
  - g. Parking may be either gravel or paved as determined by the plan commission. Overflow parking on grass or hay areas is permissible.
  - h. Parking areas of any type shall not be located in the required buffer area or within any other setback areas required by this section.
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- i. Signage and site lighting shall comply with city ordinances. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from adjacent properties.
  - j. Structures shall meet Fire Code standards for public assembly and shall be inspected by the fire inspector prior to occupancy.
  - k. The display of fireworks on the site is permitted only following issuance of a separate fireworks permit from the city. Any open fires, including outdoor bonfires, require approval from the Fitchburg Fire Department.
  - l. Amplified music and dancing are permitted only within the venue as part of the conditional use permit. Outside amplified music is only permitted by a sound permit per existing city ordinance, issued prior to each such event.
  - m. The sale and consumption of alcohol beverages on the premises are subject to the city's licensing requirements, and all other applicable regulations. A license is not required for events where alcohol beverages are brought to the venue premises and offered on a complimentary basis to guests. The serving area for alcohol beverages shall not exceed 1,200 square feet. Additionally, no money may exchange hands for events, including, but not limited to, entrance fees, donations, raffles, food or plate charge, to the portion of the license not required.
  - n. The following accessory uses are permitted on the site following issuance of the required conditional use permit:
    - 1. Non-motorized playground equipment.
    - 2. Wagon, sleigh, and hay rides.
    - 3. Animal displays, petting farms, and pony rides.
    - 4. An outdoor site for conducting wedding ceremonies.
    - 5. Food preparation facilities to support on-site activities.
    - 6. Seasonal outdoor mazes of agricultural origin, such as of corner hay/straw bales design.
  - o. Conditional use permit applicants shall provide the following information at the time of application:
    - 1. All information not identified in the following, 2.—11., but required per the city's existing conditional use permit application.
    - 2. Size of venue and guest capacity, including a floor plan of the venue and other areas/structures to be utilized, provision of restroom facilities (temporary, portable restroom facilities shall only be permitted for special events occurring on no more than ten days in a calendar year), and location of refuse/recycling receptacles and disposal method.
    - 3. Signage and lighting plan.
    - 4. Months (seasons) and hours/days of operation.
    - 5. Primary types of events to be hosted and events which will not be hosted, to include descriptions of proposed accessory activities such as hayrides, petting farms, bonfires, etc.
    - 6. Anticipated number of events per year and maximum number of attendees per event.
    - 7. Music use at the venue, including types of sound amplification.
    - 8. Temporary structures or tents to be used in association with events.
    - 9. Acknowledgment of placement of a deed restriction on the property, to be recorded at the time of issuance of the conditional use permit, ensuring rural event venue use, or another
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permitted/conditional use as allowed in the Agriculture-Small (A-S) zoning district, in to perpetuity or to such time as the city extinguishes said restriction.

10. Insurance coverage.
11. Any other documentation required by the zoning administrator.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-541. Dimensional standards.**

For the A-S Small Lot Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size:
  - a. Three acres.
- (2) Maximum parcel size: Less than 35 acres.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side setback for barns, feeding or loafing sheds, hog houses and the like: 100 feet if adjacent to residential district.
- (7) Side yard abutting public street: 30 feet.
- (8) Maximum building height: 45 feet, except there is no height limitation for farm buildings. Other structures may exceed 45 feet on a conditional use basis.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2013-O-33, § 1, 1-14-2014)

### **Secs. 22-542—22-560. Reserved.**

## ***ARTICLE VII. SPECIAL DISTRICTS***

### ***DIVISION 2. ADMINISTRATION AND ENFORCEMENT***

#### **Secs. 22-651. Definitions.**

*ADD - Base Farm Tract* means all land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm as of the base year of 1979.

*AMEND - Farm residence.* A single-family or duplex residence that is the only residential structure on the farm and is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A family member of an owner or operator of the farm.

*ADD - New Farm Residence* means a farm residence that is constructed after [date of ordinance]. This includes replacements for existing farm residences.

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## **ARTICLE V. AGRICULTURAL DISTRICTS**

### *DIVISION 1. GENERALLY*

**Secs. 22-457—22-480. Reserved.**

### *DIVISION 2. A-X EXCLUSIVE AGRICULTURE DISTRICT*

#### **Sec. 22-481. Purpose; intent.**

- (a) The purposes of the A-X Exclusive Agriculture District are to:
- (1) Preserve productive agricultural land for food and fiber production;
  - (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
  - (3) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (4) Prevent conflicts between incompatible uses;
  - (5) Reduce costs for providing services to scattered nonfarm uses;
  - (6) Pace and shape urban growth;
  - (7) Implement the provisions of the county agricultural plan; and
  - (8) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stats. § 71.09(11).
- (b) This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (c) The plan commission may consider a rezone out of A-X Exclusive Agriculture District after holding a public hearing pursuant to Wis. Stats., § 91.48, if all of the following apply:
- (1) The political subdivision finds all of the following, after public hearing:
    - a. The rezoned 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's 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.

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- (2) The city shall, by March 1 of each year, provide a rezone report and map to DATP and Dane County identifying the number of acres rezoned out of A-X.

(Ord. No. 2010-O-09, § 22.70, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 2, 2-24-2015)

### **Sec. 22-482. Permitted uses.**

For the A-X Exclusive Agriculture District, permitted uses are as follows:

- (1) Agricultural uses, provided that a facility used to keep cattle, swine, poultry, sheep or goats will have less than 500 animal units.
- (2) New farm residence that is the only residence on the farm and is occupied by an individual who earns more than 50 percent of his or her gross income on the farm, subject to the provisions of chapter 24, land division. For more than one farm residence, see section 22-483(1).
- (3) Existing farm residence.
- (4) The following agricultural accessory uses provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b)or(d)
  - a. Roadside stands for the sale of agricultural products produced primarily from that farm operation.
  - b. Wind tower, solar panels, or manure digester intended to serve a single farm.
  - c. Agricultural entertainment activities anticipated to have an attendance of less than 500 persons at any one time during the day.
  - d. Limited vocational activities (refer to section 22-55(2)).
- (5) Undeveloped natural resource and open space areas.

(Ord. No. 2010-O-09, § 22.71, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2015-O-01, § 3, 2-24-2015; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-483. Conditional uses.**

In addition to the conditional use requirements in section 22-640, no conditional use in the A-X District shall be approved by the plan commission unless the commission shall also find:

1. The use and its locations in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural 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.

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The department of agriculture, trade and consumer protection may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with Wis. Stats. § 91.42.

For the A-X Exclusive Agriculture District, conditional uses are as follows:

- (1) A second or subsequent single-family farm residence to be occupied by either a parent or child of the farm operator or an individual who earns more than 50 percent of his or her gross income on the farm.
- (2) Governmental, institutional, or religious use.
- (3) Transportation, communications, pipeline, electric transmission, utility including wind energy, and drainage use.
- (4) Conversion of existing single-family farm residence to a two-family farm residence, if both residences are to be occupied by an individual who earns more than 50 percent of his or her gross income on the farm.
- (5) Separation of farm residences and related structures which existed prior to the effective date of the ordinance from which this article is derived and which remain after farm consolidation.
- (6) The following agricultural accessory uses, provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b)or(d):
  - a. Horse boarding, breeding, training and other equestrian facilities.
  - b. Bed and breakfast establishments.
  - c. Agricultural entertainment activities anticipated to have an attendance of more than 500 persons at any one time during the day.
  - d. Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site;
- (7) Agriculture—Related Uses and any other use that the department of agriculture, trade and consumer protection, by rule identifies as an agriculture-related use, such as:
  - (a) Agricultural equipment dealership.
  - (b) Agricultural research facilities.
  - (c) Grain elevators.
  - (d) Manure digesting facilities which serve more than one farm operation.
  - (e) Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - (f) Feed mills.
  - (g) Animal feed storage facilities.
  - (h) Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (8) Nonmetallic mineral extraction operations that comply with Wis. Stats. § 91.46(6).
- (9) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.

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(Ord. No. 2010-O-09, § 22.72, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

**Sec. 22-484. Dimensional standards.**

For the A-X Exclusive Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size: 35 acres.
- (2) Minimum lot width: 150 feet.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side yard abutting public street: 30 feet.
- (7) Maximum height of dwelling structures: 35 feet.
- (8) Maximum height of farm buildings: No limitation.
- (9) Maximum height of other structures: 45 feet, may exceed on a conditional use basis.
- (10) Side setback for barns, feeding or loafing sheds, hog houses and the like: 100 feet, if adjacent to residential district.
- (11) General provisions:
  - a. Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which has been received for review by the agency prior to the effective date of the A-X Exclusive Agriculture District shall have the same status as pre-existing lots.
  - b. Any preexisting substandard parcels in the A-X Exclusive Agriculture District that have a width of less than 150 feet and have an area of less than five acres do not permit the keeping or raising of livestock.
  - c. Any pre-existing residential building or its accessory building that is located on a lot that does not meet the area requirements of section 22-58 and is destroyed by fire, explosion, act of God or act of public enemy, the building may be rebuilt, provided the locational requirements of the R-L Residence District are complied with.

(Ord. No. 2010-O-09, § 22.73, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

**Secs. 22-485—22-506. Reserved.**

*DIVISION 3. A-T TRANSITIONAL AGRICULTURE DISTRICT*

**Sec. 22-507. Purpose.**

- (a) The purpose of the A-T Transitional Agriculture District is to provide a non-certified agricultural zoning district to preserve productive farm operations. Productive farm operations include lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land

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used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation. The A-T district does not qualify for farmland preservation tax credits.

- (b) The permitted and conditional uses and dimensional standards required in the A-T district are the same as the A-X district.

(Ord. No. 2010-O-09, § 22.74, 10-12-2010; Ord. No. 2012-O-03, 4-24-2012)

**Secs. 22-508—22-537. Reserved.**

*DIVISION 4. A-S SMALL LOT AGRICULTURE DISTRICT*

**Sec. 22-538. Purpose.**

- (a) The purposes of the A-S Small Lot Agriculture District are to:
- (1) Preserve productive agricultural land for food and fiber production;
  - (2) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (3) Prevent conflicts between incompatible uses; and
  - (4) Reduce costs for providing services to scattered nonfarm uses on zoning lots below 35 acres in size.
- (b) This district may be applied to areas where smaller agricultural parcels form a portion of a contiguous agricultural block of land and where non-agricultural development would be incompatible with surrounding agricultural uses. The A-S district is also intended to ensure that urban agriculture and community gardens in the urban service area are located to meet the needs for local food production. The A-S district is not intended for residences. The A-S district does not qualify for farmland preservation credit.
- (c) This district may also be used as a temporary holding zone for outlots created for staging purposes and which are to be replatted and developed at a later date consistent with the comprehensive plan.

(Ord. No. 2010-O-09, 10-12-2010)

**Sec. 22-539. Permitted uses.**

For the A-S Small Lot Agriculture District, permitted uses are as follows:

- (1) Agricultural uses. The number of livestock kept on a zoning lot in the A-S district shall not exceed one animal unit for each full acre.
- (2) Roadside stands for the sale of agricultural products produced primarily from that farm operation.
- (3) Undeveloped and natural resource and open spaces areas.
- (4) Structures and improvements that are consistent with agricultural uses such as, but not limited to, barns, silos, livestock shelters or storage sheds for farm equipment.
- (5) Agricultural entertainment activities anticipated to have an attendance of less than 150 persons at any one time during the day.
- (6) Wind tower, solar panels, or manure digester intended to serve a single farm.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

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## Sec. 22-540. Conditional uses.

For the A-S Small Lot Agriculture District, conditional uses are as follows:

- (1) Additional livestock over the one animal unit per full acre.
- (2) Agriculture-related uses and any other use that the state department of agriculture, trade and consumer protection by rule identifies as an agriculture-related use, such as:
  - a. Agricultural equipment dealership.
  - b. Agricultural research facilities.
  - c. Grain elevators.
  - d. Manure digesting facilities which serve more than one farm operation.
  - e. Agricultural products processing facilities, including, but not limited to, those related to livestock, aquaculture, and byproducts thereof, and crops.
  - f. Feed mills.
  - g. Animal feed storage facilities.
  - h. Agricultural related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
- (3) Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site;
- (4) Agricultural entertainment activities anticipated to have an attendance of more than 150 persons at any one time during the day;
- (5) Rural event venue:
  - a. All applicable rules, regulations, and requirements not identified in the following, b.—o., shall be met.
  - b. Minimum lot size shall be three acres, maximum lot size shall be ten acres, with the exception of an existing A-S lot which shall follow the minimum and maximum lot size of the A-S zoning district, and the venue shall be part of a farm, defined herein as all land under common ownership that is primarily devoted to agricultural use, with said use defined in section 22-651 herein.
  - c. Any new building shall also house one or more of the following uses:
    1. Agricultural entertainment.
    2. Retail establishments, not including roadside stands, restaurants of any class, or drinking places, for the sale of raw, processed, or value-added agricultural products produced primarily from the farm operation on site.
  - d. A 200 foot open buffer shall be provided on all sides of the property not abutting a public roadway. Event activities are not permitted within this buffer area. Where possible, agricultural crops or suitable landscaping shall remain or be grown in the buffer area, to maintain the rural/agricultural character of the site. Buffer content shall be subject to review and approval of the fire inspector. This buffer requirement may be increased, decreased, or waived at the discretion of the plan commission.

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- e. Buffer plantings shall be provided along a property line where there is an abutting residence to screen views, lights and noise from the operation. Plantings shall be as specified in the conditional use permit.
  - f. The increase in traffic generated by the venue shall not create a nuisance to nearby residents by way of traffic, noise, or significant increases in parking on public ways.
  - g. Parking may be either gravel or paved as determined by the plan commission. Overflow parking on grass or hay areas is permissible.
  - h. Parking areas of any type shall not be located in the required buffer area or within any other setback areas required by this section.
  - i. Signage and site lighting shall comply with city ordinances. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from adjacent properties.
  - j. Structures shall meet Fire Code standards for public assembly and shall be inspected by the fire inspector prior to occupancy.
  - k. The display of fireworks on the site is permitted only following issuance of a separate fireworks permit from the city. Outdoor bonfires are allowed only after prior written approval of the fire inspector. The launching of fire kites is prohibited.
  - l. Amplified music and dancing are permitted only within the venue as part of the conditional use permit. Outside amplified music is only permitted by a sound permit per existing city ordinance, issued prior to each such event.
  - m. The sale and consumption of alcohol beverages on the premises are subject to the city's licensing requirements, and all other applicable regulations. A license is not required for events where alcohol beverages are brought to the venue premises and offered on a complimentary basis to guests. The serving area for alcohol beverages shall not exceed 1,200 square feet. Additionally, no money may exchange hands for events, including, but not limited to, entrance fees, donations, raffles, food or plate charge, to the portion of the license not required.
  - n. The following accessory uses are permitted on the site following issuance of the required conditional use permit:
    - 1. Non-motorized playground equipment.
    - 2. Wagon, sleigh, and hay rides.
    - 3. Animal displays, petting farms, and pony rides.
    - 4. An outdoor site for conducting wedding ceremonies.
    - 5. Food preparation facilities to support on-site activities.
    - 6. Seasonal outdoor mazes of agricultural origin, such as of corner hay/straw bales design.
  - o. Conditional use permit applicants shall provide the following information at the time of application:
    - 1. All information not identified in the following, 2.—11., but required per the city's existing conditional use permit application.
    - 2. Size of venue and guest capacity, including a floor plan of the venue and other areas/structures to be utilized, provision of restroom facilities (temporary, portable restroom facilities are prohibited), and location of refuse/recycling receptacles and disposal method.

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3. Signage and lighting plan.
  4. Months (seasons) and hours/days of operation.
  5. Primary types of events to be hosted and events which will not be hosted, to include descriptions of proposed accessory activities such as hayrides, petting farms, bonfires, etc.
  6. Anticipated number of events per year and maximum number of attendees per event.
  7. Music use at the venue, including types of sound amplification.
  8. Temporary structures or tents to be used in association with events.
  9. Acknowledgment of placement of a deed restriction on the property, to be recorded at the time of issuance of the conditional use permit, ensuring rural event venue use, or another permitted/conditional use as allowed in the Agriculture-Small (A-S) zoning district, in to perpetuity or to such time as the city extinguishes said restriction.
  10. Insurance coverage.
  11. Any other documentation required by the zoning administrator.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2021-O-12, § 1(Exh. A), 8-24-2021)

### **Sec. 22-541. Dimensional standards.**

For the A-S Small Lot Agriculture District, dimensional standards are as follows:

- (1) Minimum parcel size:
  - a. Three acres.
- (2) Maximum parcel size: Less than 35 acres.
- (3) Front setback: 35 feet.
- (4) Side setback: ten feet.
- (5) Rear setback: 50 feet.
- (6) Side setback for barns, feeding or loafing sheds, hog houses and the like: 100 feet if adjacent to residential district.
- (7) Side yard abutting public street: 30 feet.
- (8) Maximum building height: 45 feet, except there is no height limitation for farm buildings. Other structures may exceed 45 feet on a conditional use basis.

(Ord. No. 2010-O-09, 10-12-2010; Ord. No. 2013-O-33, § 1, 1-14-2014)

### **Secs. 22-542—22-560. Reserved.**