

**TOWN OF CEDARBURG
ORDINANCE NO. 2022-5**

An Ordinance to Amend Section 320-60, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, in regards to limited agricultural uses with a conditional use permit.

WHEREAS, The Town of Cedarburg is a body corporate and politic; and
WHEREAS, the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
WHEREAS, the Plan Commission has reviewed the Town Code regarding agricultural property uses, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and
WHEREAS, the Town Board held a public hearing regarding the proposed amendment, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-60. Industrial and agricultural uses.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

A. Animal hospitals. Animal hospitals in the A-1 Agricultural and M-1 and M-2 Industrial Districts, provided that the lot area is not less than three acres and all principal structures and uses are not less than 200 feet from any residential district.

B. Disposal facilities. Dumps, disposal areas, incinerators and sewage disposal plants in the A-1-Agricultural and the M-1 and M-2 Industrial Districts. Municipal earth and sanitary landfill operations may be permitted in any district except the C-1 Conservancy District.

C. Commercial production.

(1) Commercial raising, propagation, boarding or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl in the A-1 and A-2 Agricultural Districts. Commercial raising, propagation and boarding of dogs, however, shall not be permitted in the A-2 Prime Agricultural District.

(2) Pea vineries, creameries and condenseries in the A-1 Agricultural and M-1 and M-2 Industrial Districts.

(3) 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.

(4) 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 in the A-2 Prime Agricultural and A-1 Agricultural districts.

(5) 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) and 2, into products for direct sale on site in the A-2 Prime Agricultural and A-1 Agricultural districts. 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.

D. Housing. Housing for farm laborers and for seasonal and migratory farm workers in the A-1 and A-2 Agricultural Districts.

E. Manufacturing and processing in the M-1 and M-2 Industrial Districts.

(1) Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bones, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oilcloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, peroxylin, radium, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles and varnish.

(2) Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

(3) Manufacture and bottling of alcoholic beverages.

(4) Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, forges, foundries, garbage incinerators, lacquering, lithographing, offal, rubbish or animal reduction, oil, coal and bone distillation, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries and weaving in the M-2 Industrial District and shall be at least 600 feet from residential and public and private park districts.

F. Outside storage and manufacturing areas in the M-2 Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential and public and private park districts.

G. Commercial service facilities in M-1 and M-2 Industrial Districts. Commercial service facilities, such as restaurants and fueling stations, in the M-1 and M-2 Industrial Districts, provided that all such services are physically and saleswise oriented toward industrial district users and employees and other uses are only incidental customers.

H. ⁽¹⁾Second single-family residence. A second single-family residential dwelling for a child or parent of the principal farm resident in the A-2 Prime Agricultural District may be allowed by conditional use permit. The need for more than one single-family dwelling to support and carry out the permitted principal use or conditional use must be established to the satisfaction of the Town Board, subject to a recommendation from the Town Plan Commission. If approved, the second farm dwelling shall meet the standards of the R-3 Single-Family Residential District.

I. Veterinary services. Veterinary services intended to service animals in an A-2 Prime Agricultural District, provided that all principal uses and streets are located not less than 200 feet from a residential district.

J. Storage. Storage of boats, mobile homes, recreational vehicles, automobiles, trucks, tractors, nonoperating machinery, equipment and similar property in barns and related outbuildings may be a conditional use in A-1 and A-2 Agricultural Districts and permitted as such upon application as provided in this article. Legal description and plat of survey as specified may be waived.

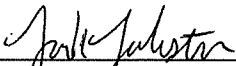
K. Office use for the provision of professional services and/or the sale of intangible personal goods, such as insurance contracts and investment products, and activities customarily associated with the conduct of such businesses including, but not limited to, customer service and claims reporting in the A-1 Agricultural District.

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 3rd day of August, 2022.



David M. Salvaggio
Town Chairman



Jack Johnston
Assistant Administrator/Clerk