

Town of Trenton, Washington County
Resolution Z2024.12.01, Plan Commission Recommendation to the Town Board:
Zoning Ordinance Text Amendment Regarding Accessory Structures

WHEREAS, the Town of Trenton Board has authority to enact or amend town ordinances under Wis. Stats. §60.61(2), and

WHEREAS, the Plan Commission has reviewed sections of the current town building and zoning ordinances regarding metal accessory structures; and

WHEREAS, the Town has duly noticed and held a public hearing on August 19, 2024, on the proposed zoning code amendment, following the procedures in Wis. Stats. §60.61(4); and

WHEREAS, the Town Plan Commission finds that:

- The proposed amendment is required by “public necessity, convenience, general welfare or good zoning practice.
- The proposed amendment will not be detrimental to the community as a whole.
- The proposed amendment will not have a significant adverse impact on the natural environment.
- The proposed amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 66.1001(4)(b) of the *Wisconsin Statutes*, the Town of Trenton Plan Commission hereby approves Resolution 2024.12.01, recommending approval of the amendments to the Town of Trenton Code of Ordinances regarding accessory structures, and further recommends that the Town Board enact an Ordinance adopting the Amendments to the Town of Trenton Code of Ordinances.

Adopted this ____ day of _____, _____.

Attest:

Mike Lipscomb, Plan Commission Chair

Heather Krueger, Town Clerk

NOTE: SEE PUBLIC HEARING NOTICE FOR FULL CONTENT OF PROPOSED ORDINANCE.

**Town of Trenton, Washington County
Resolution Z2024.12.02, Plan Commission Recommendation to the Town Board:
Zoning Ordinance Text Amendment Regarding Yards in EA Exclusive Agricultural
District**

WHEREAS, the Town of Trenton Board has authority to enact or amend town ordinances under Wis. Stats. §60.61(2), and

WHEREAS, the Plan Commission has reviewed sections of the current town building and zoning ordinances regarding yards in the EA Exclusive Agricultural District; and

WHEREAS, the Town has duly noticed and held a public hearing on December 9, 2024 on the proposed zoning code amendment, following the procedures in Wis. Stats. §60.61(4); and

WHEREAS, the Town Plan Commission finds that:

- The proposed amendment is required by “public necessity, convenience, general welfare or good zoning practice.
- The proposed amendment will not be detrimental to the community as a whole.
- The proposed amendment will not have a significant adverse impact on the natural environment.
- The proposed amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 66.1001(4)(b) of the *Wisconsin Statutes*, the Town of Trenton Plan Commission hereby approves Resolution 2024.12.02, recommending approval of the amendments to the Town of Trenton Code of Ordinances regarding yards in the EA Exclusive Agricultural District, and further recommends that the Town Board enact an Ordinance adopting the Amendments to the Town of Trenton Code of Ordinances.

Adopted this ____ day of _____, _____.

Attest:

Mike Lipscomb, Plan Commission Chair

Heather Krueger, Town Clerk

**NOTE: SEE PUBLIC HEARING NOTICE FOR FULL CONTENT OF
PROPOSED ORDINANCE.**

EA Exclusive Agricultural District (Livestock siting = G-AG General Agricultural)

- A. Purpose. The **General Agriculture District** is intended to preserve and enhance land for agricultural uses. Confined livestock operations and single-family residences are regulated as conditional uses to ensure compatible land use. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid potential conflict with agriculture uses. The **G-AG** district is generally compatible with the "Exclusive Prime Agriculture" and "**Open Space**" land use designations of the Comprehensive Plan

- A. Purpose. The EA Agricultural District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses. Uses permitted in the EA Agricultural District shall be consistent with those uses permitted by § 91.75, Wis. Stats., as may be amended from time to time.

- B. Permitted Uses. The following uses are permitted by right in this district without any further notice approval to or from the local unit of government:

- (1) Agricultural uses, including Livestock Facilities of no more than 499 animal units, subject to compliance with Property Development Standards.
- (2) Agriculturally-Related Residence
- (3) "Value Added" Agriculture
- (4) Roadside Stand
- (5) Signage
- (6) Agricultural Sales and Service
- (7) Agricultural Storage
- (8) Agricultural Research and Development
- (9) Other Agriculturally-Related Structures and Improvements
- (10) Stable, Commercial
- (11) Utility, Minor

Under the livestock siting law, and ordinance adopted after July 19, 2003 may not require a CUP for a livestock facility that will have fewer than 500 animal units.

Permitted uses.

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| <ol style="list-style-type: none"> (1) Apiculture (beekeeping). (2) Dairy farming. (3) Floriculture (cultivation of ornamental flowering plants). (4) Grazing and pasturing. (5) Livestock facilities of not more than 1,000 animal units.
[Amended 8-21-2023 by Ord. No. Z2023.08.01] (6) Orchards. | <ol style="list-style-type: none"> (7) Plant nurseries. (8) Poultry raising and egg production, not to exceed 5,000 birds. (9) Raising of grain, grass, mint and seed crops. (10) Raising of tree fruits, nuts and berries. (11) Sod farming. (12) Vegetable raising. (13) Viticulture (grape growing). |
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- (14) General farm buildings, including barns, manure storage facilities, silos, sheds and storage bins.
 - (15) One single-family farm dwelling to be occupied by the farm operator.
 - (16) Existing dwellings not accessory to a farm operation or dwellings remaining after the consolidation of farms, provided that such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet.
 - (17) Additional single-family dwellings for the farm operator or a child or parent of the farm operator, provided that such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet. Additional dwelling units permitted by right shall be limited to two. However, additional dwelling units, exceeding two, may be permitted by conditional use permit.
 - (18) Essential services.

C. Animals.

- (1) Lots or acreage totaling less than 10 acres shall be subject to the following, relative to the keeping and raising of domestic stock for agribusiness, show, breeding or other purposes:
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum number for any parcel not to exceed three animals.
 - (b) No more than five chickens, ducks, or similar poultry, over six months of age, shall be kept for each five acres.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combination of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
 - (e) Any variance from the above requirements may be obtained for parcels exceeding five acres and shall be by conditional use permit.
- (2) No animals may be housed or kept in a building which is attached or connected to a residential dwelling or attached residential garage.

D. Permitted accessory uses.

- (1) Supporting agricultural practices associated with the agricultural uses listed.
- (2) Private garages.
- (3) Home occupations as specified herein.
- (4) One roadside stand for selected farm products produced on the premises and not exceeding 300 square feet in floor area.
- (5) Forest and game management.
- (6) Ponds for private recreational purposes.
- (7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (8) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

E. (Reserved)^[1]

- [1] *Editor's Note: Former Subsection E, regarding accessory buildings, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(15).*

C. Conditional Uses. The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance:

- (1) Livestock Facilities of 500 or more animal units, subject to the following guidelines:
 - (a) CUP required for 500-999 AUs
 - (b) New CUP required for 1,000-1,500 AUs
 - (c) New CUP required for 1,501-2,000 AUs
 - (d) New CUP required for 2,001-2,500 AUs
 - (e) In no case more than 2,500 AUs allowed in EA
- (2) Single-Family Residence
- (3) Mining and Extraction
- (4) Communication Tower, Commercial
- (5) Utility, Major

This tiered approach is a suggestion to allow expanded, but smaller, livestock facilities, requiring the same standards as larger ones. Property development standards must be clarified for size of parcels, etc.

F. Conditional uses. See §§ 380-47, 380-48, 380-50 and 380-53.

D. Property Development Standards

- (1) Minimum lot area. No building, structure or use shall be established on any parcel less than ____ acres. Exception: The minimum lot area may be reduced to ____ acres for agricultural buildings and structures if required for biosecurity or other operation-related reasons.

While no minimum lot area is provided, it is suggested that a lot area less than 40 acres may not be adequate to meet the purpose of this section. To retain sufficient blocks of land to sustain farming in an area, local governments may consider rules limiting the subdivision of farm parcels to create non-farm

- (2) General setbacks (Applies to livestock structures)

- (a) Property lines

- i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

The siting law recognizes and allows local-established setback requirements for property lines, provided that the requirements do not impose a setback of more than 100 feet from any property line if the livestock facility will have fewer than 1,000 animal units, or more than 200 feet from any property line if the livestock facility will have 1,000 or more animal units.

- G. Parcel area and width. Farm parcels shall provide a contiguous area of not less than 35 acres, and no farm shall be less than 600 feet in width.

- H. Building height and area.

- (1) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
 - (2) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
 - (3) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.

- I. Yards.

- (1) For property fronting Class B highways, a minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - (4) There shall be a rear yard of not less than 25 feet.

- (b) Public road right-of-way

- i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

The siting rule recognizes and allows local-established setback requirements for public road right-of-ways, provided that the requirements do not impose a setback of more than 100 feet from any public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and or more than 150 feet from any public road right-of-way if the livestock facility will have 1,000 or more animal units.

(c) Waste Storage Structure

- i. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
- ii. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
 - b. No larger than the existing structure.
 - c. No further than 50 ft from the existing structure.
 - d. No closer to the road or property line than the existing structure.
- iii. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

(3) Water quality and related setbacks

- (a) Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under §59.692, 61.351 or 62.231, Wis. Stats.

Essentially all navigable waters are now protected by ordinances that require building setbacks of 75 feet or more (depending on the ordinance). Zoning restrictions, if any, typically apply to new or enlarged structures. A local government may apply its zoning ordinance if the ordinance was enacted within the scope of statutory authority under s. 59.692, 61.351 or 62.231, Stats., even if it was also enacted under other authority.

- (b) Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under §87.30, Stats.

County or local zoning ordinances currently apply to many, but not all, waterways (not all waterways have mapped floodplains). Zoning restrictions, if any, typically apply to new or enlarged structures. A local government may apply its zoning ordinance if the ordinance was enacted within the scope of statutory authority under s. 87.30, Stats., even if it was also enacted under other authority.

- (c) Wells. All wells located within in a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

- (4) Single-family residences. No single-family residence shall be constructed within 1000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

DNR rules under chs. NR 811 and 812 spell out well construction and well location standards to protect water supplies. Violation of well setback requirements in ch. NR 811 or 812 may prevent use of a well. DNR may grant appropriate variances, as provided in chs. NR 811 and 812.

Local governments may use other tools to control residential development. In addition to designating a single-family residence as a conditional use, they may set a maximum lot area for a single-family residence at one acre. You need to evaluate how this may impact EA zoning for the purpose of farmland preservation eligibility.

A-1 Agricultural District, Limited (Livestock Siting = Limited Agriculture District)

- A. Purpose. The Limited Agriculture District is intended to provide for the continuation of low intensity agricultural, restrict new and expanding livestock operations, provide for limited siting of single-family residences, and support other uses that maintain the rural characteristics of the area. It may serve as a buffer for more intensive agricultural uses in adjacent districts and prevent premature conversion of rural lands to urban and other non-agricultural uses. The district's use and development regulations are designed to implement the Comprehensive Plan goals by discouraging urban and suburban development in areas that are suited to agricultural uses and that are not well served by public facilities and services.

- A. Purpose. The A-1 Agricultural District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production but which are not included within the EA Exclusive Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards and other similar agricultural-related activity. The district also permits the creation of large rural residential estate-type lots.

Note: With modification, this district may be designed to be compatible with designation as "Exclusive Agricultural Zone." If the district is used for transitional agricultural district, the EAZ status can be maintained. See Zoning to Preserve Agricultural Land, UWEX A3038 (1980), s. 2.0. It may be advisable to create a separate district to meet the need for a transition district.

- B. Permitted Uses. The following uses are permitted by right in this district without any further notice approval to or from the local unit of government:
- (1) Agricultural uses, including Livestock Facilities of no more than 499 animal units, subject to compliance with Property Development Standards.
 - (2) Agriculturally-Related Residence
 - (3) "Value Added" Agriculture
 - (4) Roadside Stand
 - (5) Signage
 - (6) Single-Family Residence
 - (7) Home Occupation
 - (8) Utility, Minor

Instead of allowing Livestock Facilities of any kind, we can adjust the animal count to something like ____ AUs per acre (see requirements to exclude them on next page)

B. Permitted uses.

- (1) Those agricultural uses permitted in the EA Agricultural District.
- (2) Any of the following agriculturally related uses:
 - (a) Agricultural warehousing.
 - (b) Egg production, provided that no more than 500 birds are maintained on parcels over 35 acres in area.
 - (c) Feed lots for not more than 100 cattle, swine, sheep or similar animals on parcels over 35 acres in area. [Amended 2-6-2007 by Ord. No. 2-1-2007]
 - (d) Contract sorting, grading and packaging of fruits and vegetables.
 - (e) Corn shelling, hay baling and threshing services.
 - (f) Grist milling services.
 - (g) Horticultural services.
 - (h) Poultry hatchery services.
- (3) Parcels of 35 acres or more in area: general farm buildings, including barns, silos, sheds, and storage bins. [Amended 7-16-2013 by Ord. No. Z2013-07-01]
- (4) Single-family dwellings with attached or detached garage.
- (5) Essential services.

A local government must identify if livestock facilities are allowed in this agricultural zoning district and then determine the size of livestock facilities allowed as permitted uses. If the local government excludes livestock facilities entirely or by size in this district, it must meet special requirements of the siting law. First, the exclusion must be clearly justified on the basis of public health or safety. Second, the town, county or other municipality must have at least one other agricultural zoning district where livestock agriculture is not excluded by size. This second requirement would be satisfied by adoption of either of these districts: Agriculture Enterprise (AE) or General Agriculture (G-AG).

C. Animals.

- (1) Lots or acreage totaling less than 35 acres shall be subject to the following, relative to the keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes:
[Amended 7-16-2013 by Ord. No. Z2013-07-01]
 - (a) No more than one horse, cow, sheep or similar animal, over six months of age, shall be kept on each 1 1/2 acres, with a maximum number for any parcel not to exceed three animals.
 - (b) No more than five chickens, ducks, or similar poultry, over six months of age, shall be kept for each five acres.
 - (c) No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
 - (d) Combination of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed.
- (2) No animals may be housed or kept in a building which is attached or connected to a residential dwelling or attached residential garage.

D. Permitted accessory uses.

- (1) Supporting agricultural practices associated with the agricultural uses listed.
- (2) Garages.
- (3) Home occupations as specified herein.
- (4) Forest and game management.
- (5) Ponds for private recreational purposes.
- (6) One roadside stand for selected farm products produced on the premises and not exceeding 100 square feet in area.
- (7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
- (8) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.

E. (Reserved)^[1]

- [1] *Editor's Note: Former Subsection E, regarding accessory buildings, was repealed 3-19-2019 by Ord. No. Z2019-02-03. See § 380-107L(13).*

C. Conditional Uses. The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance:

- (1) Livestock Facilities of 500 or more animal units, subject to Property Development Standards and Siting Standards.
- (2) Bed and Breakfast
- (3) Communication Town, Commercial
- (4) Mining and Extraction
- (5) Utility, Major

If livestock facilities are not allowed in the district, delete the conditional use provision related to these facilities. If a conditional use permit is used, the siting law determines the threshold a local government may use for a permit. An ordinance adopted after July 19, 2003 may not set a permit threshold lower than 500 animal units.

F. Conditional uses. See §§ 380-47, 380-48, 380-50 and 380-53.

D. Property Development Standards

- (1) Minimum lot area. No building, structure or use shall be established on any parcel less than _____ acres.

While no minimum lot area is provided, it is suggested that a lot area less than 20 acres may not be adequate to meet the purpose of this section.

(2) General setbacks (Applies to livestock structures)

(a) Property lines

- i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
- ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

The siting law recognizes and allows local-established setback requirements for property lines, provided that the requirements do not impose a setback of more than 100 feet from any property line if the livestock facility will have fewer than 1,000 animal units, or more than 200 feet from any property line if the livestock facility will have 1,000 or more animal units.

- G. Parcel area and width. Parcels shall be not less than 125 feet in width. Development shall occur in this district at a density not to exceed one residential dwelling unit per 35 acres.

H. Building height and area.

- (1) No farm building or farm-related building shall exceed 100 feet in height.
- (2) No farm dwelling or other residential dwelling shall exceed 35 feet in height.
- (3) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.

I. Yards.

- (1) A minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
- (2) There shall be a side yard of not less than 25 feet in width on each side of all structures.
- (3) There shall be a rear yard of not less than 25 feet.

(b) Public road right-of-way.

- i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
- ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

The siting rule recognizes and allows local-established setback requirements for public road right-of-ways, provided that the requirements do not impose a setback of more than 100 feet from any public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and or more than 150 feet from any public road right-of-way if the livestock facility will have 1,000 or more animal units.

(c) Waste Storage Structure

- i. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
- ii. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
 - b. No larger than the existing structure.
 - c. No further than 50 ft from the existing structure.
 - d. No closer to the road or property line than the existing structure.
 - e. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

(3) Water quality and related setbacks

- (a) Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under §59.692, 61.351 or 62.231, Wis. Stats.

Essentially all navigable waters are now protected by ordinances that require building setbacks of 75 feet or more (depending on the ordinance). Zoning restrictions, if any, typically apply to new or enlarged structures. A local government may apply its zoning ordinance if the ordinance was enacted within the scope of statutory authority under s. 59.692, 61.351 or 62.231, Stats., even if it was also enacted under other authority.

- (b) Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under §87.30, Stats.

County or local zoning ordinances currently apply to many, but not all, waterways (not all waterways have mapped floodplains). Zoning restrictions, if any, typically apply to new or enlarged structures. A local government may apply its zoning ordinance if the ordinance was enacted within the scope of statutory authority under s. 87.30, Stats., even if it was also enacted under other authority.

- (c) Wells. All wells located within in a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

DNR rules under chs. NR 811 and 812 spell out well construction and well location standards to protect water supplies. Violation of well setback requirements in ch. NR 811 or 812 may prevent use of a well. DNR may grant appropriate variances, as provided in chs. NR 811 and 812.

- (4) Single-family residences. No single-family residence shall be constructed within 1000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

Local governments may use other tools to control residential development. In addition to designating a single-family residence as a conditional use, they may set a maximum lot area for a single-family residence at one acre. You need to evaluate how this may impact Agricultural zoning for the purpose of farmland preservation eligibility.

Animal Units Conversion Chart

	AU		Animal Units									
	Factor	100	200	300	400	500	600	700	800	900	999	
Dairy Cattle	Milking and Dry Cows	1.400	71	143	214	286	357	429	500	571	643	714
	Heifers (800 lbs to 1200 lbs)	1.100	91	182	273	364	455	545	636	727	818	908
	Heifers (400 lbs to 800 lbs)	0.600	167	333	500	667	833	1,000	1,167	1,333	1,500	1,665
	Calves (up to 400 lbs)	0.200	500	1,000	1,500	2,000	2,500	3,000	3,500	4,000	4,500	4,995
Beef	Steers or Cows (600 lbs to market)	1.000	100	200	300	400	500	600	700	800	900	999
	Calves (under 600 lbs)	0.500	200	400	600	800	1,000	1,200	1,400	1,600	1,800	1,998
	Bulls (each)	1.400	71	143	214	286	357	429	500	571	643	714
	Pigs (55 lbs to market)	0.400	250	500	750	1,000	1,250	1,500	1,750	2,000	2,250	2,498
Swine	Pigs (up to 55 lbs)	0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990
	Sows (each)	0.400	250	500	750	1,000	1,250	1,500	1,750	2,000	2,250	2,498
	Boars (each)	0.500	200	400	600	800	1,000	1,200	1,400	1,600	1,800	1,998
	Layers (each)	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
Poultry	Broilers (each)	0.005	20,000	40,000	60,000	80,000	100,000	120,000	140,000	160,000	180,000	199,800
	Broilers - continuous overflow watering	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
	Layers or Broilers - liquid manure system	0.033	3,030	6,061	9,091	12,121	15,152	18,182	21,212	24,242	27,273	30,273
	Ducks - wet lot (each)	0.020	5,000	10,000	15,000	20,000	25,000	30,000	35,000	40,000	45,000	49,950
	Ducks - dry lot (each)	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
	Turkeys (each)	0.018	5,556	11,111	16,667	22,222	27,778	33,333	38,889	44,444	50,000	55,500
Sheep (each)		0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990
	Goats (each)	0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990

Plan Commission Conditional Use Discussion

Define district “groupings” – ordinances are inconsistent with respect to the following groupings:

- Residential
- Country Estates (sometimes listed specifically, but are these considered residential too?)
- Agricultural
- Business (Assumed B-1 and B-2)
- Industrial (M-1)
- Institutional (Assumed I-1 and I-2)

Residential

- R-1 thru R-8 (clearly, with “R” in district label)
- But CES? Clearly, this is “residential” but sometimes it’s listed as Country Estates separately, as if it’s not included in “Residential”; however, Country Estates districts are presumed for residences too, so should they be considered residential when residential is mentioned?
- C-1? Allows residences, but is it covered in “residential” when “Residential” districts are lumped together? Not listed specifically in ANY conditional use

Agricultural

- Sometimes A-1 is listed when Business districts are mentioned
- AE is not listed specifically, but in AE section of ordinances, ALL conditional uses allowed in EA are allowed in AE
- Additional CU of expanded livestock facilities to be considered, in EA, up to a limit

Also would like to consider adding a requirement for the owner to file an annual report on whether the CUP is compliant with the conditions of the permit

Districts:

EA	Exclusive Agricultural District Purpose. The EA Agricultural District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses. Uses permitted in the EA Agricultural District shall be consistent with those uses permitted by § 91.75, Wis. Stats., as may be amended from time to time.
AE	Agricultural Enterprise District Purpose. The Agricultural Enterprise District is intended to preserve and promote a full range of agricultural uses, secure land for livestock production and other agricultural uses that may be more intensive than crop production, strengthen agriculture's contribution to an area's economic base (including new employment opportunities), support processing, value added, and other activities closely allied to the agricultural industry, and prevent conversion of land identified as a valuable agricultural resource to uses that are not consistent with agriculture. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging livestock and other agricultural uses in areas where conditions are best suited to these agricultural pursuits and discouraging residential development to avoid potential land use conflict. The AE District is generally compatible with the "prime agriculture" and "open space" land use designations of the Comprehensive Plan. Due to the more intensive nature of uses allowed, the AE District is not intended to be applied near moderately to densely populated areas, and it is not intended to accommodate residential uses as principle uses.
AT	Agricultural Transition District Purpose. The AT Agricultural District is intended to preserve existing agricultural uses in the intermediate term until an orderly transition to another planned district and use is approved by the Town Board. For this purpose, use of lands in the district should be reviewed at least once every five years, or more often when lands are annexed to adjacent communities or when urban services, such as centralized sanitary sewer or centralized water supply, are extended into the area. Lands included in this district should be those located near incorporated or urbanized areas where the predominant use is agricultural but where conversion to nonagricultural use is expected to occur in the foreseeable future. Uses permitted in the AT Agricultural District shall be consistent with those uses permitted by § 91.75, Wis. Stats., as may be amended from time to time.
A-1	<u>Agricultural District</u> Purpose. The A-1 Agricultural District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production but which are not included within the EA Exclusive Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards and other similar agricultural-related activity. The district also permits the creation of large rural residential estate-type lots.
R-1	<u>Single-Family Residential District (Unsewered)</u> Purpose. The R-1 Residential District is intended to provide for single-family residential development at densities not to exceed 1.09 dwelling units per net acre served by on-site sanitary sewerage systems (septic tanks) and private wells and provide for smaller minimum home sizes.
R-2	<u>Single-Family Residential District (Unsewered)</u> Purpose. The R-2 Single-Family Residential District (Unsewered) is intended to provided for the preservation of a rural setting of very low density and high quality for estate or hobby farm type of development in the area appropriate to such use.
R-3	<u>Rural Residential District</u> Purpose. The R-3 Rural Residential District is intended to provide for single-family residential development, at densities not to exceed 0.33 dwelling unit per net acre, served by on-site soil absorption sanitary sewerage systems (septic tanks) and private wells.
R-4	<u>Single-Family Residential District (Sewered)</u> Purpose. The R-4 Residential District is intended to provide for single-family residential development at densities not to exceed 2.18 dwelling units per net acre served by public sanitary sewerage facilities.
R-5	<u>Single-Family Residential District (Sewered)</u>

	Purpose. The R-5 Residential District is intended to provide for single-family residential development at densities not to exceed 3.6 dwelling units per net acre served by public sanitary sewerage facilities.
R-6	<u>Two-Family Residential District (Unsewered)</u> Purpose. The R-6 Residential District is intended to provide for existing unsewered two-family residential development at densities not to exceed 1.45 dwelling units per net acre served by on-site sanitary sewerage systems (septic tanks) and private wells. This district is not intended for new unsewered subdivisions but may be used to infill existing two-family areas. No lands shall be zoned in this district after April 1, 1986.
R-7	<u>Two-Family Residential District (Sewered)</u> Purpose. The R-7 Residential District is intended to provide for two-family residential development at densities not to exceed 4.36 dwelling units per net acre serviced by public sanitary sewerage facilities.
R-8	<u>Multiple-Family Residential District (Unsewered)</u> Purpose. The purpose of the R-8 Multiple-Family District is to provide the opportunity for construction and maintenance of multiple-family dwelling units on unsewered lots at varying dwelling units per acre densities.
B-1	<u>Local Business District</u> Purpose. The B-1 Business District is intended to provide for small groups of retail and customer-service establishments in a shopping center setting serving the residents of the Town and the character, appearance and operation of which are compatible with the character of the surrounding area. No such district shall be less than two acres in area.
B-2	<u>Highway Business District</u> Purpose. The B-2 Business District is intended to provide for the orderly and attractive development at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.
M-1	<u>Industrial District</u> Purpose. The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance or other similar factors, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.
I-1	<u>Rural Institutional District (Unsewered)</u> Purpose. The I-1 Rural Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent. I-1 institutional uses are served by on-site sanitary sewerage systems (septic tanks) and private wells.
I-2	<u>Urban Institutional District (Sewered)</u> Purpose. The I-2 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent. I-2 institutional uses are served by public sanitary sewerage facilities.
P-1	<u>Park District</u> Purpose. The P-1 Park District is intended to provide for areas where open space and recreational needs, both public and private, can be met without undue disturbance of natural resources and adjacent uses.
CES	<u>Country Estate District</u> Purpose. The CES Country Estate District is intended to provide for the preservation of a rural setting of very low density and high quality for estate or gentleman's farm type of development in areas where the physical and environmental character of the land and of existing development in the area is appropriate to such use.
CES-5	<u>Country Estate District (Hobby Farms — Country Homes)</u> Purpose. The CES-5 Country Estate District is intended to provide for a single-family residential development in a farmette or estate-type setting, at densities not to exceed one dwelling unit, served by private sewer and water facilities.

CES-10	<u>Country Estate District (Hobby Farms — Country Estates)</u> Purpose. The CES-10 Country Estates District is intended to provide for the preservation of a rural setting of very low density and high quality for estate or hobby farm type of development in areas where the physical and environmental character of the land and of existing development in the area is appropriate to such use.
PDO	<u>Planned Development Overlay District</u> Purpose. The PDO Planned Development District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning. The PDO Overlay District under this Zoning Code will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district...
C-1	<u>Conservancy District</u> Purpose. The purpose of the C-1 Conservancy District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community. Slopes in excess of 12% are unsuitable for development and should be maintained in essentially natural, open uses.

Chapter 380. Zoning (CURRENT)

Article IV. Conditional Uses

§ 380-42. General standards for conditional uses.

- A. No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the Town Board unless such Commission and Board shall find all of the following conditions are present:
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) The proposed use does not violate floodplain regulations governing the site.
- B. When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- C. In addition to passing upon a conditional use permit, the Plan Commission and Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution, including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

§ 380-44. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Conditions. Prior to the granting of any conditional use, the Town Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in § 380-42 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;

- (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking;
 - (18) Duration of conditional use; or
 - (19) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. Site review. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Town Board after recommendation from the Plan Commission. Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. The process for amending a permit shall generally follow the procedures for granting a permit as set forth herein.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Town Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- E. Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- F. Conditional uses to comply with other requirements. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading.
- G. Special notification in agricultural districts. A notification of each conditional use permit granted in the EA or AT District shall be transmitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

§ 380-45. Expiration of conditional use permit.

Where the Town Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of 90 days for justifiable cause, if application is made to the Town Board at least 30 days before the expiration of said permit.

§ 380-46. Complaints against conditional uses; revocation of permit.

- A. The Town Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code.
- B. Should a permit applicant, his heirs or assigns fail to comply with the conditions of the permit issued by the Town Board or should the use or characteristics of the use be changed without prior approval by the Town Board, the conditional use permit may be revoked.
- C. Upon written complaint by any citizen or official, the Town Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 380-42 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 380-41 above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Town Board may, in order to bring the subject conditional use into compliance with the standards set forth in § 380-42 or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Subsection A(1) and (2) in § 380-42 will be met, the

Town Board may revoke the subject conditional approval and direct the Zoning Administrator and the Town Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Town Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

SPECIFIC CONDITIONAL USES AND DISTRICTS

§ 380-47. Public and semipublic uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

A. Airports, airstrips and landing fields in the I-1 and 1-2 Institutional Districts, the M-1 Industrial District and A-1 Agricultural District, provided that the site is not less than 20 acres.	I-1 I-2 M-1
B. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential and business districts, in the M-1 Industrial District and in the P-1 Park District.	All Residential All Business M-1 P-1
C. Utility substations, pumping stations and towers in all districts, provided that all principal structures and uses are not less than 50 feet from any residential district lot line. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	All districts
D. Water treatment facilities in the I-1 and 1-2 Institutional Districts and the M-1 Industrial District.	I-1 I-2 M-1
E. Public passenger transportation terminals, such as heliports and bus and rail depots, but excluding airports, airstrips and landing fields, in all business districts and in the M-1 Industrial District, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.	All Business M-1
F. Public, parochial and private elementary and secondary schools and churches in all residential districts and the P-1 Park District, provided that the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.	All Residential P-1
G. Penal and correctional institutions, houses in the I-1 Institutional District, provided that the site is not less than five acres and does not abut upon a residential property.	I-1
H. Cemeteries and crematories in the I-1 and 1-2 Institutional Districts, provided that no structure is located closer than 50 feet to any lot line.	I-1 I-2

§ 380-48. Residential and quasi-residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

A. Clubs, fraternities, lodges and meeting places of a noncommercial nature in any residential district and the I-1 and I-2 Institutional Districts.	Any Residential I-1 I-2
B. Rest homes, housing for the elderly at a density of not more than 16 units per acre, clinics and children's nurseries in the R-7 Two-Family Residential District and the I-2 Institutional District, provided that all principal structures and uses are not less than 50 feet from any lot line.	R-7 I-2
C. Additional residential dwellings, in excess of the two permitted by right, for a child or parent of a farm operator in the EA, AT and A-1 Agricultural Districts, provided that the farm operator shall show a need for the additional dwelling units to the satisfaction of the Town Board and such dwellings are located on a lot not less than 40,000 square feet in area having a lot width of not less than 125 feet. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AT A-1 AE
D. Conversion of a single-family farm dwelling to a two-family dwelling in the A-1, AT and EA Agricultural Districts, provided that: (1) The structure being converted was built prior to 1970; (2) The structure shall provide a minimum living area of 900 square feet per dwelling unit; and (3) The farm parcel has soil conditions which will accommodate a two-family sewage disposal system.	EA AT A-1 AE
E. Accessory apartments in the EA, AT and A-1 Agricultural Districts, the R-1, R-2, R-3 and R-4 Residential Districts and the I1 and I-2 Institutional Districts, provided that: (1) The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit; (2) The dwelling unit is owner-occupied; (3) There may be only one accessory apartment per dwelling unit; (4) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and (5) The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage or adoption.	EA AT A-1 AE R-1 R-2 R-3 R-4 I-1 I-2
F. Bed-and-breakfast establishments in the EA, AT and A-1 Agricultural Districts, the R-1, R-2, R-3 and R-4 Residential Districts, and the I-1 and I-2 Institutional Districts, provided that no more than four bedrooms are rented, that adequate off-street parking is provided, and that any permit required by § 254.64(1)(b), Wis. Stats., has been secured. One exterior advertising sign, not exceeding two square feet in area, may be erected on the premises.	EA AT A-1 AE R-1 R-2 R-3 R-4 I-1 I-2
G. Community living arrangements for nine or more residential units in the R-1, R-2, R-3 and R-4 Residential Districts.	R-1 R-2 R-3 R-4
H. Beauty and barber shops and dog grooming in all residential districts. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	All Residential
I. Home occupations and professional home offices in all residential and country estate districts meeting the standards of § 380-56.	All Residential Country Estates
J. Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees in any residential, agricultural or country estate district may do so, provided that they are not employed on the premises and they do not visit the residence during the course of business. Employees shall not report to the residence for work orders or other business reasons. No materials, supplies or equipment to be used in other locations can be stored at the residence in which the home occupation is operated. [Amended 2-6-2007 by Ord. No. 2-1-2007]	Any Residential Any Agricultural Any Country Estates

§ 380-49. Commercial uses.

The following commercial uses shall be conditional uses and may be permitted as specified:

A. Drive-in theaters. Drive-in theaters in the B-2 Business District, provided that a planting screen at least 25 feet wide is created along any side abutting a residential district and no access is permitted to or within 1,000 feet of an arterial street.	B-2
B. Funeral homes. Funeral homes in the B-1 and B-2 Business Districts and the I-1 and I-2 Institutional Districts, provided that all principal structures and uses are not less than 25 feet from any lot line.	B-1 B-2
C. Drive-in banks. Drive-in banks in the B-1 and B-2 Business Districts.	B-1 B-2
D. Transmission towers. Radio and television transmitting towers, receiving towers, relay and microwave towers and broadcast studios in the B-2 Business and M-1 Industrial Districts and I-1 and I-2 Institutional Districts.	I-1 I-2
E. Equipment rental. Equipment rental in the B-1 and B-2 Business Districts and the M-1 Industrial District.	B-1 B-2 M-1
F. Service stations. Gasoline service stations in the B-1 Business District, provided that all service islands and pumps shall be set back at least 20 feet from the street right-of-way.	B-1
G. Automotive body repair. Automotive body repair in the B-2 Business District, provided that any outside storage areas shall be surrounded by a solid fence or evergreen plating screen preventing a view from any residential, park or institutional district.	B-2
H. Self-storage warehouses/mini warehouses. Self-storage warehouses/mini warehouses in the B-1 and B-2 Business Districts. All self-storage warehouses or mini warehouses shall have side walls not to exceed 14 feet. [Added 11-15-2005; amended 2-6-2007 by Ord. No. 2-1-2007]	B-1 B-2
I. Construction contractors' shops and yards. Construction contractors' shops and yards in the B-1 and B-2 Business Districts. [Added 11-15-2005; amended 2-6-2007 by Ord. No. 2-1-2007 ⁰¹] [1] <i>Editor's Note: Former Subsection J, Adult entertainment establishments, as amended, which immediately followed this subsection, as amended, was repealed 5-15-2012 by Ord. No. 2012-02.</i>	B-1 B-2

§ 380-50. Industrial and agricultural uses.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

A.	Specialized agriculturally related uses such as sawmills, fur farms, stables, paddocks and equestrian trails in the EA Agricultural District. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AE
B.	Business-involved servicing of farm machinery in the EA Agricultural District. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AE
C.	Veterinary offices and clinics intended to service farm animals in the EA Agricultural District. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AE
D.	Animal hospitals in any business or industrial district, provided that all principal structures and uses are not less than 100 feet from any residential use. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	Business (A-1?)
E.	Commercial raising and propagation of animals such as dogs, cats, mink, rabbits, and foxes in the EA, AT, and A-1 Agricultural Districts. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AT A-1 AE
F.	Business of boarding of animals such as horses and dogs in the EA, and A-1 Agricultural Districts. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50. [Amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AT A-1 AE
G.	Dumps, disposal areas, incinerators and sewage treatment plants in the M-1 Industrial District.	M-1
H.	Recycling centers in the M-1 Industrial District and the I-1 Institutional District.	M-1 I-1
I.	Manufacturing and processing of abrasives, acetylene, acid, alcoholic beverages, alkalis, ammonia, asphalt, batteries, bedding, bleach, candles, celluloid, cement, charcoal, chlorine, cordage, creosote, dextrine, disinfectant, dry ice, dyes, excelsior, felt, fertilizer, gelatin, glucose, glue, ice, ink, insecticide, lime, linoleum, matches, oil cloth, paint, paper, perfume, plastics, poison, polish, potash, pulp, rope, rubber, size, shellac, soap, starch, stove polish, turpentine, varnish, vinegar and yeast in the M-1 Industrial District.	M-1
J.	Processing of bone, alcoholic beverage bottling, building materials, cement products, cereals, chemicals, coffee, coke, fat, flammables, food products, fuel, furs, gasoline, grains, hair products, lard, lime products, meat, peas, pickles, plaster of paris and textiles in the M-1 Industrial District.	M-1
K.	Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar and yeast in the M-1 Industrial District. Outside storage areas shall be surrounded by a solid fence or evergreen planting screen capable of completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential, institutional or park districts.	M-1
L.	Bag cleaning facilities; bleacheries; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; lacquering; lithographing; oil, coal and bone distillation; refineries; road test facilities; and weaving facilities in the M-1 Industrial District and shall be at least 600 feet from any residential, institutional or park districts.	M-1
M.	Freight yards, freight terminals and transshipment depots in the M-1 Industrial District.	M-1
N.	Commercial service facilities, such as restaurants and fueling stations, in the M-1 Industrial District, provided that all such services are physically and saleswise oriented toward industrial district users and employees and that other users are only incidental customers.	M-1
O.	Alternative agricultural activities limited to barn weddings, barn wedding receptions, private barn receptions and corporate barn parties in the EA, and A-1 Agricultural Districts. Parcels zoned A-1 Agricultural District must be a minimum of 20 acres in size. Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under § 380-50. [Added 3-15-2016 by Ord. No. Z2-2016-01; amended 11-19-2019 by Ord. No. Z2019-11-02]	EA AT A-1 AE
P.	Breeding of Bengal cats and Bengal kittens in M-1 Industrial Zoning. [Added 9-20-2022 by Ord. No. Z2022.09.01]	M-1
Q.	Livestock facilities over 1,000 animal units in the AE District. [Added 8-21-2023 by Ord. No. Z2023.08.01]	AE

§ 380-51. Earthmoving and mineral extraction uses.

The following earthmoving and mineral extraction uses shall be conditional uses and may be permitted as specified:

A. Soil removal. Topsoil and sod removal and sale are a conditional use and may be permitted in any district except the EA and AT Agricultural Districts. The Plan Commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.	EA AT AE
B. Mineral extraction operations. Mineral extraction operations, including washing, crushing or other processing, are conditional uses and may be permitted as follows: (1) Application. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, and existing and proposed excavations; and a restoration plan. (2) Restoration plan. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town Attorney. (3) Term of permit. The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal. (4) Impact. The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring developments, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.	Unspecified

§ 380-52. Public recreational facilities.

The following public recreational facilities shall be conditional uses and may be permitted as specified:

A. Archery sales and shooting ranges, bathhouses, beaches, boating, camps, concession stands, conservatories, driving ranges, golf courses, gymnasiums, ice boating, marinas, music halls, polo fields, pools, riding academies, stadiums and zoological and botanical gardens in the P-1 Park District, provided that the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary. Archery sales and shooting ranges meeting the above standards may also be conditional uses in agricultural districts.	P-1
B. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, pool and billiard halls, skating rinks and theaters, are conditional uses and may be permitted in any business district. Physical cultural facilities, racetracks, rifle ranges and turkish baths are specifically prohibited uses.	Any business

§ 380-53. Energy conservation uses. [Amended 8-26-2024 by Ord. No. Z2024.08.01]

§ 380-54. Public gatherings.

- A. Scope. This section shall apply to all public gatherings, rallies, assemblies or festivals at which attendance is greater than 500 persons for a one-day event and greater than 250 persons for a two-day or more event. The requirement for a public gathering conditional use permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena, auditorium, or coliseum, any annual event held prior to the adoption of this section or other similar permanently established place for assemblies which does not have a maximum capacity over 250 persons, nor those events sponsored or approved by the Town Board of the Town of Trenton.^[1] [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- B. Intent. The purpose and intent of this section is to establish site approval for locations in the Town of Trenton used temporarily for gatherings as defined in this section, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent should be the subject of a conditional use permit issued only after public hearing before the Plan Commission and a determination by the Town Board that there will be compliance with the standards set forth in this section.
- C. Application. Applications for a public gathering conditional use permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public gathering, rally, assembly or festival as defined in this section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group. Such application shall be filed with the Town Clerk at least 60 days in advance of the date of the scheduled event on forms to be furnished by him and shall include the following:
- (1) Names. Names and addresses of the applicant, owner of the site, promoter and/or sponsor of the gathering.
 - (2) Site description. Description of the site by metes and bounds or other legal description, address of the site, type of proposed gathering and proposed method of operation, maximum number of persons to attend such gathering and any special or unusual conditions anticipated.
 - (3) Survey. Plat of survey to a scale of one inch equals 100 feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, soil mapping unit lines, existing or proposed wells, buildings, fences, woods, streams, lakes or watercourses, as well as the vertical contour interval two feet above the ordinary high-water level.
 - (4) Fees. The fee for a public gathering conditional use permit and for the public hearing shall be as set forth on the schedule of deposits, bonds and fees.^[2] [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Bond. The Town Board shall have authority to require the applicant and site owners to file a cash bond in an amount to be determined by the Town Board, but not exceeding \$100,000, conditioned on complete compliance by the applicant and site owner with all provisions of this section, the terms and conditions of the public gathering conditional use permit, including cleaning up the site, and the payment of any damages, fines, forfeitures or penalties imposed by reason of violation thereof.
- E. Determination. The Plan Commission shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.
- F. Standards. A public gathering conditional use permit shall not be issued unless it is determined, based on evidence produced at the hearing, that the following standards are or will be met:
- (1) For events scheduled for two successive days or more, at least one acre of land, exclusive of roads, parking lots and required yards, shall be provided for each 100 persons attending.
 - (2) Every site proposed for a public gathering conditional use permit shall be on generally well-drained ground and shall not be a ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
 - (3) The applicant shall provide proof that he or it will furnish, at his or its own expense, before the assembly commences:
 - (a) A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.
 - (b) Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 2,000 people and at least one nurse for every 1,000

people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.

- (c) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- (d) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- (e) Security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 500 people. If it is determined by the Town Chairperson that additional police protection shall be required, he may contact the County Sheriffs Department, and all costs for the additional protection required shall be deducted from the posted cash bond.
- (f) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and municipality and sufficient emergency personnel to efficiently operate the required equipment.
- (4) The applicant shall provide adequate sanitary facilities which shall require a minimum of one approved toilet for each 100 persons in attendance.
- (5) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.

G. Other licenses and permits required.

- (1) Any license as provided by Ch. 125, Wis. Stats., particularly Class "B" picnic licenses, shall be obtained by the applicant.
- (2) All required permits and licenses must be on file with the Zoning Administrator prior to issuance of the public gathering conditional use permit.

H. Permit issuance. If approved, the Town Board shall direct the Zoning Administrator to issue the conditional use permit. Such permit shall be valid only on the dates for which the same is issued and shall permit the assembly of only the maximum number of people stated in the permit. The permit holder shall not sell tickets or permit the assembly at the approved location of more than the maximum permissible number of people.

I. Revocation. It shall be the duty of Town law enforcement officers to enforce the provisions of this section. In the event of any noncompliance with this section by the applicant or owner of the site or any other person or in the event of violation or threatened violation of any conditions attached to the conditional use permit, Town law enforcement officers shall forthwith revoke such permit and issue a citation for such violations notifying the Town Attorney, who shall prosecute such violations and take appropriate legal action to restrain any further violation or threatened violation of this section.

§ 380-55. Commercial driveway and roadway access uses.

The following commercial driveway and roadway access uses are conditional uses and may be permitted as specified:

- A. Definition. Commercial driveway and roadway access uses, for purposes of this section, shall be defined as any public or private driveway, roadway, highway, street, alley or other thoroughfare constructed on private property for the purpose of providing ingress and egress from a public highway or road to a commercial or industrial use and on which it is anticipated that traffic will average more than 25 vehicle trips per day.
- B. Intent. The purpose and intent of this section is to regulate commercial driveways and roadway access uses, as defined in more detail above, in order to take into account the impact of those uses upon neighboring land, traffic patterns, and/or existing public facilities and highways.
- C. Application. Applications for the construction of a commercial driveway or roadway use shall be accompanied by the following: specifications for the construction of said commercial driveway or roadway use; estimates, prepared by the applicant, of the average number of vehicle trips and types of vehicles, including load weights if vehicles include semi-tractor-trailers, for the traffic that will be using the commercial driveway or roadway use; plat of survey prepared by a registered land surveyor showing the location, dimensions, and elevations of the proposed commercial driveway and roadway use; application fee and costs; and such other information as may be specifically requested by the Town of Trenton in furtherance of the intent of this section. The application shall further contain a statement made upon oath or affirmation by the applicant that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making the application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an incorporated association, society or group, or, if there are no officers, by all members of such association, society or group.
- D. Application fee and costs. An application for a commercial driveway and roadway conditional use shall be filed with the Town Building Inspector in writing. The initial application fee as set forth on the schedule of deposits, bonds and fees shall accompany the application, unless waived or reduced by the Town Board. In addition, the Town Board may charge the applicant an additional fee to reimburse the Town for appropriate necessary costs and expenses incurred by the Town for attorneys' fees and experts' fees related to the application process. The total application fees, both initial and subsequent, shall not exceed \$20,000 for any application. *El [1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- E. Bond. The Town Board shall have authority to require, and the Town Plan Commission may recommend, that any commercial driveway and roadway conditional use permit issued under this section shall not be effective unless there is on file with the Town Clerk a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the amount of \$100,000. This bond is to assure that the applicant will comply with all the provisions of this chapter. As a term and condition of the commercial driveway and roadway conditional use, the applicant will save harmless, indemnify and defend the Town, its officers, its representatives and its agents of any expenses or costs incurred through the action of the applicant with regard to the use. Such expenses or costs shall specifically include, but are not limited to, repairs, damage, or injury to a public roadway or highway in the Town.
- F. Standards for review. In addition to those standards set forth in § 380-42 of this chapter, as amended, a commercial driveway and roadway conditional use permit shall not be issued without consideration, based upon evidence produced at the public hearing, of the following, as applicable to the specific request:
 - (1) The load-bearing weight of vehicles that it is anticipated will be using the commercial driveway or roadway conditional use and the impact of the same on public Town highways and roadways;
 - (2) The impact of the proposed use on traffic patterns in the area and the potential need for traffic markers, signs, and/or acceleration/deceleration traffic lanes to be provided by the applicant and/or landowner, if different, to lessen the impact on local traffic patterns;
 - (3) Driveway width which shall safely accommodate the expected traffic patterns, vehicle trips, and types of vehicles;
 - (4) Driveway length which shall safely accommodate the anticipated vehicle patterns, vehicle trips, and types of vehicles; and
 - (5) Paving of driveways with the intent of minimizing the dust, noise, and/or other nuisance to neighboring properties and uses.
- G. Permit issuance. If approved, the Town Board shall direct the Zoning Administrator to issue the conditional use permit. Such permit shall contain those limitations and/or conditions determined by the Town Board.
- H. Revocation. In the event of any noncompliance with this section by the applicant or owner of the site or any other person or in the event of a violation or threatened violation of any conditions attached to the

conditional use permit, the permit may be revoked after a public hearing upon a published Class 1 notice by the Town.

- I. State law applicability. Nothing contained herein shall be deemed to limit or restrict the application of any state law, including Ch. 86, Wis. Stats., or any administrative regulation of any state agency regulating the subject of this section.
- J. References. References within this section to the term "vehicle trip" shall be defined as an entry or an exit by a motor vehicle on the proposed use.

§ 380-56. Home occupations and professional home offices.

- A. Intent. The intent of this section is to provide a means to accommodate a small family home occupation business or professional home office without the necessity of a rezone into a commercial district, in some instances as a permitted use and in others as a conditional use. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- B. Permitted home occupations. Home occupations and professional home offices are a permitted use in all residential districts and country estate districts, provided that the following standards are completely adhered to, and such uses are subject to the requirements of the district in which the use is located
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
 - (8) The home occupation shall be restricted to a service-oriented business. The manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
 - (9) One nonresident employee may work at the home occupation or professional home office.
 - (10) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- C. When conditional use permit required. A home occupation or professional home office which exceeds or does not satisfy the standards in Subsection B may only be maintained following the issuance of a conditional use permit. Uses which require retail sales, involve the parking or storage of commercial vehicles, or which utilize manufacturing or fabrication equipment require issuance of a conditional use permit or may be deemed as inappropriate for the site by the Town. The general intent of this section and the underlying zoning district shall be respected. Sale or transfer of the property shall cause the conditional use permit issued under this section to be null and void. Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees are governed by § 380-48j.

§ 380-57. Group homes.

- A. Proximity. In the absence of compelling reasons to the contrary, it is the policy of the Town of Trenton that in order to prevent the concentration of group home facilities, no two group homes may locate within 1/4 mile of each other. There shall be a finding that there is no other home located within 1/4 mile of the proposed group home or that there are compelling reasons for disregarding this dispersal policy in a particular case.
- B. Conditional use. Group homes may only be allowed in residential districts as a conditional use.
- C. Exceptions. The Fair Housing Act does not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.
- D. Process. Upon notification by the State of Wisconsin of an application for licensure of an adult family home, community living arrangement, foster home or treatment foster home, the Town Clerk shall:
 - (1) Request of the pertinent Town departments that within 15 days they provide a report on a form prescribed by the Town as follows:
 - a) The Chief of Police shall report, as applicable, with respect to the conditions and criteria set forth in § 380-42 and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.
 - b) The Fire Department shall report with respect to the criteria set forth in § 380-42 and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.
 - c) The Building Inspector or his/her agent or designee shall report with respect to the criteria set forth in § 380-42 and shall note any conditions which may adversely affect the health and safety of the residents of the facility proposed to be licensed.
 - (2) No later than 30 days after notification by the state of a license application, conduct a public meeting for the purpose of identifying specific hazards which may affect the health and safety of the residents of the licensed facility. The license applicant shall attend the meeting. The meeting shall be preceded by written notice to the last known address of all property owners within 200 feet of the facility proposed to be licensed. Following the meeting, the Town Clerk shall prepare a list of specific hazards and forward the same to the State of Wisconsin.
- E. Access. The license applicant shall permit reasonable access to the proposed facility to Town employees and their agents for the purpose of conducting inspections necessary in the preparation of reports specified in Subsection D of this section.