(3) Side: minimum 100 ft. if adjacent to a residential district, otherwise 15 feet.

§ 320-27 **A-1 Agricultural District.**

A. Statement of purpose. The A-1 District is intended to apply to areas in order to provide for, maintain, preserve and enhance lands historically used for agricultural production but which do not meet the size requirements of the A-2 Prime Agricultural District and which are generally suited for smaller farm units, including horse farming, small dairy farms, orchards, vegetable farms, and other similar agricultural-related farming activities.

B. Principal uses, except that concentrated animal feeding operations (CAFO's) as defined by the Wisconsin Department of Natural Resources are prohibited. Additionally, animal enclosures must be sized appropriately to allow normal plant growth within the fenced in area.

(1) Apiculture

(2) Dairying

(3) Floriculture

(4) Forestry

(5) General farming

(6) Grazing

(7) Greenhouses

(8) Hatcheries

(9) Horticulture

(10) Livestock raising

(11) Nurseries

(12) Orchards

(13) Paddocks

(14) Pasturage

(15) Poultry raising

(16) Stables for personal use

(17) Viticulture

C. Farm dwellings for those resident owners are accessory uses and shall comply with all the provisions of the R-3 Residential District.

D. Accessory uses:

(1) Home occupations in accordance with §**320-110**.

(2) Private utilities.

(3) Private roof-mounted solar panels.

E. Conditional uses, subject to the provisions of Article **V** being met.

(1) Airfields, airports, airstrips and landing fields.

(2) Animal hospitals and veterinary services.

(3) Bed-and-breakfast establishments.

(4) Berms.

(5) Commercial horse boarding, riding arenas, and horse event centers.

(6) Commercial raising, propagation, or butchering of animals, such as mink, rabbits, foxes, goats, and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl. The commercial raising and propagation of dogs is prohibited.

(7) Housing for farm laborers and for seasonal and migratory farm workers.

(8) Limited nonagricultural commercial activities that meet applicable regulations pertaining to home occupations/professional home offices as specified in § 320-110, or in the case of utilizing outbuildings, such commercial activities that are low profile in nature, are operated by the owner of the premises, employ no more than two nonresident employees, produce no light or noise, are compatible with the agricultural setting of the area, and are a commercial activity that would not be better suited to be maintained in a traditional commercial setting or business park.

(9) Limited production canning of agricultural crops grown on site or on directly adjoining parcels owned by immediate family members or by one or more business entities controlled by immediate family members, as those terms are defined at Wis. Stats. §§ 97.605(4)(a)1 and 2, for direct sale on site.

(10) Limited processing, limited baking, limited frying and/or limited manufacture of consumable products with off-site ingredients combined with ingredients harvested on site, or on directly adjoining parcels owned by immediate family members, or by one or more business entities controlled by immediate family members, as those terms are defined at Wis. Stats., § 97.605(4)(a)1 and 2, into products for direct sale on site. Processing, baking and/or manufacture of products shall occur in kitchens and equipment meeting Wisconsin Department of Agriculture, Trade and Consumer Protection standards. Direct sale of products shall be limited to seasonal time periods related to the ripeness of the agricultural ingredients.

(11) New mobile service support structures and substantial modifications that comply with § **320-107**.

(12) Pea vineries, creameries and condenseries.

(13) Private ground-mounted solar panels.

(14) Second single-family dwelling unit.

F. Lot.

(1) Frontage: minimum 300 feet. Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in §**279-6D**.

(2) Area: minimum five acres.

G. Building height: maximum 50 feet. Except that agricultural structures, such as barns, silos, tanks and windmills, shall not exceed in height their distance from the nearest lot line.

H. Yard setbacks.

(1) Street: minimum 100 feet.

(2) Rear: minimum 100 feet.

(3) Side: minimum 100 feet.

I. Building size restrictions for nonresidential buildings.

(1) On lots less than eight acres, the square footage for nonresidential buildings as of January 1, 2026, shall not exceed the following:

(a) 1,500 square feet on the first floor of each nonresidential building;

(b) 2,500 aggregate square feet inclusive of all new and existing nonresidential buildings, which includes all floors of all nonresidential buildings.

(2) On lots eight acres or greater, there shall be no limit on the square footage allowed for nonresidential buildings on lots eight acres or greater.

(3) Site plan and architectural review for nonresidential buildings. Any individual building, with the exception of a structure used solely for residential purposes, being newly constructed, that is greater than 1,500 square feet shall be subject to architectural design approval and site plan approval by the Town Board, following a recommendation from Plan Commission, in accordance with the Site Plan standards of § **320-126** and the below standards, prior to issuance of a building permit. This process is utilized for the purpose of promoting compatible development, stability of property values, and fostering the functional utility of the town as a place to live and work. An application fee and a fee to reimburse the actual cost to the Town of Cedarburg and/or consultants for professional services per § **21-16** of the Town Code related to the application shall be paid as set in the Town Fee Schedule. One digital and two original hard copies of the building permit application, building plans which must be in their final form prior to being placed on a Town Board agenda, most current or new plat of survey showing the proposed location of the building in relation to other buildings on the property and setbacks to property lines and other buildings, proposed building materials and color elevation drawings with a scaled elevation, and narrative describing proposed use/activities that will occur in the building shall be submitted for Plan Commission and Town Board review. Existing and proposed landscaping shall also be included on the plat or scaled site plan. To this end, the following standards for site plan and architectural review are set forth below.

(a) Notice and Public Hearing. The Plan Commission shall hold a public hearing regarding the proposed building, giving notice of the time and place of the meeting by publication of a

Class 1 notice, under Ch. 985, Wis. Stats. The owners of record in whole or in part as listed in the office of the Ozaukee County Register of Deeds and who are situated within 1,000 feet of the boundaries of the properties affected shall be sent a notice postmarked at least 10 days prior to the date of consideration by the Plan Commission. The failure of such notice to reach any property owner, provided such failure is not intentional, and shall not invalidate the public hearing or action by the Plan Commission and Town Board.

(b) Site plan review principles and standards. The Plan Commission and Town Board shall review the site, existing and proposed structures, neighboring uses, landscaping, and the proposed use. The Town will approve said site plans only after determining that:

[1] The proposed use(s) conform(s) to the uses permitted.

[2] The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this chapter.

[3] The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.

[4] Consideration should be given to preserving the natural features of the landscape where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, and welfare of the neighborhood.

[5] Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this chapter.

(c) Architectural review principles and standards. To assist the Plan Commission and Town Board in the architectural review of new buildings, the following review principles, criteria and procedures are established:

[1] Building scale and mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

[2] Building rooflines and roof shapes. Building rooflines and roof shapes shall be complementary to the existing or surrounding buildings.

[3] Materials. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is not architecturally compatible to other surrounding buildings.

[4] Building location. Consideration shall be given to avoid siting a building in a manner which would adversely affect values incident to ownership of land in the area or which would have an adverse effect on the general enjoyment of existing structures on adjoining properties.