

## EXHIBIT "A"

### Amendment 1.

Section 4.6A is created to read as follows:

#### 4.6A FP: FARMLAND PRESERVATION DISTRICT.

##### (1) Intent.

The Farmland Preservation District is intended to:

- (a) implement Wisconsin's Working Lands Initiative (WLI) farmland preservation policies through the creation, administration and enforcement of a farmland preservation zoning district that complies with the requirements of Wis. Stats. Chapter 91 so that farmers and property owners are eligible to apply for farmland preservation property tax credits;
- (b) provide for the long-term preservation and protection of existing and future farming and other agricultural activities and land uses where farming is a viable component of the local and regional economy;
- (c) separate agricultural activities and land uses from incompatible residential, commercial, and industrial development and land uses and certain public facilities;
- (d) provide for the continued use of existing residential parcels and to allow the creation and development of only a limited number of non-farm, low-density residential lots in a manner that:
  1. minimizes the costs of providing public facilities and services; and
  2. minimizes potential conflicts with agricultural land uses by limiting the density, maximum lot area and relative location of non-farm uses by "clustering" non-farm lots within farm parcels where soil productivity and topography are less suited for agriculture uses and well suited for on-site sewage systems.
- (e) include land in this Farmland Preservation District that has been deemed to be worthy of long-term protection as of the date of adoption of the Ordinance where the owners of such land have agreed to include it in the Farmland Preservation District. The Town of Clyman intends to include additional land in to the Farmland Preservation District at the request of farmers and/or property owners once the Dodge County Farmland Preservation Plan has been revised and adopted (expected adoption no later than January 1, 2012) and the farmland preservation policies contained in the Town of Clyman 2030 Comprehensive Plan has been adopted (currently being prepared with adoption no later than December 31, 2010).

##### (2) Principal Uses and Structures.

- (a) Agricultural uses and activities, including the following:
  1. Crop production.
  2. Livestock keeping and raising (excluding "Concentrated Animal Feedlot Operations" with over 250 animal units).
  3. Beekeeping.

4. Plant nurseries and greenhouses (production operations only, no retail sales).
  5. Sod farms and Christmas tree production.
  6. Floriculture.
  7. Aquaculture.
  8. Fur Farming.
- (b) Game farms and fish hatcheries.
  - (c) Forest and game management.
  - (d) Undeveloped natural resource and open space areas.
  - (e) Land enrolled in a federal agricultural commodity or conservation program or a state agricultural land conservation program.
  - (f) Transportation, utility, communication and other public, quasi-public and private uses structures and buildings whose location is determined by preemptive state or federal authority or regulations.
  - (g) Farm Residences subject to the following limitations:
    1. a single-family or a duplex dwelling that is the only residential structure on the farm;
    2. the dwelling is occupied by the owner or operator of the farm, a parent or child of the owner or operator of the farm, or another individual who earns more than 50% of their gross income from the farm upon which the farm residence is located;
  - (h) Nonconforming uses, including, but not limited to, farm and non-farm dwellings on non-conforming lots or parcels that existed on the effective date of this Ordinance.
- (3) Conditional Uses and Structures. (see Section 6).**
- (a) Livestock raising in "Concentrated Animal Feedlot Operation" having more than 250 animal units.
  - (b) Farms for the disposal, injection and/or land spreading of agricultural and non-agricultural waste.
  - (c) Non-farm residences subject to the following limitations:
    1. The proposed non-farm residence can be on a new lot or parcel, or, the conversion of a farm residence to a non-farm residence through a change in occupancy;
    2. The ratio of non-farm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a non-farm residence;
    3. There will not be more than 4 dwelling units in non-farm residences or more than 5 dwelling units total in residences of any kind created on or from the base farm tract after the residence is constructed or converted to a non-farm residence;
    4. The location and size of the proposed non-farm dwelling(s) and lot or parcel will not result in the following:

- a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if there is a reasonable alternative location or size for such non-farm parcel or non-farm residence; and
  - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
- (d) Transportation, communications, pipeline, electric transmission, utility, and drainage uses (including but not be limited to roads and highways, commercial communication towers and relay facilities, electricity, natural gas and other essential services and facility transmission equipment) subject to meeting all of the following requirements:
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 from an agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Governmental, institutional, religious, or nonprofit community uses (including but not limited to public, private, and parochial schools, churches and cemeteries, government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, sewage treatment facilities, airports, airstrips, aircraft landing fields, heliports) subject to meeting all of the following requirements:
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 from an agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (f) Housing for seasonal or migratory farm laborers subject to the following limitations and requirements:
1. lots, parcels, or tracts devoted to the farm operation upon which such housing is located shall be not less than one-hundred (100) acres;
  2. is only occupied by farm laborers;

3. notwithstanding other provisions in this Ordinance regulating their use and placement, only mobile homes or other similarly removable dwelling structures shall be used; and
  4. dwellings are removed when farm laborers are no longer used as part of the farm operation.
- (g) Raising, breeding, boarding and/or sheltering of domestic and exotic or other non-traditional livestock, including but not limited to, llama, emu, buffalo.
- (h) Short-term mineral extraction and mining activities subject to meeting all of the following requirements:
1. activities shall not exceed a period of three (3) years of operation;
  2. the operation shall meet the plan and restoration requirements of Section 4.11(4);
  3. restoration of the land shall be to/for an agricultural use and shall be ongoing and, to the greatest extent possible, completed in phases as extraction is completed in a given area;
  4. the operation complies with all applicable requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mining sites;
  5. the operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district;
  6. the operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law;
  7. the operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use;
  8. the operation 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.
- (4) Accessory Uses and Structures. (see Section 5).**
- (a) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins and structures used for storage of farm implements, machinery and related equipment.
- (b) Home occupations or non-agricultural enterprises subject to the following minimum regulations:
1. the enterprise shall be conducted entirely within the confines of a principal residence or an existing accessory building, or, in the rear or side yard of a lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
  2. no more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage;
  3. storage of all items shall be in the rear or side yard of a lot or parcel and shall either be within the confines of a building or a properly screened

- and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
4. other than persons residing in the dwelling, no more than three (3) non-related persons may be employed;
  5. the enterprise does not substantially impair or limit the current or future agricultural use of the parcel or surrounding land that is zoned for or legally restricted to agricultural use.

**(5) Parcel Area and Width.**

- (a) Farm/agricultural uses:
  1. minimum: 35 acres
  2. maximum: none
- (b) Non-farm residential uses:
  1. minimum: 1 acre
  2. maximum: 3 acres (subject to Section 4.12)
- (c) Other non-farm uses:
  1. minimum: 1 acre
  2. maximum: none.
- (d) Parcel Width:
  1. minimum: 50 feet

**(6) Building and Structure Height.**

- (a) Non-farm dwellings:
  1. maximum: 35 feet
- (b) Farm dwellings:
  1. maximum: 35 feet
- (c) Farm buildings:
  1. maximum: 60 feet
- (d) Farm buildings and structures including barns, elevators, grain dryers, silos:
  1. height shall not exceed distance from nearest property line.
- (e) Other non-farm, non-residential structures including communication towers:
  1. height shall not exceed distance from nearest property line up to a maximum of 200 feet.

**(7) Building and Site Area Restrictions.**

- (a) Maximum Floor Area Ratio:
  1. Farm: 10 percent
  2. Non-farm: 25 percent

**(8) Building Setbacks.**

- (a) Minimum side yard:
  1. Farm buildings: 25 feet
  2. Non-farm buildings: 50 feet
- (b) Minimum rear yard:
  1. Farm buildings: 25 feet
  2. Non-farm buildings: 50 feet

- (c) Minimum street yard:
  - 1. Farm buildings: see Section 3.4(3)
  - 2. Non-farm buildings: see Section 3.4(3)

- (9) **Non-Conforming Uses, Structures, and Lots.** (see Section 7).
- (10) **Vehicle Access, Parking, and Loading.** (see Section 8).
- (11) **Landscaping, Bufferyard, and Lighting.** (see Section 9).
- (12) **Signs.** (see Section 10).
- (13) **Site & Operation Plan Requirements.** (see Section 11).

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