



DANE COUNTY  
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MEMORANDUM

TO: Zoning and Land Regulations Committee

FROM: Brian Standing, Senior Planner

SUBJECT: 2018-OA-20 Comprehensive Revision of Chapter 10, Dane County Code

DATE: December 6, 2018

CC: Roger Lane, Zoning Administrator  
Todd Violante, Director  
Dave Gault, Assistant Corporation Counsel

At its November 27, 2018 public hearing, the ZLR committee directed staff to draft appropriate amendments to 2018-OA-20 to address issues raised by the public. The proposed edits to the Ordinance Amendment are attached. Zoning and Planning Division staff believe the attached fully address all of the concerns described in testimony presented at the public hearing.

Please consider these amendments to 2018-OA-20 at your December 18, 2018 meeting. In the meantime, I'd be happy to answer any questions. Feel free to contact me at (608) 267-4115 or [standing@countyofdane.com](mailto:standing@countyofdane.com) if I can be of any assistance.

## SECTION 10.004 DEFINITIONS

PAGE 15, LINES 619-620:

(59) Duplex.

A dwelling designed or intended to be occupied by two families-, but without a shared entrance.

PAGE 19, LINES 765-772:

(73) Incidental room rental.

Rental or leasing of rooms within a single-family residence, provided all of the following are met:

- (a) All rooms offered for rent are within, and share a main building entrance with, the landowner's ~~principal~~ primary residence
- ~~(b) No room has its own kitchen facility~~
- ~~(c)~~ (b) No more than two bedrooms are offered for rent
- ~~(d)~~ (c) One off-street parking space is provided for each rental room.

PAGE 33, LINES 1348-1357:

(159) Transient or tourist.

- (a) A person who travels to a location away from his or her permanent or legal address for a short period of time, not to exceed ~~thirty~~ twenty-nine days, for vacation, pleasure, recreation, culture, business or employment.
- (b) For the purposes of this ordinance, transients or tourists do not include:
  - 1. Nonpaying guests of the family occupying a dwelling unit;
  - 2. Patients, clients or residents of permitted indoor institutional, institutional residential, or community living arrangement land uses ;
  - 3. Employees who receive room and/or board as part of their salary or compensation.

PAGES 33-34, LINES 1359 – 1375

Transient or tourist lodging.

A residence ~~or accessory dwelling unit~~ that rents more than two, but not more than eight, bedrooms, or the entire residence to transient guests or tourists, where all of the following apply:

- ~~(c) Buildings housing rental rooms are either within, or on the same zoning parcel as, the landowner's principal residence.~~
- (a) Rooms are rented to no more than a total of 20 individuals who are not members of the landowner's family.
- (b) Length of stay does not exceed ~~thirty (30)~~ twenty-nine (29) consecutive days for each registered guest.
- ~~(c) Rooms do not include their own kitchen facilities.~~
- ~~(d)~~ (c) Transient lodging houses may include, but are not limited to: bed and breakfasts,

hostels and recreational cabins.

~~(e)~~(d) Transient lodging does not include: incidental room rental, campgrounds, duplexes, multifamily housing, institutional residential, indoor institutional, community living arrangements, rooming houses or indoor commercial lodging .

*EXPLANATION: These edits address clarity concerns raised by the Town of Dunn, and provide for a better path to compliance for short-term rentals. Conditional Use Permits for such uses allow for an appropriate level of review by town and county governments to address potential neighborhood concerns, and are more likely to be supported in town comprehensive plans than commercial zoning would be. Changes to rental terms from 30 days to 29 days bring this section into consistency with new state regulations regarding licensing for short-term rentals.*

#### **SECTION 10.102(9) SETBACKS MEASUREMENTS AND EXCEPTIONS**

PAGE 66, LINES 2823 – 2829

(g) On interior lots less than 60 feet in width no accessory building shall be erected, moved, or added to so as to be nearer than two and one-half (2 1/2) feet to a side or rear lot line, provided, however, if the front building line of any accessory building is located closer than 109 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

*EXPLANATION: Corrects a typographical error.*

#### **SECTION 10.102(11) VISUAL SCREENING**

PAGE 68, LINES 2888-2897

(b) Applicability and waivers.

1. Unless specifically waived under 3. below, Screening-screening is required along the interior boundary of any lot in the Limited Commercial (LC), General Commercial (LC), Heavy Commercial (HC) and Manufacturing/Industrial (MI) districts that are adjacent to land in the Single Family Residential (SFR), Two Family Residential (TFR), Multi Family Residential (MFR), Rural Residential (RR) or Rural Mixed-Use (RM) Districts.
2. At the town board and zoning committee's discretion, screening may also be required as a condition on any conditional use permit, where appropriate to minimize visual impact to neighboring properties.
3. Waivers. If the town board and zoning committee find that there will be no significant visual impact, or no negative impact on neighborhood or rural character from the proposed use, the town board and zoning committee may:
  - (a) Approve alternative landscaping plans, differing from the specific standards in this section, or
  - ~~1.~~(b) Waive visual screening requirements entirely.

*EXPLANATION: These edits are responsive to public comment received from a landowner. These changes would grant the ZLR and town boards discretion about how to apply visual screening standards, and would allow for flexibility for non-woodland landscapes, or for operations that are visually similar to existing farming activity.*

**SECTION 10.251 SFR-08 (SINGLE-FAMILY RESIDENTIAL, SMALL LOTS) ZONING DISTRICT**

PAGE 130, LINES 5594 - 5603:

(5) Setbacks and required yards.

(a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).

(b) Side yard.

1. Except as exempted in 2 or 3 below, all principal and accessory buildings must be at least 10 feet from any one side lot line.

2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any side lot line on lots 60 feet or more in width, or

b. 2.5 feet from any side lot line on lots less than 60 feet in width.

3. Lots of nonconforming width.

a. On lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.

b. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.

*EXPLANATION: Development near the lakes in the Town of Dunn includes approximately 566 existing lots with widths of less than 60 feet. Similar development also exists in other portions of the county. Due to the large number of such lots, individual review by the Board of Adjustment may not be practical. In response to public comment and recommendations from the Town of Dunn, this amendment would restore current practice regarding side yard setbacks for existing, legal, nonconforming lots of 60 feet or less in width.*