

This document provides a brief explanation of the ordinance revision suggestions included on the “OA Summary Table – 2010 Update”.

As with the Summary Table, the explanations are numbered and grouped into three categories – staff recommendations, comprehensive plan recommendations, and others submitted by stakeholder groups and individuals.

## STAFF RECOMMENDATIONS

**This category includes county zoning and planning staff recommendations.**

**NOTE: Number corresponds to OA summary table (items 1-7)**

- 1. Delete section 10.16(3)(b) that allows consolidation of lots through a deed restriction process. All consolidation should be through a certified survey map.**  
Section 10.16(3)(b) allows for the combination of separate parcels under common ownership, each of which do not individually meet the minimum area or dimensional requirements of the zoning district, to be combined by deed restriction for use as one zoning lot. This process has proven cumbersome from a staff perspective, and creates ambiguity in a property’s legal description and title history. Combining multiple lots under common ownership for use as a single zoning lot should be accomplished by recording a Certified Survey Map.
- 2. Update various definitions to clarify vague references and to accurately reflect modern land uses.**  
Various definitions included in the ordinance are in need of updating to clarify vague or incomplete definitions and to more accurately describe modern land uses. Staff will compile a list of existing problematic definitions, as well as undefined terms that should be included.
- 3. Redesign sign ordinance to reflect today’s sign industry standards in a more user-friendly format.**  
The sign ordinance is currently organized in a cumbersome fashion, and does not reflect modern day standards. Staff can provide examples of more functional sign ordinance format, content, and organization.
- 4. Update and clarify section 10.16(3)(a) relating to substandard parcels.**  
Section 10.16(3)(a) provides that, “*Any lot or parcel shown on a recorded subdivision, plat or assessor’s plat, or conveyance recorded in the office of the Register of Deeds for Dane County prior to the adoption of this ordinance, may be used as a building site...even though such lot or parcel does not conform to the minimum frontage or area requirements of the district in which it is located...*”. This provision should be updated to include the administrative procedures necessary to establish a parcel’s status (e.g., parcel status determination). It should also be revised to cross reference other ordinance requirements that continue to apply to such parcels (shoreland / wetland regs, setbacks, lot coverage standards, etc.).

**5. Modify the Conditional Use Permit standards for operation of Limited Family Businesses.**

Rural, family based businesses are possible under a CUP for a Limited Family Business (LFB). The standards for operation of a LFB are outlined in sec. 10.192. One of the requirements is that structures used in the business be considered residential accessory buildings and meet all requirements for such structures. This could preclude someone from, say, operating an LFB out of an existing barn.

The state recently revised the Farmland Preservation law provisions regarding Limited Family Businesses to allow up to 4 non-family employees. The county LFB ordinance, by contrast, only allows for 1 non-family member FTE.

**6. Develop ordinance provisions addressing plumbing in accessory structures.**

The zoning ordinance does not include any regulations governing plumbing in accessory buildings. Allowing sinks or restroom facilities in accessory structures can be perfectly appropriate in some circumstances. However, there have been numerous cases in which such structures effectively become secondary residences, guest houses, or rental units. In most cases, these types of accessory uses not permitted under the ordinance. Ordinance provisions regulating plumbing in accessory structures would ensure a more consistent application and enforcement of the zoning code.

**7. Consider amendments that address recent changes to the state's Farmland Preservation Law**

Recent changes to the state's farmland preservation law will impact Dane County, and require that our exclusive agricultural zoning districts be updated over the next two years. Changes will be needed to the A-1EX (Exclusive Agriculture) district, A-B (Agricultural Business) district, and others. Primary among the many changes in the state law is the implementation of a "conversion fee" that applies to rezones out of state-certified exclusive ag zoning districts.

The county is responsible for administering the conversion fee, and state guidelines are quite rigid and do not allow conversion fee exemptions for, say, separations of existing farm residences, or zoning compliance for residential uses on substandard A-1EX lots. Consideration should be given to addressing the numerous issues arising from the recent changes in state law.

## **ORDINANCE REVISIONS FROM COMPREHENSIVE PLAN**

**This category includes zoning ordinance revisions recommended in the Dane County comprehensive plan.**

**NOTE: Number corresponds to OA summary table (items 8-12)**

### **8. Strengthen consideration of aesthetics in the building of communications towers**

While the county's communications tower ordinance is designed to limit the proliferation of towers, it does not include provisions that address aesthetics (e.g., "stealth" design).

### **9. Establish maximum lot sizes, with exceptions where necessary due to local land conditions, for all land rezoned out of exclusive agriculture.**

Many town plans already include recommended or required maximum lot sizes for land rezoned out of A-1EX Exclusive Agriculture.

### **10. Make it easier to establish agricultural service or other industries that promote appropriate, sustainable rural and farm economic development.**

Examples include: biotech industries, value-added enterprises, agricultural tourism, forestry and sustainable timber harvest, agricultural supply and product distributors, ethanol plants, soybean and other processing plants, implement dealers, and mixed use developments involving traditional agricultural and retail / processing uses.

Several of these are addressed in the proposed revisions to the commercial zoning districts.

### **11. Allow for and promote reduced lot sizes, setbacks, road widths, zero lot lines, and other regulations that decrease housing costs, as defined in the BUILD Traditional Neighborhood Design draft ordinance, where appropriate.**

This could be termed a "hamlet overlay district" and utilized to promote reinvestment in existing housing stock or infill development in unincorporated hamlets.

### **12. Improve standards and adopt objective criteria for siting, operation and expansion of mineral extraction sites.**

A good deal of work was done on this issue by the former subcommittee on Mineral Extraction.

## OTHER ORDINANCE AMENDMENTS

This category includes recommendations from various individuals and stakeholder groups.

NOTE: Number corresponds to OA summary table (items 13-24)

### Dane County Towns Association Recommendations (items 13-18)

#### **13. Review and possibly revise adult entertainment overlay district (AED)**

The AED applies only in the M-1 Industrial zoning district. The county's AED overlay ordinance should be reviewed and possibly revised to address emerging issues and challenges.

#### **14. Agricultural Plan Development district**

The county should adopt an Ag Plan Development District to help track splits and ensure compliance with town density provisions. Such a district could be used to site non-farm development in a fashion that preserves farmland, while applying a zoning category to the balance of the farm that indicates it is ag-use only. This could replace the current system of using deed restrictions to track the density status of properties.

#### **15. Conservation Subdivision design guidelines / district**

Currently, the zoning ordinance does not include any conservation design guidelines. Some town plans include policies that outline elements of conservation subdivision design. The zoning code should include provisions related to conservation design, including possible density bonuses to promote conformance with the siting and design guidelines.

#### **16. Enhanced application of conservancy zoning**

When A-1EX zoning was adopted by towns, it was done in a "blanket" fashion. As a result, many non-agricultural lands were included in the A-1EX district. Consideration should be given to applying conservancy zoning (e.g., the CO-1 district) as a way to more accurately reflect the types of uses occurring on forest and other open space lands.

#### **17. Review / revise RH-1 animal unit allowances**

The RH-1 category is an important element of rural communities which allow property owners to keep animals without having agricultural land (limit of 1 "animal unit" per acre). The definition of animal unit, however, includes a wide range of animals including cows, hogs, sheep, goats, poultry, mules, and rabbits. Some of the animals included in the definition can have a high impact on the neighborhood, and should possibly be limited to agricultural operations.

#### **18. Accommodate assisted, multi-family senior housing**

Under the existing code, multi-family residential uses are permitted (R-4 district). However, there's no provision in the code for aging in place services (e.g., assisted-living senior housing). A zoning classification should be created that allows the construction of housing and related facilities targeted at persons aged 55 and older. The district would need to include the possibility of on-site meal and health services.

## **Other Public Recommendations (items 19-24)**

### **19. Revise limitation of outbuilding to 50% of principle dwelling**

The zoning ordinance currently limits the size of accessory buildings to no more than half the size of the principle dwelling in the Rural Homes (RH) zoning district. Many rural property owners like to have workshops or accessory buildings for variety of uses, including storage of items, vehicles and equipment. The 50% limit can negatively impact the continued use or maintenance of old farm buildings once they're split off onto smaller RH zoned parcels. The issue is further complicated by the code's differential treatment of residential, agricultural, and farm accessory buildings. Note that the zoning administrator has issued an interpretation acknowledging these issues and indicating that, in lieu of this particular provision, he will enforce the 10% lot coverage limitation in the RH zones. The lot coverage limitation provides for additional flexibility since it is tied to parcel size.

### **20. Revise s. 10.04(b)(1) that requires a principal residence exists or is under construction prior to the construction of accessory buildings**

In the Rural Homes district, accessory buildings cannot be built prior to the construction of the principle residence. This can be problematic for property owners building their own homes, who may like to have an accessory building for the storage of equipment and materials during home construction. Note that the A-2 district permits the construction of accessory buildings prior to construction of the principle residence.

### **21. Proposed tall structure ordinance**

Private airport owners have expressed concerns over the lack of a tall structure ordinance that would protect take off and landing airspace near private airfields. They propose an ordinance that would govern tall structures near such airfields.

### **22. Create an ordinance regulating the on-farm storage of bulk liquid fertilizer**

The town of Dunkirk plan commission submitted this suggestion. The purpose of such an ordinance would be to ensure the safe handling and storage of bulk liquid fertilizer and to protect the health and safety of neighboring residents. As a county-wide initiative, this could be a difficult idea to implement. Note that the town of Dunkirk is in the process of developing a town-level ordinance on this matter. The county is exploring options to assist the town in implementing and enforcing their ordinance.

### **23. Revise the zoning ordinance to address Concentrated Animal Feeding Operations (CAFOs)**

State law provides for limited local regulation of farms with large numbers of animal units. For example, the county could use its zoning authority to require a Conditional Use Permit for CAFO operations over a certain size, or, limit the zoning districts within which CAFOs would be permitted. Currently, the county's base large-tract agricultural zoning district (A-1EX) does not place any limitation on the number of animal units.

### **24. Require more stringent collocation requirements when siting cell towers**

The county's tower ordinance requires that new towers provide a minimum of 2 additional spots for potential collocation of other providers' equipment. However, there's no explicit requirement that towers be sited in such a manner as to ensure that other cell service providers could actually utilize a tower.

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## SUMMARY TABLE OF POTENTIAL ORDINANCE AMENDMENT IDEAS (revised 2/24/10)

Task Force for the Prioritized Revision of Chapter 10 (Zoning)

**NOTE: Recommendations are presented in random order and have not been prioritized by the Task Force.** Recent suggestions highlighted in yellow (#s 7, 8, 13, 23, 24 below)

CATEGORY	NO.	RECOMMENDATION	ORIGIN	PRIORITY
<b>Staff Recommendations</b>		This category includes zoning and planning staff recommendations.		
	1	Delete section 10.16(3)(b) that allows consolidation of lots through a deed restriction process. All consolidation should be through a certified survey map.	Department Staff	
	2	Update various definitions to clarify vague references and to accurately reflect modern land uses.	Department Staff	
	3	Redesign sign ordinance to reflect today's sign industry standards in a more user-friendly format.	Department Staff/DCTA (Memo Rec. 9)	
	4	Update and clarify section 10.16(3)(a) re: substandard parcels.	Department Staff	
	5	Modify the Limited Family Business CUP standards to reflect greater allowances permitted under recently revised WI Farmland Preservation Law	Department Staff	
	6	Develop ordinance provisions addressing plumbing in accessory structures.	Department Staff	
	7	Consider amendments that address recent changes in WI Farmland Preservation Law ("Working Lands Initiative")	Department Staff	

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CATEGORY	NO.	RECOMMENDATION	ORIGIN	PRIORITY
<b>Comprehensive Plan</b>		This category includes zoning ordinance revisions recommended in the Dane County comprehensive plan.		
	8	Strengthen consideration of aesthetics in the building of communication towers (e.g., education, design competition, exhibits)	Dane County Comp Plan	
	9	Establish maximum lot sizes, with exceptions where necessary due to local land conditions, for all land rezoned out of exclusive agriculture.	Dane County Comp Plan	
	10	Make it easier to establish agricultural service or other industries that promote appropriate, sustainable rural and farm economic development.	Dane County Comp Plan	
	11	Allow for and promote reduced lot sizes, setbacks, road widths, zero lot lines, and other regulations that decrease housing costs, as defined in the BUILD Traditional Neighborhood Design draft ordinance, where appropriate.	Dane County Comp Plan	
	12	Improve standards and adopt objective criteria for siting, operation and expansion of mineral extraction sites.	Dane County Comp Plan/Mineral Extraction Subcommittee (Overlap)	
<b>Others</b>		This category includes recommendations from various individuals and stakeholder groups.		
	13	Review and possibly revise Adult Entertainment Overlay District (sec 10.151 DCCO)	DCTA (1-28-10 memo)	

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CATEGORY	NO.	RECOMMENDATION	ORIGIN	PRIORITY
	14	Agricultural Plan Development District.	DCTA (11.12.07 memo, Rec. 1)	
	15	Conservation Subdivision Design Guidelines/District.	DCTA (11.12.07 memo, Rec. 1/4)	
	16	Enhanced application of conservancy zoning.	DCTA (11.12.07 memo, Rec. 2)	
	17	Review/revise RH-1 animal unit allowances.	DCTA (11.12.07 memo, Rec. 7)	
	18	Accommodate assisted, multi-family senior housing.	DCTA (11.12.07 memo, Rec. 8)	
	19	Revise limitation of outbuilding to 50% principal dwelling.	Town of Mazomanie (11.09.07 email)	
	20	Revise s. 10.04(b)(1) that requires that accessory buildings can only be constructed if a principal residential use exists or is under construction.	Town of Mazomanie (11.09.07 email)	
	21	Proposed tall structure ordinance.	Private Airstrip Operators	
	22	Create an ordinance regulating the on-farm storage of bulk liquid fertilizer.	Town of Dunkirk Plan Commission	
	23	Revise the zoning ordinance to address Concentrated Animal Feeding Operations ("CAFOs")	Town of Dunn resident (02.01.10 email)	
	24	Require more stringent "collocation" requirements when siting cell towers to limit proliferation.	Public suggestion from 01.28.10 public hearing	

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