

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **March 26, 2024**

Petition 12024

Zoning Amendment Requested:

**AT-5 Agriculture Transition District TO SFR-08 Single Family Residential and NR-C Natural Resource Conservation District;
SFR-08 Single Family Residential District TO AT-5 Agriculture Transition District**

Town/Section:

MIDDLETON, Sections 17, 18, 29, 31, 32

Size: **61.9, 8.5, 1.8 Acres**

Survey Required: **Yes**

Applicant

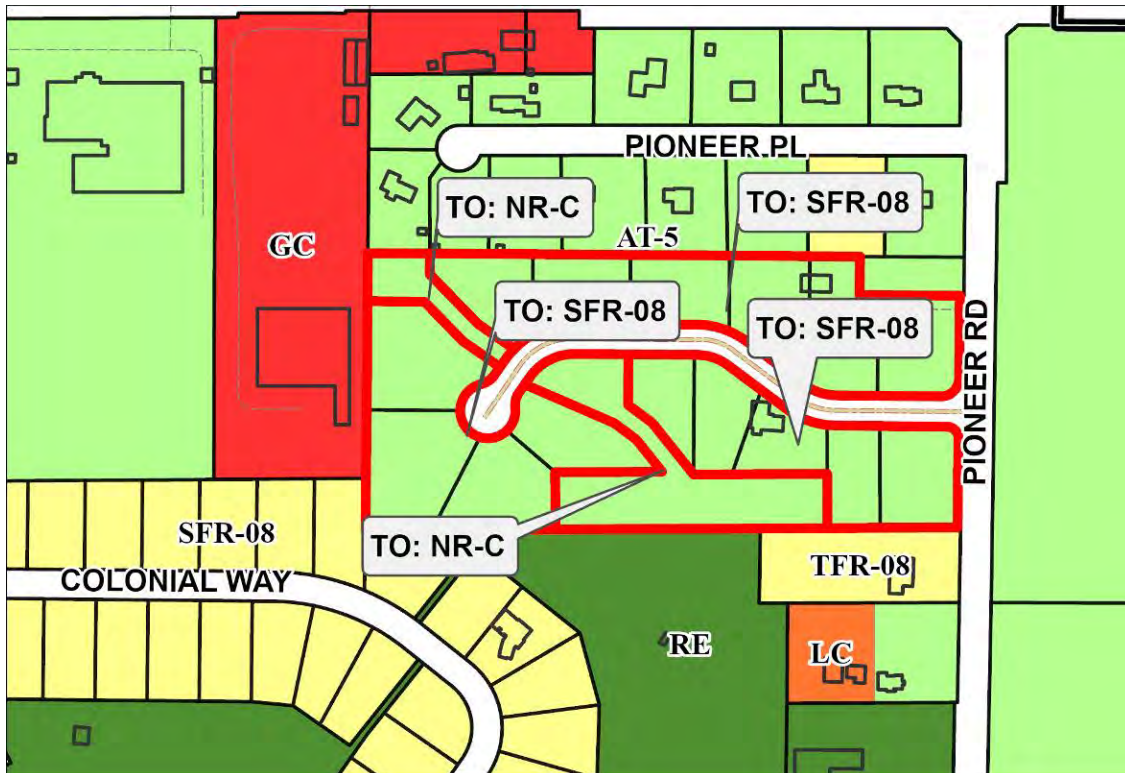
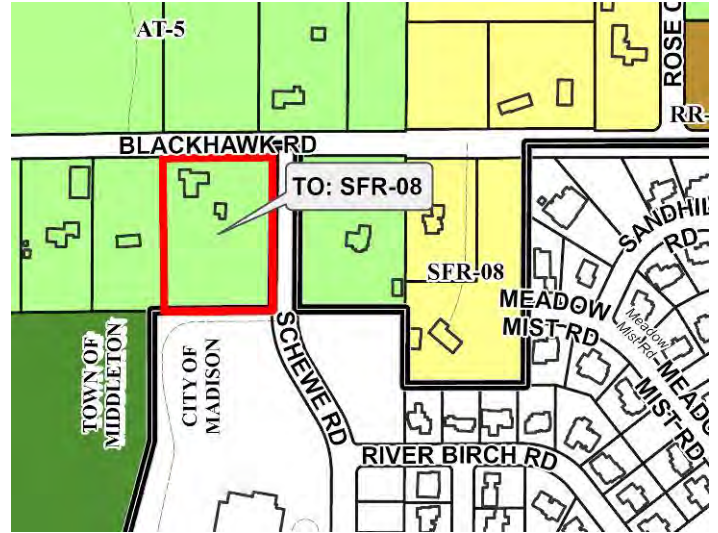
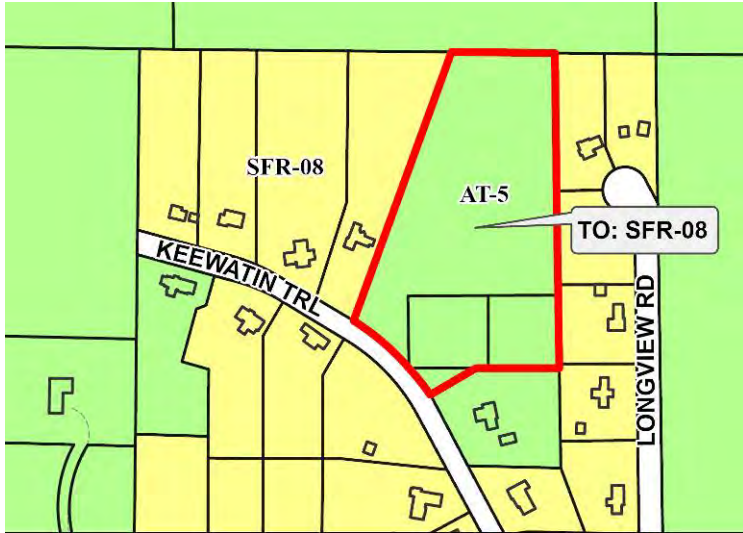
TOWN OF MIDDLETON

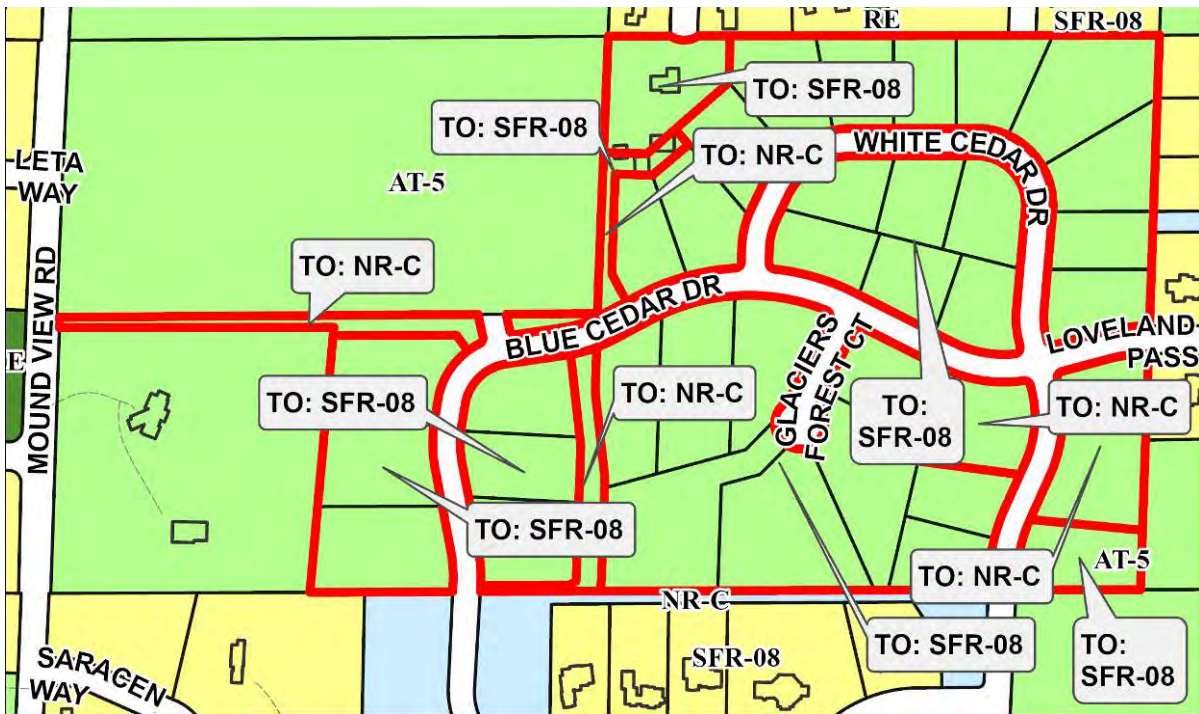
Reason for the request:

BLANKET REZONE FOR VARIOUS PARCELS BASED ON TOWN ZONING POLICY

Address:

Multiple





DESCRIPTION: The Town of Middleton has submitted a “blanket rezone” petition to rezone several existing residential lots from the AT-5 Agricultural Transition to the SFR-08 Single Family Residential district. No new development is proposed with this petition.

During the overhaul of Dane County’s zoning code that began in 2017 and concluded in 2019, the Town worked to ensure that the change would not diminish the rights of property owners. Under the new (current) zoning ordinance, most “undeveloped” (metes and bounds) parcels in the town were assigned AT-5 zoning. In 2019 the Town established a new policy for new small lots created with a certified survey map (CSM) or subdivision plat, to rezone them to SFR-08, the most suitable zoning district for residential, non-agricultural use. This relieves landowners of the costs associated with a rezone petition, since the lots could be created under AT-5 zoning without the need to rezone.

OBSERVATIONS: The properties are all existing lots previously approved for residential development. All of the lots conform to SFR-08 zoning district requirements, as SFR-08 has more restrictive building setbacks than the AT-5 district.

COMPREHENSIVE PLAN: In 2019, after months of collaboration between the County and Town, the County overhauled its Zoning Ordinance and established new zoning districts, including the AT-5 (Agriculture Transition) district which applies only in the Town of Middleton and is intended to accommodate existing and planned future residential land uses and Town lot size policies. The zoning designations for the Town, as of July 2019, are depicted on Map 9.2 in Appendix 9 of the town [comprehensive plan](#). The Town's policy is to allow the creation of residential subdivision plats and CSM lots under the AT-5 district, and to subsequently rezone the resulting new lots to SFR-08 Single Family Residential on an annual basis.

The Town's [Subdividing/Development Guide](#) reads: *Rezoning for Land Divisions: When the new County Zoning Ordinance was adopted in early 2019, new zoning districts were mapped for the Town. The Town policy is that residential parcels under 5 acres that are created by plat or CSM should be rezoned from AT-5 (Ag Transition zoning, which is intended for unplatted lands and larger parcels) to SFR-08 (Single-Family Residential zoning intended for residential developed lots). The Town intends to handle these rezonings through an annual "blanket rezone" request to Dane County, at no cost to land owners.*

The current petition would simply assign appropriate zoning categories to the lots that were subdivided in the previous year. The blanket rezone petition is consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or kodl@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features of note that are relevant to this proposal. This rezone is not associated with any new development as it pertains to existing developed lots.

TOWN ACTION: On February 22, 2024 the Town Board recommended approval of the blanket rezone with no conditions.

STAFF RECOMMENDATION: Pending any comments at the public hearing, staff recommends approval of the petition with no conditions.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com