

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **October 22, 2024**

Report updated for the November 19th ZLR meeting

Petition 12103

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO FP-35 Farmland Preservation District

Town, Section:

VERMONT, Section 32

Size: **6624.22 Acres**

Survey Required: **No**

Applicant:

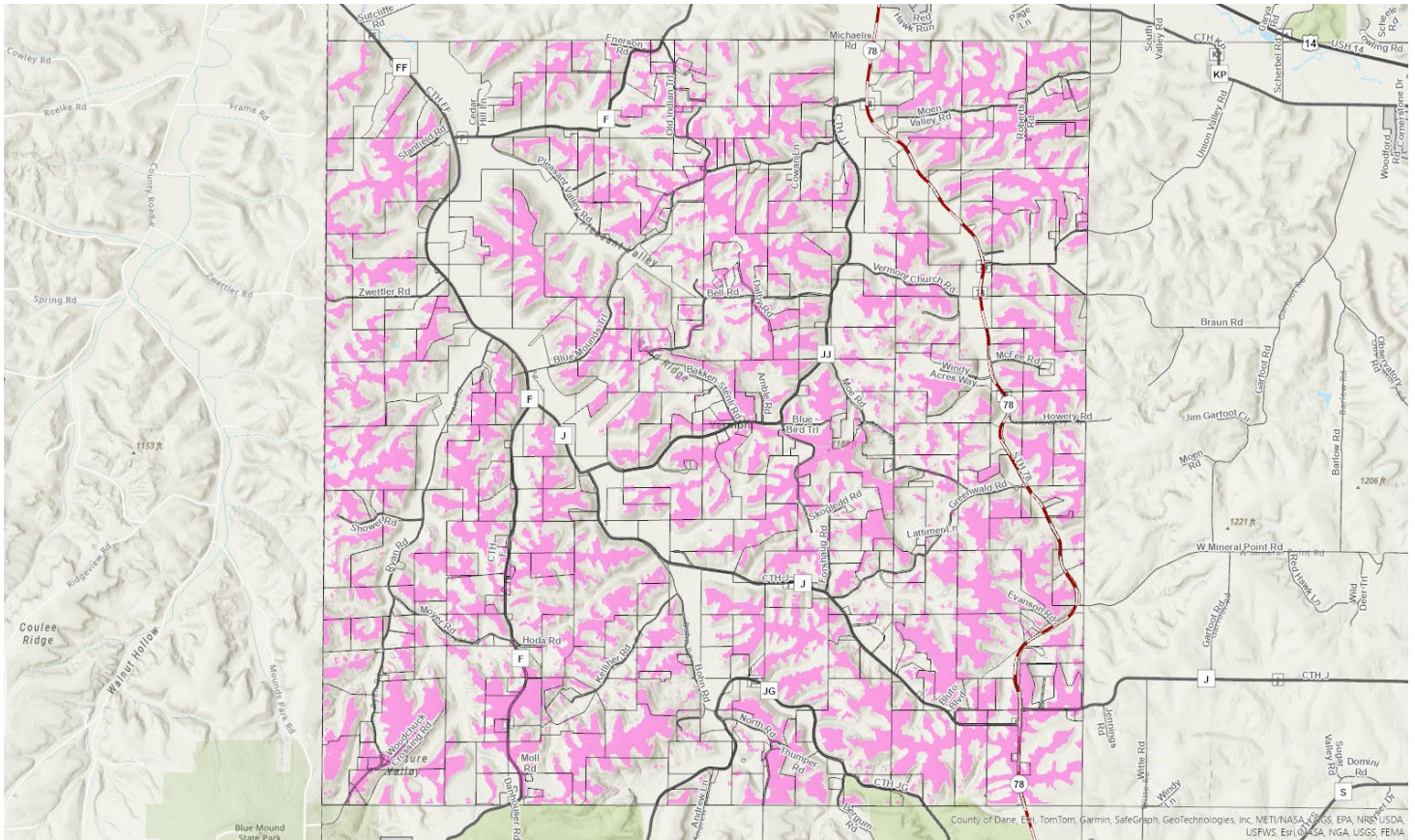
Town of Vermont

Reason for the request:

Establishing an NR-I (Natural Resource Identification) Overlay Zoning District for Ridgetop Protection Areas

Address:

MULTIPLE (SEE LIST)



DESCRIPTION: This petition would create an NR-I (Natural Resource – Identification) overlay zoning district over areas identified in the town/county comprehensive plan as “Ridgetop Protection Areas.” This will allow the town to more uniformly enforce longstanding comprehensive plan standards limiting new residential buildings to a maximum height of 28 feet within such areas.

OBSERVATIONS: The Dane County Board of Supervisors added the NR-I (Natural Resource – Identification) overlay district as part of the 2019 comprehensive revision of the Dane County Zoning Ordinance. The ordinance describes one of the purposes of the NR-I overlay district as “to provide for appropriate review in areas of special concern as identified in adopted town and county comprehensive plans.” The NR-I overlay district does not limit any of the permitted or conditional uses in the underlying district, but requires additional information for development proposals to determine compliance with comprehensive plan design and siting standards.

COMPREHENSIVE PLAN: The *Town of Vermont/ Dane County Comprehensive Plan* identifies “Ridgetop Protection Areas” as a tool to “minimize the impact of ridgetop building on the natural beauty and rural character of the town.” The plan defines “Ridgetop Protection Areas” as “any location that is located above the shoulder of the ridge. The shoulder is the point at which the local slope changes from greater than 20% to less than 20%.” Within such areas, new residential buildings are limited to a height of 28 feet, as measured from the highest point of the roof (not including chimneys, lighting rods or other protuberances) to the average ground level. Developers proposing construction with a Ridgetop

Protection Area must complete a [Ridgetop Protection Area Building Verification Form](#). Including Ridgetop Protection Areas in the NR-I overlay district will allow for completion of the Verification Form and approval of building height to be considered prior to the issuance of a zoning permit. In addition, the NR-I overlay zoning will provide greater public awareness of town-specific requirements for Ridgetop Protection Areas. For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or Standing.Brian@danecounty.gov.

RESOURCE PROTECTION: Not applicable.

TOWN ACTION: The Town Board has recommended approval of the petition with no conditions.

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

OCTOBER 22ND ZLR PUBLIC HEARING: After the public hearing in October, the ZLR Committee postponed action due to public opposition, in accordance with the committee's adopted rules and procedures. Town resident Brian West expressed concern that the overlay zoning is unnecessary because most ridgetop areas cannot be seen from the valleys, and new building construction supports the town tax base. Town resident Dr. Pfister expressed concern that the definition of "ridgetop" is too broad compared the dictionary definition and thus would cover too much land, also concern with how "building height" is defined under this proposal so as to create an equity issue between people building on flat ground versus hillsides.

STAFF UPDATE: Staff would offer the following observations in response to concerns raised at the public hearing.

1. The Town of Vermont has had language specifically defining Ridgetop Protection Areas and limiting the height of residential buildings within such areas in its comprehensive plan since 2009. The NR-I overlay district imposes no new restrictions on buildings in such areas, but will help make enforcement of this standard more uniform and consistent.
2. The NR-I district does not prohibit residential construction in Ridgetop Protection Areas, it will merely require documentation that new residential buildings do not exceed 28 feet in height. This will have a negligible impact on assessed property values.
3. The plan and the town's application form provide an objective, measurable method of determining residential building height. Baseline floor height is measured as the average height of the four corners of the building, while maximum height is measured excluding chimneys and other protuberances.
4. The comprehensive plan allows for the Town Plan Commission to grant a variance from the height requirement, where it can be demonstrated that a particular building will not be visible.

Staff recommends approval of Rezone Petition #12103 with no conditions.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.