

ORDINANCE NO. 2014-02
AN ORDINANCE TO REPEAL CHAPTER 520-24
A-1 AGRICULTURE DISTRICT AND RECREATE
A-X EXCLUSIVE AGRICULTURE DISTRICT
VILLAGE OF DANE
CODE OF ORDINANCES

1.1 The Village Board of the Village of Dane, Dane County, Wisconsin, does hereby ordain as follows:

2.1 Section 520-24 of the Village Code of Ordinances, **A-1 Agriculture District** is hereby repealed and recreated to read as follows: **520-24 A-X: Exclusive Agriculture District**

A. Purpose; intent. The purposes of the A-X Exclusive Agriculture District are to:

- (1) Preserve productive agricultural land for food and fiber production
- (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- (3) Maintain a viable agricultural base to support agricultural processing and service industries;
- (4) Prevent conflicts between incompatible uses;
- (5) Reduce costs for providing services to scattered nonfarm uses;
- (6) Pace and shape urban growth;
- (7) Implement the provisions of the county agricultural plan; and
- (8) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stats. § 71.09(11).

B. Definitions for use in Section 520-24.

(1) "Agricultural use" means any of the following:

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production
2. Keeping livestock
3. Beekeeping
4. Nursery, sod, or Christmas tree production
5. Floriculture
6. Aquaculture
7. Fur farming
8. Forest management
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program

(b) Any other use that the department, by rule, identifies as an agricultural use.

(2) "Agriculture-related use" means any of the following:

(a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

(b) Any other use that the department, by rule, identifies as an agriculture-related use.

- C. Lands included within this district. This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- D. The plan commission may consider a rezone out of A-X Exclusive Agriculture District after holding a public hearing pursuant to Wis. Stats., § 91.48, if all of the following apply:
- (1) The political subdivision finds all of the following, after public hearing:
 - i) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - ii) The rezoning is consistent with any applicable comprehensive plan.
 - iii) The rezoning is substantially consistent with the county's certified farmland preservation plan.
 - iv) 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.
 - (2) The village shall, by March 1 of each year, provide a rezone report and map to DATCP and Dane County identifying the number of acres rezoned out of A-X.
- E. Permitted Uses: For the A-X Exclusive Agriculture District, permitted uses are as follows:
- (1) Agricultural uses, provided that a facility used to keep cattle, swine, poultry, sheep or goats will have less than 500 animal units.
 - (2) New farms and their buildings and adjacent service areas that are the only residence on the farm and is occupied by an individual who earns more than 50 percent of his or her gross income on the farm.
 - (3) Existing farms with their buildings and adjacent service areas.
 - (4) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (5) The following agricultural accessory uses provided they meet the definition of accessory use under Wis. Stats. § 91.01(1)(a)(b)or(d)
 - i) Roadside stands for the sale of agricultural products produced primarily from that farm operation.
 - ii) Agricultural entertainment activities anticipated to have an attendance of less than 250 persons at any one time during the day.
 - iii) Undeveloped natural resource and open space areas.
- F. Conditional Uses; no conditional use in the A-X District shall be approved by the plan commission unless the commission shall also find:
- (1) The use and its locations in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (2) 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.

- (3) 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.
- (4) 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.
- (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

G. For the A-X Exclusive Agriculture District, conditional uses are as follows:

- (1) A second or subsequent single-family farm to be occupied by either a parent or child of the farm operator or an individual who earns more than 50 percent of his or her gross income on the farm.
- (2) Governmental, institutional, religious or nonprofit community use.
- (3) A transportation, communications, pipeline, electric transmission, utility, or drainage use.
- (4) Conversion of existing single-family farm to a two-family farm, if both residences are to be occupied by an individual who earns more than 50 percent of his or her gross income on the farm.
- (5) The following agricultural accessory uses, provided they meet the definition of Wis. Stats. § 91.01(1)(a)(b) or (d):
 - i) Horse boarding, breeding, training and other equestrian facilities.
 - ii) Bed and breakfast establishments.
 - iii) Agricultural entertainment activities anticipated to have an attendance of more than 250 persons at any one time during the day.
- (6) The following agriculture-related uses:
 - i) Agricultural research facilities.
 - ii) Dairy processing facilities.
 - iii) Feed mills.
 - iv) Animal feed storage facilities.
 - v) Agricultural-related educational facilities, such as secondary schools, community college or university facilities to support agricultural course work.
 - vi) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility follows the standards and procedures prescribed in Ch. ATCP 51, Wis. Adm. Code.

H. For the A-X Exclusive Agriculture District, dimensional standards are as follows:

- a. Minimum parcel size: 35 acres.
- b. Minimum lot width: 150 feet.
- c. Front setback: 35 feet.
- d. Side setback: 10 feet.
- e. Rear setback: 50 feet.
- f. Side yard abutting Public Street: 30 feet.
- g. Maximum height of dwelling structures: 35 feet.
- h. Maximum height of farm buildings: No limitation.

- i. Maximum height of other structures: 45 feet, may exceed on a conditional use basis.
- j. Side setback for barns, feeding or loafing sheds, hog houses and the like: 100 feet, if adjacent to residential district.

I. General provisions:

- (1) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which has been received for review by the agency prior to the effective date of the A-X Exclusive Agriculture District shall have the same status as pre-existing lots.
- (2) Any preexisting substandard parcels in the A-X Exclusive Agriculture District that have a width of less than 150 feet and have an area of less than five acres do not permit the keeping or raising of livestock.
- (3) Any pre-existing residential building or its accessory building that is located on a lot that does not meet the area requirements of section 520 and is destroyed by fire, explosion, act of God or act of public enemy, the building may be rebuilt, provided the locational requirements of the district are complied with.
- (4) Any person who shall violate any provision of this chapter shall be subject to a penalty of up to \$1,000.

1. This Ordinance shall be effective as of December 1, 2014.

The above and foregoing Ordinance was duly adopted after a Public Hearing in the Village of Dane and at a meeting of the Village Board of the Village of Dane on the 1st day of December, 2014.

VILLAGE OF DANE

BY: _____
Steve Clemens, Village President

ATTEST: _____
Teresa Hughey Groves, Village Clerk

Votes:

Ayes: _____

Nays: _____