

Town of Trenton, Washington County, Wisconsin
Ordinance Z2025.06.03
Amending the Zoning Code of the Town of Trenton Regarding Zoning Districts

WHEREAS, the Town of Trenton Board has authority to enact or amend town ordinances under Wis. Stats. §60.61(2), and

WHEREAS, the Plan Commission has reviewed sections of the current town building and zoning ordinances regarding zoning districts and related regulations; and

WHEREAS, the Town has duly noticed and held a public hearing on June 9, 2025, on the proposed zoning code amendment, following the procedures in Wis. Stats. §60.61(4); and

WHEREAS, at its meeting on June 9, 2025, the Plan Commission approved Resolution Z2025.06.03 recommending approval of the changes to the town zoning code as detailed herein; and

WHEREAS, the Town Board determines that this Ordinance is in the best interests of the residents of the Town of Trenton.

NOW, THEREFORE, the Town of Trenton Board hereby ordains that the Town of Trenton Zoning Code §380 is amended as follows:

Section 1. Remove §380-12 Districts Established and §380-13 Zoning Map and Replace with: §380-12 Districts and map.

A. Districts established. For the purpose of this Zoning Code, the Town of Trenton is hereby divided into the following districts:

- EA Exclusive Agricultural District
- AT Agricultural Transition District
- AE Agricultural Enterprise District
- A-1 Agricultural District
- R-1 Single-Family Residential District (Unsewered)
- R-2 Single-Family Residential District (Unsewered)
- R-3 Rural Residential District
- R-4 Single-Family Residential District (Sewered)
- R-5 Single-Family Residential District (Sewered)
- R-6 Two-Family Residential District (Unsewered)
- R-7 Two-Family Residential District (Sewered)
- R-8 Multiple-Family Residential District (Unsewered)
- B-1 Local Business District
- B-2 Highway Business District
- M-1 Industrial District
- I-1 Rural Institutional District (Unsewered)
- I-2 Urban Institutional District (Sewered)
- P-1 Park District
- CES 5 Country Estate District (Hobby Farms — Country Homes, Unsewered)
- CES 10 Country Estate District (Hobby Farms — Country Estates, Unsewered)
- PDO Planned Development Overlay District
- C-1 Conservancy District

B. Boundaries. Boundaries of these districts are hereby established as shown on the map titled "Zoning Map, Town of Trenton, Wisconsin," dated March 31, 1986, which map accompanies and is hereby made a part of this Zoning Code. Unless otherwise noted on the Zoning Map, such boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended.

- C. Road vacation. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- D. Zoning Map. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Zoning Code and shall bear upon its face the attestation of the Town Chairperson and Town Clerk and shall be available to the public in the office of the Town Clerk. Changes, thereafter, to the general zoning districts shall not become effective until entered and attested on the certified copy.

Section 2. Remove §380-14 EA Exclusive Agricultural District, and replace with:

§380-13 EA Exclusive Agricultural District

- A. Purpose. The Exclusive Agriculture District is intended to preserve and enhance land for agricultural uses. Confined livestock operations are regulated as a conditional use to ensure compatible land use. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid potential conflict with agriculture uses. The EA district is generally compatible with the "Prime Agriculture" and "Open Space" land use designations of the Comprehensive Plan
- B. Permitted Uses. The following uses are permitted by right in this district without any further notice of approval to or from the local unit of government:
 - (1) Agricultural uses, including Livestock Facilities of no more than 499 animal units, subject to compliance with Property Development Standards.
 - (2) Single-Family Residence
 - (3) "Value Added" Agriculture
 - (4) Roadside Stand
 - (5) Signage (see §380-73)
 - (6) Agricultural Sales and Service
 - (7) Agricultural Storage
 - (8) Agricultural Research and Development
 - (9) Other Agriculturally-Related Structures and Improvements
 - (10) Stable, Commercial
 - (11) Utility, Minor
 - (12) Ponds for private recreational purposes
- C. Conditional Uses. The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance:
 - (1) Livestock Facilities of 500-999 animal units (as defined by § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004, and referenced in the Animal Units Conversion Chart), on individual or contiguous parcels totaling 70 acres or more. Note that any farms with permitted active livestock operations in existence when this provision is enacted are exempt from this Conditional Use Permit requirement.
 - (2) Mining and Extraction
 - (3) Communication Tower, Commercial
 - (4) Utility, Major, provided that all principal structures and uses are not less than 50 feet from any residential district property line
 - (5) Specialized agriculturally related uses such as sawmills, fur farms, stables, paddocks and equestrian trails
 - (6) Veterinary offices and clinics intended to service farm animals
 - (7) Commercial raising and propagation of animals such as dogs, cats, mink, rabbits, and foxes
 - (8) Business of boarding of animals such as horses and dogs
 - (9) Alternative agricultural activities limited to barn weddings, barn wedding receptions, private barn receptions and corporate barn parties
 - (10) Archery sales and shooting ranges, provided that all structures are not less than 50 feet from any district boundary
 - (11) Accessory apartments, provided that:
 - (a) The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit;

- (b) There may be only one accessory apartment per dwelling unit;
 - (c) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and
 - (d) The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage or adoption, or employed on the farm.
- (12) Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees, provided that:
- (a) Employees are not employed on the premises and they do not visit the residence during the course of business;
 - (b) Employees shall not report to or park at the residence for work orders or other business reasons; and
 - (c) No materials, supplies or equipment to be used in other locations can be stored at the residence in which the home occupation is operated.

D. Property Development Standards

- (1) Minimum lot area. No building, structure or use shall be established on any parcel or contiguous parcels with common ownership totaling less than 35 acres.
- (2) Parcel width. No farm shall be less than 600 feet in width.
- (3) Building height and area.
 - (a) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
 - (b) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
 - (c) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.
- (4) General setbacks for all buildings except livestock structures
 - (a) For property fronting Class B highways, a minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (b) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (c) The following rules shall apply to new structures in the EA District, including reconstruction of structures that were destroyed by fire or act of God:
 - i. There shall be a side yard of not less than 25 feet in width on each side of all structures.
 - ii. There shall be a rear yard of not less than 25 feet.
 - (d) When considering a land division and/or Zoning Map amendment request, the Plan Commission may allow a minimum side and/or rear yard setback of not less than 10 feet from existing accessory structures in the EA District. However, agricultural accessory structures which are allowed a setback of less than 25 feet shall not be used to house animals.
- (5) General setbacks (Applies to livestock structures)
 - (a) Property lines
 - i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.
 - (b) Public road right-of-way
 - i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
 - (c) Waste Storage Structure
 - i. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
 - ii. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.

- b. No larger than the existing structure.
 - c. No further than 50 ft from the existing structure.
 - d. No closer to the road or property line than the existing structure.
- iii. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.
- (6) Water quality and related setbacks
 - (a) Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under §59.692, 61.351 pr 62.231, Wis. Stats.
 - (b) Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under §87.30, Stats.
 - (c) Wells. All wells located within in a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- (7) Single-family residences. No single-family residence shall be constructed within 1000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

Section 3. Remove §380-14.1 AE Agricultural Enterprise District and replace with:

§380-14 AE Agricultural Enterprise District

- A. Purpose. The Agricultural Enterprise District is intended to preserve and promote a full range of agricultural uses, secure land for livestock production and other agricultural uses that may be more intensive than crop production, strengthen agriculture's contribution to an area's economic base (including new employment opportunities), support processing, value added, and other activities closely allied to the agricultural industry, and prevent conversion of land identified as a valuable agricultural resource to uses that are not consistent with agriculture. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging livestock and other agricultural uses in areas where conditions are best suited to these agricultural pursuits and discouraging residential development to avoid potential land use conflict. The AE District is generally compatible with the "prime agriculture" and "open space" land use designations of the Comprehensive Plan. Due to the more intensive nature of uses allowed, the AE District is not intended to be applied near moderately to densely populated areas, and it is not intended to accommodate residential uses as principle uses.
- B. Permitted Uses. The following uses are permitted by right in this district without any further notice of approval to or from the local unit of government:
 - (1) Agricultural uses, including Livestock Facilities of no more than 999 animal units (as defined by § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004, and referenced in the Animal Units Conversion Chart), subject to compliance with Property Development Standards.
 - (2) Single-Family Residence
 - (3) "Value Added" Agriculture
 - (4) Roadside Stand
 - (8) Signage (see §380-73)
 - (5) Agricultural Sales and Service
 - (6) Agricultural Storage
 - (7) Agricultural Research and Development
 - (8) Other Agriculturally-Related Structures and Improvements
 - (9) Stable, Commercial
 - (10) Utility, Minor
 - (11) Ponds for private recreational purposes
- C. Conditional uses.
 - (1) Bed and Breakfast

- (2) Communication Tower, Commercial
- (3) Mining and Extraction
- (4) Utility, Major, provided that all principal structures and uses are not less than 50 feet from any residential district property line.
- (5) Specialized agriculturally related uses such as sawmills, fur farms, stables, paddocks and equestrian trails in the EA Agricultural District.
- (6) Veterinary offices and clinics intended to service farm animals.
- (7) Commercial raising and propagation of animals such as dogs, cats, mink, rabbits, and foxes
- (8) Business of boarding of animals such as horses and dogs
- (9) Alternative agricultural activities limited to barn weddings, barn wedding receptions, private barn receptions and corporate barn parties
- (10) Archery sales and shooting ranges, provided that all structures are not less than 50 feet from any district boundary.
- (11) Accessory apartments, provided that:
 - (a) The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit;
 - (b) There may be only one accessory apartment per dwelling unit;
 - (c) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and
 - (d) The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage or adoption, or employed on the farm.
- (12) Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees, provided that:
 - (a) Employees are not employed on the premises and they do not visit the residence during the course of business;
 - (b) Employees shall not report to the residence for work orders or other business reasons; and
 - (c) No materials, supplies or equipment to be used in other locations can be stored at the residence in which the home occupation is operated.
- (13) Livestock Facilities of 1,000 or more animal units (as defined by § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004, and referenced in the Animal Units Conversion Chart), subject to the following conditions and procedures:
 - (a) Permits for existing livestock facilities.
 - i. A permit is required for the expansion of a preexisting or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all the following:
 - a. The applicable size threshold for a conditional use permit established in the zoning district where the facility is located.
 - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.
 - ii. A permit is not required for a livestock facility that existed and had already been permitted by law or conditional use permit before May 1, 2006, or before the effective date of the permit requirement in this chapter except as provided in Subsection (1)(a)i.
 - iii. A permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval except as provided in Subsection (1)(a)i. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.
 - (b) Application procedure. A livestock operator must complete the application and worksheets prescribed by Ch. ATPC 51, Wis. Adm. Code, including any authorized local modifications. The application requirements specified in Ch. ATPC 51, Wis. Adm. Code, are incorporated by

- reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in Ch. ATCP 51, Wis. Adm. Code, and this chapter. The operator must file four duplicate copies of the application form, including worksheets, maps, and documents (other than engineering design specifications) included in the application.
- (c) Application fee. A nonrefundable application as listed in the Town of Trenton Official Fee Schedule shall accompany any application.
 - (d) Application review procedure.
 - i. Within 45 days after the Town receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all the required information, the Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - ii. Within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify landowners within 2,000 feet of the applicant's property. The Town shall use the approved notice form in Ch. ATCP 51, Wis. Adm. Code, and mail a written notice to each landowner.
 - iii. The Town shall grant or deny an application within 90 days after the notice of a complete application is provided as required by Subsection E(2) above. The Town may extend this time limit for good cause, including any of the following:
 - a. The Town needs additional information to act on the application.
 - b. The applicant materially modifies the application or agrees to an extension. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.
 - (e) Public hearing. The Town shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.
 - (f) Standards. The standards for issuing a permit are as follows:
 - i. The state livestock facility siting standards adopted under Ch. ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
 - ii. Setbacks authorized by this chapter.
 - (g) Criteria for issuance of a permit.
 - i. A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this chapter.
 - ii. A permit may be denied if any of the following apply:
 - a. The application, on its face, fails to meet the standard for approval.
 - b. The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this chapter.
 - c. Other grounds authorized by § 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
 - iii. No conditions may be imposed on the permit other than standards provided in this chapter.
 - (h) Record of decision.
 - i. The Town Board shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
 - ii. If a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps, and other documents (other than engineering specifications) included in the application.
 - (i) Notice to the DATCP. The Town Clerk (as required by § ATCP 51.36, Wis. Adm. Code) within 30 days of the Town's decision on the application shall:
 - i. Submit written notice to the Department of Agriculture, Trade and Consumer Protection of the Town's decision.
 - ii. File with the DATCP a copy of the final application granted or denied if the Town has granted or denied an application under this chapter. The copy shall include all the

worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.

- iii. If the Town has withdrawn a local approval under this chapter, file with DATCP a copy of the final notice or order withdrawing the local approval.
- (j) Expiration of permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Town Board may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all the following within two years after issuance of permit:
 - i. Begin populating the new or expanded livestock facility.
 - ii. Begin constructing all the new or expanded livestock housing or waste storage structures proposed in the permit application.
- (k) Permit modifications. The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the Town Board shall not withhold authorization for those changes.
- (l) Compliance monitoring. The Town Board shall monitor compliance with this chapter as follows:
 - i. Upon notice to the livestock facility owner, the Zoning Administrator or designee may request to personally view the permitted facility at a reasonable time and date to ensure that the owner is complying with all commitments of the application as approved.
 - ii. If the livestock facility owner refuses the Zoning Administrator the right to view the permitted facility, the Zoning Administrator may obtain a special inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under § 66.0119, Wis. Stats.
 - iii. If a permitted facility is found to be in violation of the commitments made in the approved application, the Zoning Administrator shall issue written notice to the livestock facility owner stating the violations and directing the owner to comply with the commitments of the approved application within a reasonable amount of time stated in this written notice.
 - iv. If noncompliance of the permit conditions as described in the written notice given by the Zoning Administrator continue past the stated reasonable time to comply, the Zoning Administrator may take further action as provided in this chapter, including but not limited to issuance of a citation or seeking injunctive relief.
 - v. If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing, in writing, within 14 days of receipt of the notice of noncompliance. The Town Board shall schedule a hearing within 30 days to determine whether violations of the permit conditions exist.
- (m) Terms of the permit. A permit and the privileges granted by a permit issued under this chapter is conditioned on the livestock operator's compliance with the standards in this chapter, and with commitments made in the application for a permit. The Town is authorized to suspend a permit or seek other redress provided in this chapter for noncompliance.
- (n) Transferability. A permit and the privileges granted by the permit run with land, and remain in effect, despite a change in ownership of the livestock facility, if the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.
- (o) Definitions. The following definitions shall apply to this section of the Code and any other subsection referencing approvals which would be granted pursuant to this section.

ADJACENT

Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

AGRICULTURAL USE

Beekeeping, commercial feedlots, dairying, egg production, floriculture, fish farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts

and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831 to 3836, participating in the milk production termination program under 7 U.S.C. § 1446(d), and vegetable raising.

ANIMAL UNIT

Has the meaning given in § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004. (See Animal Units Conversion Chart)

Animal Units Conversion Chart		AU Factor	Animal Units									
			100	200	300	400	500	600	700	800	900	999
Dairy Cattle	Milking and Dry Cows	1.400	71	143	214	286	357	429	500	571	643	714
	Heifers (800 lbs to 1200 lbs)	1.100	91	182	273	364	455	545	636	727	818	908
	Heifers (400 lbs to 800 lbs)	0.600	167	333	500	667	833	1,000	1,167	1,333	1,500	1,665
	Calves (up to 400 lbs)	0.200	500	1,000	1,500	2,000	2,500	3,000	3,500	4,000	4,500	4,995
Beef	Steers or Cows (600 lbs to market)	1.000	100	200	300	400	500	600	700	800	900	999
	Calves (under 600 lbs)	0.500	200	400	600	800	1,000	1,200	1,400	1,600	1,800	1,998
	Bulls (each)	1.400	71	143	214	286	357	429	500	571	643	714
Swine	Pigs (55 lbs to market)	0.400	250	500	750	1,000	1,250	1,500	1,750	2,000	2,250	2,498
	Pigs (up to 55 lbs)	0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990
	Sows (each)	0.400	250	500	750	1,000	1,250	1,500	1,750	2,000	2,250	2,498
	Boars (each)	0.500	200	400	600	800	1,000	1,200	1,400	1,600	1,800	1,998
Poultry	Layers (each)	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
	Broilers (each)	0.005	20,000	40,000	60,000	80,000	100,000	120,000	140,000	160,000	180,000	199,800
	Broilers - continuous overflow watering	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
	Layers or Broilers - liquid manure system	0.033	3,030	6,061	9,091	12,121	15,152	18,182	21,212	24,242	27,273	30,273
	Ducks - wet lot (each)	0.020	5,000	10,000	15,000	20,000	25,000	30,000	35,000	40,000	45,000	49,950
	Ducks - dry lot (each)	0.010	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	99,900
	Turkeys (each)	0.018	5,556	11,111	16,667	22,222	27,778	33,333	38,889	44,444	50,000	55,500
Sheep (each)		0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990
Goats (each)		0.100	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	9,990

COMPLETE APPLICATION FOR LOCAL APPROVAL

An application that contains everything required under § ATCP 51.30(1) to (4), Wis. Adm. Code.

CONTIGUOUS

Contiguous means connected or "next to", meaning land adjoining or touching by a common corner or a common boundary line. Contiguous includes land having common ownership but divided by a road or other right-of-way.

DATCP

The Department of Agriculture, Trade, and Consumer Protection.

EXPANDED LIVESTOCK FACILITY

The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing, or altered.

(1) Note: This chapter applies to local approvals of new or expanded livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local zoning ordinance prior to July 19, 2003). See § ATCP 51.02, Wis. Adm. Code. Although this chapter covers all livestock structures in an expanded livestock facility, existing structures are subject to less rigorous standards than new or expanded structures and are completely exempt from certain requirements.

EXPANSION

An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any twelve-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an expansion unless that operator increases the largest number of animal units kept at the combined livestock facilities for at least 90 days in any twelve-month period.

LIVESTOCK

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" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids, or mink.

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 twelve-month period. A "livestock facility" includes all the tax parcels of land on which the facility is located but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.

LIVESTOCK STRUCTURE

A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

NAVIGABLE WATERS

Has the meaning given in § 30.01(4m), Wis. Stats.

NEW LIVESTOCK FACILITY

A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five years.

OPERATOR

A person who applies for or holds a local approval for a livestock facility.

PERSON

An individual, corporation, partnership, cooperative, limited-liability company, trust, or other legal entity.

POPULATE

To add animal units for which a permit or other local approval is required.

PROPERTY LINE

A line that separates parcels of land owned by different persons.

QUALIFIED NUTRIENT MANAGEMENT PLANNER

A person qualified under § ATCP 50.48, Wis. Stats.

RELATED LIVESTOCK FACILITIES

- (1) Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
 - (a) They are located on the same tax parcel or adjacent tax parcels of land. Note: A mere acquisition of a neighboring livestock facility does not constitute an expansion unless more animal units are added to the combined facilities.
 - (b) They use one or more of the same livestock structures to collect or store manure.
 - (c) At least a portion of their manure is applied to the same land spreading acreage.
- (2) Note: Compare definition of "animal feeding operation" under § NR 243.03(2), Wis. Adm. Code. Related livestock facilities are treated as a single livestock facility for purposes of local approval, except that a separate species facility may be treated as a separate livestock facility.

SEPARATE SPECIES FACILITY

A livestock facility that meets all the following criteria:

- (1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a "related livestock facility"):
 - (a) Cattle.
 - (b) Swine.
 - (c) Poultry.
 - (d) Sheep.
 - (e) Goats.
- (2) It has no more than 499 animal units.
- (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (4) It meets one of the following criteria:
 - (a) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - (b) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

WASTE

Manure, milking center waste and other organic waste generated by a livestock facility.

WASTE STORAGE FACILITY

One or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically

designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.

WASTE STORAGE STRUCTURE

A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12(2) and 51.14, Wis. Adm. Code, "waste storage structure" does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility.
- (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

WINTER GRAZING AREA

Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:

- (1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
- (2) An area which at any time has an average of more than four livestock animal units per acre.
- (3) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- (4) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Ch. ATCP 51.16, Wis. Adm. Code.

WPDES PERMIT

A Wisconsin pollutant discharge elimination system permit issued by DNR under Ch. NR 243, Wis. Adm. Code.

D. Property Development Standards

- (1) Minimum lot area. No building, structure or use shall be established on any parcel or contiguous parcels with common ownership totaling less than 130 acres.
- (2) Parcel width. No farm shall be less than 600 feet in width.
- (3) Building height and area.
 - (a) No farm buildings or parts of farm buildings shall exceed 100 feet in height.
 - (b) No farm dwelling or part of a farm dwelling shall exceed 35 feet in height.
 - (c) The total minimum living area of a farm dwelling or other residential dwelling shall be 1,200 square feet with a minimum first floor area of 800 square feet.
- (4) General setbacks
 - (a) Property lines
 - i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.
 - (b) Public road right-of-way
 - i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
 - (c) Waste storage structure setback.
 - i. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- [1] Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- [2] No larger than the existing structure.
- [3] No further than 50 feet from the existing structure.
- [4] No closer to the road or property line than the existing structure.
- ii. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.
- (5) Water-quality-related setbacks.
 - i. Navigable waters and wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under § 59.692, 61.351 or 62.231, Wis. Stats.
 - ii. Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under § 87.30, Wis. Stats.
 - iii. Wells. All wells located within a livestock facility shall comply with Chs. NR 811 and 812, Wis. Adm. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chs. NR 811 and 812, Wis. Adm. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered if the alteration does not reduce the distance between the livestock structure and an existing well.

Section 4. Removing §380-41.1 Procedures for livestock facilities requiring conditional use permit, to be incorporated into §380-14 AE Agricultural Enterprise District

**Section 5. Removing §380-16 A-1 Agricultural District and replacing with:
§380-16 A-1 Agricultural District, Limited**

- A. Purpose. The Limited Agriculture District is intended to provide for the continuation of low intensity agricultural, restrict new and expanding livestock operations, provide for limited siting of single-family residences, and support other uses that maintain the rural characteristics of the area. It may serve as a buffer for more intensive agricultural uses in adjacent districts and prevent premature conversion of rural lands to urban and other non-agricultural uses. The district's use and development regulations are designed to implement the Comprehensive Plan goals by discouraging urban and suburban development in areas that are suited to agricultural uses and that are not well served by public facilities and services.
- B. Permitted Uses. The following uses are permitted by right in this district without any further notice of approval to or from the local unit of government
 - (1) Agricultural uses, including Livestock Facilities of no more than 1 animal unit (as defined by § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004, and referenced in the Animal Units Conversion Chart), per acre, not to exceed 20 animal units and subject to compliance with Property Development Standards.
 - (2) Single-Family Residence
 - (3) "Value Added" Agriculture
 - (4) Roadside Stand
 - (5) Signage (see §380-73)
 - (6) Home Occupation
 - (7) Utility, Minor, provided that all principal structures and uses are not less than 50 feet from any residential district property line.
- C. Conditional Uses. The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance:

- (1) Livestock Facilities of greater than 20 animal units, subject to Property Development Standards
- (2) Bed and Breakfast
- (3) Communication Tower, Commercial
- (4) Mining and Extraction
- (5) Utility, Major, provided that all principal structures and uses are not less than 50 feet from any residential district property line.
- (6) Specialized agriculturally related uses such as sawmills, fur farms, stables, paddocks and equestrian trails in the EA Agricultural District.
- (7) Veterinary offices and clinics intended to service farm animals.
- (8) Commercial raising and propagation of animals such as dogs, cats, mink, rabbits, and foxes, on parcels at least 20 acres
- (9) Business of boarding of animals such as horses and dogs, on parcels at least 20 acres
- (10) Alternative agricultural activities limited to barn weddings, barn wedding receptions, private barn receptions and corporate barn parties, on parcels at least 20 acres
- (11) Archery sales and shooting ranges, provided that the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary.
- (12) Accessory apartments, provided that:
 - (a) The principal dwelling has a minimum living area of 1,200 square feet, excluding the accessory dwelling unit;
 - (b) The dwelling unit is owner-occupied;
 - (c) There may be only one accessory apartment per dwelling unit;
 - (d) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and
 - (e) The accessory apartment shall be occupied by a person related to the owner of the principal dwelling unit by blood, marriage or adoption.
- (13) Landscaping, lawn care, masonry, carpenter/contractor, and other businesses which may utilize off-site workers/employees, provided that:
 - (a) Employees are not employed on the premises and they do not visit the residence during the course of business;
 - (b) Employees shall not report to the residence for work orders or other business reasons; and
 - (c) No materials, supplies or equipment to be used in other locations can be stored at the residence in which the home occupation is operated.

D. Property Development Standards

- (1) Minimum lot area. No building, structure or use shall be established on any parcel less than 5 acres.
- (2) General setbacks for all buildings except livestock structures
 - (a) For property fronting Class B highways, a minimum street yard (setback) of 75 feet from the road right-of-way shall be required.
 - (b) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (c) There shall be a side yard of not less than 25 feet.
 - (d) There shall be a rear yard of not less than 25 feet.
 - (e) When considering a land division and/or Zoning Map amendment request, the Plan Commission may allow a minimum side and/or rear yard setback of not less than 10 feet from existing accessory structures in the A-1 District. However, agricultural accessory structures which are allowed a setback of less than 25 feet shall not be used to house animals.
- (3) General setbacks (Applies to livestock structures)
 - (a) Property lines

- i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.
- (b) Public road right-of-way.
 - i. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way.
 - ii. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
- (4) Waste Storage Structure
 - (a) A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
 - (b) A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - i. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
 - ii. No larger than the existing structure.
 - iii. No further than 50 ft from the existing structure.
 - iv. No closer to the road or property line than the existing structure.
 - (c) This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.
- (5) Water quality and related setbacks
 - (a) Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under §59.692, 61.351 or 62.231, Wis. Stats.
 - (b) Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under §87.30, Stats.
 - (c) Wells. All wells located within a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered if the alteration does not reduce the distance between the livestock structure and an existing well.
- (6) Single-family residences. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

Section 6. Remove §380-32 CES Country Estate District (reserve this section)

Section 7. Amend §380-33 CES-5 Country Estate District (Hobby Farms – Country Homes), as follows:

- A. Purpose. Replace all language with: "The CES-5 Country Estates District is intended to provide for the preservation of a rural setting of very low density and high quality for estate or hobby farm type of development in areas where the physical and environmental character of the land and of existing development in the area is appropriate to such use."
- B.(1): Remove "The garage shall be a minimum 600 square feet in area."
- B.(3)(a): Remove "(A minimum of three acres is required for the keeping of one animal.)"
- B.(3)(b): Remove "(A minimum of three acres is required for the keeping of one such fowl.)"
- B.(3)(c): Remove "(A minimum of three acres is required for the keeping of one animal.)"
- Remove B.(3)(d) "Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed."
- C. Permitted accessory uses: Add "(7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load."
- E. Conditional uses: Add "(10) Commercial riding stables."
- H. Yards: Change (2) as follows: "lots fronting on a cul-de-sac shall have a minimum side yard of 15 feet on each side of the dwelling shall be required."

Section 8. Amend §380-34 CES-10 Country Estate District (Hobby Farms – Country Homes), as follows:

- B.(1): Remove "The garage shall be a minimum 600 square feet in area."
- B.(3)(a): Remove "(A minimum of three acres is required for the keeping of one animal.)"
- B.(3)(b): Remove "(A minimum of three acres is required for the keeping of one such fowl.)"
- B.(3)(c): Remove "(A minimum of three acres is required for the keeping of one animal.)"
- Remove B.(3)(d) "Combinations of the above shall be apportioned to the total acreage, and the Building Inspector shall determine the total number of animals allowed."
- C. Permitted accessory uses: Add "(7) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load."
- H. Yards: Change (2) as follows: "lots fronting on a cul-de-sac shall have a minimum side yard of 15 feet on each side of the dwelling shall be required."

Section 9. Amend Article IV. Conditional Uses to remove references to agricultural districts, which conditional uses shall be incorporated in each district section, as follows:

- Remove "and A-1 Agricultural District" from §380-47 Public and semipublic uses. Sub A.
- Remove §380-48 Residential and quasi-residential uses. Sub C. in its entirety.
- Remove "EA, AT and A-1 Agricultural Districts," from §380-48 Residential and quasi-residential uses. Sub E.
- Remove "EA, AT and A-1 Agricultural Districts," from §380-48 Residential and quasi-residential uses. Sub J.
- Remove "agricultural" from §380-48 Residential and quasi-residential uses. Sub E.
- Remove §380-50 Industrial and agricultural uses. Sub A. in its entirety.
- Remove §380-50 Industrial and agricultural uses. Sub B. in its entirety.
- Remove "Parcels in A-1 zoning must be a minimum of 20 acres in size to seek a conditional use permit under §380-50." from §380-50 Industrial and agricultural uses. Sub D.
- Remove §380-50 Industrial and agricultural uses. Sub E. in its entirety.
- Remove §380-50 Industrial and agricultural uses. Sub F. in its entirety.
- Remove §380-50 Industrial and agricultural uses. Sub O. in its entirety.
- Remove §380-50 Industrial and agricultural uses. Sub Q. in its entirety.
- Remove "Archery sales and shooting ranges meeting the above standards may also be conditional uses in agricultural districts." from §380-52 Public recreational facilities. Sub A.

Section 10. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

Section 11. Effective date. This ordinance shall be effective upon publication or posting under applicable law.

Approved by the Town Board of the Town of Trenton on June 16, 2025

/s/

Mike Lipscomb, Town Chairman

/s/

Tony Thoma, Town Supervisor

/s/

Barbara Davies, Town Supervisor

/s/

Attest, Heather Krueger, Town Clerk

Posted on Town bulletin board and official website on June 18, 2025.