

ARTICLE VIII. AG-FP AGRICULTURE

Prior to November, 2015, the AG-FP zoning was known as A-1 zoning. Any references to A-1 Zoning in any other section of the Zoning Book should refer back to the New AG-FP Zone and these regulations should be followed.

The following regulations shall apply in all AG-FP Districts:

A. DEFINITIONS:

For purposes of the AG-FP zoning district only, the following definitions shall apply:

1. “Accessory use” means any of the following land uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use including:
 1. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 2. A facility used to keep livestock on the farm.
 3. A facility used to store or process inputs primarily for agricultural uses on the farm.
 4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 5. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
 7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 1. It is conducted on a farm by an owner or operator of that farm.
 2. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 3. It employs no more than 4 full-time employees annually.
 4. It does not impair or limit the current or future agricultural use of the farm or

other protected farmland.

2. “Agricultural use” means any of the following activities conducted for the purpose of producing an income or livelihood:

- a. Crop or forage production.
- b. Keeping livestock.
- c. Beekeeping.
- d. Nursery, sod, or Christmas tree production.
- e. Floriculture.
- f. Aquaculture.
- g. Fur farming.
- h. Forest management.
- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

3. “Agriculture-related use” means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
- b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
- c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
- d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
- e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC,

partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.

6. “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

a. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

b. A majority of the land area is in agricultural use.

7. “Farm residence” means a single-family or two-family residence that is the only residential structure on the farm.

8. “Gross farm revenue” means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.

9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

10. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

11. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

12. “Prime farmland” means all of the following:

a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.

b. Land, other than land described in par. (a), which is identified as prime farmland in the county’s certified farmland preservation plan.

13. “Prior nonconforming use” means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

14. “Protected farmland” means land that is any of the following:

a. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.

- b. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
- c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
- d. Otherwise legally protected from nonagricultural development.

B. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT; GENERAL. Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Section C without a conditional use permit.
2. Uses allowed under Section D with a conditional use permit.
3. Prior nonconforming uses, subject to Wis. Stats. 60.61(5), Towns General Zoning Authority, Nonconforming uses.

C. PERMITTED USES

The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. Agricultural uses as defined in A.2
2. Undeveloped natural resource and open space areas; any open land without any structures.
3. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
4. Farm ponds.
5. Accessory uses as defined in A.1

D. CONDITIONAL USES. (Requires a Permit)

1. General.

- a. The **Morrison Town Board** may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. A conditional use may be permitted following a public hearing and decision by the Town Board in compliance with the terms hereof.(Revised June 1, 2002)
- b. Before issuing a conditional use permit under par. (a), the Town Board shall determine in writing that the proposed use meets applicable conditions under this section. The Morrison Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this ordinance.

- c. The Town Board may issue a conditional use permit if all of the following apply:
1. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 2. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 3. 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.
 4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
 5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 6. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

2 Conditional Uses Include:

- a. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- b. A dairy plant that processes or handles milk from farms.
- c. A meat slaughter establishment.
- d. A food processing plant that processes raw agricultural commodities received from farms.
- e. A feed mill that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- f. An ethanol plant, bio-diesel plant, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
- g. A sawmill or other facility that processes wood or other forest products received directly from farms.
- h. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- i. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

j. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

3. Compatible Infrastructure.

a. The Town Board may issue a conditional use permit for a proposed use under D.1. if all of the following apply:

1. The use and its location 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 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 other protected farmland.
5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b. The Town Board may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under section a:

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

4. Government and Nonprofit Community Uses.

a. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:

1. The use and its location 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 other protected farmland.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

b. Government and Nonprofit Community Conditional Uses Include:

1. Fire stations, police stations, post offices, hospital, sanitariums, and other government administration buildings
2. Schools, colleges, and universities
3. Religious institutions, including cemeteries and mausoleums
4. Public parks and recreation areas
5. Public Solid waste and disposal sites

E. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

1. Except as provided in sub. (2), the Town Board may not rezone land out of a farmland preservation zoning district unless the Town Board finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
 - 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 comprehensive plan, adopted by the Town of Morrison, which is in effect at the time of the rezoning.
 - c. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

[NOTE: By March 1 of each year, the zoning authority must report to DATCP and Brown County the total acres rezoned during the preceding year, including a map that identifies the rezoned parcels.]

2. Subsection (1) does not apply to any of the following:
 - a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning

F. LOT REQUIREMENTS.

1. Zoning Frontage – Two Hundred Fifty (250) feet contiguous land.

G. HEIGHT REGULATIONS

1. Farm structures - sixty (60) feet maximum.*

2. Residential dwellings - thirty five (35) feet maximum.*

H. BUILDING SETBACKS.

	<u>Principal Structure</u>	<u>Accessory Buildings</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

I. BUILDING SIZE

1. Minimum size of a residential dwelling shall be one-thousand fifty (1050) square feet ground floor area for a one (1) story dwelling and seven hundred fifty (750) square feet minimum ground floor area for dwellings with more than one (1) story and shall have at least 22 feet in width. (Revised July 7, 1994)
2. Any residential dwellings less than 22 feet in width will be required to be located in a Manufactured Housing Park. (Revised July 7, 1994)

J. PARKING.

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

K. SIGNS.

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

*Except as provided by Article VIII, Subsection H, Height Regulations.

L. OTHER PROVISIONS AND REQUIREMENTS

1. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Section 60.61(5) of the Wisconsin State Statutes.