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TO: All Dane County Towns
FROM: Majid Allan, Senior Planner
DATE: March 26, 2009
RE: **Chapter 10 Task Force Public Hearing April 16th**

The county's chapter 10 task force will be holding a public hearing at 8pm on Thursday, April 16th at the town of Westport's Kennedy Administration Building, 5387 Mary Lake Road. Enclosed is the public hearing notice. The public hearing on April 16th will provide an opportunity for input on the latest round of priority ordinance revisions identified by the task force.

Below is a list and description of the five revisions the task force prioritized from a larger list of recommended zoning ordinance amendments. The complete list of amendments considered by the task force are included in the "OA Summary Table", which may be viewed / downloaded from the task force website at: www.countyofdane.com/plandev/Chapter10.aspx

1. Expand LC-1 uses, including CUP for Limited Rural Business. (OA Summary table ID #22; received 19 points during task force prioritization exercise)

The LC-1 Limited Commercial zoning district should be revised to include additional limited commercial uses. Small scale commercial uses can be compatible with neighboring rural residential and agricultural uses and make valuable use of existing farm buildings. Historically, the LC-1 district has been narrowly applied to specific contractor-type businesses, such as landscaping. As a result, many small scale commercial uses are often required to rezone to a more intensive commercial zoning district like C-1 or C-2, despite their limited nature and compatibility with rural surroundings. Broadening the list of permitted and conditional uses in the LC-1 district could help accommodate rural-based commercial uses. In addition, the county comprehensive plan includes a recommendation to establish a new "limited rural business" CUP that would provide for a broad range of small-scale commercial uses in existing structures.

2. Residences in the A-1EX district. (OA Summary table ID #2; received 12 points during task force prioritization exercise)

A previously submitted ordinance amendment from 2003 sought to address the problematic "substantial income" requirement that applies to any new or replacement residence proposed in the A-1EX district. As drafted, the amendment would remove a residence for a farm "owner or operator" as a permitted use, but would allow the alteration, restoration, reconstruction, and replacement of existing residences in the A-1EX district. Under the current ordinance, in order to construct or replace a residence on an A-1EX zoned parcel over 35 acres, property owners are required to submit their past 3 years' tax records to the zoning administrator to demonstrate that they've earned gross income over \$10,400 / year from the farm operation. The current ordinance has resulted in a variety of problems over

the years, including “farm” homes being built in violation of town density and siting standards, as well as unnecessary delays and intrusions of privacy for bonafide farmers seeking to replace an original farm home. If adopted, the amendment would replace a discretionary decision of the zoning administrator with town and county board review and approval, including requirements for consistency with the adopted town plan.

3. Develop an ordinance regulating wind energy systems. (OA Summary table ID #18; received 12 points during task force prioritization exercise)

Recent proposals to build wind power turbines in the towns of Springfield and Oregon has exposed a deficiency in the county zoning code. Under the current code, proposals associated with a utility company are essentially unregulated – the ordinance permits “utility services” in virtually every zoning district. As interest in wind power increases, having an ordinance regulating wind energy systems in place will ensure Dane County is well prepared to handle future proposals. Such an ordinance could provide a predictable process for applicants while protecting the interests of property owners and towns.

4. Revise accessory structure regulation to eliminate differences between residential, agricultural, and farm accessory structures. (OA Summary table ID #8; received 11 points during task force prioritization exercise)

The current regulations relating to accessory structures are poorly designed and confusing. In fact, this may be the single most confusing and problematic aspect of the existing zoning code. Administration and enforcement of the provisions relating to residential, agricultural, and farm accessory structures hinge on being able to adequately determine the use of both existing and proposed structures. Experience demonstrates that the use of accessory structures over time is inherently varied and transitory. Under the current ordinance, such structures can go from being conforming to nonconforming based on ownership and use many times over the life of the structure – with numerous unintended, often negative, consequences. A more uniform approach to regulating accessory structures would provide predictability and consistency in applying the ordinance.

5. Revise commercial zoning districts including to support mixed residential / commercial uses and neighborhood-scale small business uses. (OA Summary table ID #1 & #16; received 8 points during task force prioritization exercise)

In 2000-2001, a former subcommittee spent over a year developing improvements to the various commercial zoning categories, but the revisions were never formally introduced as an ordinance amendment. The subcommittee’s recommendations included many common sense improvements, such as adding purpose statements to the commercial zoning districts, and removing some of the most intensive uses from the C-2 district and placing them in the M-1 district (e.g., slaughterhouses). In addition to building on the work of the former subcommittee, the task force proposes to revise the zoning districts to better support mixed residential / commercial uses and neighborhood-scale small business uses.

Town officials, landowners, and other interested parties are encouraged to attend the public hearing. Please share this information with your respective plan commissions, boards, and others who may be interested. If you have any questions, or would like additional information, please contact me by phone at 267-2536, or by email at allan@co.dane.wi.us.