

f) Vacant, Nonconforming Parcels

(1) Background. Throughout Dane County, there are a number of land ownership parcels that were legally created by either metes and bounds, certified survey map or subdivision plat prior to the town, city, village or extraterritorial adoption date of Farmland Preservation Zoning. Traditionally, county, city, village and extraterritorial zoning ordinances have included “grandfather clauses” that establish specific standards for the development or redivision of such legal, nonconforming parcels.

(2) Rezoning of legal, nonconforming parcels. Consistent with town, city, village or extraterritorial plans adopted as part of the Dane County Comprehensive Plan, the local zoning authority may entertain petitions to:

(a) rezone legal, nonconforming parcels into appropriate non-farmland preservation zoning districts,

(b) to bring such parcels into zoning compliance, or:

(c) to allow for nonfarm development, consistent with adopted density, re-division and siting standards.

(3) County-initiated zoning changes. The Dane County Department of Planning and Development will work with town boards, plan commissions, and affected landowners to rezone, through a blanket process, all vacant legal, nonconforming parcels under county Farmland Preservation Zoning into appropriate non-farmland preservation zoning districts by December 31, 2019.

g) Existing Nonfarm Development

(1) Town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan* may provide for limited accommodations or exemptions for pre-existing nonfarm development within Farmland Preservation Areas. For existing uses in an Farmland Preservation Area, the local zoning authority may approve limited rezone petitions to districts not listed in c) or d) above to accommodate the following:

- make minor adjustments in zoning parcel lines or zoning parcel size;
- rezone from a less restrictive zoning district to a more restrictive district, or;
- allow for limited expansion of existing operations.

(2) In some cases, residential subdivisions platted prior to the adoption of the county’s exclusive agricultural zoning ordinance are included in designated Farmland Preservation Areas. Such subdivisions are considered prior, nonconforming uses under the county zoning ordinance and under s.91.42(3), Wis. Stats. The local zoning authority may entertain rezone petitions to bring such parcels into zoning compliance to accommodate existing nonfarm uses. However, such areas are not intended to accommodate and new or additional nonfarm development within a twenty year period.

## II. Non-Farm Planning Areas

### A. Rationale for Designation

Non-Farm Planning Areas, as shown on the *Dane County Farmland Preservation Plan Map* (Map FPP-10), include areas in town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan* that are not planned for long-term agricultural use. Such areas do not meet the criteria for Farmland Preservation Areas described above, and are not eligible for Farmland Preservation tax credits or other benefits provided under Chapter 91, Wisconsin Statutes. Non-Farm Planning Areas include:

- Rural Development / Transitional or Mixed Agricultural / Residential Areas identified in town plans adopted as part of the *Dane County Comprehensive Plan*;
- Areas with insufficient regulatory or other policy mechanisms in place to effectively limit nonfarm development over the next twenty years, and;
- Urban Service Areas identified in the *Dane County Water Quality Plan*, [unless included in an Agricultural Conservation Easement, recorded as of July 23, 2012, that permanently preserves the land in agricultural use.](#)

### B. Goals and Objectives for Non-Farm Planning Areas

Consistent with county, town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan*, the county will:

1. *Create or encourage compact, mixed-use development to avoid the conversion of agricultural or open space areas.*
2. *Maintain Dane County's rural character and preserve the distinct character and physical separation of Dane County communities.*
3. *Encourage separation of incompatible uses in rural areas.*
4. *Reduce scattered rural nonfarm development by encouraging clustering of rural development as part of a town farmland preservation strategy.*
5. *Promote the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.*
6. *Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government and utility costs.*
7. *Encourage future rural development to be compact, adjacent to existing development and consistent with county, town, city, village and extraterritorial cooperative planning policies.*

### C. Policies and Programs for Non-Farm Planning Areas

Consistent with county, town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan*, the county will: