

STATE OF WISCONSIN VILLAGE OF RICHFIELD WASHINGTON COUNTY
ORDINANCE O2021-04-02

**AN ORDINANCE TO CREATE SECTION 70.218 ENTITLED
B-8, AGRI-TOURISM BUSINESS DISTRICT**

WHEREAS, over the course of the last few years, the Village has been working to update its Chapter 70 Zoning Code; and

WHEREAS, considerable discussion was had amongst the Zoning Code Subcommittee, Plan Commission, and Village Board regarding an emerging agricultural industry which was geared towards the customer experience; and

WHEREAS, the Village's Zoning Code Subcommittee had attempted to craft Ordinances to attempt to capture the spirit and intent of niche industry; and

WHEREAS, when the proposed Ordinances were shared with the petitioners they were not viewed favorably. As a result, the Village implored them to craft an Ordinance which they feel suites their needs; and

WHEREAS, the Village was petitioned by Basse Trust (d/b/a Basse's Taste of Country) for the creation of an agricultural district specifically geared towards a retail customer experience; and

WHEREAS, the agricultural industry is in a constant state of flux and the creation of this Zoning District for the Basse's Taste of Country was petitioned by them to allow their agricultural business to grow; and

WHEREAS, upon due consideration of the recommendation from the Village Attorney, the Village Plan Commission recommended denial to the Village Board;

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin, do ordain as follows:

WHEREAS, the Village Board of the Village of Richfield having carefully reviewed the recommendation of the Village Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied, hereby determines that this ordinance is consistent with the public necessity, convenience, and general welfare and good zoning practice.

NOW, THEREFORE BE IT RESOLVED, the Village of Richfield Village Board, Washington County, Wisconsin ORDAINS AS FOLLOWS:

Section 1. Section 70.218 is hereby created to read as follows in Exhibit A.

Section 2. Severability. Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the

ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3. Effective Date. This ordinance shall become effective upon passage and publication/posting.

Adopted this 15th day of April, 2021.

Attest:

John Jeffords, Village President

Jim Healy, Village Clerk/Administrator

DRAFT

Exhibit A

Proposed Text for B-8 Agri-Tourism Business District

Intent	The B-8 Agri-Tourism Business District is intended to provide locations to host various activities, buildings and displays to simulate, educate about and celebrate farming, homesteading, farm marketing and farm tourism, all in conjunction with the operation of an active farm operation. The district may only be applied to whole properties of at least 70 acres in size under a single owner, and at least 10 acres of any such property shall be devoted solely to farming, general cultivation and/or livestock raising. In addition, the district may only be applied to entire properties located on the east side of the intersection of Colgate Road and County Line Q and must be located at least partially within 1,500 feet of the intersection as measured from the center line.
Definitions	<p>“Farm Entertainment” means hosting, for the general public and for fees, various activities, buildings and displays to simulate, educate about and celebrate farming, homesteading, farm marketing and farm tourism, including but not limited to fishing, planting activities, harvesting activities, greenhouses, birthing barns, petting farms and barns, baby animals barns, pig and duck races, and/or other buildings and displays (similar to the State Historical Society’s Old World Wisconsin or Travel Wisconsin’s Fun-on-the Farm) or to encourage interaction with farming, homesteading, farm tourism and farm marketing activities by adults and children. One or more of the following additional or similar activities also may be conducted in connection with Farm Entertainment uses: sleigh and wagon rides, horse and pony and camel rides, farm vehicle/equipment rides (such as tractor rides), miniature and other novelty train rides, family-friendly entertainment and recreational activities such as low-profile ropes course, low-profile zip lines, inflatables, play areas, playground equipment, slides, kids games, face painting, campfires, and/or food trucks and concession stands, etc.</p> <p>A “Festival” is a seasonally-themed celebration open to the general public which includes an organized series of activities, events and entertainment, possibly for payment of fees. Examples of Festivals include and shall be similar to:</p> <ul style="list-style-type: none">• an “apple, strawberry or pumpkin festival” to be held when apples, strawberries or pumpkins ripen with activities organized around picking, cooking/baking with and eating the ripened food;• a “flower festival” to be held when various flowers bloom with activities organized around picking, arranging and crafting with the flowers;• a “spring or Easter festival” to be held in anticipation of spring with activities organized around hatching of eggs, birthing of farm animals, spring planting, egg decorating and egg hunts;• a “fall or Halloween festival” to be held in September and October with activities organized around harvesting, cooking and baking mature crops, including but not limited to corn mazes, corn bins (play pits filled with corn kernels), pumpkin patches, haunted houses and/or walk-thru or drive-thru Halloween light displays; and• a “holiday or Christmas festival” to provide various activities to assist with holiday preparations and/or walk-thru or drive-thru holiday light displays.

	<p>A "Small-scale Special Event" means a special event, such as a wedding, family reunion, birthday party, private group party, school or church tour, corporate outing and/or fundraiser where guests are normally invited and not charged a fee for entry, provided that the number of guests on-site will be limited to 150.</p> <p>A "Large-scale Special Event" means a special event, such as a wedding, family reunion, birthday party, private group party, school or church tour, corporate outing and/or fundraiser where guests are normally invited and not charged a fee for entry, provided that the number of guests may exceed 150.</p> <p>"U-Pick Operation" means picking or harvesting fruits, vegetables, herbs, flowers, nursery stock, Christmas trees or wreaths grown on-site for consumption on or off-site.</p>
<p>Permitted Uses</p>	<ol style="list-style-type: none"> 1. All general farming and related uses permitted in the A-1, A-1A and A-2 districts, including but not limited to aquaculture, general cultivation and livestock raising. 2. Farm Entertainment uses on up to 40 acres. 3. Festivals. 4. A café or restaurant with an indoor seating capacity not to exceed 350 diners. 5. A gift shop selling fruits, vegetables, nursery stock and other farm and agricultural products and crafts, etc., provided that the size of the sales floor shall not exceed 20,000 square feet. 6. A winery or cidery with on-site tastings, provided that wines and ciders are produced from fruits grown on-site. 7. Small-scale Special Events. 8. Up to 18 Large-scale Special Events annually, provided that at least 7 days prior to the special event, the operator must notify the zoning administrator of (1) type of event; (2) number of guests and staff attending the event; (3) event hours; (4) the hours during which alcohol, if any, will be served; (5) the hours during which music or other amplified sound will occur, if any; and (6) any security plan for the event, including the number of security personnel attending. Within 7 days following each special event, the operator must submit a signed document to the zoning administrator that details the nature of the event on a form established by the administrator including (1) type of event; (2) the number of guests and staff attending the event; (3) event hours; (4) the hours during which alcohol, if any, was served; (5) the hours during which music or other amplified sound occurred, if any; (6) the names of security personnel at the event, if any; (7) whether the event complied with all conditions and terms of approval; and (8) any other information deemed appropriate by the administrator to ensure compliance and provide sufficient documentation.
<p>Conditional Uses</p>	<ol style="list-style-type: none"> 1. Farm Entertainment uses on more than 40 acres. 2. A café or restaurant with an indoor seating capacity exceeding 350 diners. 3. A gift shop selling fruits, vegetables, nursery stock and other farm and agricultural products and crafts, etc. with a sales floor in excess of 20,000 square feet. 4. More than 18 Large-scale Special Events annually, provided that at least 7 days prior to the special event, the operator must notify the zoning administrator of (1) type of event; (2) number of guests and staff attending the event; (3) event hours; (4) the hours during which alcohol, if any, will be served; (5) the hours during which music or other amplified sound will occur, if any; and (6) any security plan for the event, including the number of security personnel attending. Within 7 days following each special event, the operator must submit a signed document to the zoning

	<p>administrator that details the nature of the event on a form established by the administrator including (1) type of event; (2) the number of guests and staff attending the event; (3) event hours; (4) the hours during which alcohol, if any, was served; (5) the hours during which music or other amplified sound occurred, if any; (6) the names of security personnel at the event, if any; (7) whether the event complied with all conditions and terms of approval; and (8) any other information deemed appropriate by the administrator to ensure compliance and provide sufficient documentation.</p>
<p>Parking requirements:</p>	<p>Parking requirements will be determined for farm entertainment and recreation uses and large-scale special events on a case-by-case basis, provided that sufficient parking on-site shall be provided to avoid spillover parking onto adjacent streets and provided that on-site parking of 1 space per 3 guests and 1 space for each employee on the largest work shift must be provided.</p>
<p>Supplemental Standards:</p>	<p>A. Minimum lot area. The minimum lot area shall be 70 acres. B. Road access. The primary access for this use must be off of a major road as depicted on the Village's zoning map. Secondary access may be provided off of any abutting road. C. Activity areas. Activity areas must be located and configured so as to minimize potential conflicts with surrounding properties. D. Parking areas. Parking areas must be located and configured so as to minimize potential conflicts with surrounding properties. E. Location of buildings. Any building that houses animals or activities must be located at least 50 feet from any lot line. F. Building coverage, maximum. Not more than 10 percent of the lot area may be covered with buildings. G. Impervious surface, maximum. Not more than 50 percent of the lot area may be covered with impervious surfaces. H. Sanitation. The operator must provide suitable sanitation facilities consistent with Washington County regulations. I. Hours. Hours of operation shall be limited to 8am through 10pm.</p>

