



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703

Frequently-Asked Questions About Dane County's Comprehensive Amendment of the Dane County Zoning Ordinance (Chapter 10, Dane County Code)

On February 4, 2016, the Dane County Board of Supervisors passed 2015 Resolution 431 (attached), which creates a subcommittee to oversee a comprehensive amendment of the Dane County Zoning Ordinance. The resolution requires that the subcommittee complete its work and introduce an amended zoning ordinance to the county board by September, 2017. County Executive Parisi signed the Resolution on February 8th, 2016.

This FAQ document is intended to aid town officials, to answer specific questions about the amendment process, and to explain how the revised ordinance may affect your community.

Q1: Why is the county comprehensively amending its zoning ordinance?

A: While the county zoning ordinance has been amended many times since it was first adopted, it has never been comprehensively reviewed and updated. A modern zoning ordinance will provide better management of new land use trends, reduce the need for cumbersome variances, possibly streamline the process, and help realize community land use goals. As a starting point, the *Dane County Comprehensive Plan* (excerpt attached) includes a number of goals and objectives that a comprehensive revision of the ordinance could help achieve.

Q2: Will town governments have a say in how the new ordinance is written?

A: Yes. The subcommittee and Department of Planning and Development staff will work to maximize the involvement of town plan commissions and boards throughout the process. Starting early in the process, Dane County will survey all town land use officials about opinions on the current zoning ordinance and solicit suggestions for improvements. Planning and Development staff will be available to attend town plan commission and town board meetings to discuss proposed amendments. The Comprehensive Chapter 10 Revision Subcommittee will include representation from town government. All subcommittee meetings will be public, and there will be multiple opportunities for town representatives to participate in discussions and present their views. After the revised ordinance is introduced in 2017, the Zoning and Land Regulation (ZLR) committee will hold a public hearing on the ordinance, at which towns will have an opportunity to comment. Finally, once the new ordinance is adopted by the county board, each town board will have one year to decide whether or not to adopt the new county zoning ordinance.

Q3: Will the new ordinance change the current authority town governments have over zoning decisions?

A: For towns that choose to remain in county zoning, no. Towns staying in county zoning will continue to be governed by s.59.69 of the Wisconsin statutes, which requires joint town/county decision-making. So, for example, any proposed rezone or other zoning amendment would continue to require approval of both the town and county boards, as has been the case to date.

Q4: What do towns need to do?

A: This spring, Planning staff will send out information about an online zoning survey, specifically tailored to town plan commissions and town boards. We will also send out surveys to other stakeholders in county zoning issues, including landowners, farmers, builders, real estate agents and other interested groups. We'd ask that town plan commissions schedule time to go through the survey at one of their regular meetings, in open session, and recommend survey responses to the town board. If it's more convenient, towns could schedule a joint town board / plan commission meeting to work through the survey. Planning staff will be available to assist, and to attend meetings, upon request.

After staff have compiled survey results, the Comprehensive Chapter 10 Revision Subcommittee will likely begin holding a series of meetings and workshops on various zoning topics. All meetings would be noticed and open to the public, and we'd strongly encourage town officials to participate. County staff will make sure towns get advance notice of any meetings or workshops and will always be available to answer questions or receive feedback throughout the amendment process.

Q5: How does the comprehensive amendment relate to "opt-out" legislation currently pending in the Wisconsin Legislature?

A: At the time of this writing, the Wisconsin Legislature is considering AB 563 / SB 479, which would significantly change the process for towns (in Dane County only) to "opt-out" of county zoning. Dane County is committed to completing a comprehensive zoning amendment by September 2017, whether or not AB 563 / SB 479 is enacted into law. If AB 563 / SB 479 becomes law, towns will be able to choose, at three-year intervals starting in 2017, whether to:

- remain in county zoning as it exists now; or
- withdraw from county zoning and independently adopt and administer the amended county zoning ordinance, or;
- withdraw from county zoning and independently adopt and administer a second zoning ordinance developed jointly by multiple town representatives.

Q6: Would the amended county zoning ordinance affect all towns, or just those that stay in county zoning?

A: The amended county zoning ordinance will affect towns who choose to adopt the new ordinance and stay in joint town-county zoning. Under current statute, all towns have a choice whether or not to adopt the county zoning ordinance whenever the county completes a comprehensive revision of the zoning code.

For more information, contact the Planning and Development Department by phone at (608) 266-4266, or by email at plandev@countyofdane.com.