



DANE COUNTY PLANNING & DEVELOPMENT

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MEMORANDUM

TO: Dane County Board of Supervisors
Town Supervisors and Planning Commissioners
County Executive Joe Parisi
Town Boards and Planning Commissions

FROM: Brian Standing, Senior Planner

SUBJECT: 2019-OA-20 Amendments to the Dane County Zoning Ordinance

DATE: October 23, 2019

CC: Todd Violante, Director of Planning and Development
Roger Lane, Zoning Administrator
Karin Thurlow-Peterson, County Board Office

I. Summary

2019-OA-20 would make a number of corrections and revisions to the Dane County Zoning Ordinance (Chapter 10, Dane County Code), which was comprehensively revised in January of 2019. Amendments include changes recommended by the Dane County Towns Association and Planning and Development staff after some experience working with the new zoning code.

II. Background

A. Ordinance Amended

If adopted, 2019-OA-20 would amend the text of the Dane County Zoning Ordinance (Chapter 10, Dane County Code).

B. Action Required

Under s. 59.69(5) of the Wisconsin Statutes, town boards in towns that have adopted the county zoning ordinance will have 30 days from the ZLR public hearing to vote on 2019-OA-20. By the 11/26/2019 public hearing, 24 towns are expected to have adopted the county zoning ordinance. If, by 12/27/2019, thirteen town boards vote to disapprove, the county board cannot adopt the ordinance amendment, and must either deny or adopt with modifications. If the county board adopts with modifications, town boards will have an additional 45 days for final approval.

**The Zoning & Land Regulation Committee Public Hearing on OA #20 will be November 26, 2019.
Town action on OA #20 is due to the zoning office by December 27, 2019.**

III. Discussion

2019-OA-20 would make the following changes to Chapter 10.

A. Policy changes.

- ARTICLE 13. Establish a minimum 3-foot setback for free-standing solar collectors. This change would treat such structures in a way that is consistent with the way satellite dishes and other similar utility structures are treated.
- ARTICLE 15. Make a number of changes to the standards for conditional use permits for communication towers. Require that no new communication tower may be erected within a half-mile of an existing communication tower, unless a waiver is granted by the county zoning committee. Clarify and add detail to the application procedure by incorporating longstanding administrative practices and provisions from the prior ordinance. Address requirements in state law regarding timeframes for acceptance, review, and action on new tower conditional use permit applications. Incorporate and clarify general standards for review and consideration of new communication tower applications and standard conditions of approval from the prior ordinance.
- ARTICLE 17. In the FP-1 (Small-Lot Farmland Preservation) zoning district, on lots smaller than 5 acres, require a conditional use permit for any livestock. On lots 5 acres to 35 acres in size, limit livestock to one animal unit per acre, unless more are authorized by a conditional use permit. This is similar to how legal, nonconforming parcels in the A-1(ex) zoning district were treated under the old ordinance. This change was recommended by the Dane County Towns Association to help address concerns about over-intensive livestock use on smaller parcels.
- ARTICLES 20, 21, 23, 25, 26, 27, 29, 31, 32, 33, 34, 36, 37 & 38. In all RM, RR, Residential, Hamlet and Commercial zoning districts, add “cemeteries” as a conditional use. This change would help accommodate small family plots on residential and rural residential properties, historic cemeteries in unincorporated hamlets, as well as larger cemeteries in commercial areas. The current ordinance limits cemeteries to the RE (Recreational) zoning district, which seems too restrictive, given existing land use practice.
- ARTICLE 28. Add a new RR-16 (Rural Residential, 16 to 35 Acres) zoning district. The RR-16 district would be essentially similar to the RH-4 district under the old ordinance. This change was recommended by the Dane County Towns Association as a means to limit livestock use in circumstances where a larger parcel is surrounded by development.
- ARTICLE 34. In the MFR-08 (Multi-Family Residential) Zoning District, add “institutional residential” (nursing homes, etc.) as a conditional use. Institutional residential uses typically create similar land use impacts to those of a multi-family dwelling. This amendment would allow for the integration of senior housing, assisted living or nursing homes into appropriate residential neighborhoods.

- ARTICLES 20 & 21. In the RM-8 and RM-16 zoning districts, add “limited farm business” as a conditional use. The Rural Mixed Use zoning category is intended to accommodate a wide range of agricultural uses, as well as residences. “Limited farm businesses” (currently conditional uses in the Farmland Preservation zoning districts) are defined as businesses operated by a farm owner or operator, with no more than 4 employees, and that are compatible with agriculture.
- B. Changes to restore standards that existed in previous versions of Chapter 10.
- ARTICLE 8. Add civil forfeiture penalties (as distinct from citations) for violations of the ordinance.
 - ARTICLE 10. Automatically terminate conditional use permits (CUPs) where the use has been abandoned for a year or more.
 - ARTICLE 12. Exempt certain nonresidential portions of structures, such as churches, chimneys, cupolas, windmills, etc. from height limitations.
 - ARTICLE 30. In the SFR-08 zoning district, reduce rear yard setbacks from 50 feet to 25 feet for principal residences and from 38 feet to 13 feet for uncovered decks and porches. These setbacks are similar to those imposed in the R-3 district under the old ordinance.
 - ARTICLES 34 & 39. In the MFR-08 (Multi-Family Residential) and the GC (General Commercial) zoning districts, clarify height limitations for single-family vs. multi-family residences.
 - ARTICLE 40. In the MI (Manufacturing and Industrial) zoning district, add “contractor, landscaping or building trade operations,” “outdoor display and repair,” and “wastewater treatment facilities” as permitted uses.
 - ARTICLE 41. In the MI (Manufacturing and Industrial) zoning district, add “biodiesel and ethanol manufacturing,” “biopower facilities for distribution, retail or wholesale sales,” “manure processing facilities,” and “processing or composting of organic by-products or wastes” as conditional uses.
 - ARTICLE 43. Add vehicle signs back into list of prohibited signs in all zoning districts.
 - ARTICLE 45, 45 and 49. Add a distance of “within 1,000 feet of” other billboard signs and “billboards may not be located 300 feet of existing on-premise advertising signs” for sign location standards, and add “wall” to clarify the type of on-premise advertising sign.
 - ARTICLE 46. Correct list of exempt signs by deleting “directional signs”, “signs posted and owned by a municipality, the state of Wisconsin or a federal agency”; and to correct the list of signs permitted without a permit by deleting “on-premise advertising signs located in agricultural districts provided that such signs have a maximum size of 32 feet”, and to renumber the associated lists.

C. Clarifications, corrections and technical amendments with minimal policy impact.

- ARTICLE 2. Add a list of towns that have adopted the ordinance, with adoption dates for each.
- ARTICLES 3, 4, 5, 6 & 7, 42. Clarify definitions of “abandoned or discontinued use,” “communications tower,” “distribution center,” “indoor commercial lodging,” “warehousing,” and “double decked sign”.
- ARTICLE 9. Clarify minimum application materials submitted as part of a conditional use permit (CUP).
- ARTICLE 11. Clarify the county board’s authority to impose conditions of approval on a rezone petition.
- ARTICLE 14. Correct an internal reference.
- ARTICLE 16. Clarify a reference to “livestock.”
- ARTICLE 44. Reformatting to renumber “copy area”.
- ARTICLE 45. Add instructions for measurement of sign height. This is an improved description compared to the one provided in the old Chapter 10.
- ARTICLE 46. Add a maximum height to the list of standards for signs that do not require a permit.
- ARTICLE 47 and 48. “P” and “C” were added to Table 1 to clarify whether the sign is permitted by right (P) or as a conditional use (C); and Table 2 and 4 making dimensions more appropriate to the district, easier to enforce and less complicated for those seeking a permit.
- ARTICLE 50. Add standards for “directional signs”.
- ARTICLE 51. Describe materials required to apply for a sign permit, including details of what is required in a site plan, detailed drawings, and elevation plans.