



ORDINANCE NO. 6, SERIES 2018

AMENDMENTS TO TITLE 10, CHAPTER 1 (ZONING CODE) RELATED TO COMPLYING WITH STATE FARMLAND PRESERVATION STANDARDS, AMENDING THE OFFICIAL OVERLAY ZONING MAP, AND OTHER MISCELLANEOUS PROVISIONS

WHEREAS, on August 18, 2011, Title 10, Chapter 1 of the Village's Municipal Code (the Zoning Code), covering both lands within the Village limits and the extraterritorial zoning area in the Town of Prairie du Sac, was completely updated following a two year public process; and

WHEREAS, the Village has identified the need for zoning text and map amendments to enable the Zoning Code, and particularly the A-P Agricultural Preservation zoning district, to comply with State of Wisconsin farmland preservation program requirements, thereby assisting with the long-term preservation of lands so zoned and enabling persons farming A-P zoned lands to be eligible for State income tax credits; and

WHEREAS, in the process of identifying such amendments, the Village has also identified a handful of unrelated amendments to the Zoning Code; and

WHEREAS, the Village Plan Commission and Prairie du Sac Extraterritorial Zoning Committee have held a joint public hearing on the proposed Zoning Code amendments included in this ordinance, and have favorably recommended Village Board adoption of the same; and

WHEREAS, the Village Board finds that the proposed amendments to the Zoning Code in this ordinance are consistent with the Sauk Prairie Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Prairie du Sac, Wisconsin, does ordain that the following amendments to Title 10, Chapter 1 (Zoning) of the Code of Ordinances are hereby adopted, with the amendments to Title 10, Chapter 1 applicable both within the Village and extraterritorial zoning area except where otherwise indicated.

The Village Board of the Village of Prairie du Sac, Sauk County, Wisconsin, does ordain as follows:

Section 1: Amend Section 10-1-0002: Authority as follows:

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law Reference: Section 61.35, 62.23(7), 62.231, 87.30, [91.30](#) Wisconsin Statutes

Section 2: Add or amend the definitions in Section 10-1-0104: Definitions as follows:

Agricultural and Related Land Use(land use(s)): Any of the following land uses: ~~beekeeping; dairying; raising of poultry or livestock; grazing; raising of grains, vegetables, seed crops, nuts, berries, and~~

~~fruit, fish farm; fur farm; or other use focused on the raising and harvesting of plants or animals for food, fiber, or other products for consumption listed and described in Section 10-1-0310(b).~~

Agricultural Use: Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program.

Farm: All lands under contiguous common ownership in which a majority of land is devoted to an agricultural use. For purposes of this definition, “contiguous” means sharing a common boundary, except that parcels in common ownership which are directly across from a public street, rail right-of-way, easement, or navigable river, stream, or creek, along with parcels that meet only at a corner, shall also be considered contiguous.

Livestock: Domestic animals traditionally used in Wisconsin in the production of food, fiber, or other animal products. Livestock includes bovine animals, equine animals, goats (except pigmy), poultry, sheep, swine (except pot bellied pigs), farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

Raising of ~~Poultry or~~ Livestock (land use): See Section 10-1-0310(b)(3).

Residentially Zoned: A property located in ~~a~~ the R-R, R-1-A, R-1-B, R-2, or R-M district, or within any portion of a property in the I-1 district, a PUD district, or a TND district approved exclusively for a residential use.

Sauk Prairie Intergovernmental Cooperation Agreement: An intergovernmental agreement executed among the Village of Prairie du Sac, Town of Prairie du Sac, and Village of Sauk City on December 31, 2009, and from time to time amended, extended, or updated, covering various land use, planning, jurisdictional, municipal boundary, and related uses of mutual concern.

Unnecessary Hardship: ~~The A~~ circumstance where strict compliance with this Chapter would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with this Chapter unnecessarily burdensome. The property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Section 3: Amend Section 10-1-0204(a)(1) [purpose of A-P district] to read as follows:

- (1) Description and Purpose. The A-P Agricultural Preservation District is intended to maintain and preserve in the long-term agricultural lands, agricultural uses, and open space, as detailed and for such timeframe specified in the Comprehensive Plan, ~~and~~ Sauk Prairie Intergovernmental Cooperation Agreement, and Sauk County Farmland Preservation Plan. The A-P district allows for a wider range of Agricultural and Related Land Uses than the A-T and A-H districts, where lands so zoned may be converted for urban development sooner than A-P zoned areas. The A-P district is a certified farmland preservation zoning district under Chapter 91, Wisconsin Statutes.

Section 4: Amend Section 10-1-0204(a)(5) [other requirements in A-P district] to read as follows:

- (5) Other Requirements.
 - a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural ~~land~~ uses and structures are exempt from these requirements.

- b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements specifically required by Article 3, agricultural ~~land~~-uses and structures are exempt from these requirements. All Permanent Green Space Areas and Protected Natural Resource Areas as defined in this Chapter, shall be subject to the requirements of Article 7.
- c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and Two-Family residential ~~land~~-uses in this Article, agricultural and single- and Two-Family residential ~~land~~ uses and structures are exempt from these requirements (but residential subdivisions are not exempt).
- d. Signs. All signs shall comply with applicable provisions of Article 9.
- e. Nonconforming lots, uses, structures, and sites. Any non-conforming situation shall comply with the requirements of Article 12.

Section 5: Amend Section 10-1-0204(b)(1) [purpose of A-H district] to read as follows:

- (1) Description and Purpose. The A-H Agricultural Holding District is intended to preserve lands in agricultural lands and open space until ripe for planned urban development. The Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement specify the desired type of urban development and permitted timeframe for such development in areas zoned A-H. Rezoning from A-H to another district, extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because lands in the A-H district ~~is~~are not expected to develop with urban uses as soon as lands zoned A-T, a slightly broader range of Agricultural and Related Land Uses is allowed in the A-H district.

Section 6: Amend Section 10-1-0204(b)(5) [other requirements in A-H district] to read as follows:

- (5) Other Requirements.
 - a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural ~~land~~-uses and structures are exempt from these requirements.
 - b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements specifically required by Article 3, agricultural ~~land~~-uses and structures are exempt from these requirements. All Permanently Green Space Areas and Protected Natural Resource Areas as defined in this Chapter shall be subject to the requirements of Article 7.
 - c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and two-family residential ~~land~~-uses in this Article, agricultural and single- and two-family residential ~~land~~-uses and structures are exempt from these requirements (but residential subdivisions are not exempt).
 - d. Signs. All signs shall comply with applicable provisions of Article 9.
 - e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

Section 7: Amend Section 10-1-0204(c)(5) [other requirements in A-T district] to read as follows:

(5) Other Requirements.

- a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural ~~land~~-uses and structures are exempt from these requirements.
- b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements specifically required by Article 3, agricultural ~~land~~-uses and structures are exempt from these requirements. All Permanent Green Space Areas Protected Natural Resource Areas as defined in this Chapter shall be subject to the requirements of Article 7.
- c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and Two-Family residential ~~land~~-uses in this Article, agricultural and single- and Two-Family residential ~~land~~-uses and structures are exempt from these requirements (but residential subdivisions are not exempt).
- d. Signs. All signs shall comply with applicable provisions of Article 9.
- e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

Section 8: Amend subsections (a) and (e) in Section 10-1-0301 [regulation of allowable uses] to read as follows:

- (a) **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter “P” in Figure 10-1-0307, Figure 10-1-0308, and Figure 10-1-0309) are permitted per the general land use requirements of this Article; per Section 10-1-0310: Detailed Land Use Descriptions and Regulations; per the applicable density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable Overlay Zoning Districts; per all other applicable requirements of this Chapter; and per any and all other applicable regulations of the Village and other units of government. Except for agricultural ~~uses and agricultural~~ structures ~~and residences~~ in the extraterritorial zoning jurisdiction, all uses shall require a zoning permit per Section 10-1-1303.
- (e) **Unlisted Land Uses.** Proposed land uses that do not appear to be encompassed by one of the land uses listed in Figure 10-1-0307, Figure 10-1-0308, or Figure 10-1-0309 are not necessarily excluded from locating within any given zoning district. The Zoning Administrator is authorized to determine that such an “unlisted” land use is similar enough to one of the land uses listed in Figure 10-1-0307, Figure 10-1-0308, or Figure 10-1-0309 to have the same permitted-by-right, conditional, temporary, or prohibited status of that listed use. The Zoning Administrator may consult with the Plan Commission or Joint Extraterritorial Committee prior to making such a determination. [Each such determination is subject to any federal, state, or other regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wisconsin Administrative Code.](#)

Section 9: Amend subsections (e), (f), and (l) in Section 10-1-0302 to read as follows:

- (e) **Landscape and Preservation Regulations.** All new, remodeled, and expanded development shall comply with all the regulations and requirements of Article 7 of this Chapter, pertaining to the preservation of woodlands and mature trees and provision of landscaping and bufferyards. Except for screening requirements specifically required by Article 3, agricultural ~~land~~-uses and structures are exempt from these requirements.

- (f) **Performance Standards.** All land uses and development of land shall comply with applicable requirements established in Article 8 of this Chapter, pertaining to the provision of appropriate access, parking, loading, storage, lighting as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke. Except where the application of performance standards is specifically made applicable to agricultural uses in Article 8, agricultural land such uses and associated structures are exempt from these requirements.
- (l) **Site Plan Review Required.** All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading areas, or outdoor storage areas are subject to site plan review and approval in accordance with Section 10-1-1307 of this Chapter, except for the following:
- (1) Single-Family and Two-Family residential uses and buildings on individual lots in any zoning district, along with their accessory uses and buildings.
 - (2) Uses for which Specific Implementation Plan in a TND or PUD District has been approved in accordance with the procedures of Article 10 or 11, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
 - (3) Agricultural ~~land~~ uses and structures in any agricultural zoning district, along with their accessory uses and buildingsstructures.
 - (4) Minor accessory structures or improvements which are less than 120 square feet in area, or, in the opinion of the Zoning Administrator, do not warrant site plan approval due to their insignificance on the landscape and to surrounding properties.

Section 10: Amend the following reproduced sections of Figure 10-1-0307 in Section 10-1-0307 to read as follows:

FIGURE 10-1-0307: ALLOWABLE USES IN AGRICULTURAL AND CONSERVANCY DISTRICTS				
P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305				
Land Use	Zoning District			
	A-P	A-H	A-T	CON
Residential Land Uses (see Section 10-1-0310(a)(#))				
(1) New Single Family Detached (max. of 4 residence per 35 acres, including existing <u>except see below for new Farm Residences</u>).	<u>EN</u>	N	N	N
(1a) Single Family Detached (if legally constructed prior to August 18, 2011)	P	P	P	N
Agricultural <u>and Related</u> Land Uses (see Section 10-1-0310(b)(#))				
(1) Beekeeping	P	P	P	C
(2) Dairying	P	P	C	N
(3) Raising of Poultry or Livestock	P	P	C	N
(4) Commercial Feed Lot or Poultry Facility	<u>EP</u>	N	N	N
(5) Grazing	P	P	C	C

FIGURE 10-1-0307: ALLOWABLE USES IN AGRICULTURAL AND CONSERVANCY DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	Zoning District			
	A-P	A-H	A-T	CON
(6) Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit by One Operator	P	P	P	C
(7) Fish or Fur Farm	C	N	N	N
(8) General Farming (not listed in 1-7 above)	P	P	P	C
(9) Forestry	P	P	C	C
(10) Greenhouse	P	P	P	C
(11) Nursery	P	P	P	N
(12) Agricultural Stable	P	P	C	C
(13) Community Garden	P	P	P	P
(14) On-site Agricultural Retail	P	C	N	N
Institutional Land Uses (see Section 10-1-0310(c)(#))				
(1) Passive Outdoor Public Recreation	P	P	C	P
(2) Active Outdoor Public Recreation	<u>PC</u>	P	C	P
(3) Indoor Institutional (government only)	C	N	N	C
(4) Outdoor Institutional (cemetery only)	C	C	N	N
(5) Public Service or Utility	C	C	C	C

The remainder of Figure 10-1-0307 is unchanged.

Section 11: Amend the figure subheading “Agricultural Land Uses (see Section 10-1-0310(b)(#))” to “Agricultural and Related Land Uses (see Section 10-1-0310(b)(#))” in Figure 10-1-0308 [allowable uses in residential zoning districts] and in Figure 10-1-0309 [allowable uses in business, office, manufacturing, institutional, and airport zoning districts].

Section 12: Amend subsections (3), (4), (5), (8), (10), (11), (13), and (14) in Section 10-1-0310(b), and the title of such Section 10-1-0310(b), to read as follows:

(b) **Agricultural and Related Land Uses.**

- (3) Raising of ~~Poultry or~~ Livestock. Activities, structures, and equipment associated with the raising of ~~farm animals~~ livestock for food. Does not include commercial operations for the packaging of poultry or livestock raised off-site, the commercial slaughter of ~~farm animals~~ livestock, or ~~the a~~ Ccommercial ~~F~~feed ~~L~~ot or ~~P~~poultry ~~F~~facility.
- (4) Commercial Feed Lot or Poultry Facility. Any farm or facility with more than 500 animal units, as the term animal units is defined by Wisconsin Statutes.

Regulations:

- a. Wisconsin Administrative Code, Chapter ATCP 51, Livestock Facility Siting.
 - b. Wisconsin Administrative Code, Chapter NR 243, Animal Feeding Operations.
 - c. Wisconsin Administrative Code, Chapter NR 151, Runoff Management.
 - d. Sauk County Code of Ordinances, Animal Waste Management Ordinance.
 - e. Natural Resources Conservation Service, Conservation Practice Standard Code 590, Nutrient Management.
- (5) Grazing. Activities associated with the pasturing of ~~farm animals~~livestock for nutrition and exercise.
- (8) General Farming. Activities, structures, and equipment ~~associated with~~used in the raising and harvesting of crops and ~~farm animals~~livestock not otherwise covered under ~~land uses (1) through (7) above~~this subsection (b), but meeting the definition of an agricultural use.
- (10) Greenhouse. One or more structures, and associated activities, associated with the raising of vegetables, fruits, ornamental plants, or some combination, within a transparent building designed to control temperature and humidity. On-site retail sale of grown products are regulated as “On-site Agricultural Retail” ~~or “Seasonal Sales of Farm or Forest Products”~~ land uses.
- (11) Nursery. Activities including the intensive raising of trees and shrubs for commercial sale for landscaping, Christmas trees, or similar ~~uses~~. On-site retail sale of ~~plant and tree nursery-raised~~ products are regulated as “On-site Agricultural Retail” ~~or “Seasonal Sales of Farm or Forest Products”~~ land uses.
- (13) Community Garden. An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member, and otherwise meeting the definition of an agricultural use. Community Gardens may be on public or private lands.

Regulations:

- a. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
 - b. The Site Plan submittal shall list the property owner, and include the name(s) of any established sponsoring organization and garden manager.
 - c. The Site Plan shall demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of parking.
 - d. Fences shall comply with the regulations in Section 10-1-0804, except that chicken wire, woven wire, and related garden fencing shall be permitted without restriction around and within cultivated areas.
 - e. The following structures are permitted: tool sheds, shade pavilions, barns, rest-room facilities, planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
 - f. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (14) On-Site Agricultural Retail. On-Site Agricultural Retail land uses include the sale of agricultural products grown ~~exclusively~~ on the ~~site~~ farm and potentially on other farms within ten miles, where such sales are integral or accessory to an agricultural use or on an adjacent property in common ownership, and where such sales are on a year-round basis or ~~requiring~~ require the construction and maintenance of permanent structures. ~~Except packaging and equipment used~~

~~to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags),~~ The sale of agricultural products grown or otherwise produced off-site not meeting this definition shall instead be considered an “Indoor Sales or Service” or “Outdoor Display” land use.

Regulations:

- a. ~~The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, outside of the farm shall be prohibited, except for packaging. Packaging and equipment used to store, display, package or carry said agricultural products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) is permitted.~~
- b. The maximum total Gross Floor Area of a structure or a combination of structures dedicated to primarily to the On-site Agricultural Retail use shall be 1,500 square feet in area.
- c. All structures used for an On-Site Agricultural Retail Use shall all be an integral part of, or incidental to, the agricultural use on the property, and shall be set back at least 100 feet from any residentially zoned district.
- d. Minimum Required Parking: one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift.

Section 13: Amend Section 10-1-0310(c)(1) [institutional land uses] to read as follows:

- (1) Passive Outdoor Public Recreation. Passive Outdoor Public Recreation land uses include all recreational land uses located on public property or public easement which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular Active Recreation land use (see Subsection (c)(2) below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

Regulations:

- a. Within the A-P zoning district, shall be limited to undeveloped natural resource and open space areas with no buildings.
- ~~a.~~b. Minimum Required Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

Section 14: Amend subsections (13) and (14) within Section 10-1-0310(d) [commercial land uses] to read as follows:

- (13) Commercial Animal Service or Boarding. Commercial Animal Service or Boarding land uses include uses which provide for the care, treatment, and/or boarding animals. Examples of these land uses include commercial kennels as defined under Title 7, Chapter 1 of the Village’s Municipal Code, commercial stables, and veterinarian hospitals and clinics. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Regulations:

- a. A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
- b. Each animal shall be provided with an indoor containment area.
- c. The minimum permitted size of a horse or similar riding animal stall shall be 100 square feet

- d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
- e. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
- f. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- g. For kennels, all applicable requirements of Title 7, Chapter 1 of the Village's Municipal Code have been met.
- h. Except for a facility used for providing veterinary services primarily to livestock, including the sale of supplies and pharmaceuticals related to animal husbandry, any Commercial Animal Service or Boarding use within the A-P district shall:
 - 1. Be conducted by the owner or operator of the farm.
 - 2. Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.
 - 3. Employ no more than four employees aside from the owner or operator.
 - ~~4.~~ 4. Not impair or limit the current or future agricultural use of the farm or other protected farmland.
- ~~g.~~ i. Minimum Required Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

(14) Bed and Breakfast. Bed and Breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers, in which the operator is also a resident of the premises. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

Regulations:

- a. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast establishment is active.
- b. No premises shall be utilized for a Bed and Breakfast establishment unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the Bed and Breakfast operation shall have a separate operational smoke detector alarm. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the operator/owner's/occupants personal facilities.
- c. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- d. The maximum stay for any occupants of a Bed and Breakfast establishment shall be 14 days.
- e. Each operator shall keep a list of names of all persons staying at the Bed and Breakfast establishment. This list shall be kept on file for a period of one year. Such list shall be available for inspection by the Zoning Administrator at any time.
- f. Only the meal of breakfast shall be served to overnight guests.
- g. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village and State regulations.
- h. If within the A-P district shall:
 - 1. Be conducted by the owner or operator of the farm.

2. Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

3. Employ no more than four employees aside from the owner or operator.

4.4. Not impair or limit the current or future agricultural use of the farm or other protected farmland.

~~g.i.~~ Minimum Required Parking: one space per each bedroom in addition to standard requirements for principal residential use.

Section 15: Amend Section 10-1-0310(e)(5) [storage or disposal land uses] to read as follows:

- (5) Waste Disposal or Composting Facility. A Waste Disposal Facility land use ~~is~~are any use ~~for~~ engaged in the collection and disposal of solid wastes, organic materials for composting, and recycled materials including those defined by Wisconsin Statutes 289.01(33).

Regulations:

- a. Shall comply with all County, State and Federal regulations.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- c. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.
- d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials in any manner.
- e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading, and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Applicant (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. The requirement for said surety is waived for waste disposal facilities owned by public agencies.

f. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.

~~f.g.~~ Within the A-P district, shall be operated by a governmental, institutional, religious, or non-profit organization and meet all criteria in Section 10-1-1304(d).

~~g.h.~~ Minimum Required Parking: one space for each employee on the largest work shift.

Section 16: Amend Section 10-1-0310(g)(5) [industrial land uses] to read as follows:

- (5) Non-Metallic Mineral Extraction. Non-Metallic Mineral Extraction ~~uses operations~~ include ~~and~~ land uses involving the removal of soil, clay, sand, gravel, rock, non-metallic minerals, peat, or other related material in excess of that required for approved on-site development or agricultural activities. May include on-site processing of extraction material if part of the application and conditional use permit approval. Does not include relocation of materials required for domestic use on the same lot or a contiguous lot under the same ownership, approved on-site development grading, excavations within public road rights-of-way or easements, agricultural grading, or any soil removal activities on a hazardous waste site. Note that Wisconsin Statutes may limit Village regulation of non-metallic mineral extraction operations associated with projects completed by the Wisconsin Department of Transportation.

Regulations:

- a. In addition to the submittal information required under Sections 10-1-1304 and 10-1-1307, each application for approval of a new or expanded Non-metallic Mineral Extraction operation shall include the following information:
 1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.
 2. A site/operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all residences and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
 3. A reclamation plan meeting standards under subsection d. below.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- c. Shall be limited such only one non-metallic mineral extraction operation of more than 24 months or more than 15 acres is allowed to operate in the Town of Prairie du Sac at any one time. This limit does not include sand extracted on a farm if put to agricultural use on the farm or on some other farm.
- ~~a.d.~~ The extraction site and any associated buildings minimize use of Group I through II soils.
- e. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- ~~b.f.~~ Rock quarry operations shall be set back at least 1,320 feet from residences on parcels not in the same ownership
- g. Shall receive reclamation plan approval from the County prior to ~~action~~ the effective date of conditional use permit approval by the Village of Prairie du Sac, and shall comply with all County, State and Federal regulations including but not limited to the following:
 1. Subchapter 1 of Chapter 295, Wisconsin Statutes, and administrative rules promulgated under that subchapter.
 2. All Sauk County non-metallic mining reclamation requirements.
 - 4.3. Restoration when extraction is completed, to any applicable requirements of the Wisconsin Department of Transportation, and to an agricultural use if in the A-P zoning district per Section 91.46(6)(f), Wisconsin Statutes.

~~e. Required site plans shall include detailed site reclamation plans, which shall include at minimum, detailed grading, and revegetation plans, and a detailed written statement indicating the timetable for such restoration.~~

~~d.h. Prior to commencement or expansion of operations, A~~ surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), ~~or other security approved by the Village Attorney~~ shall be filed with the Village by the ~~a~~ Applicant (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition.

e.i. Minimum Required Parking: one space per each employee on the largest work shift.

Section 17: Amend subsections (8), (9), (11), (12), (13), and (22) in Section 10-1-0310(h) [accessory and miscellaneous land uses] to read as follows:

(8) Family Day Care Home (4 to 8 Children). A Family Day Care Homes ~~are-is an~~ occupied residence in which a qualified person or persons provides child care for 4 to 8 children. The care of ~~less-fewer~~ than 4 children is not subject to the regulations of this Chapter. See also Section 66.1017(1)(a), Wisconsin Statutes.

Regulations:

a. If within the A-P district shall:

1. Be conducted by the owner or operator of the farm, with no other persons employed on site.

2. Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

~~4-3.~~ Not impair or limit the current or future agricultural use of the farm or other protected farmland.

(9) Farm Residence. A Ffarm Residence is a type of Single-Family Detached dwelling located on the ~~same property as a principal agricultural use~~ farm and occupied by the owner or operator ~~(or both)~~ of the agricultural use.

Regulations:

1. -Shall be subject farm residences are otherwise subject to the same standards as other Single-Family Detached residential uses.

~~4-2.~~ Where the associated lands are planned for agricultural preservation in the Comprehensive Plan, total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units (160 / 35 = 4.57 = 4).

(11) Historic Structure Modification. Any action that results in the removal, relocation, or demolition of any building or portion of a building that is a) listed or eligible for listing on the National or State Registers of Historic Places and/or b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

Regulations:

a. The Secretary of Interior's standards for rehabilitation shall be used as criteria for Conditional Use Permits regarding the removal, relocation, or demolition of historic buildings meeting the criteria in this subsection.

~~a-b.~~ No historic structure may be relocated from outside of the A-P zoning district to inside of the A-P zoning district unless it meets the regulations for a Farm Residence under Section 10-1-0310(h)(9).

- (12) Home Occupation, Minor. Minor Home Occupations are low-impact economic activities performed within any dwelling unit which complies with the following regulations. Examples include personal and professional services and handicrafts.

Regulations:

- a. The area used to conduct the Home Occupation shall not exceed 25 percent of the improved square footage, excluding the garage, and the occupation shall be conducted within the principal building, except for sales of home grown produce grown on site.
- b. A Minor Home Occupation shall be undertaken only by a member of the immediate family residing on the premises. No outside employees are permitted to work on site.
- c. No activity, materials, goods or equipment incidental to the Home Occupation shall be externally visible, except for home grown produce grown on site.
- d. No Minor Home Occupation shall endanger the public health and safety and shall not interfere with other lots in the neighborhood.
- e. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance.
- f. No mechanical or electrical equipment shall be installed or maintained other than such as customarily incidental to domestic use.
- g. No Minor Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.
- h. If within the A-P district shall:
 - a. Be conducted by the owner or operator of the farm.
 - b. Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.
 - ~~a-c.~~ Not impair or limit the current or future agricultural use of the farm or other protected farmland.

- (13) Home Occupation, Major. Major Home Occupations are economic activities performed within any Single-Family Detached residence or permitted accessory structure to a Single-family Detached residence. Examples include personal and professional services, commercial equipment repair, and artisan and handicraft production, which comply with all of the following requirements:

Regulations:

- a. The area used to conduct the Major Home Occupation shall not exceed 25 percent of the improved square footage of the principal residence, excluding the garage. A Major Home Occupation may also be conducted within in an existing Accessory Farm or Forestry Structure or Accessory Residential Structure. The occupation shall be conducted entirely within a permanent structure, except for sales of home grown produce grown on site.
- b. The Home Occupation shall be carried on only by a member of the immediate family residing on the premises. Up to one full time equivalent employee living off-site may serve as on-site staff for Aa Major Home Occupation, may employ up to one employee living off site provided an immediate family member residing on site is the principal owner and operator of the business.

- c. No activity, materials, goods or equipment incidental to the Major Home Occupation shall be externally visible, except for home grown produce grown on site, and external storage normally allowed for the principal residential use.
- d. No Major Home Occupation may include retail sales other than items produced or value added on site.
- e. No Major Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other lots in the neighborhood.
- f. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance.

g. No mechanical or electrical equipment shall be installed or maintained other than such as customarily incidental to domestic use.

h. If within the A-P district shall:

a. Be conducted by the owner or operator of the farm.

b. Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

~~a-c.~~ Not impair or limit the current or future agricultural use of the farm or other protected farmland.

(22) Accessory Farm or Forestry Structure. An Accessory Farm or Forestry Structure is any structure on a farm that is accessory to an integral part of, or is incidental to, a permitted agricultural use, including but not limited to barns, silos, and corn cribs.

Section 18: Amend subsections (2) and (7) of Section 10-1-0310(i) [temporary land uses] to read as follows:

(2) Outdoor Assembly. Includes any organized Outdoor Assembly of more than 200 persons, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events.

Regulations:

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Signage shall comply with the requirements for temporary signs in Article 9.
- c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
- d. If subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
- e. Adequate provisions for crowd control shall be made, and shall be described within the application.

f. ~~Event Sponsors s~~ Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

g. If within the A-P district shall:

1. Be conducted by the owner or operator of the farm.

2. Require no permanent buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

3. Employ no more than four full time equivalent employees aside from the owner or operator, not including volunteers.

4.4. Not impair or limit the current or future agricultural use of the farm or other protected farmland.

- (7) Seasonal Outdoor Sales of Farm Products. Includes any outdoor display and sales of farm products on a seasonal basis, including but not limited to seasonal roadside stands and Christmas tree lots, and not otherwise regulated under the “On-site Agricultural Retail” land use category.

Regulations:

- a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Adequate parking shall be provided.
- c. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
- d. There shall be not more than one such use per parcel.

e. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

f. If within the A-P district shall:

1. Be conducted by the owner or operator of the farm

2. Require no permanent buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

3. Employ no more than four employees aside from the owner or operator.

4.4. Not impair or limit the current or future agricultural use of the farm or other protected farmland.

Section 19: Amend Section 10-1-0602 [design standards for multi-family and non-residential principal buildings] to read as follows:

- (a) **Applicability.** All new multiple-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section. Expansions, remodels, and changes of use to existing buildings of these types shall meet the design requirements in this Section to the extent practical. Agricultural ~~land~~-uses and structures are exempt from these requirements.

Section 20: Amend Section 10-1-0701(a) [landscaping requirements] to read as follows:

- (a) **Applicability.** Any use for which site plan approval is required under Section 10-1-1307 shall provide landscaping in accordance with the regulations of this Section, including expansions and/or renovation of existing buildings. Except for screening requirements specifically required by Article 3, agricultural ~~land~~-uses and structures are exempt from these requirements. The Plan Commission may grant, via the site plan approval process, modifications to the regulations in this Section for other uses in one or more of the following circumstances:

- (1) Where insufficient site area remains to fully comply with all provisions of this Section, in cases of a redevelopment project or an expansion of an existing building, parking lot, or other site improvements.
- (2) Where other aspects of building or site design clearly exceed the associated requirements of this Chapter, including where public art, gathering places, or other aesthetic amenities are incorporated.

- (3) Where, due to unique circumstances associated with the site or project, the strict application of the regulation would result in landscaping that would be overcrowded, impair the prospects of landscape survival, and/or negatively affect the safety or functionality of the site or project.

Section 21: Amend Section 10-1-0813 [noise standards] to read as follows:

The requirements of Section 9-2-9 of the Village's Code of Ordinances apply to all uses and activities which create detectable noise, except for ~~Agricultural Land Uses listed in Section 10-1-0310(b)~~ [agricultural uses](#).

Section 22: Amend Section 10-1-0814(a) [air pollution standards] to read as follows:

- (a) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on a property, or by incidental traffic, parking, loading, maintenance, or agricultural ~~operations~~[uses](#).

Section 23: Amend Section 10-1-0815(b) [odor standards] to read as follows:

- (b) Except for food preparation and cooking odors emanating from residential land uses, odors from allowed agricultural ~~land~~ uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable [at the boundary of a property](#) by the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food ~~at the boundary of a property~~, where said lot abuts property within any residential zoning district.

Section 24: Amend Section 10-1-0816(a) [glare and heat standards] to read as follows:

- (a) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of a principal use, or by incidental traffic, parking, loading, maintenance, or agricultural ~~operations~~[uses](#).

Section 25: Add Section 10-1-1301(l) [amendments to zoning regulations (text amendments)] to read as follows:

- (l) **Text Amendments Affecting Farmland Preservation Provisions.** If the Zoning Administrator determines that a text amendment does any of the things listed in ATCP 49.27(2), Wisconsin Administrative Code, he or she shall submit the text amendment to the Department of Agriculture, Trade and Consumer Protection for its certification. Such text amendment shall not take effect until certification is obtained.

Section 26: Amend subsections (d) and (h) of Section 10-1-1302 [amendments to the official zoning map (rezonings)] to read as follows:

- (d) **Review Criteria for Amendments to the Official Zoning Map.** Applicants, the Zoning Administrator, Plan Commission (or the Joint Committee if within the Extraterritorial Jurisdiction), and Village Board shall ~~consider~~[use](#) the following criteria when reviewing an application to amend the Official Zoning Map:
- (1) ~~Is~~[The](#) proposed amendment to the Official Zoning Map is consistent with the recommendations of the Comprehensive Plan.~~?~~
 - (2) ~~Does~~[The](#) proposed Official Zoning Map amendment ~~further the~~[is consistent with the](#) purpose and intent of this Chapter as expressed in Article 0?

- (3) ~~Does the~~ proposed Official Zoning Map amendment addresses any at least one of the following that are not properly addressed on the current Official Zoning Map:²
- a. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.
 - b. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
 - c. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

(4) ~~Does the~~ proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.²

(5) No land in the A-P zoning district shall be rezoned to any other district, unless following a public hearing the Village Board finds that all of the following criteria have been met:

- a. The land is better suited for a use not allowed in the A-P district.
- b. The rezoning is consistent with the Sauk County Farmland Preservation Plan and the Comprehensive Plan.
- c. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- d. If the rezoning is intended to enable a dwelling unit without first amending the Farmland Preservation Plan and the Comprehensive Plan, the Village Board shall find that the following additional criteria are met:
 1. The dwelling unit must be on a separate lot meeting the minimum lot size of the approved zoning district and a maximum lot size of not greater than 5 acres.
 2. The farm from which such lot is divided shall be not fewer than 35 acres.
 - 4.3. Total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units ($160 / 35 = 4.57 = 4$).

(h) **Village Board Action.**

- (1) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all evidence and testimony, the Village Board shall within 90 days of the public hearing vote on the passage of the proposed Official Zoning Map amendment. Failure of the Board to act within 90 days after the public hearing (unless said deadline is extended by written agreement of the applicant) shall constitute approval of the application. Prior to taking final action, the Village Board may request additional information from outside experts, the applicant, or any other source it deems necessary to allow evaluation of the amendment against the criteria of Subsection (d).
- (2) The Village Board may act to approve or reject an amendment to the Official Zoning Map by a simple majority of a voting quorum, except that if the amendment is defined as a down zoning under Section 66.10015(1)(as) of Wisconsin Statutes, then approval of that amendment shall require a 2/3 vote of the full Village Board, or by a simple majority of the full Village Board if

the down zoning is requested or agreed to by each person who owns the land(s) affected by the proposed down zoning, in the following circumstances:

- a. ~~If an official protest against the requested amendment meeting the requirements of Section 62.23(7)(d)2m. of Wisconsin Statutes is filed, then approval of that amendment shall require a 3/4 vote of a voting quorum.~~
- b. ~~If the amendment is defined as a down zoning under Section 66.10015(1)(as) of Wisconsin Statutes, then approval of that amendment shall require a 2/3 vote of the full Village Board, except that if the down zoning is requested or agreed to by each person who owns the land(s) affected by the proposed down zoning, the down zoning may be approved by a simple majority of the full Village Board.~~

Section 27: Add Section 10-1-1302(l) [amendments to the official zoning map (rezonings)] to read as follows

- (l) Reporting on Rezonings out of the A-P district. Per Section 91.48(2), Wisconsin Statutes, the Zoning Administrator shall, by March 1 of each year, provide to the Department of Agriculture, Trade and Consumer Protection and the Director of the Sauk County Conservation, Planning, and Zoning Department, a report of the number of acres that the Village has rezoned out of the A-P district the previous year and a map that clearly shows the location of those areas.

Section 28: Add Section 10-1-1304(d)(4) [review criteria for conditional use permit] to read as follows:

- (4) Also to the extent consistent with Subsections (1) and (2), no Conditional Use Permit shall be granted in the A-P district unless the Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) finds that the use authorized thereby meets the following additional criteria:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P zoning district.
 - b. The use and its location in the A-P district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law. For Non-Metallic Mineral Extraction operations, alternative locations outside of the A-P district must be considered.
 - c. 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.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - ~~a-c.~~ Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

Section 29: Amend Section 10-1-1304(j) [conditional use permits] to read as follows:

- (j) Duration and Transfer~~Change of Ownership.~~ The Commission or Committee may approve a Conditional Use Permit with a limitation on the Permit's duration, transfer, or both if such limitation(s) relate to the purpose of this Chapter and the conditional use permit review criteria in subsection (d). Unless the Commission or Committee approved a Conditional Use Permit with a transfer limitation, or Section 10-1-0310 prescribes a transfer limitation for the particular conditional use, all requirements of the approved Conditional Use Permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land.

Section 30: Per Sections 10-1-0202 and 10-1-1302, amend the Village's Official Zoning Map in the manner indicated in Exhibit A attached hereto.

Section 31: This ordinance shall become effective upon its adoption and publication in the manner provided for by law.

Adopted this ___ day of _____, 2018.

Published this ___ day of _____, 2018.

Village of Prairie du Sac, WI

Cheryl A. Sherman
Village President

Niki Conway
Village Clerk

EXHIBIT A: AMENDMENTS TO OFFICIAL ZONING MAP