



~ **SUMMARY** ~

Proposed Changes
to
Zoning Ordinance
for
Farmland Preservation

TOWN OF GREENBUSH

2019

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Why is the Town of Greenbush updating its zoning?

Signed into law in 2009, Wisconsin's **Working Lands Initiative (WLI)** is intended to modernize and revitalize what was previously known as the Farmland Preservation Program. The WLI is designed to help local governments and landowners preserve agricultural land, minimize conflicting land uses, and promote soil and water conservation. Owners of farmland who participate in the program receive income tax credits as incentives.

Towns in Sheboygan County with landowners who wish to participate in the new program must update their zoning ordinance text and map in order to be certified by Wisconsin's Department of Agriculture, Trade and Consumer Protection as complying with the new state standards.

In the process of updating its zoning map, the Town of Greenbush has decided to also take the opportunity to correct long-standing issues with errors and non-conforming properties. An error could be something like a zoning district line that doesn't correctly follow a property line. A non-conforming property might be one that is too small to meet the minimum lot size requirement for the district in which it is zoned. Or, a property might be being *used* in a way that is not allowed in the district in which it is zoned.

Although non-conforming properties that were in existence prior to the Town's Zoning Ordinance or specific provisions of the Ordinance are "grandfathered" and considered to be legal non-conforming properties, there are advantages to being a conforming property, including the opportunity to expand the uses and structures on the property without a variance. This update to the Ordinance and map will make many non-conforming properties conforming without cost to these property owners.

Throughout this process, as lands are proposed to change to new zoning classifications, the Plan Commission and Town Board's goal has been and will continue to be to preserve all property rights held by property owners under their current zoning.

Wisconsin's updated Farmland Preservation Program is overseen by the state's Department of Agriculture, Trade and Consumer Protection (DATCP) but administered at the county and town level.

ZONING DISTRICTS

One district (A-1-S) is proposed to be added.

A-1	Agricultural Land District
NEW A-1-S	Agricultural Land District (Small-Scale)
A-2	Agricultural Land District
A-3	Agricultural Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing and Marketing District
A-5	Limited Further Development Agricultural District
B-1	Local Business and Industrial District
C-1	Lowland Conservancy District
C-2	Upland Conservancy District
I-1	Institution District
M-1	Mineral Extraction District
M-2	Mineral Extraction District Industrial District
P-1	Recreational Park District
R-1	Single Family Residence District (without sewer)
R-2	Single-Family Residence District (with sewer)
R-3	Multiple-Family Residence District (with and without sewer)
R-4	Planned Residential Development
R-5	Planned Mobile Home Park Residence District and Homes

FARMLAND PRESERVATION ZONING DISTRICT (FPZ)

Two districts make up the FPZ and are eligible for the tax credit: A-1 and A-1-S. Special statutory provisions are part of the requirements for these districts, particularly that uses must not conflict with agricultural uses, and four criteria* listed in 91.48(1), Wis. Stats., must be met in order to rezone out of the FPZ.

Further, all new residences constructed in the FPZ must obtain a one-time conditional use permit to ensure the siting of any new residence avoids impairing agricultural operations, if possible.



*The four criteria for rezoning are:

1. The rezoned land is better suited for a use not allowed in Farmland Preservation.
2. The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
3. The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.



A-1 AGRICULTURAL LAND DISTRICT (in FPZ)

The previous A-1 district conformed to former state farmland preservation program standards. DATCP's Working Lands Initiative has slightly changed the standards for state certification of a farmland preservation zoning district.

The major difference between the previous A-1 and the proposed A-1 are that all new homes in the FPZ will require a conditional use permit to ensure proper siting of the house so that it does not conflict with agriculture, if possible. This is a one-time permit that does not need renewal.

Although Greenbush cannot require a conditional use permit for a large livestock facility in A-1 because it has not adopted the state's Livestock Facility Siting Law, the proposed ordinance will add the ability to require a conditional use permit for mink and other farm-raised animals like bison, horses, deer, captive game birds, etc. that are not considered livestock per ATCP 51.01. The permit requirement would kick in when the operation exceeds 1 animal unit per acre.

A-1-S AGRICULTURAL LAND DISTRICT (Small-Scale) (in FPZ)

This new district will be a "mini" A-1 and is part of the FPZ. All of the same uses are allowed in A-1-S as in A-1, except that livestock numbers exceeding 1 animal unit per acre will require a conditional use permit. The minimum lot size will be 3 acres, since this district is intended for small farms or future rezonings out of A-1 for hobby farms or similar uses.

Numerous existing small A-1 properties that were non-conforming lots can now be rezoned to A-1-S, become conforming, and still remain in farmland preservation.

To discourage a high density of residential development in agricultural areas, the following provision has been added: "Only one residence is allowed on an A-1-S lot. No additional lots may be created out of an existing A-1-S lot."

A-2 AGRICULTURAL LAND DISTRICT

The allowable uses and 5-acre minimum lot size will remain the same. There is a proposed change to the rear yard setback for a residence, from 100 feet decreasing to 50 feet. The 100 foot rear yard setback was copied from A-1 where it was appropriate for lots that were 35 acres or larger. In A-2, however, where lots can be as small as 5 acres, a smaller setback is a better fit.

A-3 AGRICULTURAL LAND HOLDING DISTRICT

The allowable uses will remain the same, except that livestock raising that exceeds 1 animal unit per acre will require a conditional use permit.

There is a proposed change to the rear yard setback for a residence, from 100 feet decreasing to 50 feet. The 100 foot rear yard setback was copied from A-1 where it was appropriate for lots that were 35 acres or larger. In A-3, however, where lots can be as small as 5 acres, a smaller setback is a better fit.

A-4 AGRICULTURAL-RELATED MANUFACTURING, WAREHOUSING & MARKETING DIST

The allowable uses will remain the same, except that livestock raising that exceeds 1 animal unit per acre will require a conditional use permit.

Since it is possible for a business to be zoned A-4, the standards for signs will be added to this district.

A-5 LIMITED FURTHER DEVELOPMENT AGRICULTURAL DISTRICT

The allowable uses will remain the same. There is a proposed change to the rear yard setback for a residence, from 100 feet decreasing to 50 feet. The 100 foot rear yard setback was copied from A-1 where it was appropriate for lots that were 35 acres or larger. In A-5, however, where lots can be as small as 2 acres, a smaller setback is a better fit.

B-1 LOCAL BUSINESS & INDUSTRIAL DISTRICT

Since it is probable that a business or industry will have signage, the standards for signs will be added to this district.

NONCONFORMING USES, STRUCTURES, AND LOTS

The Zoning Ordinance is being made consistent with a change in state law regarding the repair, reconstruction, or improvement of nonconforming structures. Previously, the restoration of such structures was limited to 50% of their equalized value. The new law has removed that limit; structures damaged by fire, explosion, flood, or other calamity may now be fully restored. The Zoning Ordinance will now reflect that change.

DEFINITIONS

The update will add or update about a dozen terms in the Definitions section to make them consistent with the latest state statutes and administrative rules.

ZONING MAP REVISIONS (landowners notified by letter)

A-1 Agricultural Land District

- ◆ 5 properties are too small to remain A-1 and are therefore non-conforming. These properties will be rezoned to **A-1-S** since a residence exists on the property. The smaller minimum lot size in A-1-S will make these properties conforming. Agricultural uses are still allowed and the farmland preservation tax credit is still an option.
- ◆ 1 property that is currently partly A-1 and partly A-2 will become all **A-2**. This will make the 14-acre property fully conforming in size. Agricultural uses are still allowed but the farmland preservation tax credit is not an option in A-2.
- ◆ The Sheboygan County Trailhead property is currently partly A-1 and partly A-3. Since this use is not consistent with farmland preservation, the property will become all **A-3**. This will also make the 10-acre property fully conforming in size.
- ◆ 17 properties are currently too small to remain A-1 and are not appropriate for farmland preservation due to their size and use, but still have some agricultural character, will become **A-5**. Most agricultural uses are still allowed but the farmland preservation tax credit is not an option in A-5.
- ◆ 19 properties are currently much too small to remain A-1 and are not appropriate for farmland preservation due to their size and use. Since these properties are entirely residential, with no room for agricultural uses, they will become **R-1**.
- ◆ 3 properties that are clearly natural resource/lowland in character, with no agricultural uses, will become **C-1**, which is more appropriate. (2 of these properties are already partly C-1.)
- ◆ 1 property that is clearly natural resource/woodland in character, with no agricultural uses, will become **C-2**, which is more appropriate. (This property is too small to remain A-1.)
- ◆ 20 properties, most of them without residences, and consisting mostly of cultivated land, will remain A-1 despite being less than 35 acres. Rezoning them to another district would enable the building of a house where no house is currently allowed.

Other Districts

- ◆ There are no proposed map changes for properties in any other districts.