Dane County Zoning:
Comprehensive Revision

WCCA Conference

October 13, 2016

Appleton, Wisconsin

DANE COUNTY PLANNING & DEVELOPMENT

Wisconsin Acts Affecting County Zoning

- 2015 Act 391
  - ☑ Development moratoria prohibited
  - Notification list for amendments
  - Supermajority for downzoning
- 2015 Act 178
  - Dane County Town opt-out
- 2015 Act 176
  - ☑ Historic landmark designation
- 2013 Act 20
  - Communication towers
- 2011 Act 170
  - ☑ Nonconforming uses
  - ☑ Amortization
- 2009 Act 40
  - ☑ Wind energy systems
- 2003 Act 235
  - Livestock facility siting

☑ ***Already compliant or not currently applicable***

Wisconsin 2015 Act 178

Provisions that apply only to Dane County

(ss. 59.69, 60.23, 60.62, 236.10 & 236.34, Wis. Stats.)

- Originally proposed as statewide bill
  - Later amended to "…counties with a 1/1/2016 population of at least 485,000…"
  - Milwaukee County has no towns
- Starting January 1, 2017, allows towns to opt-out (or opt-in) of county zoning, land division ordinances and county general development plans every three years *(i.e., 2017, 2020, 2023, etc.)*
  - Towns must file notice of intent with county clerk
  - Towns must approve new ordinance either by referendum or at annual town meeting
  - Towns must adopt either county zoning ordinance or joint town ordinance developed by all opt-out towns
    - Joint ordinance can be amended by majority vote of affected towns

Wisconsin 2015 Act 178

Provisions that apply to **all** counties.
(ss. 59.692 & 87.30, Wis. Stats.)

- County retains shoreland, wetland and floodplain zoning authority, HOWEVER:
  - 59.692 **(1p)** This section does not authorize a county to impose a requirement, condition, or restriction on land that is not shoreland within the county.
  - 87.30 **(1r)** LAND OUTSIDE OF FLOODPLAINS. This section does not authorize a county to impose a requirement, condition, or restriction on land that is not within any floodplain in the county.
- These provisions **are not** limited to counties over 485,000 population.

Dane County Zoning Ordinance
Chapter 10, Dane County Code

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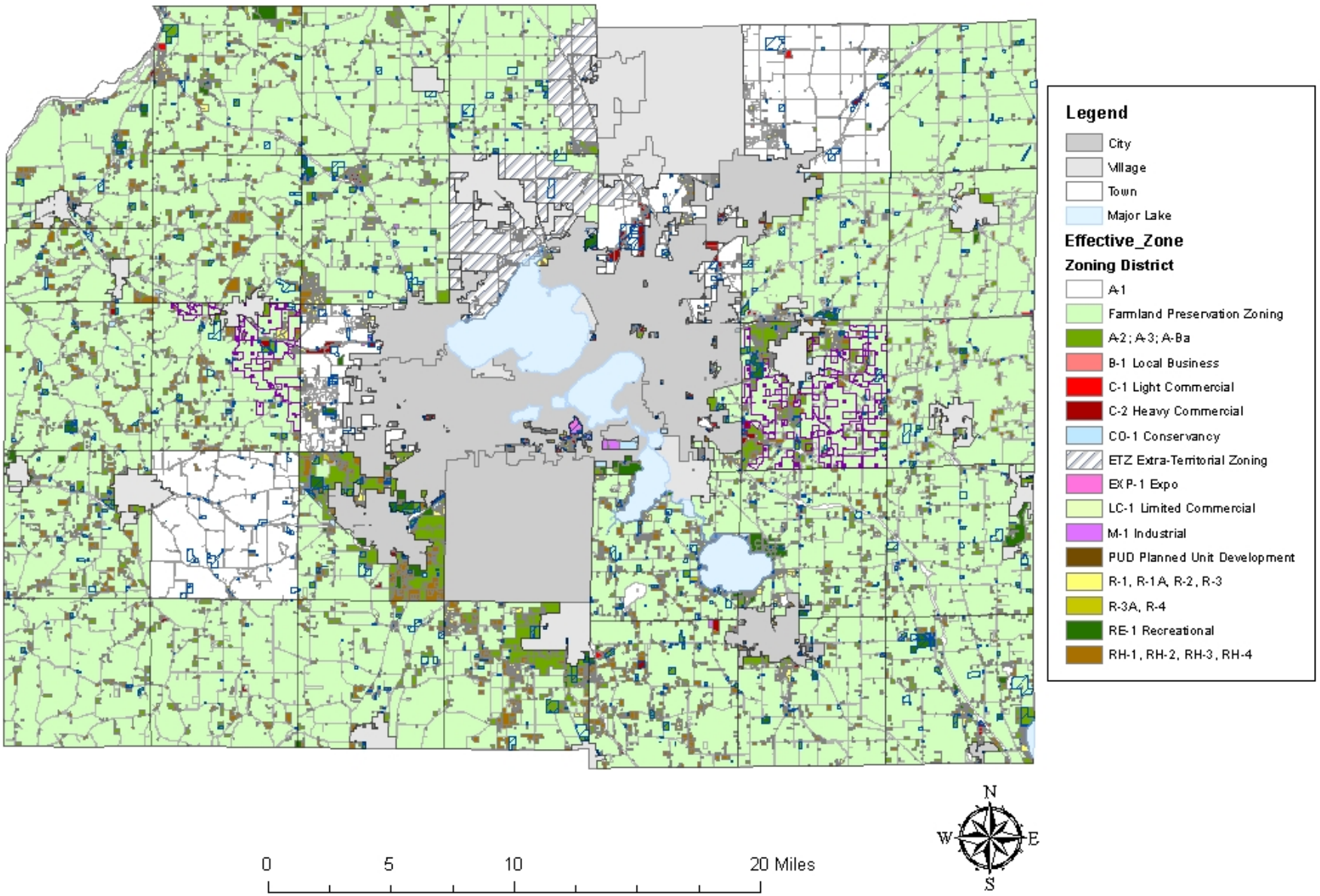
Major milestones:

- 1938: First Dane County Zoning Ordinance, all towns adopt
- 1950: Major (but not "comprehensive") revision to zoning ordinance, all towns adopt
- 1969: First mineral extraction regulations, existing sites may register as "nonconforming"
- 1970: Other land use and development ordinance enacted
  - First Dane County Land Division Ordinance
  - First Dane County Shoreland Zoning Ordinance
  - First Dane County Floodplain Zoning Ordinance
- 1978: Exclusive agriculture zoning; 6 towns adopt
- 1981: First Dane County Farmland Preservation Plan
- 1994: First regulations on communications towers
- 1995: 29 towns w/ A-1(ex) zoning
- 1997: Dane County Planning Division established
- 2007: First Dane County Comprehensive Plan
- 2008 – 2014: Chapter 10 Priority Revision Task Force
- 2014: Farmland Preservation Zoning text and map revisions, recertification by DATCP
- 2016: County and State changes:
  - County Board adopts Res. 431, Comprehensive Revision of Dane County Zoning
  - Wisconsin Legislature adopts changes to process for Dane County towns to opt out of county zoning

Dane County Zoning

DANE COUNTY PLANNING & DEVELOPMENT



Major Areas of Improvement Still Needed

- Dane County Comprehensive Plan recommendations
  - Promote well-designed, appropriately-sited & affordable housing
  - Streamline and update permitting
  - Support mixed-use development
  - Improve standards for utilities and telecommunication
  - Improve standards for mineral extraction sites.
  - Improve protections and opportunities for historic preservation
- Sustainability and environmental protection
- Keep up with new/emerging trends in land use
- Better accommodate existing and traditional land uses
- Improve readability, ease of use and consistency

Zoning & Land Regulation Committee

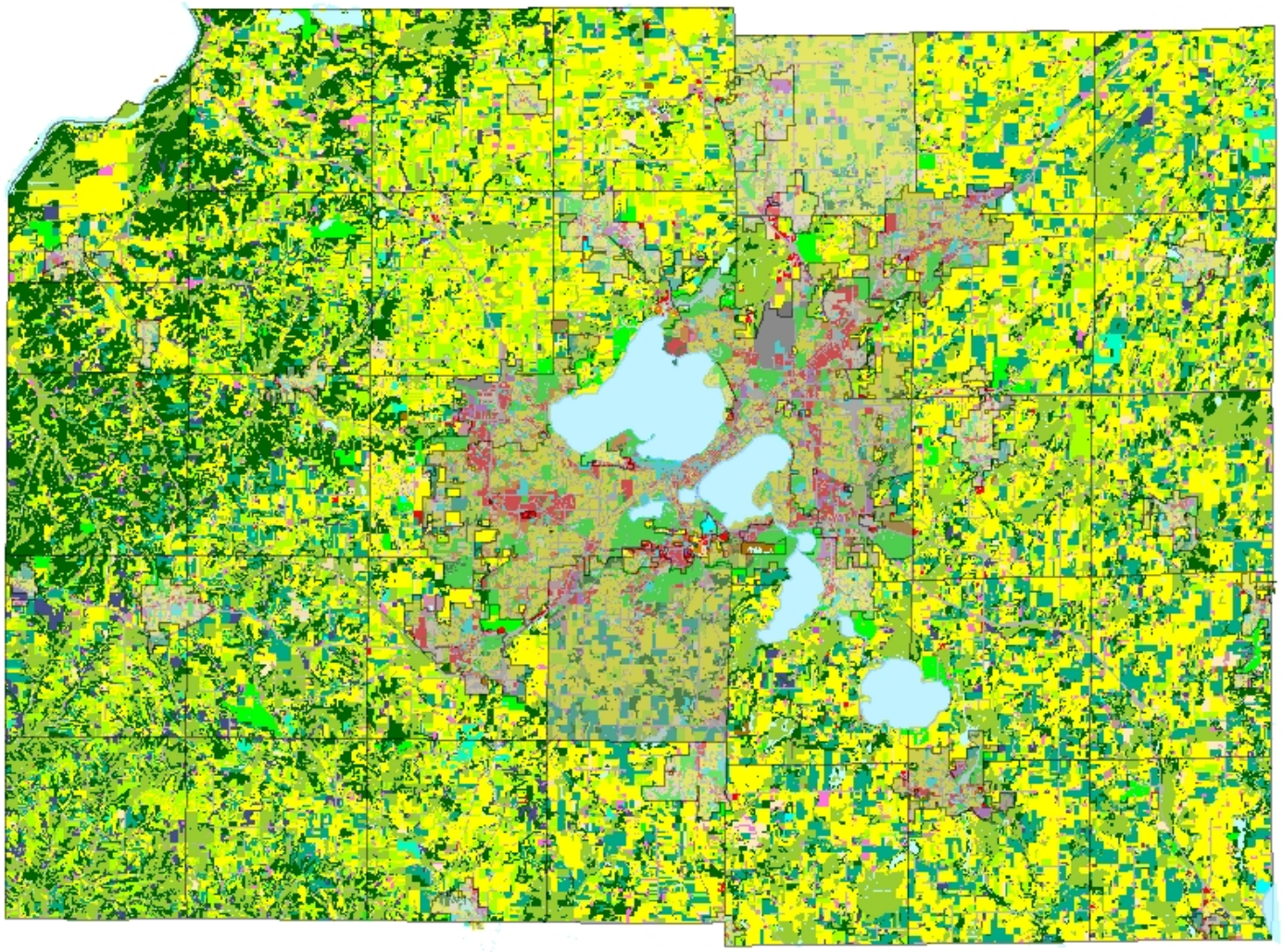
Comprehensive Revision of Chapter 10 Subcommittee

- Consider work completed in recent reviews and identify problem areas;
- Conduct surveys, focus groups, and public meetings to gather broad public input;
- Drafting a comprehensive revision for introduction by September 2017.

Name	Interest Represented	Affiliation
Jim Elleson	Town Government	Town of Vermont (Plan Commission)
Jim Haack	Agricultural Community	Dane County Farm Bureau
Mary Haley	Town Government	Town of Pleasant Springs (Chair, Town Board)
Nikki Jones	County Government	Dane County Board, Environment, Agriculture & Natural Resources Committee (EANR)
Dennis O'Loughlin	County Government	Dane County Board, Zoning & Land Regulation Committee (ZLR)
Kathy Pielsticker	Town Government	Town of Roxbury (Plan Commission)
Justin Temple	Area Builders and Realtors	Temple Builders

Dane County Land Use 2010

DANE COUNTY PLANNING & DEVELOPMENT



Legend

- City
- Village
- Town
- Major Lake
- Cemetery
- Commercial Forest
- Commercial Sales or Services
- Communications or Utilities
- Extractive
- Industrial
- Institutional or Governmental
- Multi-Family
- Open Land
- Outdoor Recreation
- Right of Way
- Single Family
- Transportation
- Two Family
- Under Construction
- Vacant
- Water
- Woodland

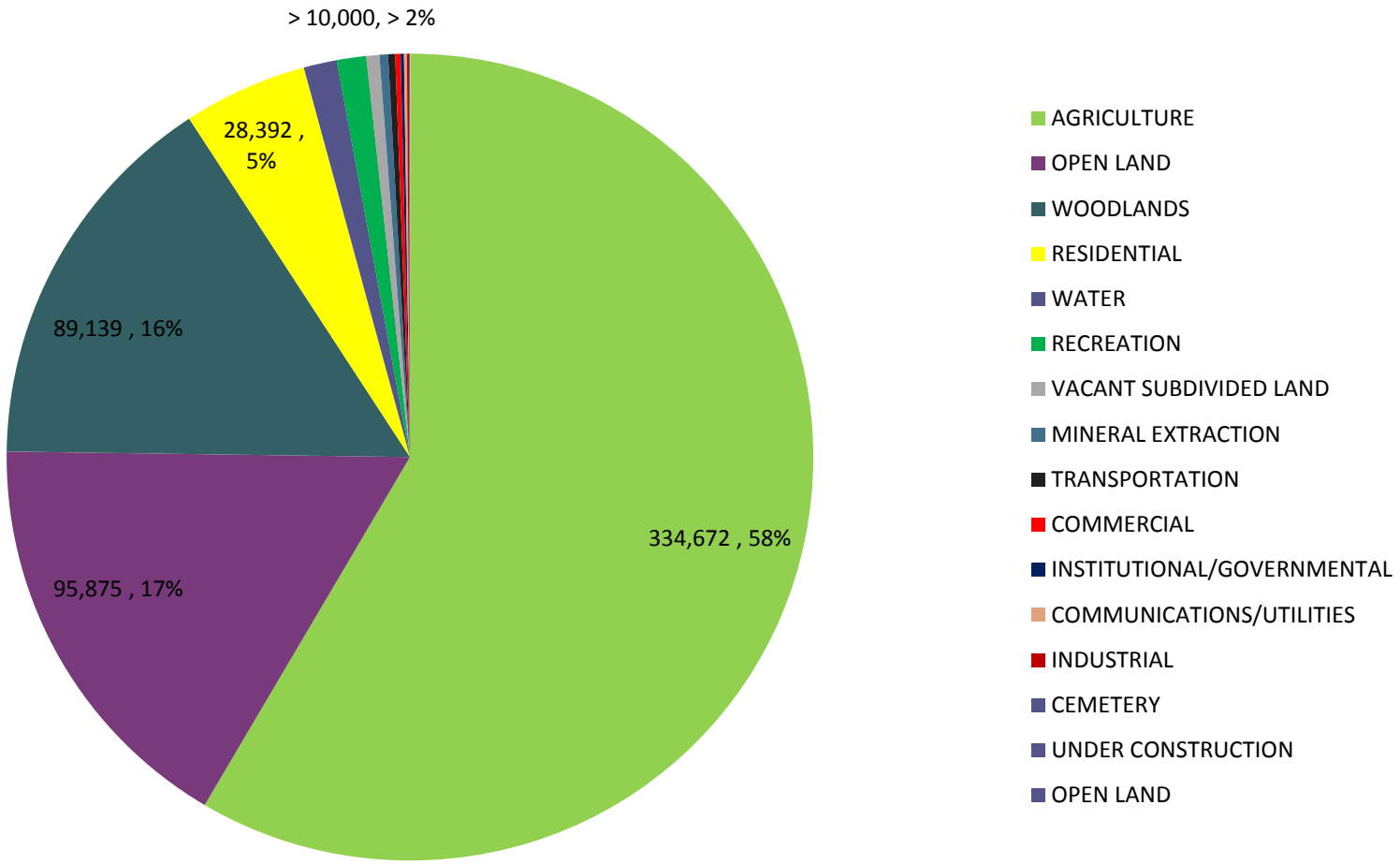
Agricultural Land Use (2010)

DESCRIPTION

- Beef cattle ranching and farming
- Dairy cattle and milk production
- Goat farming
- Hog and pig farming
- Sheep farming
- Pasture
- Corn farming
- Hay/Alfalfa farming
- Hops
- Nursery and tree production
- Soybean farming
- Strawberry farming
- Tobacco farming
- Vegetable garden
- Wheat farming
- Other Agriculture

DANE COUNTY UNINCORPORATED AREAS: LAND USE BY ACRES 2010

DANE COUNTY PLANNING & DEVELOPMENT



Unincorporated Dane County
Selected Populations (2012)

Cows	134,545
People	80,802
Poultry	71,297
Motor vehicles	49,455
Accessory buildings	37,619
Households	37,236
Principal buildings	28,032
Hogs and pigs	27,872
Horses	4,822

Unincorporated Dane County
Selected Land Use Impacts

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Produced per day by all land uses in unincorporated areas			
Vehicle-mile trips generated	3,355,576	vehicle mile trips per day	
Groundwater withdrawn	9,520,000	gallons per day	
Animal manure produced	15,190,347	pounds per day	
Human effluent produced	3,636,090	gallons per day	

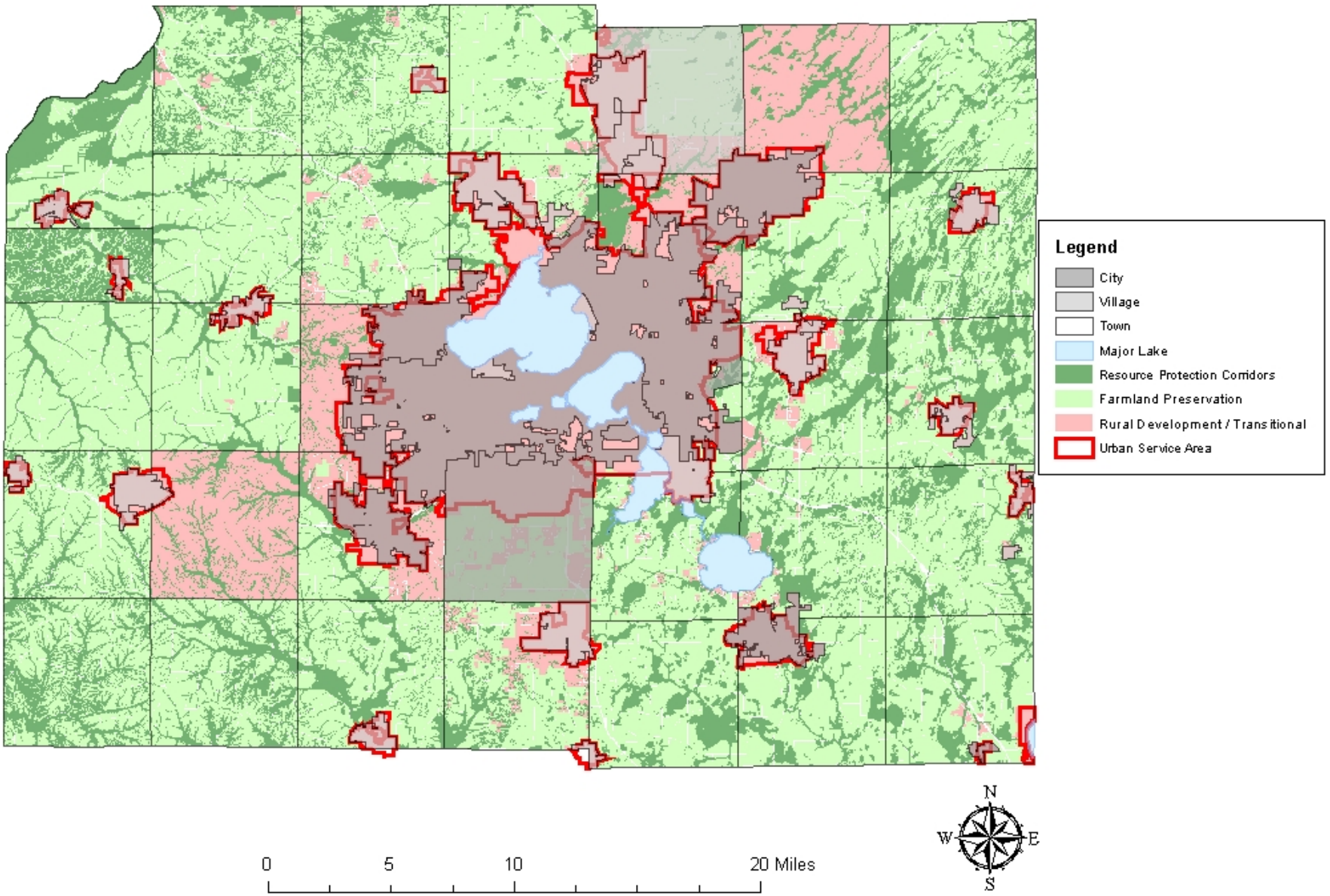
Dane County Comprehensive Plan

Regional Planning Framework

- Resource Protection Corridors
- Farmland Preservation Areas
- Rural Development Areas
- Urban Service Areas

Dane County Farmland Preservation Plan

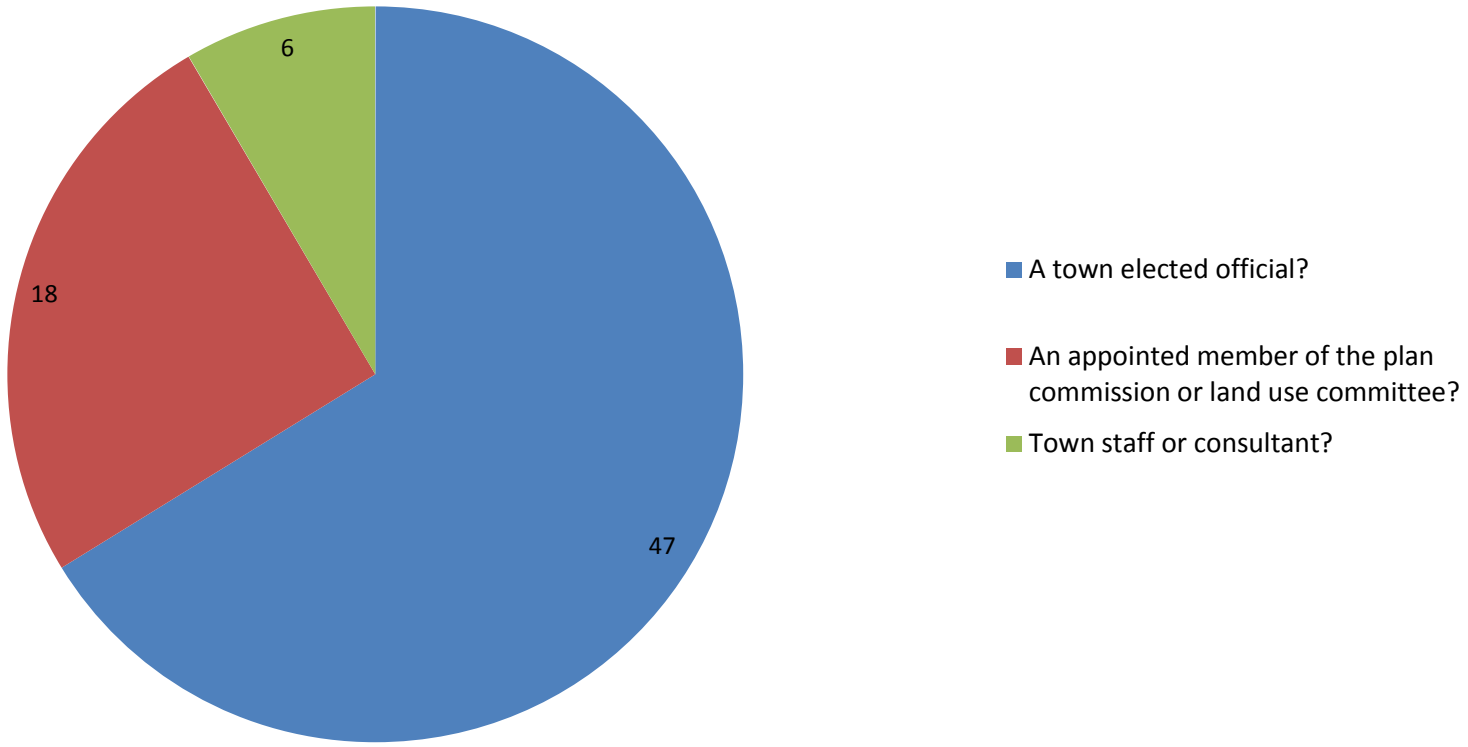
DANE COUNTY PLANNING & DEVELOPMENT



Survey of Town Officials
Participants

DANE COUNTY PLANNING & DEVELOPMENT

Overview of respondents

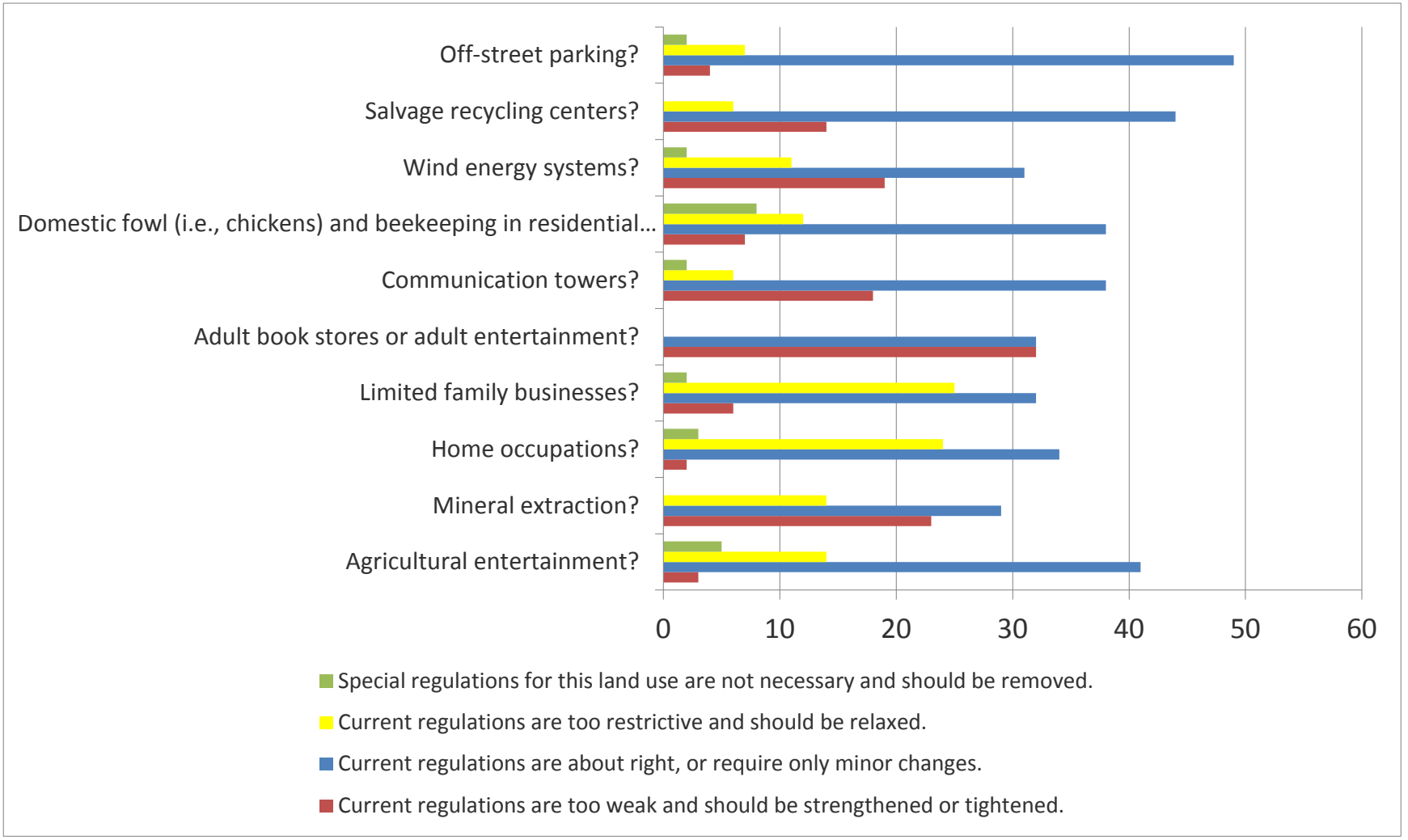


Survey of Town Officials Results

DANE COUNTY PLANNING & DEVELOPMENT

Q1: How should the new code treat the following special uses?

(already regulated in current code)

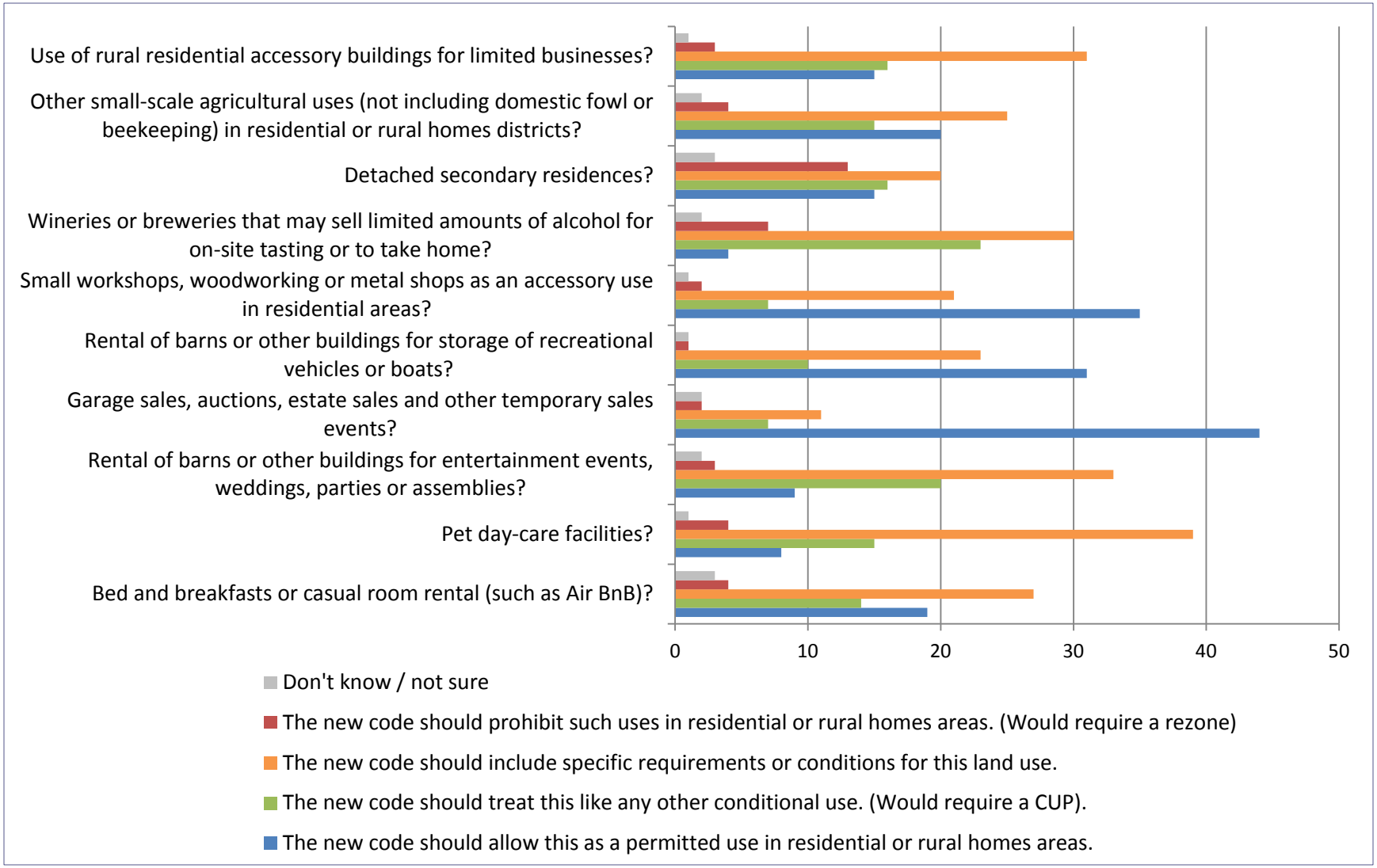


Survey of Town Officials Results

DANE COUNTY PLANNING & DEVELOPMENT

Q2: How should the new code treat the following special uses?

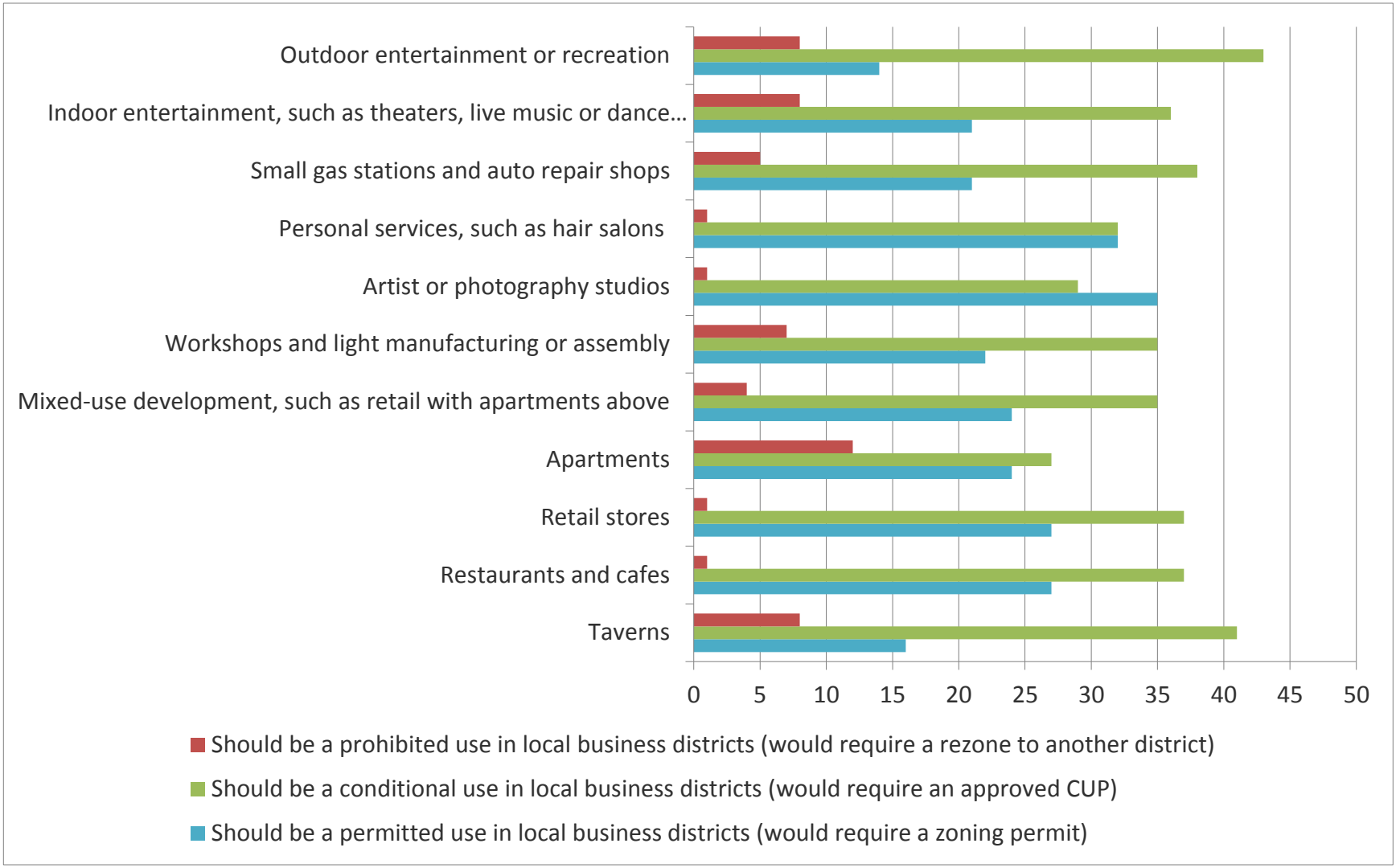
(not specifically regulated in current code)



Survey of Town Officials Results

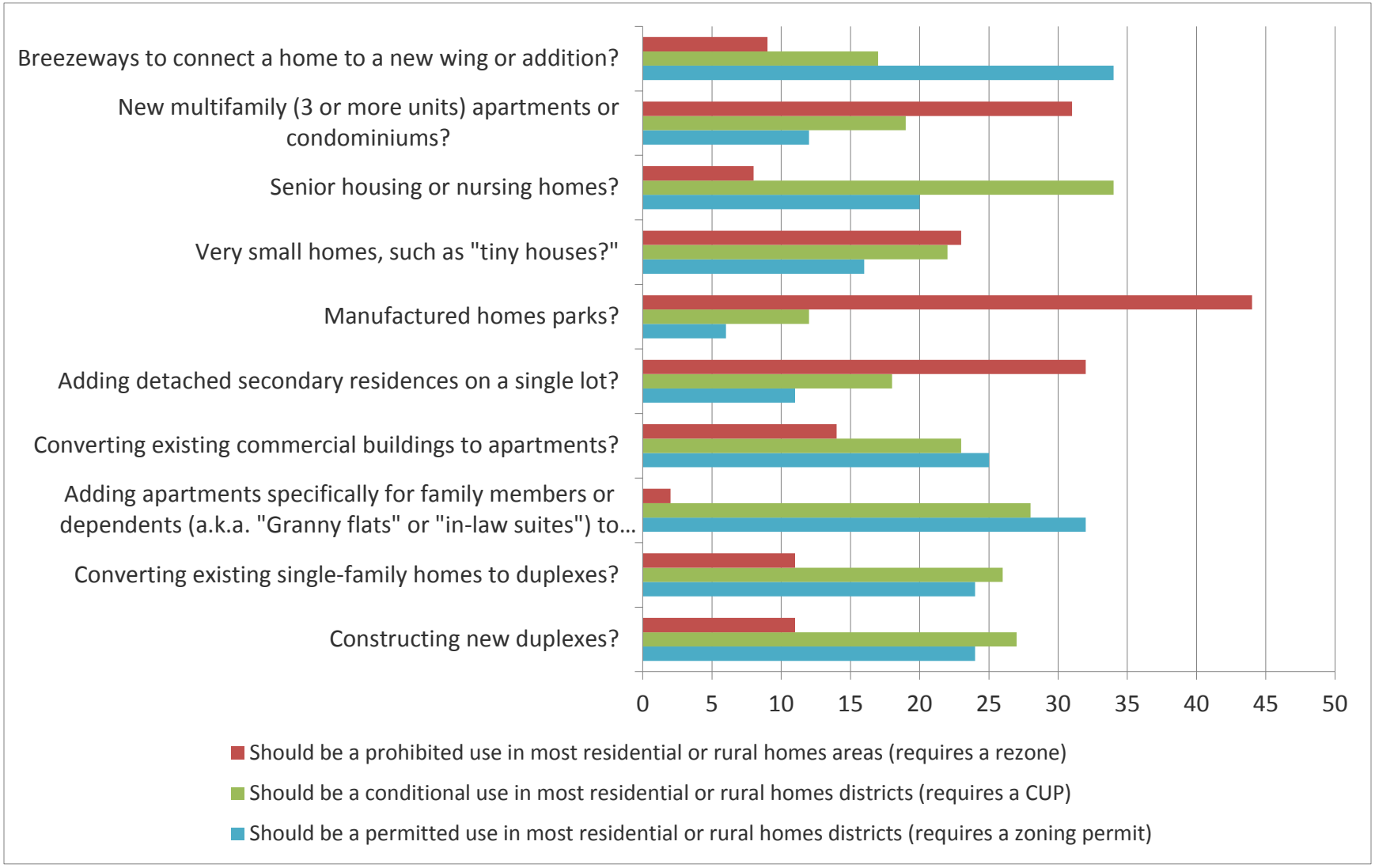
DANE COUNTY PLANNING & DEVELOPMENT

Q4: Would you support a new code that would accommodate any of the following in local business or mixed-use districts?



Survey of Town Officials Results

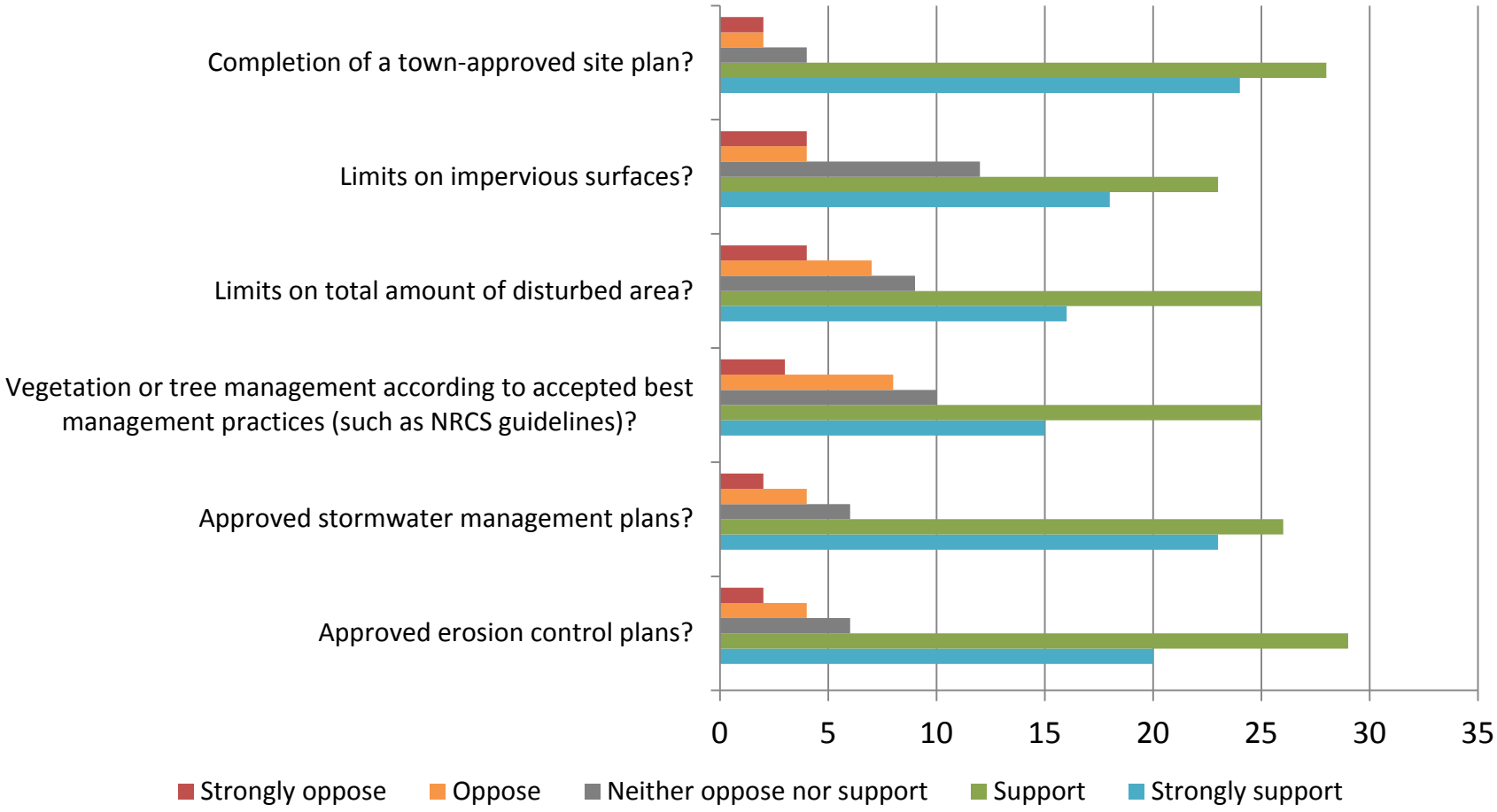
Q7: would you support a new code that would make it easier to develop any of the following housing types?



Survey of Town Officials Results

DANE COUNTY PLANNING & DEVELOPMENT

Q9: Would you support a new overlay zoning district, which would require development to meet the following standards:



Ordinance Construction

Use-based vs. Impact-based.

Traditional Use-Based Ordinance

- “Laundry list” of very specific uses.
- Difficult to accommodate new or unanticipated uses.
- May result in inequities between functionally similar land uses.

Impact-Based Ordinance

- Broad categories of uses grouped by potential for impact.
- New uses are easily assimilated, based on their general character.
- Provides similar treatment for uses with similar impacts.

Ordinance Construction

Use-based vs. Impact-based.

C-1
(last revised 2005)

- Purpose statement
  - None
- Permitted uses
  - 36 very specific uses
- Conditional uses
  - 24 very specific uses

LC-1
(last revised 2010)

- Purpose statement:
  - Detailed
- Permitted uses
  - 6 broad categories of uses
- Conditional uses
  - 5 broad categories of uses

Ordinance Construction
Use-based vs. Impact-based.

C-1

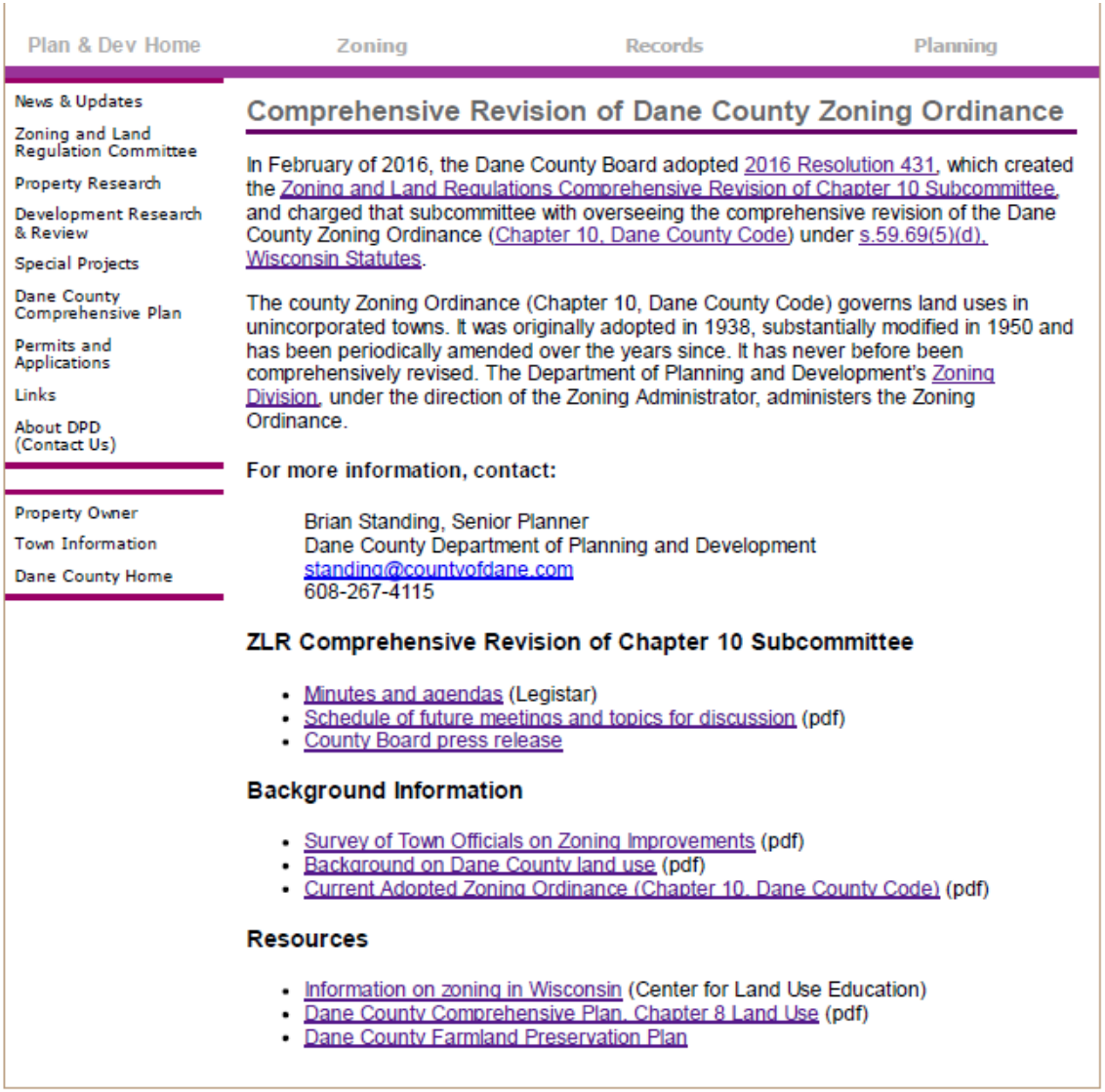
- All uses permitted in the LC-1 Limited Commercial District
- Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size
- Self service laundries and dry cleaning establishments
- Warehousing and storage incidental to a permitted use
- Medical, dental and veterinary clinics
- Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space.
- Utility services
- Rooming and boarding houses
- Bakeries
- Laundries
- Dry cleaning plants
- Printing plants
- Distribution centers
- Wholesale businesses
- Woodworking shops
- Machine shops
- Manufacturing and assembly plants
- Bicycle sales and service
- Rental businesses – except for motor vehicles and construction machinery and equipment.
- experimental laboratories (less than 5,000 sq. feet)
- Sales and repair of lawn and garden equipment
- Outdoor games (not lighted)
- Marinas
- Off-site parking of motor vehicles
- Crematoriums

LC-1

- Office uses (limited to 6 on-site employees)
- Incidental parking for employees
- Indoor storage
- Incidental indoor maintenance
- Outdoor storage of up to 12 total vehicles and pieces of construction equipment
- Utility Services

On the Web

https://www.countyofdane.com/plandev/zoning/comprehensive_revision_special_projects.aspx



Plan & Dev Home | Zoning | Records | Planning

- News & Updates
- Zoning and Land Regulation Committee
- Property Research
- Development Research & Review
- Special Projects
- Dane County Comprehensive Plan
- Permits and Applications
- Links
- About DPD (Contact Us)

- Property Owner
- Town Information
- Dane County Home

Comprehensive Revision of Dane County Zoning Ordinance

In February of 2016, the Dane County Board adopted 2016 Resolution 431, which created the Zoning and Land Regulations Comprehensive Revision of Chapter 10 Subcommittee, and charged that subcommittee with overseeing the comprehensive revision of the Dane County Zoning Ordinance (Chapter 10, Dane County Code) under s.59.69(5)(d), Wisconsin Statutes.

The county Zoning Ordinance (Chapter 10, Dane County Code) governs land uses in unincorporated towns. It was originally adopted in 1938, substantially modified in 1950 and has been periodically amended over the years since. It has never before been comprehensively revised. The Department of Planning and Development's Zoning Division, under the direction of the Zoning Administrator, administers the Zoning Ordinance.

For more information, contact:

Brian Standing, Senior Planner
Dane County Department of Planning and Development
standing@countyofdane.com
608-267-4115

ZLR Comprehensive Revision of Chapter 10 Subcommittee

- Minutes and agendas (Legistar)
- Schedule of future meetings and topics for discussion (pdf)
- County Board press release

Background Information

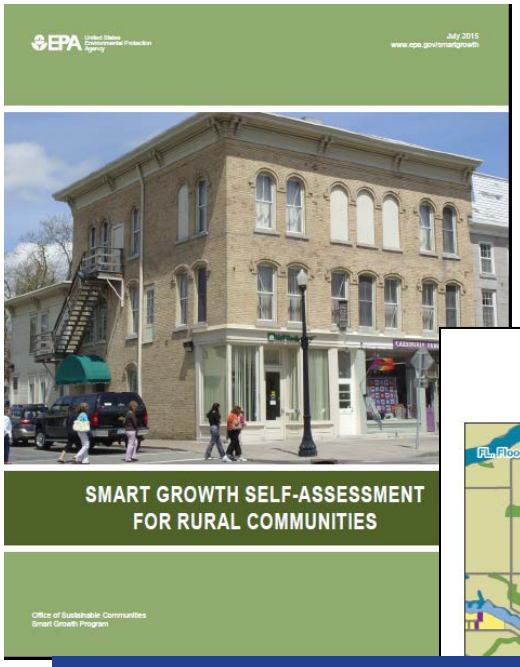
- Survey of Town Officials on Zoning Improvements (pdf)
- Background on Dane County land use (pdf)
- Current Adopted Zoning Ordinance (Chapter 10, Dane County Code) (pdf)

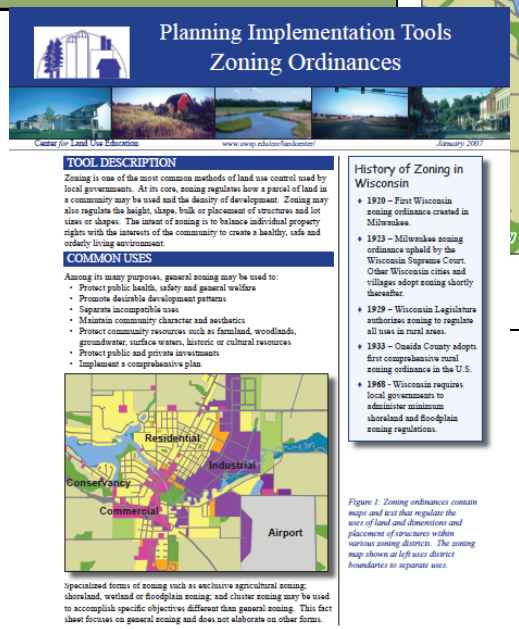
Resources

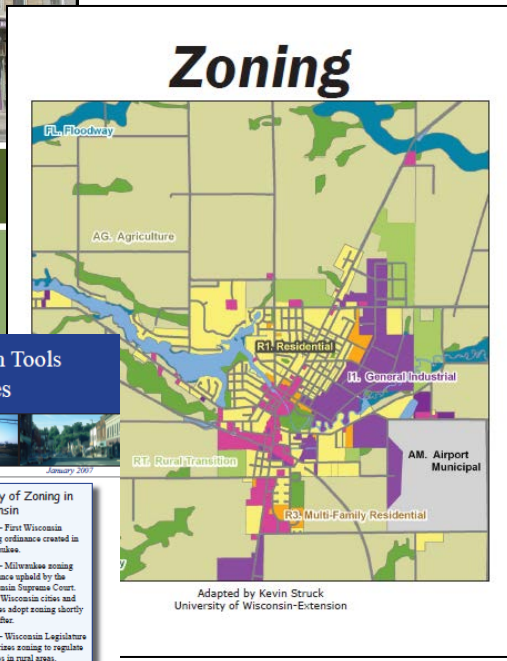
- Information on zoning in Wisconsin (Center for Land Use Education)
- Dane County Comprehensive Plan, Chapter 8 Land Use (pdf)
- Dane County Farmland Preservation Plan

Other resources

- National / State Resources
  - **U.S. Environmental Protection Agency**
    - Rural Smart Growth publications
  - **U.W. Stevens Point Center for Land Use Education**
    - General Zoning Resource publications
  - **American Association of Retired Persons**
    - Accessory Dwelling Unit Model State Act and Local Ordinance
- Other county, town, city ordinances
  - **Particularly Useful Wisconsin Models**
    - City of Sun Prairie
    - City of Madison
    - Lincoln County
    - Marathon County
  - **Neighboring Counties**
    - Columbia County
    - Iowa County
    - Jefferson County
    - Rock County *(no county zoning ord.)*
    - Sauk County







Contact information

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