

# Comprehensive Revision of Dane County Zoning Ordinance

January 9, 2017

City County Building

# Proposed vs. Current Zoning Districts

<i><b>Proposed Zoning District Category</b></i>	<i><b>Proposed Zoning District</b></i>	<i><b>Equivalent Current Zoning District</b></i>
<b>Farmland Preservation</b>	FP-1 (Small-Acreage Farmland Preservation)	A-4 (Small-Acreage Agricultural)
	FP-35 (General Farmland Preservation)	A-1 (ex) [Exclusive Agriculture]
	FP-B (Farmland Preservation Business)	A-B (Agriculture Business)

# Farmland Preservation Districts



## FP-1 Small-Acreage Farmland Preservation

- 1–35 acres
- Agriculture
- Agriculture Accessory Uses
- Farm Residences Prohibited



## FP-35 General Farmland Preservation

- 35 acres and larger
- Agriculture
- Agriculture Accessory Uses
- Farm Residences require a CUP
- Accessory uses associated with Farm Residence permitted



## FP-B Farmland Preservation - Business

- Any size
- Agriculture
- Agriculture Accessory Uses
- Farm Residences require a CUP
- Agriculture-Related Uses

# Summary of changes to zoning districts

- All Farmland Preservation districts
  - Consolidate standards for rezones and CUPs into one location in ordinance
- A-4 (current) vs. FP-1 (proposed)
  - Reduce minimum lot size from 5 acres to 1 acre
  - Allow livestock in excess of 1 animal unit per acre, if compliant with ATCP 51 (i.e. has farm conservation plan)
  - Make agricultural accessory uses consistent with FP-35
- A-1(ex) (current) vs. FP-35 (proposed)
  - Remove exceptions and special cases for nonconforming parcels < 35 acres
  - Allow seasonal storage of recreational or motor vehicles in existing ag accessory buildings as a permitted, rather than conditional, use
- A-B (current) vs. FP-B (proposed)
  - Allow agricultural laboratories, sale of nursery supplies, and sales and storage of agricultural byproducts as a permitted, rather than conditional, use.
  - Add veterinary clinics as a permitted use.
  - Add large-animal boarding as a conditional use
  - Make agricultural accessory uses consistent with FP-35

# Farmland Preservation

## Existing Ordinance

- Provisions for all Agriculture Districts
  - Listed separately in each district

## Proposed Ordinance

- Provisions for all Farmland Preservation Districts
  - CUP Standards
    - The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.
    - The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
    - The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

# Farmland Preservation

## Existing Ordinance

- Provisions for all Agriculture Districts
  - Listed separately in each district

## Proposed Ordinance

- Provisions for all Farmland Preservation Districts
  - Rezone Standards
    - The land is better suited for a use not allowed in the farmland preservation zoning district.
    - The rezoning is consistent with the current adopted version of the *Dane County Comprehensive Plan*.
    - The rezoning is substantially consistent with the current state-certified *Dane County Farmland Preservation Plan*.
    - The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

# Farmland Preservation

## Existing A-4 District

- **Purpose**

- Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The A-4 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.
- Preserve agricultural and open space uses on zoning lots between five (5) and thirty-five (35) acres in size.
- Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Support Agriculture farms.
- Preserve remnant parcels of productive agricultural land following development of adjoining property.
- Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

## Proposed FP-1 District

- **Purpose**

- Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The FP-1 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.
- Preserve agricultural and open space uses on zoning lots between one (1) and thirty-five (35) acres in size.
- Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Support Agriculture farms.
- Preserve remnant parcels of productive agricultural land following development of adjoining property.
- Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

# Farmland Preservation

## Existing A-4 District

- Permitted Uses
  - a) Agricultural uses. The keeping of livestock shall be limited to one (1) animal unit per each full acre.
  - b) Agricultural Accessory Uses, subject to the exceptions and limitations below.
    - Exceptions.
      - Farm residences
      - Uses listed as conditional uses in s. \_\_\_\_\_.
    - Limitations.
      - Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on five or fewer days in a calendar year.
  - c) Undeveloped natural resource and open space areas.
  - d) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

## Proposed FP-1 District

- Permitted Uses
  - a) Agricultural uses. Livestock use must comply with Chapter ATCP 51, Wisconsin Administrative Code.
  - b) Agricultural Accessory Uses, subject to the exceptions and limitations below.
    - Exceptions.
      - Farm residences
      - Uses listed as conditional uses in s. \_\_\_\_\_.
    - Limitations.
      - Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on five or fewer days in a calendar year.
  - c) Undeveloped natural resource and open space areas.
  - d) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.



# Farmland Preservation

## Existing A-4 District

- **Conditional Uses**
  - a) **Agricultural uses.** Livestock in excess of one animal unit per acre on parcels over five (5) acres in size.
  - b) **Agricultural accessory uses**
    - a) Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - b) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
    - c) Agricultural entertainment activities not to exceed 45 days per year, in aggregate, or any event planned or anticipated to attract 200 or more persons per day.
    - d) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.
    - e) Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.
  - c) **Governmental, institutional, religious, or nonprofit community uses.**
  - d) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.**

## Proposed FP-1 District

- **Conditional Uses**
  - a) **Agricultural accessory uses.**
    - a) Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - b) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
    - c) Agricultural entertainment activities.
    - d) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.
    - e) Limited rural business.
  - b) **Governmental, institutional, religious, or nonprofit community uses.**
  - c) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.**

# Farmland Preservation

## Existing A-4 District

- Lot width
  - None
- Lot area
  - 5 acres

## Proposed FP-1 District

- Lot width
  - None
- Lot area
  - 1 acre

# Farmland Preservation

## Existing A-1(ex) District

## Proposed FP-35 District

- **Purpose**

- a) Provide for a wide range of agriculture and agricultural accessory uses, at various scales. The A-1(EX) district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.
- c) Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.
- d) Preserve productive agricultural land for food and fiber production.
- e) Preserve productive farms by preventing land use conflicts between incompatible uses.
- f) Maintain a viable agricultural base to support agricultural processing and service industries.
- g) Reduce costs for providing services to scattered non-farm uses.
- h) Pace and shape urban growth.
- i) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

# Farmland Preservation

## Existing A-1(ex) District

- Permitted uses
  - a) Agricultural Uses, except those uses listed as conditional uses below. Keeping of livestock is prohibited on parcels smaller than 5 acres.
  - b) Agricultural Accessory Uses, except those uses listed as conditional uses below and subject to the following limitations.
    - Residences lawfully existing as of February, 20, 2010, (subject to limitations)
    - Rental of existing or secondary residences located on a farm, but no longer utilized in the operation of the farm.
    - Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
    - Farm related exhibitions, sales or events occurring on five days in a calendar year or less.
  - c) Undeveloped natural resource and open space areas.
  - d) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

## Proposed FP-35 District

- Permitted uses
  - a) Agricultural Uses.
  - b) Agricultural Accessory Uses, except those uses listed as conditional uses in s.\_\_\_\_\_, and subject to the limitations and standards below.
    - Residences lawfully existing as of February, 20, 2010, (subject to limitations)
    - Agricultural entertainment activities under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
    - Farm related exhibitions, sales or events occurring on no more than five days in a calendar year.
    - The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
  - c) Undeveloped natural resource and open space areas.
  - d) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

# Farmland Preservation

## Existing A-1(ex) District

- **Conditional uses**

- a) **Agricultural Accessory Uses:**

- Farm Residence, subject to s.\_\_\_\_\_.
    - Secondary farm residence, subject to s.\_\_\_\_\_.
    - Airports and landing strips for private aircraft owned by the owner or operator of a farm.
    - Limited Family Business
    - Limited Rural Business.
    - Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - The seasonal storage of recreational equipment and motor vehicles owned by private individuals.
    - Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.
    - Agricultural entertainment activities occurring 45 days or more per calendar year, in aggregate.

- b) **Governmental, institutional, religious, or nonprofit community uses.**

- c) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.**

- d) **Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., section \_\_\_\_ and chapter 74.**

## Proposed FP-35 District

- **Conditional uses**

- a) **Agricultural Accessory Uses:**

- Farm Residence, subject to s.\_\_\_\_\_.
    - Secondary farm residence, subject to s.\_\_\_\_\_.
    - Residential accessory uses associated with a permitted farm or secondary residence.
    - Airports and landing strips for private aircraft owned by the owner or operator of a farm.
    - Limited Family Business
    - Limited Rural Business.
    - Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.
    - Agricultural entertainment activities occurring 10 days or more per calendar year, in aggregate.

- b) **Governmental, institutional, religious, or nonprofit community uses.**

- c) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.**

- d) **Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., section \_\_\_\_ and chapter 74.**

# Farmland Preservation

## Existing A-B District

## Proposed FP-B District

- **Purpose**

- a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.
- b) In appearance and operation permitted uses in the A-B district are often indistinguishable from a farm.
- c) Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
- d) Examples of activities in the A-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:
  - Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
  - Parking areas, outdoor lighting, and signage appropriate to the scale of use;
  - Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
  - Low to moderate traffic volumes;
  - Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.
- e) Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

# Farmland Preservation

## Existing A-B District

- **Permitted uses**
  - a) Agricultural uses.
  - b) Agricultural Accessory Uses, except those uses listed as conditional uses in s.\_\_\_\_\_, and subject to the limitations and standards below.
    - Agricultural entertainment activities under 10 days per calendar year in the aggregate,
    - Farm related exhibitions, sales or events occurring on no more than five days in a calendar year.
  - c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.
  - d) Undeveloped natural resources and open space areas.
  - e) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit

## Proposed FP-B District

- **Permitted uses**
  - a) Agricultural uses.
  - b) Agricultural Accessory Uses, except those uses listed as conditional uses in s.\_\_\_\_\_, and subject to the limitations and standards below.
    - Agricultural entertainment activities under 10 days per calendar year in the aggregate,
    - Farm related exhibitions, sales or events occurring on no more than five days in a calendar year.
  - c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.
  - d) Undeveloped natural resources and open space areas.
  - e) A transportation, utility, communication, or other use that is:
    - required under state or federal law to be located in a specific place, or;
    - is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

# Farmland Preservation

## Existing A-B District

- **Conditional uses**
  - a) **Agricultural Accessory Uses:**
    - Farm Residence, subject to s.\_\_\_\_\_.
    - Secondary farm residence, subject to s.\_\_\_\_\_.
    - Limited Family Business.
    - Limited Rural Business.
    - Bed and breakfast in an existing farm residence
    - Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - Farm related exhibitions, sales or events occurring on more than five days in a calendar year.
    - Agricultural entertainment activities occurring 45 days or more per calendar year, in aggregate.

## Proposed FP-B District

- **Conditional uses**
  - a) **Agricultural Accessory Uses:**
    - Farm Residence, subject to s.\_\_\_\_\_.
    - Caretaker's residence
    - Secondary farm residence, subject to s.\_\_\_\_\_.
    - Airports and landing strips for private aircraft owned by the owner or operator of the farm or agriculture-related use on the premises.
    - Limited Family Business.
    - Limited Rural Business.
    - Transient Lodging
    - Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
    - Farm related exhibitions, sales or events occurring on more than five days in a calendar year.
    - Agricultural entertainment activities occurring 10 days or more per calendar year, in aggregate.



# Farmland Preservation

## Existing A-B District

- **Conditional uses**
  - a) **Agriculture-related uses**
    - Agricultural related plant or livestock genetic laboratories
    - ▫ Agricultural related experimental laboratories
    - ▫ Agricultural related landscape supply or business associated with a plant or tree nursery
    - ▫ Dead stock hauling service
    - ▫ Sales or storage of agricultural byproducts
    - ▫ Stock yards
    - ▫ Livestock auction facilities
    - ▫ Bio-diesel and ethanol manufacturing
    - ▫ Manure processing facilities
    - ▫ Biopower facilities for distribution, retail, or wholesale sales
  - b) **Governmental, institutional, religious, or nonprofit community uses.**
  - c) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above..**

## Proposed FP-B District

- **Conditional uses**
  - a) **Agriculture-related uses**
    - Large animal boarding for farm animals
    - Dead stock hauling services;
    - Stock yards, livestock auction facilities;
    - Bio-diesel and ethanol manufacturing;
    - Manure processing facilities;
    - Biopower facilities for distribution, retail, or wholesale sales.
  - b) **Governmental, institutional, religious, or nonprofit community uses.**
  - c) **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above..**