

Comprehensive Revision of Dane County Zoning Ordinance

April 10, 2017

City County Building

Proposed vs. Current Zoning Districts

<i>Proposed Zoning District Category</i>	<i>Proposed Zoning District</i>	<i>Equivalent Current Zoning District</i>
Overlay Districts	AED (Adult Entertainment Overlay)	AED (Adult Entertainment Overlay)
	GWP (Ground Water Protection Overlay)	<i>No equivalent</i>
	HD (Historic Overlay)	HD (Historic Overlay)
	NR-I (Natural Resource Identification Overlay)	<i>No equivalent</i>
	RD (Rural Density Overlay)	<i>No equivalent</i>
	TDR-S (TDR Sending Area)	TDR-S (TDR Sending Area Overlay)
	TDR-R (TDR Receiving Area)	TDR-R (TDR Receiving Area Overlay)

What is an overlay zoning district?

- **Imposes additional requirements or modifications on underlying base zoning district**
- **May apply similar standards or requirements to multiple zoning districts**
- **May be separately mapped, or may be described by policy**

Overlay Districts



AED Adult Entertainment District

- Applies to M-I (Manufacturing / Industrial) Zoning District
- Adult Entertainment uses must be 1,000 feet from schools, churches, libraries or other adult entertainment uses
- Outdoor signage limited
- All activities must be visible from main area of AE use.



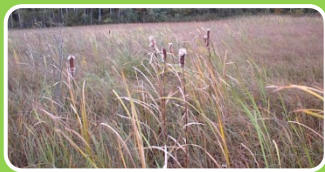
GWP Groundwater Protection District

- Applies to contribution areas to municipal wells
- Consistent with Dane County Water Quality Plan
- Particular uses with high-risk of groundwater contamination (Salvage yards, sanitary landfills, etc.) prohibited



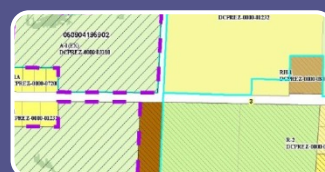
HD Historic Preservation

- May apply to any district with historic resources (includes mounds, cemeteries and buildings)
- Restricts renovations to historic structures to conform to U.S. Dept. of Interior standards
- Establishes 25-foot clear zone around historic resource



NR-I Natural Resource Identification

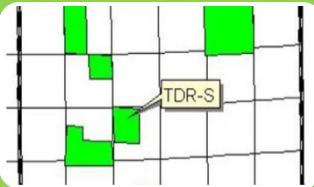
- May apply to any zoning district where potential natural resources are present or nearby
- Requires field-verified data of environmental features
- Requires site plan
- Development must avoid identified natural features



RD Rural Density

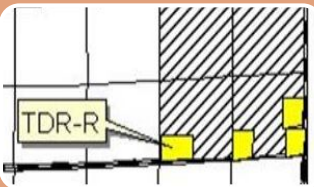
- May apply to FP-35, FP-B, FP-1 districts only
- Applied to properties that have used up all development potential under town/county plans
- Intended to supplement or replace deed restrictions
- Prohibits rezones or redivisions to allow more nonfarm development

Overlay Districts



TDR-S Transfer of Development Rights Sending Area

- Applies to FP-35 and NR-C district only
- Identifies properties eligible for participation as TDR Sending Area
- Allows for transfer of development potential through conservation easement



TDR-R Transfer of Development Rights Receiving Area

- Applies to Rural Mixed-Use, Rural Residential, Residential and Hamlet districts
- Requires proof of recorded conservation easement in TDR-S prior to construction of any new nonfarm use.
- Requires confirmation of consistency with adopted town/county plan.

Summary of changes to overlay zoning districts

- **Adult Entertainment Overlay District**
 - No significant changes (subject to Corporation Counsel review)
- **Groundwater Protection Overlay District**
 - New district
- **Historic Preservation Overlay District**
 - No significant changes
- **Natural Resource Identification Overlay District**
 - New district
- **Rural Density Overlay District**
 - New district
- **Transfer of Development Rights Sending Area Overlay District**
 - No significant changes
- **Transfer of Development Rights Receiving Area Overlay District**
 - No significant changes

Groundwater Protection Overlay District

Proposed GWP District

1) Purpose.

The residents of Dane County, whether served by private wells or municipal supplies, depend upon groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Groundwater Protection Overlay District is to institute land use regulations to protect the municipal water supplies, and may impose greater restrictions than Wis. Admin. Code ATCP 31 to promote the public health, safety, and general welfare of the residents of Dane County.

2) Areas regulated.

Areas identified as contribution zones to municipal wells for drinking water, as shown in the current adopted Dane County Water Quality Plan.

3) Prohibited uses

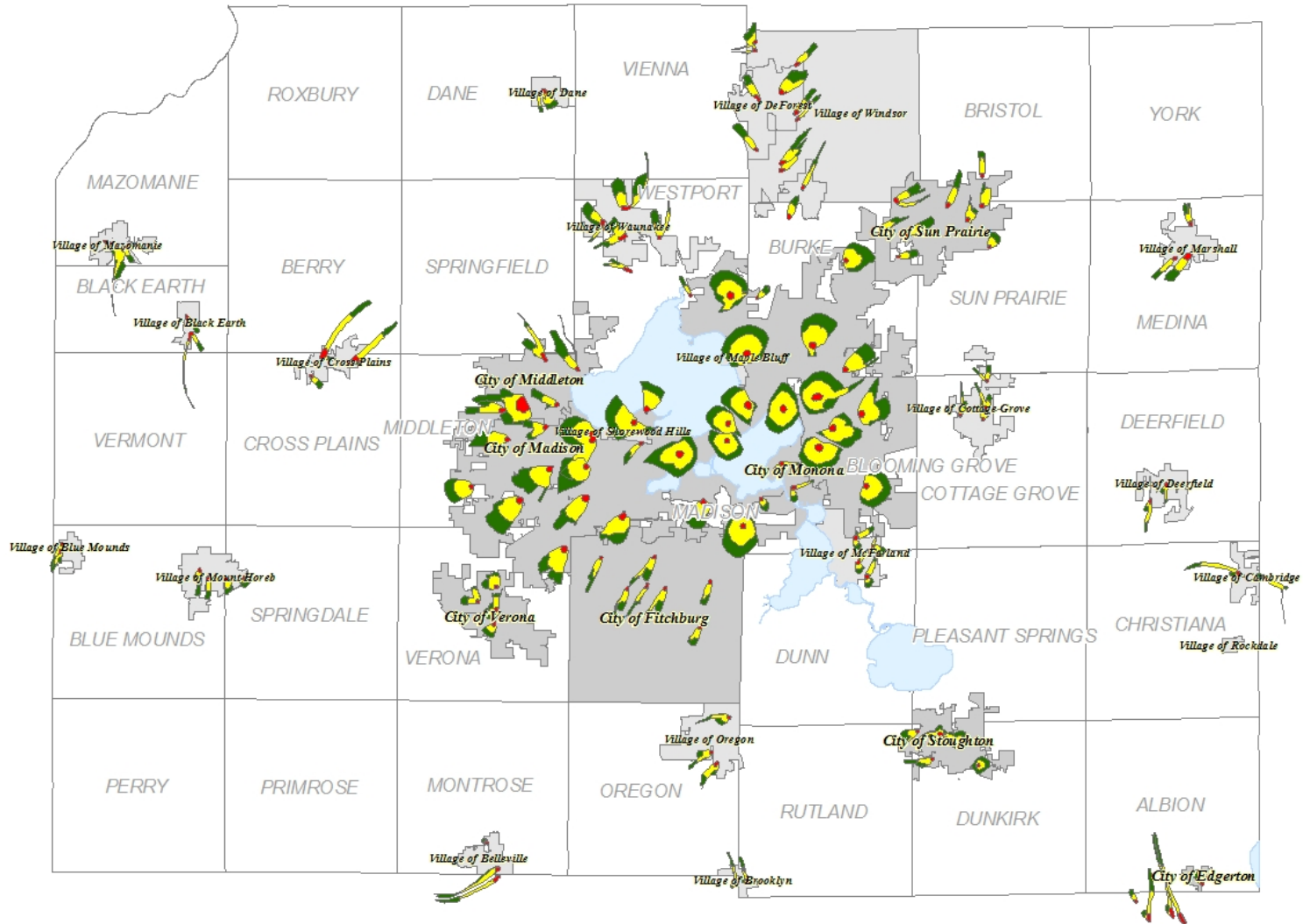
- a) Wastewater lagoons and infiltration ponds
- b) Land application of biosolids or septage
- c) Wastewater irrigation and landspreading
- d) Manure storage facilities
- e) Salvage yards.
- f) Sanitary landfills.

4) Permitted and conditional uses.

All permitted and conditional uses in the underlying zoning district, not listed as prohibited uses in (3) above, and provided all groundwater protection standards of ATCP 31, Wisconsin Administrative Code are met.

Groundwater Protection Overlay District

Zones of Contribution to Municipal Wells (CARPC, 2004)



NR-I (Natural Resource Identification) Overlay Zoning District

Proposed NR-I District

1) Purpose

The Natural Resource Identification Overlay District (NR-I) is intended to:

- a) Protect sensitive environmental features on the landscape
- b) Use field-verified data to determine precise locations and extents of natural features
- c) Provide for limited development that meets performance standards to minimize environmental impacts to fragile natural resources.
- d) Provide buffers and minimize ecological fragmentation of core resources in the NR-C (Conservation) Zoning district.

2) Permitted and conditional uses

All permitted and conditional uses in the underlying district, provided development conforms to the performance standards described in(4) below.

NR-I (Natural Resource Identification) Overlay Zoning District

Proposed NR-I District

3) Additional application information.

Within the NR-I Natural Resources Buffer Overlay District, any application for any zoning or conditional use permit must be accompanied by the following:

- a) A site plan meeting all the requirements of s. 10.100(4).
- b) Wetland delineation reports for any wetlands within 150 feet of the site and for any areas identified as hydric soils in the Dane County Soil Survey.
- c) If necessary, flood studies in sufficient detail to identify floodway, floodfringe and 0.2% occurrence regional flood areas under Chapter 17, Dane County Code.
- d) Elevation surveys for any development proposed within two feet of elevation from the General Floodplain District or Flood Storage District, as described in Chapter 17, Dane County Code.
- e) If determined necessary by the zoning administrator, a Preliminary Review Letter from the Dane County Department of Land and Water Resources confirming that erosion control and stormwater management standards under Chapter 14 and/or Chapter 11, Dane County Code can be readily met.
- f) Identification, by location and type, of any significant areas of remnant or restored vegetation native to Dane County.

NR-I (Natural Resource Identification) Overlay Zoning District

Proposed NR-I District

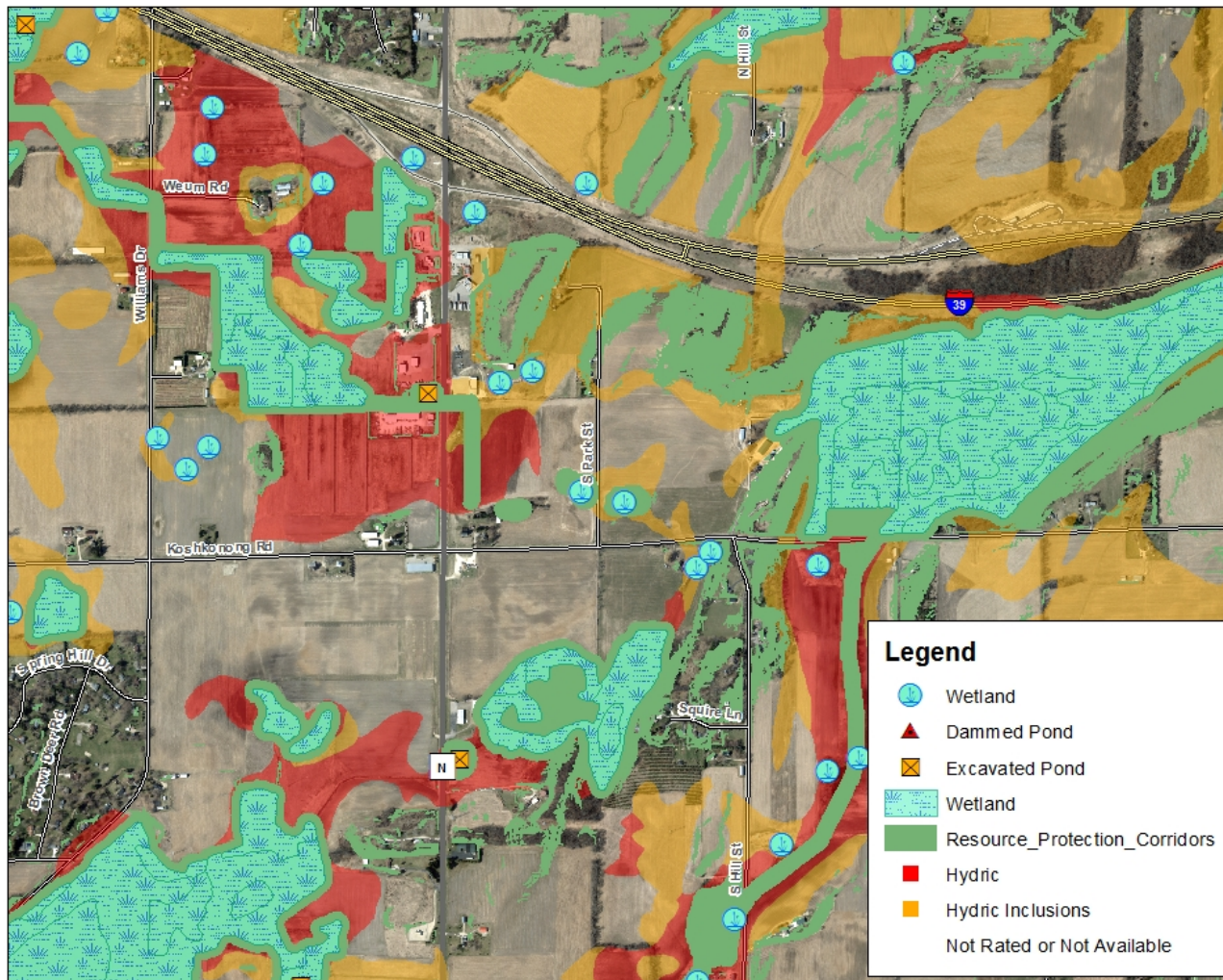
4) Performance standards.

Prior to issuing a zoning permit for any development activity within the Natural Resource Buffer Overlay District, the zoning administrator, or his or her designee, must confirm that all of the following criteria are met:

- a) The development conforms to the approved site plan for the project
- b) All development meets setbacks from delineated wetlands and navigable waterways as described in Chapter 11, Dane County Code.
- c) All development complies with all requirements of Chapter 17, Dane County Code.
- d) Development must avoid all areas of existing or restored native vegetation. Any vegetation removal, planting, landscaping or other activities within areas of native vegetation must meet technical standards appropriate to the site and approved by the U.S. Natural Resource Conservation Service or the Director of the Department of Land and Water Resources.
- e) Development must have an approved erosion control plan and stormwater management plan under Chapter 11, Dane County Code if the site is within the shoreland zone, or under Chapter 14, Dane County Code if the site is not within the shoreland zone.

Natural Resource Identification Overlay District

Possible application to water resources.



RD (Rural Density) Overlay Zoning District

Proposed RD District

1) Purpose.

The Rural Density Overlay district is intended to:

- a) Facilitate implementation of caps on residential densities described in adopted town comprehensive plans, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
- b) Protect areas for planned for long-term agricultural use.
- c) Protect open space, natural resources and rural character, consistent with adopted town comprehensive plans and the Dane County Comprehensive Plan.
- d) Provide public notice and consumer protection to potential buyers and future landowners of limits on development potential for properties under town and county comprehensive plan policies.

RD (Rural Density) Overlay Zoning District

Proposed RD District

2) Areas affected.

The Rural Density Overlay district may apply to any of the following:

- a) Properties that have exhausted potential development opportunities under density caps in the applicable adopted town comprehensive plan.
- b) Properties where the landowner has voluntarily sold, transferred or donated all remaining potential development sites to a conservation entity through a recorded deed or conservation easement. Such transactions may include, but are not limited to participation in a transfer of development rights, purchase of development rights, purchase of agricultural conservation easements, or land acquisition and conservation program.

RD (Rural Density) Overlay Zoning District

Proposed RD District

3) Rezones into the RD Overlay district.

- a) Landowners may submit requests to rezone all or portions of their property into the RD Overlay zoning district as either a separate petition, or as part of a petition to rezone for development or transfer of development rights.
- b) The town board or zoning committee may recommend to the county board that particular parcels be added into the RD Overlay zoning district upon finding that all development potential under the applicable town comprehensive plan on the affected property has been exhausted.

4) Rezones out of the RD Overlay District.

The county board may approve petitions to rezone property out of the RD Overlay District if it finds that any of the following have taken place:

- a) The affected town has amended its comprehensive plan to increase the allowable density of residential or nonfarm use for the affected property.
- b) Conservation easements extinguishing development rights on the property have been relinquished by all holders of the easement, or;
- c) Conservation easements or rezones to allow development are voided by a court of competent jurisdiction.

RD (Rural Density) Overlay Zoning District

Proposed RD District

4) Permitted and conditional uses.

All permitted and conditional uses in the underlying district, provided that no uses increase the number of principal residential or nonfarm buildings or dwelling units on the property.

5) Prohibited uses.

Land divisions or rezones that would allow for any increase in the number of principal residential or nonfarm buildings or dwelling units on the property.

Rural Density Overlay District

Potential application: Town of Dane

