

August 15, 2016: Statutory Changes Affecting Ordinance

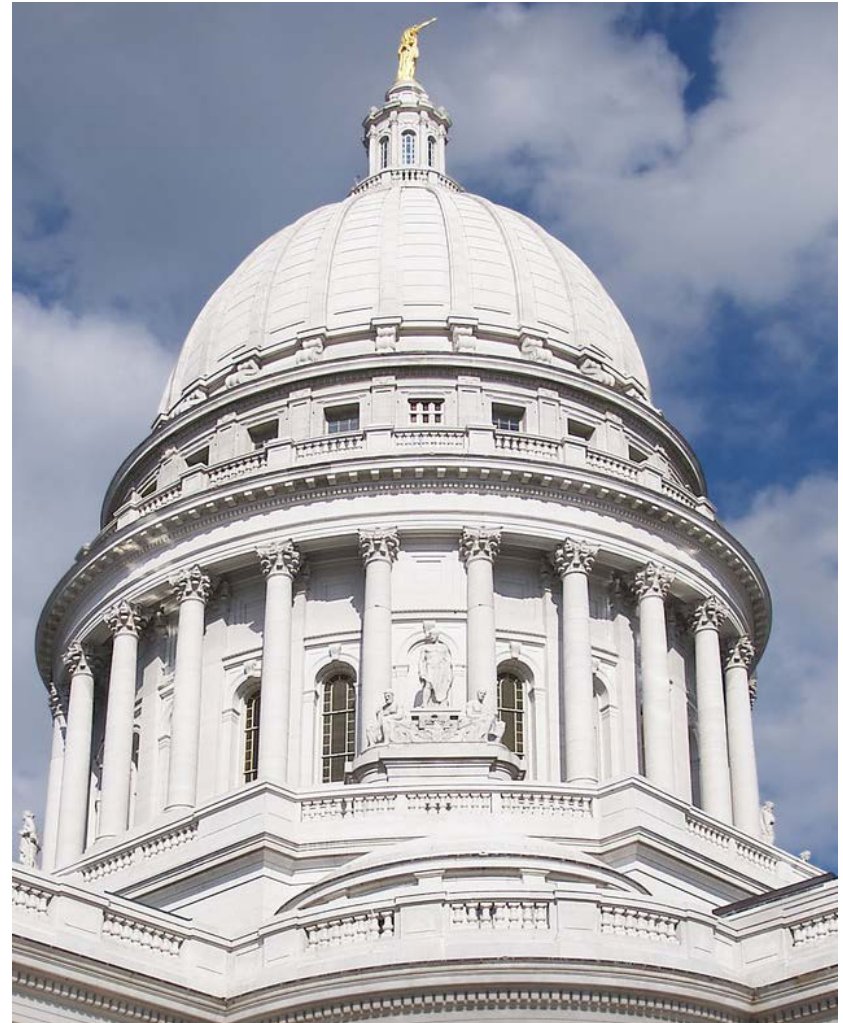
Dane County

Comprehensive Zoning Revision

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



2003 WI Act 231

Livestock Siting Law

- “a political subdivision may not disapprove or prohibit a livestock facility siting or expansion unless at least one of the following applies:”
 -1. The site is located in a zoning district that is not an agricultural zoning district....

Dane County Ordinance Conflicts with Livestock Siting Law

- Excludes livestock on:
 - parcels of 5 acres or less in A-1, A-1[ex], A-3 and A-4 districts;
 - parcels of 2 acres or less in the A-2 district
- CUP required for livestock in excess of one animal unit per acre on:
 - Any parcel in the A-4 district
 - Parcels 2-16 acres in the A-2 district

WI DATCP Guidance

Define new category of “small-scale farming” distinct from “livestock.”

Category	Zoning Districts	Types of livestock	Number of animals	Permits required
“agriculture / livestock”	Agriculture, Farmland Preservation	No limits	Limited only under ATCP 51, Wis. Admin. Code	State permits for CAFOs, (free) zoning permits for barns, etc.
“small-scale farming”	Rural Homes, Rural Residential	No limits	One animal unit per acre	CUP to exceed 1 A.U. / acre
“domestic fowl”	Residential	Hens, ducks, geese	Set number (currently 4) of animals	Zoning permit for accessory structures

2013 WI Act 20

Mobile Tower Siting Law

The County may not:

- Disapprove a tower or co-location based on aesthetics, height, lighting or suitability of other locations.
- Exceed set limits on fees and sureties
- Impose environmental testing, sampling, or monitoring
- Prohibit towers in particular locations
- Limit the height of a tower to under 200 feet.
- Impose any recurring fees
- Regulate radio signal strength.
- Prohibit or require emergency power systems.
- Require towers to be located on county property
- Require the provider to co-locate county facilities at below-market rents.
- Limit the duration of any permit that is granted.

Already compliant

2015 Act 178

Dane County Towns Opt-Out

- In counties with a population of at least 485,000:
 - Towns may opt out of county zoning once every three years, starting in 2017
 - Towns must adopt either county zoning ordinance or model ordinance jointly created by towns who have opted out of county zoning
 - County must adopt comprehensive plans of towns who have opted out, without change
- Towns also have opportunity to opt-out with comprehensive revision language [s.59.69(5)(d)], which is unchanged.

2015 Act 178

Specific changes needed to county zoning ordinance

- Statutory Authority
 - Citation referencing s.59.69, Wis. Stats. and any other applicable statutes
- Jurisdiction
 - Identify which towns are covered by ordinance
 - Should be updated and amended every 3 years
 - References to statutory provisions for repeal in towns that opt out
- Towns that opt out, then opt back in
 - Rezoning process to bring zoning maps into consistency
 - How to treat nonconforming uses approved under town zoning?
- For either opt-out or opt-in
 - Transitional process for transfer of records, etc.

2015 WI Act 391

Notice Requirements

- Notification of amendments
 - Maintain a list to receive notice of proposed land use ordinances or amendments.
 - Annually, the agency shall inform residents of the county that they may add their names to the list.

2015 WI Act 391

Down Zoning

- ***Definition:*** An ordinance amendment that:
 - Decreases the development density OR
 - Reduces the permitted uses
- ***Process:***
 - Must be approved by 2/3 majority of county board
 - Rezone petitions submitted, or agreed to, by the affected landowner(s) may be approved by simple majority.