

Zoning and Land Regulation Committee Orientation

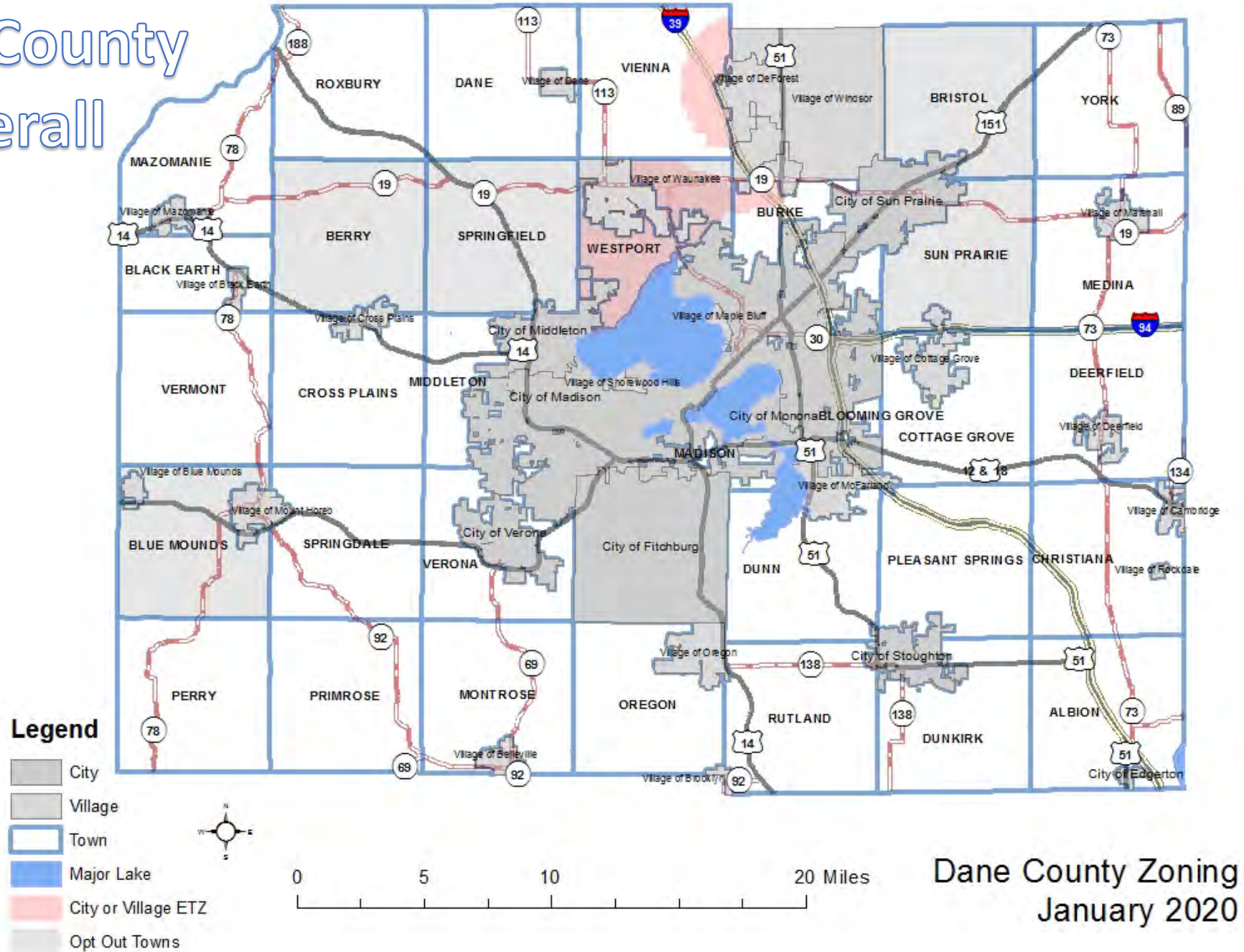
Today's Orientation

- Responsibilities of the Zoning Division
- Brief zoning history in Dane County
- ZLR authority and responsibilities
- Overview of Committee Rules and Procedures
- Rezoning and CUP process
- Agenda and Staff Reports
- Overview of shoreland, wetland, floodplain, mineral extraction, and land division regulations

Responsibilities of Zoning Division

- Responsible for administering various sections of the Dane County Code of Ordinances
 - Zoning Ordinances (CH 10)
 - Shoreland/Wetland (CH 11)
 - Floodplain (CH 17)
 - Mineral Extraction (CH 74)
 - Land Division regulations (CH 75)
 - Rural Addressing (CH 76)
 - Dane County Airport Height regulations (CH 78)
- Floodplain, Shoreland, Wetland, and Rural Addressing are administered countywide
 - Except villages and cities
- Zoning and Land Division are administered in 26 of the 32 towns
 - Not in villages, cities, or Towns who have opted out of County Zoning

Dane County Overall



Brief History of Dane County Zoning Regulations

- 1938 - Dane County adopts a Zoning Ordinance. All Towns (unincorporated areas) were included.
- 1950 - Zoning Districts were added to the zoning ordinance.
- **1969** – Introduction of Conditional Uses (CUP). Mineral extraction operations changed from a permitted use to a conditional use. This created legal non-conforming quarries. (grand-fathered)
- 1970 – Land Division regulations were adopted. Under 5 acres in 1970; under 15 acres 1974; under 35 acres in 1998
- 1970 -Shoreland regulations were adopted.
- 1970 - Floodplain regulations were adopted. (Maps get revised every 5 years or so. 7th revision, “G” series, west side of the county)
- **1981** -Dane County adopts a Farmland Preservation Plan. Most towns change their Comp plans; set housing density limits; and adopt A-1ex Exclusive Agriculture Zoning (now called FP-35). Towns of Bristol, Burke, Middleton, and Springdale opted not to participate.
- 1984 - Wetland regulations adopted.
- **1997** - Dane County established a Planning Department. Prior to 1997, Dane County Regional Plan Commission provided review of zoning petitions.
- 1997 - Communication Tower regulations adopted.
- 2005 - 75-foot building setback introduced to wetland regulations. Unique to Dane County.
- 2007 - Dane County adopted a County Comprehensive Plan
- 2010 – State of Wisconsin requires Comprehensive Plans for all municipalities that make land use decisions.
- 2010 - Floodplain regulations revised to include a Flood Storage District.
- 2012 – New Shoreland Regulations mandated by State (impervious surface limits)
- 2017 – 6 Towns opted out of County zoning (Bristol, Sun Prairie, Springfield, Berry, Blue Mounds, Westport)
- **2019** – The adoption of a new zoning ordinance

ZLR Authority per Wisconsin Statutes

- Chapter 59 – Counties
 - Subchapter VII (56.69) covers zoning processes, environmental protection, survey system, and the ZLR Committee's purpose
 - (5)(e) covers the rezoning process
 - (5E) covers conditional use permits
- Chapter 62.23(7a) Extraterritorial zoning authority for villages and cities
- Chapter 66 – Municipal Law
 - 66.1001 requirements for a Comprehensive Plan
- Chapter 236 – Platting of lands
 - Also Dane County Ordinances Chapter 75, Land Division Regs
 - 236.10 – Extraterritorial jurisdiction of villages and cities (1.5 miles, 3 miles >Class IV)

ZLR Committee Role and Responsibilities

- Oversight Committee
 - Planning and Development Department
 - Zoning, Planning, Surveying and Land Records
 - Register of Deeds
- Duties
 - Review rezoning petitions and make recommendations to the County Board
 - Approve Conditional Use Permits
 - Approve certified survey maps and subdivision plats (rural)
 - Objection authority for subdivisions within villages and cities
 - Review Town Comprehensive Plans for adoption into the County Comp Plan
- Rules
 - Wisconsin Statutes 59.69
 - Dane County Code of Ordinances Sections 7.11(9)(a) and 7.12
 - ZLR Committee rules and procedures
- Website
 - www.danecountyplanning.com/Zoning/ZLR

ZLR Committee Rules and Procedures

- Sets meeting schedule and agenda format
 - Committee meets 2nd and 4th Tuesday of every month (check schedule)
- Requirements for Rezone, CUPs, and Land Divisions
 - Delegation of authority for CSM review to Land Division Officer
 - Except waivers or CSM not associated with a rezoning petition
- Conduct of public hearings
 - If a rezone or CUP is opposed, the item is automatically postponed
 - Sets limits on type of material and testimony after the public hearing
- Explanation of motions
- Remote meetings

May

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November

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December

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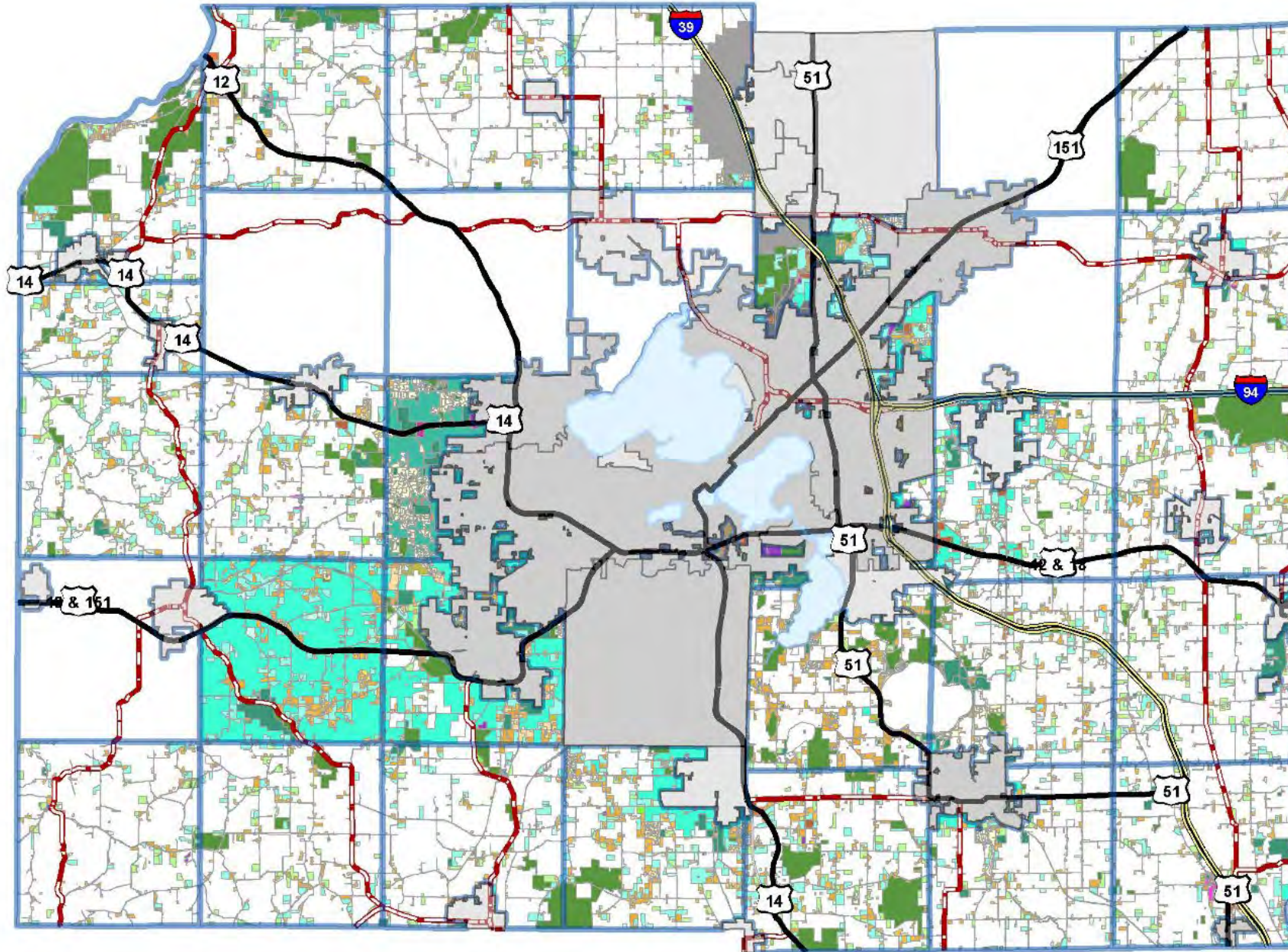
-  ZLR PUBLIC HEARING DATE
-  ZLR WORK MEETING DATE

-  COUNTY BOARD MEETING

What is Zoning?

- One of the most common methods of land use control used by local governments under their police powers.
 - Goals are:
 - Protect the public health, safety and welfare
 - Protect natural resources
 - Protection of investments
 - Administer planning policies (Town Comprehensive Plan)
- Zoning works by dividing the community into districts (zones)
 - Each district allows specific land uses to occur (prohibiting others)
 - Most development requires a change of zoning to allow for a proposed use
 - Zoning turns Comp Plan policies into enforceable rules
- Elements of the Zoning Ordinance
 - Zoning Text – explains the different characteristics of each zoning district – allowable land uses, building setbacks, and intensity
 - Zoning Map – shows the location of districts

Zoning Map



- NR-C Natural Resource and Recreation District
- RE Natural Resource and Recreation District
- FP-1 Farmland Preservation District
- FP-35 Farmland Preservation District
- FP-B Farmland Preservation District
- RM-8 Rural Mixed-Use and Transitional District
- RM-16 Rural Mixed-Use and Transitional District
- AT-35 Rural Mixed-Use and Transitional District
- AT-B Rural Mixed-Use and Transitional District
- AT-5 Rural Mixed-Use and Transitional District
- RR-1 Rural Residential District
- RR-2 Rural Residential District
- RR-4 Rural Residential District
- RR-8 Rural Residential District
- RR-16 Rural Residential District
- SFR-08 Residential District
- SFR-1 Residential District
- SFR-2 Residential District
- TFR-08 Residential District
- MFR-08 Residential District
- HAM-M Hamlet District
- HAM-R Hamlet District
- LC Commercial District
- GC Commercial District
- HC Commercial District
- ETZ Extra Territorial Zoning
- RI Processing, Manufacturing and Industrial District
- MI Processing, Manufacturing and Industrial District
- UTR Special Use District
- PUD Planned Unit Development

Rezone (zoning map amendment) 10.101(8)

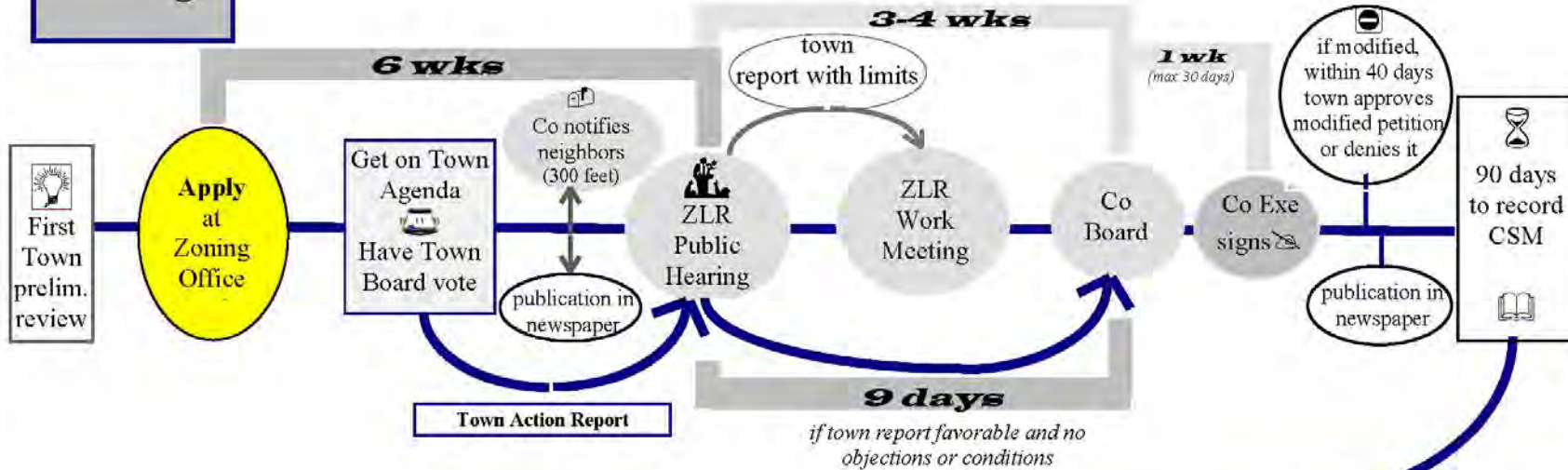
- All zoning changes are required to meet the Town Comprehensive Plan and County Comprehensive Plan policies
 - Most Town Comp Plans have density policies which determine the amount of development on original farms (Farmland Preservation)
 - Each Town is unique regarding development limitations (soils, slopes, lot size, density)
- Process
 - Initial consultation with Town or County Staff
 - Application submitted and assigned number (12,000 changes since 1938)
 - Town Plan Commission review and Town Board Review (most towns conduct site visits)
 - Zoning and Land Regulation public hearing and recommendation
 - County Board adoption of the zoning change
 - County Executive approval
- Understanding Dane County Zoning Brochure

Example of Rezone/Land Division Process

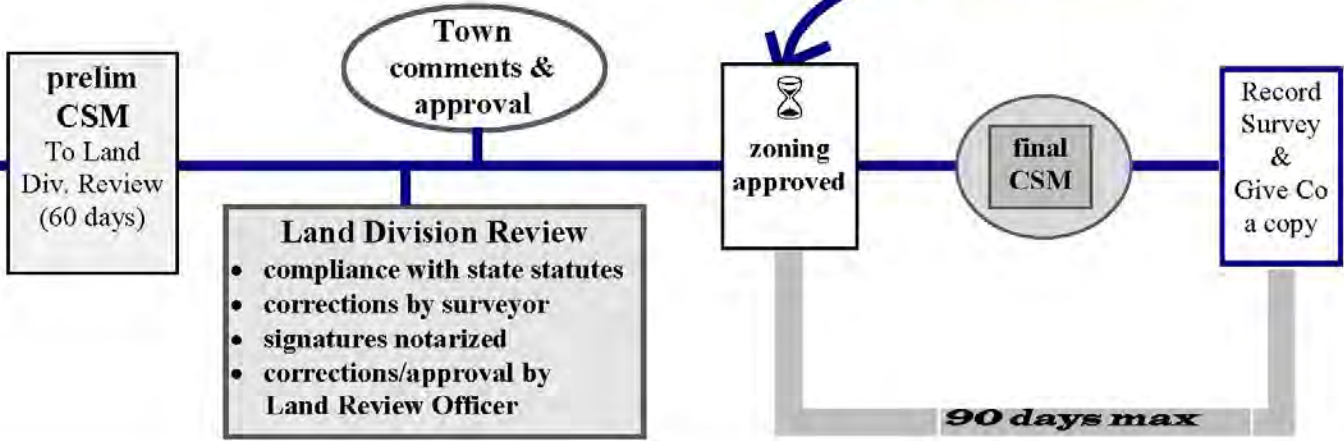
Dividing off a Parcel

Does it fit w/ Town Plan?

Change Zoning

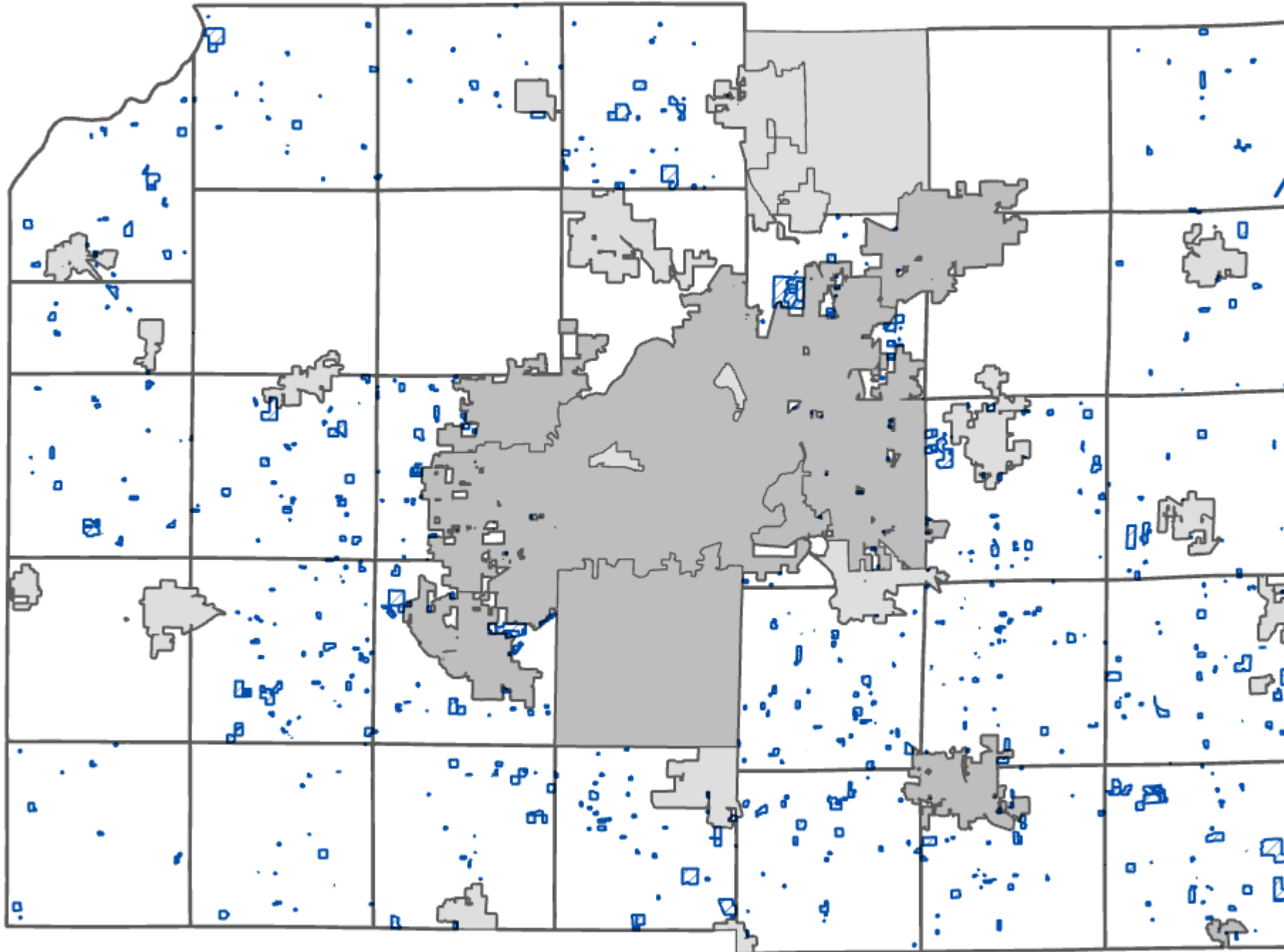


Create Parcel



Conditional Use Permits 10.101(7)

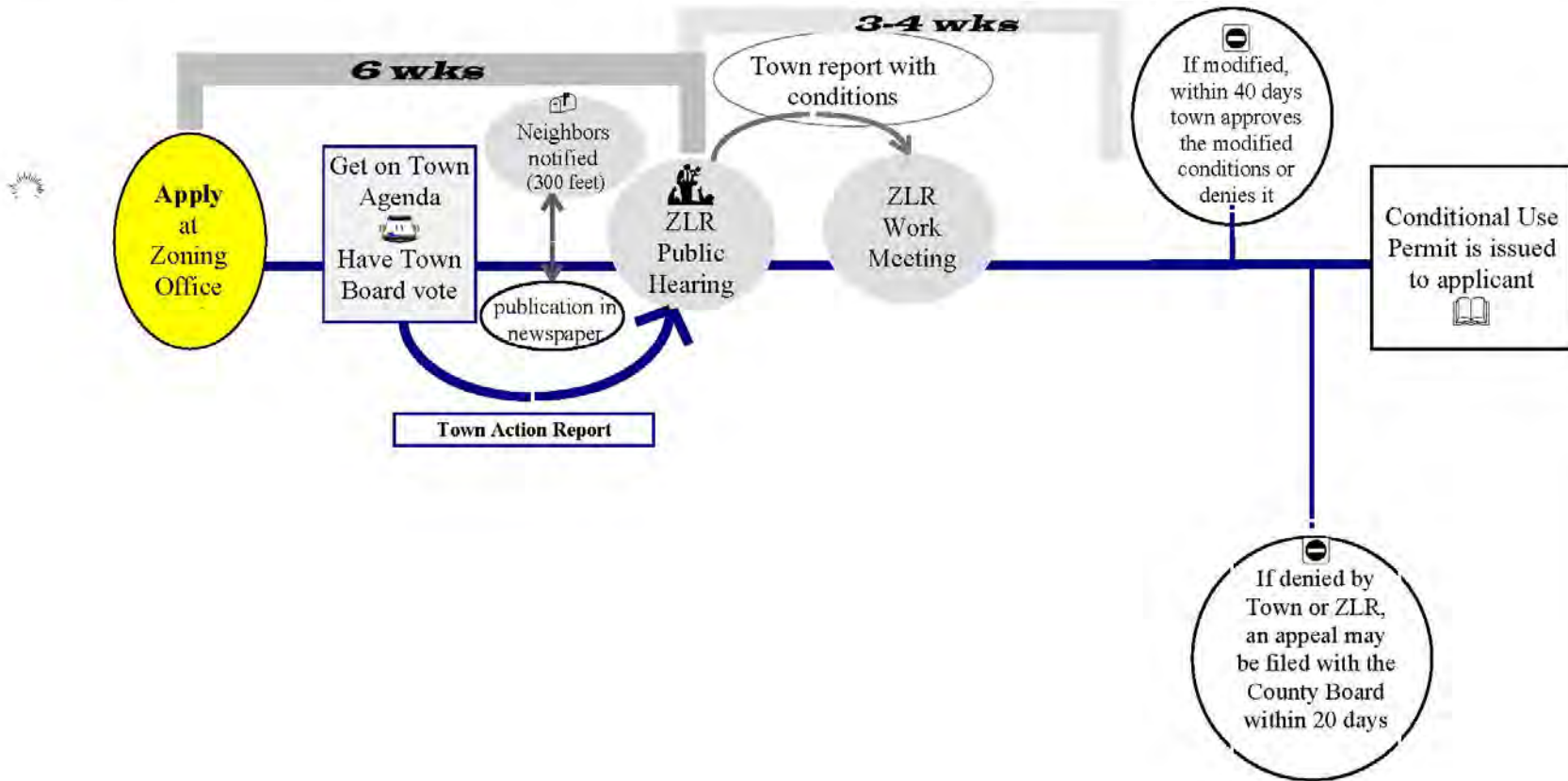
- The object is to determine if the land use can fit into the neighborhood by meeting 8 standards
- The process is a quasi-judicial process compared to a zoning change which is legislative
- Process
 - County Staff determines if the CUP application is complete
 - Application is assigned number (2500 CUPs since 1970)
 - Town public hearing and decision
 - Zoning and Land Regulation public hearing and decision
- Understanding CUP process brochure



Conditional
Use
Permits

Conditional Use Permit

Does it fit w/ Town Plan?



Conditional Use Permits

- Wisconsin Stats rules for processing CUPs (2017 Act 67)
- CUPs must use “quasi-judicial” process
 - Decisions must be based on factual evidence
 - Decisions cannot be based on personal preference, speculation, or political platform
 - The Committee must make a determination based on standards:
 - 8 standards found in Dane County Ordinances 10.101(7)(d)
 - 4 additional standard if in a Farmland Preservation District (FP-35, FP-B, or FP-1)
- If conditions are required, they must be reasonable, related to the purpose of the ordinance, and measurable

- **Standard 1** *The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare.*
- **Standard 2** *The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use.*
- **Standard 3** *The establishment of the conditional use will not impede the normal and orderly development of the surrounding property.*
- **Standard 4** *There are adequate utilities, roads, drainage, and other necessary improvements to allow the land use, or improvements are planned.*
- **Standard 5** *There is adequate ingress/egress to public streets and will not present traffic conflicts.*
- **Standard 6** *The conditional use shall conform to all applicable regulations of the district in which it is located.*
- **Standard 7** *The conditional use is consistent with the adopted Town and County Comprehensive Plans.*
- **Standard 8** *If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below:*
 - The proposed use is consistent with the purpose of the district; The proposed use is reasonable and appropriate with alternative locations considered; The proposed use is reasonably designed to minimize the use of agricultural lands; The proposed use does not substantially impair the current or future agricultural use of surrounding parcels; Construction damage to remaining lands in agricultural use is minimized and/or repaired.

DIFFERENCE BETWEEN A REZONE AND A CUP

- **REZONES**

- Rezones are ordinance amendments through a legislative process
- Decisions can be made with broad discretion
- Town/County preliminary discussions acceptable
- Public hearing only required at ZLR
- Town and ZLR make recommendation to County Board
- County Board adopts and County Exec confirms
- Allows a host permitted and potential CUP uses

- ZLR will review 100 to 150 per year

- **CONDITIONAL USE PERMITS**

- CUPs are approved by the Town/ZLR
- a set quasi-judicial process
- Decisions must be based on findings and facts
- Preliminary discussions are NOT acceptable
- Formal review of factual evidence
- Formal Public Hearing required
- Allows for a very specific land use

- ZLR will review approximately 30 per year

Staff Review of Rezones and CUPs

- Town Comprehensive plan
 - Future land use map (majority of areas show ag preservation)
 - Housing density policies
 - Unique development guidelines (size of lots, slopes, soils, location)
- Density Study
 - Each Town has a different adoption date to start counting housing density
 - Density is based on the original ownership configuration
 - Each town has unique rules (existing houses, density ratio, other land uses)
- GIS Information
 - Different aspects of the property can be viewed in map layers
 - historic, wetlands, floodplain, shoreland, soils, slopes, etc.

Zoning and Land Regulation Agenda Items

- There will be approximately 10 to 20 rezoning petitions or conditional uses on the ZLR Committee Agenda each month

D. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

[12017](#)

PETITION: REZONE 12017
APPLICANT: PLYMOUTH STONE LLC (JOSH KLEIN)
LOCATION: SOUTH AND EAST OF 1889 N. KOLLATH RD., SECTION 35, TOWN OF SPRINGDALE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District
REASON: create 3 new residential lots

[12018](#)

PETITION: REZONE 12018
APPLICANT: JOHN R DONLON
LOCATION: 3685 RIDGE ROAD, SECTION 23 & 24, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District and RR-16 Rural Residential District; RR-2 Rural Residential District TO RR-16 Rural Residential District, FP-1 Farmland Preservation District TO RR-16 Rural Residential District
REASON: consolidate 4 parcels into 2 lots, one agricultural and one residential

[12019](#)

PETITION: REZONE 12019
APPLICANT: LEXI & LUCAS DOBRZYNSKI
LOCATION: SOUTH OF 6078 COUNTY HWY TT, SECTION 8, TOWN OF MEDINA
CHANGE FROM: RR-2 Rural Residential District and FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: increasing the size of an existing residential lot.

[12020](#)

PETITION: REZONE 12020
APPLICANT: KEVIN HAHN
LOCATION: NORTH OF 3978 OLD STAGE ROAD, SECTION 28, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District
REASON: creating one residential lot

[12021](#)

PETITION: REZONE 12021
APPLICANT: DAVE AUCTIONG
LOCATION: 7003 & 7063 DEANSVILLE ROAD, SECTION 20, TOWN OF YORK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-16 Rural Residential District, RR-2 Rural Residential District TO RR-16 Rural Residential District
REASON: creating two residential lots for existing residences



Dane County Government Legislative Information Center

More information regarding how to use the Legislative Information Center can be found [here](#).

Resolutions and Ordinance Amendments from 2004-2013 can be found [here](#).

Board proceedings from 1900-2022 can be found [here](#).

If available, videos of meetings will generally be uploaded within 5 business days of the meeting.

- Home
- Legislation
- Calendar
- Board of Supervisors
- Committees
- People

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- Details
- Reports

File #: 12023 Version: 1 Name: YORK-SELTZNER
 Type: Zoning Petition Status: Recommended to Board
 File created: 1/24/2024 In control: [Zoning & Land Regulation Committee](#)
 On agenda: 3/26/2024 Final action:
 Title: PETITION: REZONE 12023 APPLICANT: JEFFREY AND CARMIN SELTZNER LOCATION: 7295 STATE HIGHWAY 73, SECTION 16, TOWN OF YORK CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District REASON: separating existing residence from farmland
 Attachments: 1. [12023 Ord Amend](#), 2. [12023 Staff Report](#), 3. [12023 Town Action](#), 4. [12023 Density Study](#), 5. [12023 YORK MAP](#), 6. [12023 APP](#)








- History (1)
 - Text
- 1 record Group Export

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
3/26/2024	1	Zoning & Land Regulation Committee	recommended for approval	Pass	Action details	Meeting details	Not available

Item Title

3. 11510 PETITION: REZONE 11510
APPLICANT: DL DEANS FARMS LLC
LOCATION: 7632 STATE HIGHWAY 113, SECTION 11, TOWN OF DANE
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4
Rural Residential District
REASON: separating existing residence and accessory buildings from
farmland

Attachments

-  Legislation Text
-  11510 Ord Amend
-  11510 Staff Report
-  11510 Town
-  11510 Density
-  11510 Map
-  11510 APP

Department:

Planning Development


0 Public Comments

Add Bookmark

My Notes

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Staff Report  Zoning and Land Regulation Committee	Public Hearing: March 26, 2024	Petition 12023
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-8 Rural Residential District	<u>Town/Section:</u> YORK, Section 16
	<u>Size:</u> 10 Acres <u>Survey Required:</u> Yes	<u>Applicant:</u> JEFFREY AND CARMIN SELTZNER
	<u>Reason for the request:</u> Separating existing residence from farmland	<u>Address:</u> 7295 STATE HIGHWAY 73



DESCRIPTION: Jeffrey and Carmin Seltzner wish to separate an existing residence from the farmland, on a new 10-acre lot with RR-8 zoning. The Seltzners' remaining acreage will be well over 35 acres and thus can remain in FP-35 zoning.

OBSERVATIONS: The proposed lot conforms to the requirements of the RR-8 zoning district, including lot size, building coverage and building setbacks, and public road frontage.

The property already has a driveway access onto State Highway 73. No change to the property's use or access is proposed.

COMPREHENSIVE PLAN: The property is within an agricultural preservation area as defined in the town/county comprehensive plan. New development is limited to 1 lot or dwelling per 75 acres owned as of August 8, 1980. As indicated on the attached density study report, the town does not count separation of pre-existing farm residences and the property will remain eligible for 2 density units or "splits" if the petition is approved. The current proposal appears 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 on the subject property, mapped wetlands nearby but not appear to be on subject property/ proposed lot.

TOWN ACTION: The Town Board approved the petition with no conditions.




STAFF RECOMMENDATION: Staff recommends approval of the petition with the following condition:

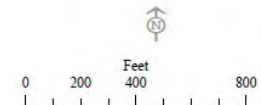
1. The applicant shall record a certified survey map with the Register of Deed for the new lot boundaries.

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



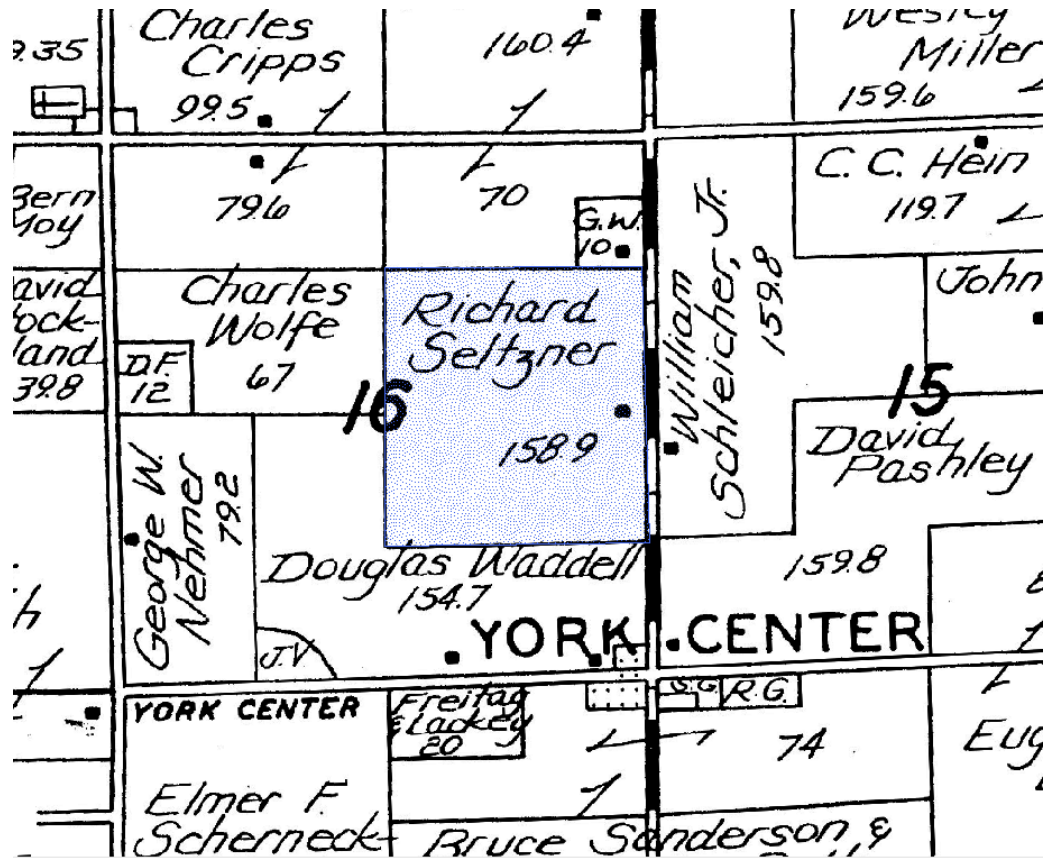
REZONE 12023

-  Wetland
-  Floodway Areas in Zone AE
-  Floodplain

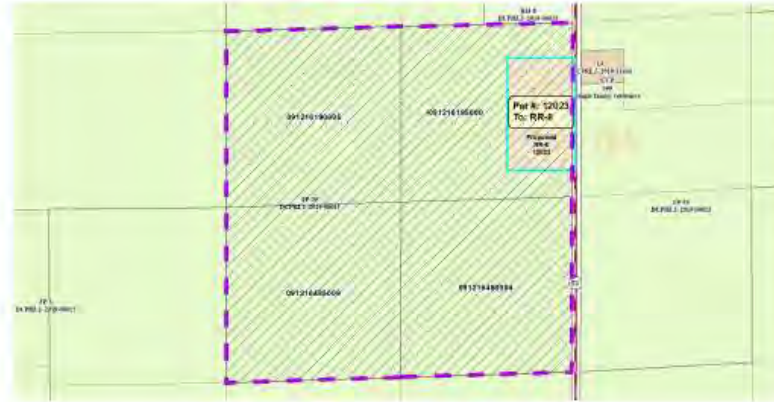


DRAFT: FOR DISCUSSION PURPOSES ONLY

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.



Public Hearing Date	3/26/2024	Petition Number	12023	Applicant:	Jeffrey Seltzner
Town	York	A-1EX Adoption	9/10/1979	Orig Farm Owner	Richard Seltzner
Section:	16	Density Number	75	Original Farm Acres	158.05
Density Study Date	3/8/2024	Original Splits	2.11	Available Density Unit(s)	2



Reasons/Notes:
 The 160 acre farm is eligible for 2 density units or "splits". Note that the town doesn't count separation of farm homes existing prior to 8/28/80 towards the density limitation. If the petition is approved, 2 density units will remain available.

Note: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on the original farm acreage, NOT acreage currently owned.

Parcel #	Acres	Owner Name	CSM
091216485009	40.08	JEFFREY J SELTZNER & CARMIN S SELTZNER	
091216480004	38.82	JEFFREY J SELTZNER & CARMIN S SELTZNER	
091216195000	38.79	JEFFREY J SELTZNER & CARMIN S SELTZNER	
091216190005	40.35	JEFFREY J SELTZNER & CARMIN S SELTZNER	

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 12023**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.200(4) shall be amended as follows:

Town Map: Town of York

Location: Section 12

Zoning District Boundary Changes

FP-35 to RR-8

PART OF THE SE. 1/4 OF THE NE. 1/4 OF SECTION 16, T.9N., R.12E., TOWN OF YORK, DANE COUNTY, WISCONSIN. COMMENCING AT THE EAST 1/4 CORNER OF SECTION 16, N00°03'13"E, 204.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°03'13"E, 841.00 FEET; THENCE N89°56'08"W, 518.00 FEET; THENCE S00°03'13"W, 841.00 FEET; THENCE S89°57'27"E, 518.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED CONTAINING ±10 ACRES.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.101(8)(d) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

CERTIFIED SURVEY REQUIRED

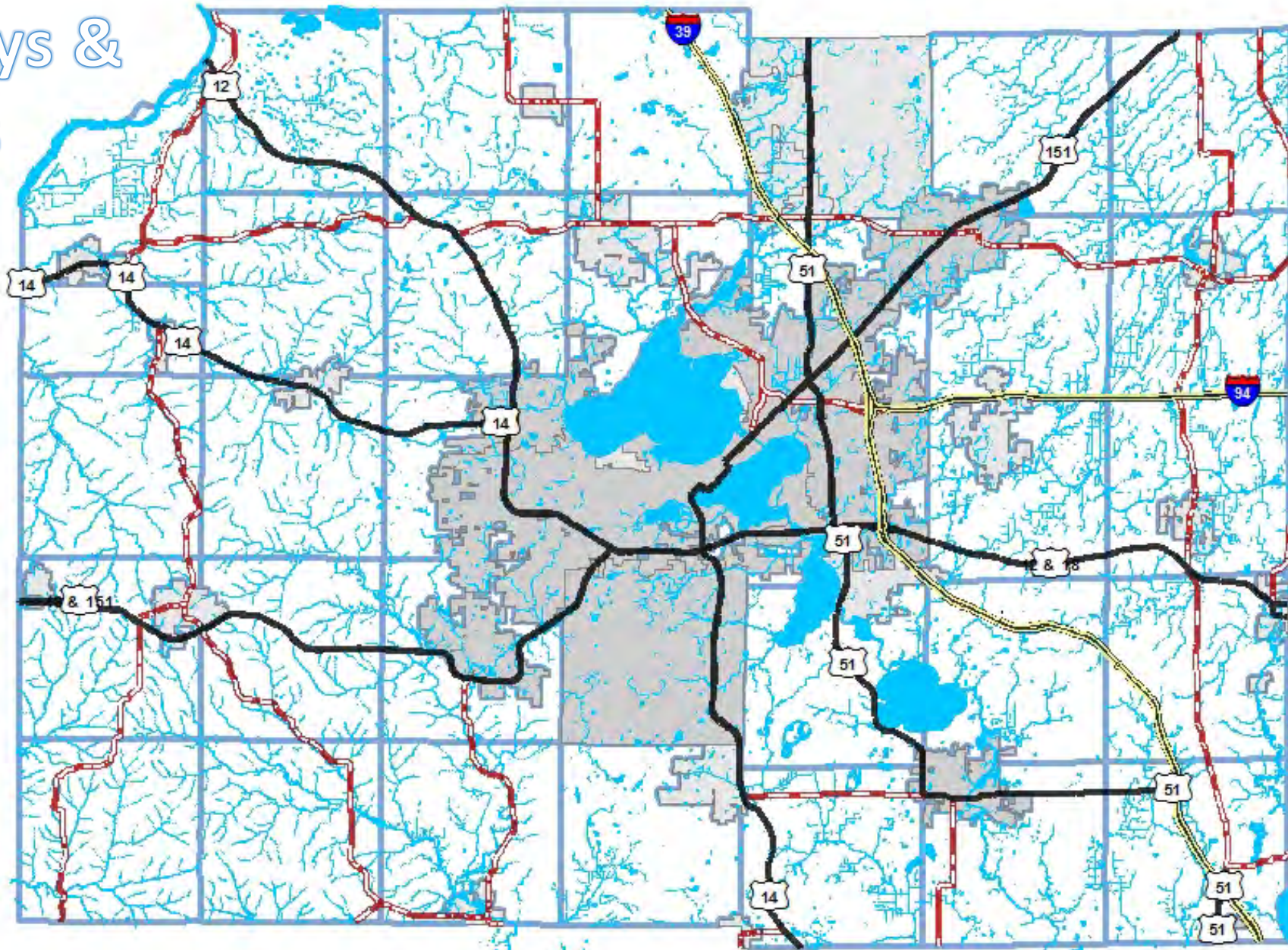
The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

Questions?

Shoreland/Wetland Regulations, Chapter 11

- The County adopted State mandated shoreland/wetland regulations in 1970.
- The regulations set limits on development with 1000 feet of a lake or 300 feet of a navigable waterway
- Basic requirements
 - Impervious surface limits within 300 feet of a lake or stream
 - 75-foot setback for buildings from high-water mark
 - no development within 35 feet of high-water mark

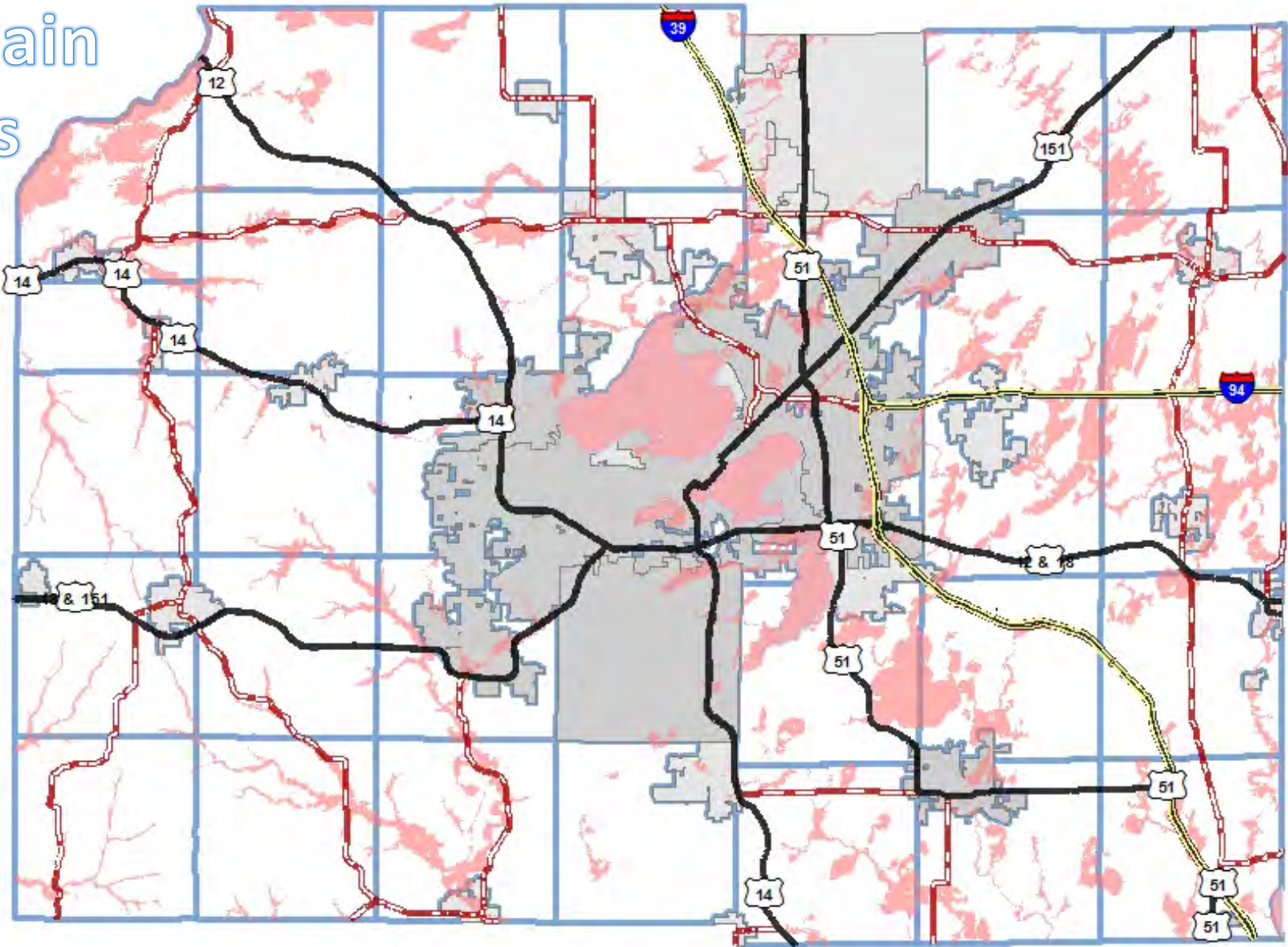
Waterways & Lakes



Floodplain Regulations, Chapter 17

- Dane County had participated in the National Flood Insurance Program since 1970.
- As part of the participation, Dane County is required to adopt specific standards that are approved by the DNR.
- FEMA, in concert with DNR, create flood hazard maps (FIRM) showing areas prone to flooding. (1% chance of flooding)
- There are strict development limits within flood hazard areas
 - Zone A (unstudied area)
 - Zone AE (studied area with established elevation)

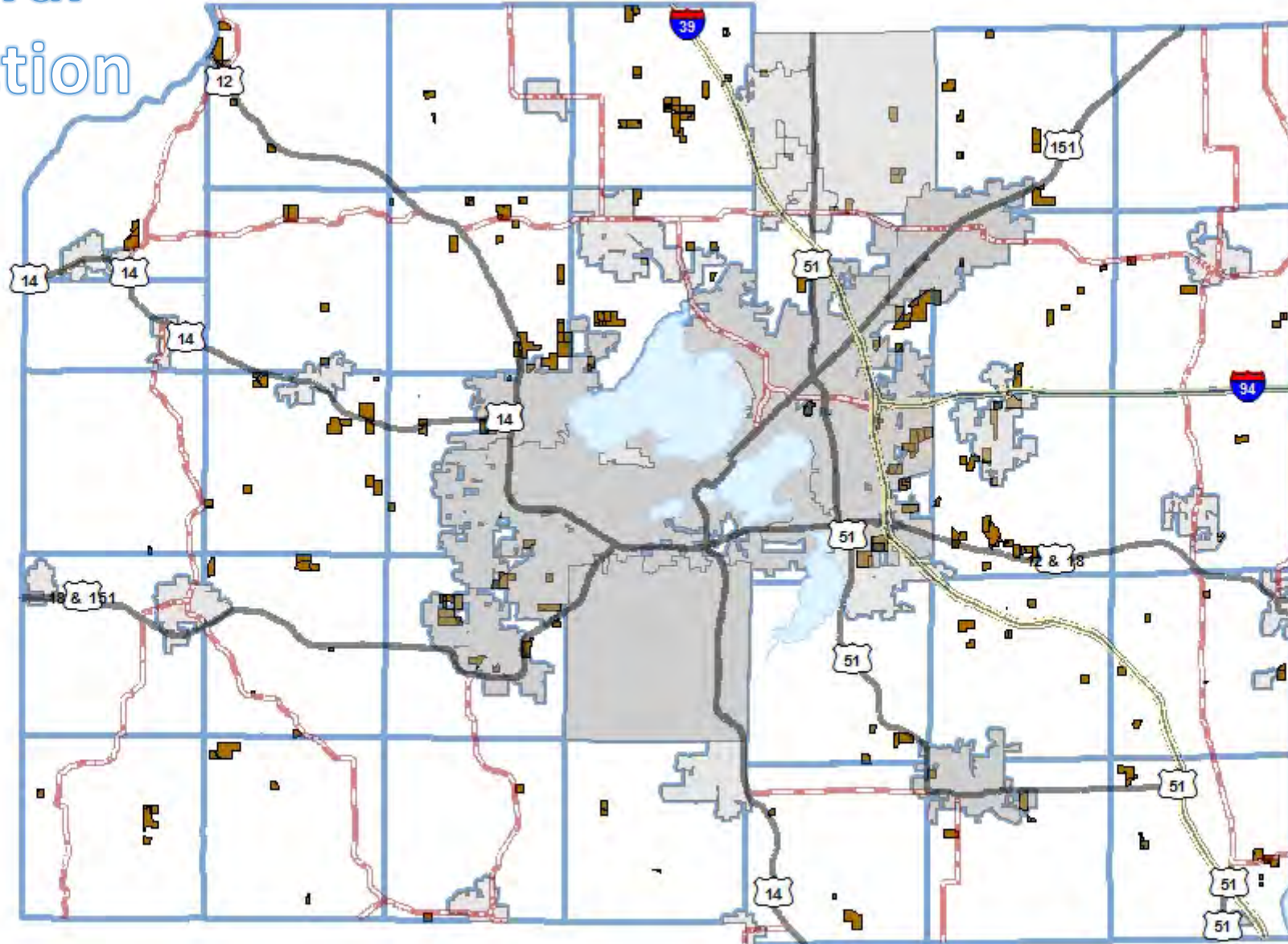
Floodplain Areas



Mineral Extraction, Chapter 74

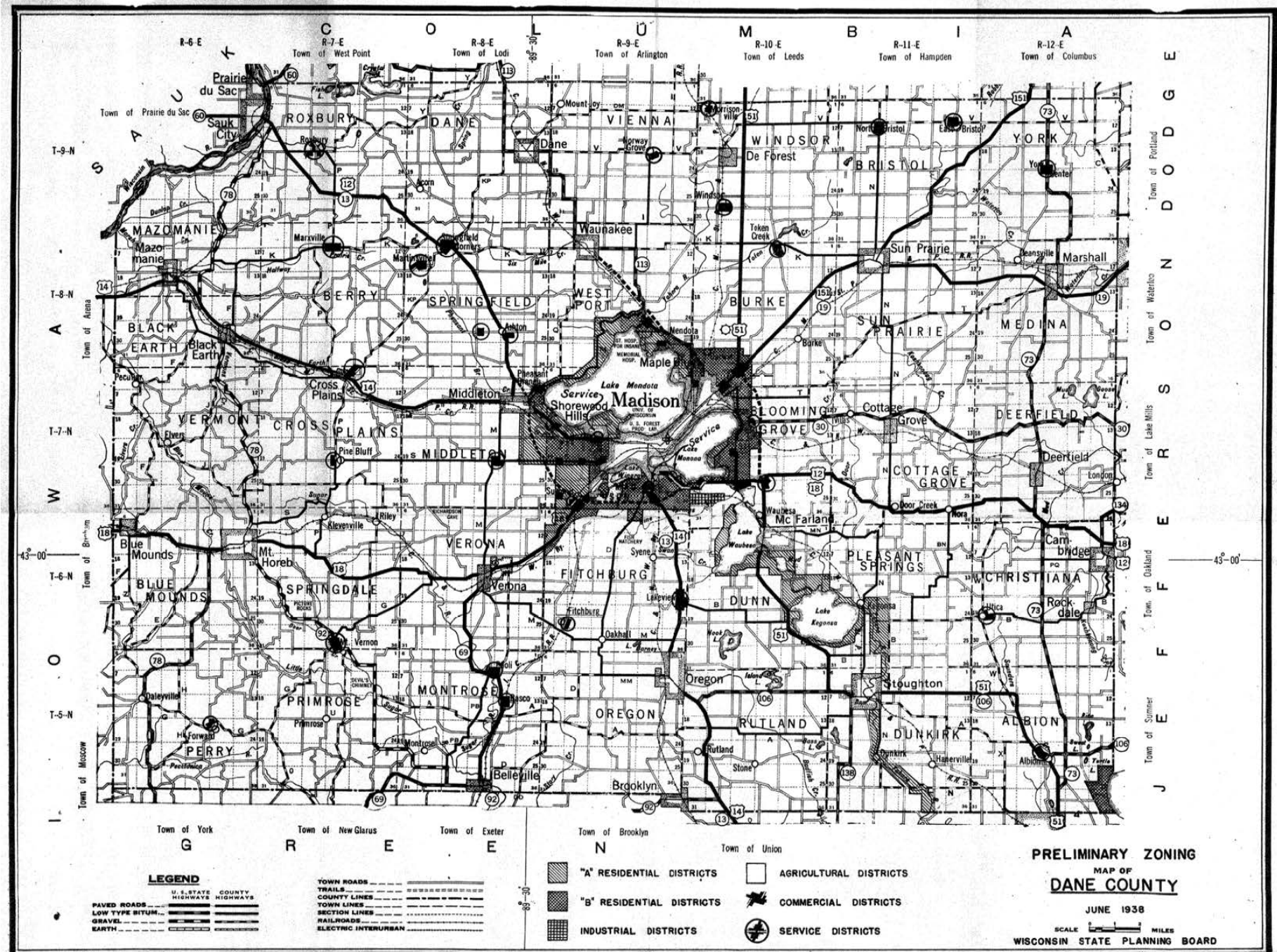
- The County revised the zoning ordinance in 1969 changing the mineral extraction land use from a permitted land use to a conditional use
- There were approximately 150 existing quarries at the time. These quarries were deemed “grandfathered”.
- All new quarries need conditional use permits.
- There are approximately 40 active legal non-conforming quarries remaining that operate with minimal constraints. There are also 34 quarries that operate under a conditional use permits.

Mineral Extraction



Land Divisions, Chapter 75

- Land Division regulations were adopted in 1970.
- Currently, a certified survey map (CSM) is required if a land division creates or recreates a property 35 acres or less in size
- A Subdivision Plat is required if a land division creates 5 or more lots within a 5 year period
- Process
 - Surveyor submits CSM to Dane County Staff for review and approval
 - Town will review to their own land division ordinances
 - Village or City will review if in Extraterritorial Jurisdiction (ETJ)
 - Within 1.5 miles of Village or City limits
 - Within 3 miles of Class III cities or higher
 - Subdivision Plats are reviewed by the ZLR Committee
 - Per Committee rules: acceptance, preliminary plat, final plat, and authorization signature



LEGEND

PAVED ROADS
 LOW TYPE BITUM.
 GRAVEL
 EARTH

TOWN ROADS
 TRAILS
 COUNTY LINES
 TOWN LINES
 SECTION LINES
 RAILROADS
 ELECTRIC INTERURBAN

- "A" RESIDENTIAL DISTRICTS
- "B" RESIDENTIAL DISTRICTS
- INDUSTRIAL DISTRICTS
- AGRICULTURAL DISTRICTS
- COMMERCIAL DISTRICTS
- SERVICE DISTRICTS

PRELIMINARY ZONING
MAP OF
DANE COUNTY

JUNE 1938
 SCALE 1" = 1 MILE
 WISCONSIN STATE PLANNING BOARD