

ORDINANCE NO. 2017-3

AN ORDINANCE TO AMEND SECTIONS 2.05, 3.02, 3.12, 4.01, 4.02, 10.04 AND 12.0 OF CHAPTER 9 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN RELATING TO LIVESTOCK FACILITY SITING AND AGRICULTURAL (FARMLAND) PRESERVATION

WHEREAS, the Village Board of the Village of Highland has determined to consider amendments to the Zoning Code of the Village to bring the Zoning Code into compliance with state laws related to farmland preservation and livestock facility siting; and

WHEREAS, the Plan Commission of the Village of Highland reviewed the proposed changes at a meeting held on November 29, 2017; and

WHEREAS, notice of a public hearing on said proposed amendments was posted in three public places not later than November 15, 2017; and

WHEREAS, a public hearing was held on November 29, 2017, with regard to said proposed amendments;

NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: The first paragraph of Section 2.05 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to read as follows:

“Except as otherwise provided by law, zoning approval shall be required for all new structures, exterior renovation, interior alterations, demolition, placement of signs, and changes in land use unless specifically accepted by this ordinance. Applications for zoning approval shall be made to the Zoning Administrator and shall include the following information where it may apply:”

Section II: The first paragraph of Section 3.02 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to read as follows:

“A certified copy of the zoning map shall be adopted and approved with the text as Appendix A of this ordinance and shall bear upon its face the attestation of the Village Clerk and shall be available to the public in the office of the Village Clerk.”

Section III: Section 3.12 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to read as follows:

“3.12 A-P AGRICULTURAL PRESERVATION DISTRICT

The purpose of this district is to preserve those agricultural lands, woodlands, and wetlands where it has been determined that their highest and best uses are in long-term

agriculture or wildlife habitat, and to prevent uneconomical scattering of residential commercial, and industrial development in such areas.

Permitted Uses: Agricultural uses as outlined in Wisconsin State Statute 91.01(2) except any uses regulated as Conditional Uses, roadside stands, that meet Statute 91.01(1), not exceeding one per farm and greenhouses. Two single family dwelling units for farm residences that meets Statute 91.01(19).

Conditional Uses: New or expanded livestock facilities with 500 or more animal units, if the proposed facilities meet the standards prescribed in ch. ATCP 51, Wis. Adm. Code., livestock sales facilities, veterinary services for farm animals, sales and service of machinery used in agricultural production utility uses, except transmission corridors, that meet s. 91.46(4), airplane landing strip (Public landing strips need to meet s. 91.46(5) and farm-related landing strips need to meet s. 91.01(1), for a permitted or associated with an approved conditional use and agricultural-related uses. Housing for seasonal farm laborers, certified under section 103.92 of Wisc. State Statutes. More than two single family dwelling units for farm residences that meets s. 91.01(19). Placement of a mobile home for use as farm residence that meets s. 91.01(19), cemeteries that meet s. 91.46(5) and accessory uses that meet s. 91.01(1)(a).

WITHIN THE A-P DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Minimum Lot Area	Minimum 35 acres (minimum parcel size is to establish a residence or farm operation)
Additional Farm-Related Business Uses	Minimum: 20,000 square feet Maximum: 80,000 square feet
Agriculturally-Related Business Uses	Minimum 1 acre
Minimum yards	Additional farm-related housing shall comply with the provisions of the R-1 Residential District
Farm Buildings	Side Yard: Minimum 50 feet Rear Yard: Minimum 50 feet Highway Yard: Minimum 50 feet Manure Storage: Minimum 350 feet as provided in ch. ATCP 51.
Maximum Building Height	Two times their distance from adjacent lot lines
Pre-existing Residences	In the Agricultural Preservation District that do not conform to district standards may be continued in residential use and shall not be subject to any limitations imposed by Section 9.0 nonconforming uses.
Any Lot or Parcel of Less Than 35 Acres	That is recorded under separate ownership in the Office of the Register of Deed at the time of adoption of the Zoning Ordinance may be used as a single residential building site provided that it can comply with the standards of the R-1 Residential District.

Farm Related Structures Remaining After Farm Consolidation	May be divided from the farm provided that it can comply with the provisions of the R-1 Residential District
Standards for Rezoning	Rezoning needs to meet State Statute 91.48(1). Decisions on petitions for rezoning land from the Agricultural Preservation District shall be based on findings resulting from a comprehensive update to the Village Comprehensive Development Plan. Individual landowner requests for rezoning shall be held until the approving authorities have determined that such a Master Plan update is needed. Following the outcome of a plan update, if land is rezoned from the A-P Agricultural Preservation District, the Department of Agriculture Trade and Consumer Protection shall be notified.”

Section IV: Section 4.01 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to read as follows:

4.01 “PERMITS

The Village Plan Commission and Village Board may require the zoning Administrator to issue a conditional use permit for conditional uses after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and where authorized by other laws finding that the proposed use will not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.”

Section V: Section 4.02 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to add the following paragraph to the end of said section:

“Livestock facilities must meet the standards and requirements in s. 93.90, Wis. Stats., and ch. ATCP 51, Wis. Adm. Code, as demonstrated by the submission of state-approved application. “

Section VI: The second paragraph of Section 10.04 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby is amended to read as follows:

“**Variances:** to hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. Variances for livestock facilities may only be granted to reduce setback distances by increments of ten feet. “

Section VII: The definitions in Section 12.01 of Chapter 9 of the Municipal Code of the Village of Highland shall be and hereby are amended, repealed and created as follows:
Amended:

“Animal Unit: Animal unit has the meaning that was provided in s. NR 243.03 (3) as of April 27, 2004.”

Repealed:

Definition of "Commercial Livestock Operation"

Definition of "Commercial Poultry Operation"

Created:

"Livestock": For purposes of issuing conditional use permits, livestock means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats.

Livestock Facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Under ch. ATCP 51, related livestock facilities are collectively treated as a single "livestock facility", except that an operator may elect to treat a separate species facility as a separate "livestock facility."

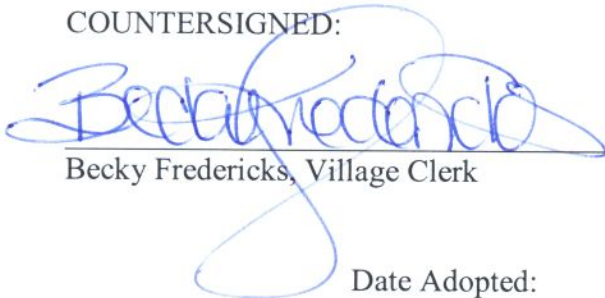
Section VIII: This ordinance shall be effective upon its passage and posting as required by law.

Adopted and approved this 5th day of December 2017.



Chad Coyler, Village President

COUNTERSIGNED:



Becky Fredericks, Village Clerk

Date Adopted:	December 5, 2017
Date Recorded:	December 6, 2017
Date Posted:	December 6, 2017
Date affidavit filed:	December 6, 2017
Effective Date:	December 7, 2017