



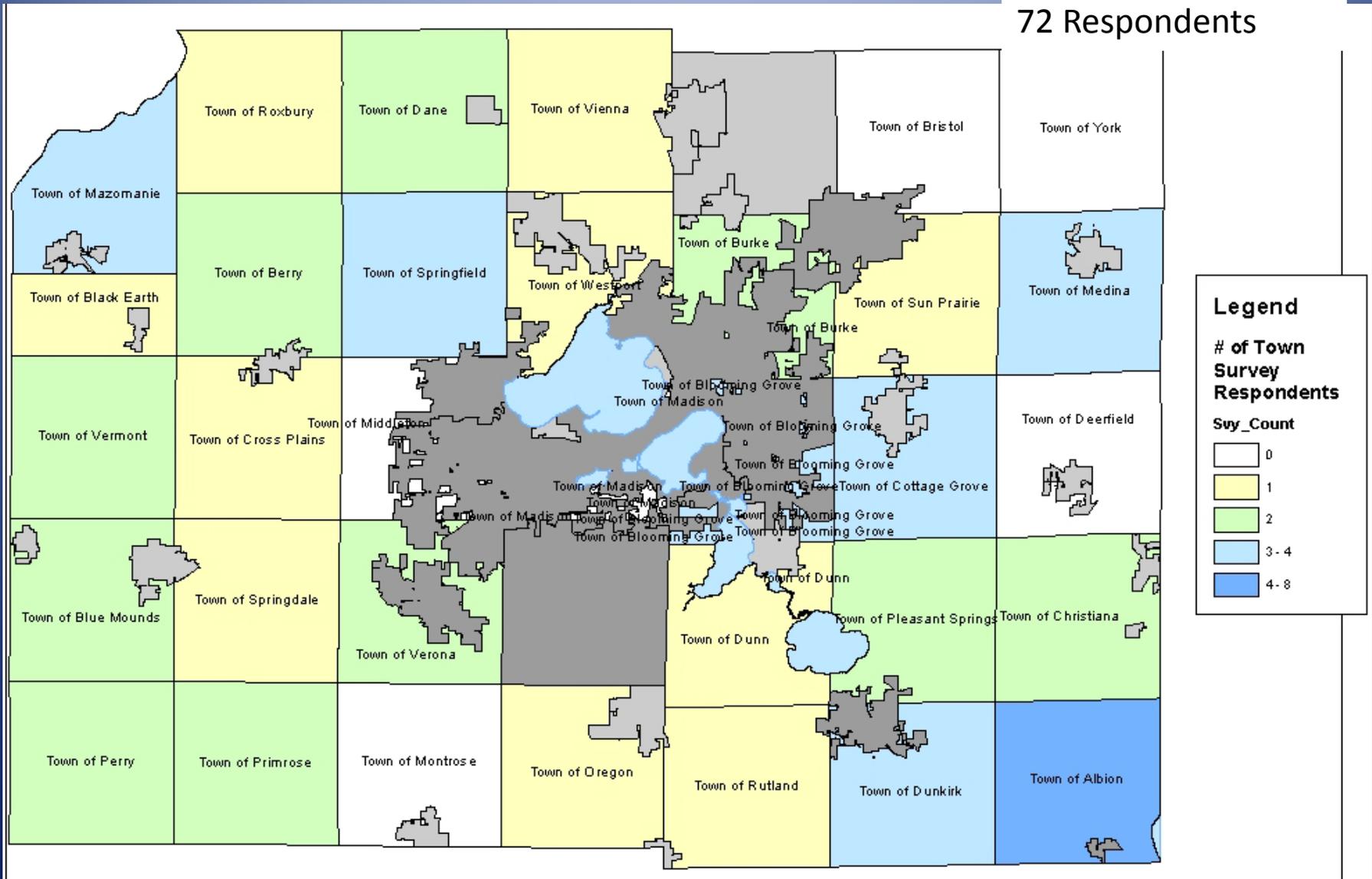
# Dane County Comprehensive Zoning Revision

Survey of Town Officials

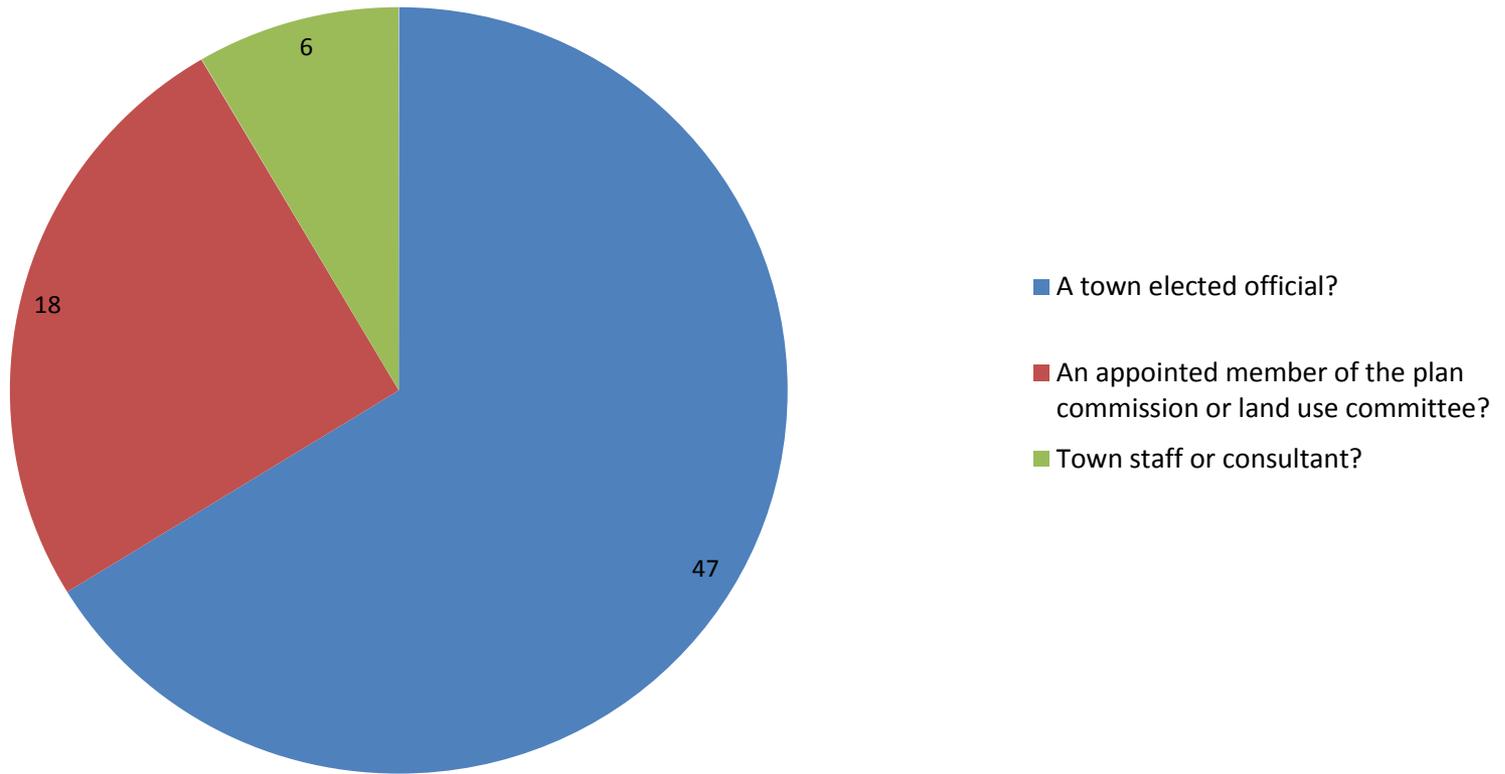
June 20, 2016

# Overview of respondents

72 Respondents

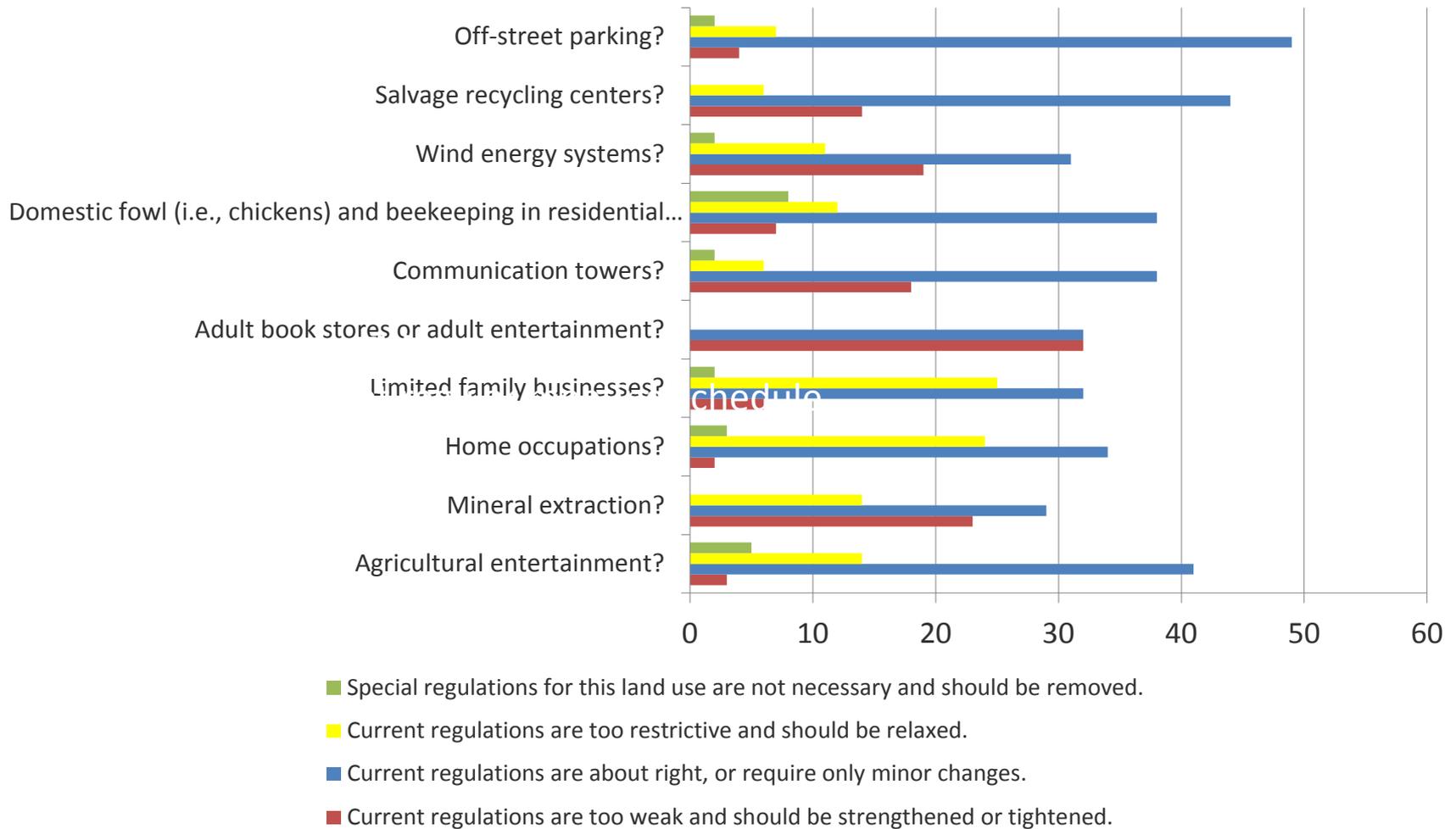


# Overview of respondents



# Q1: How should the new code treat the following special uses?

*(already regulated in current code)*



## Other Comments

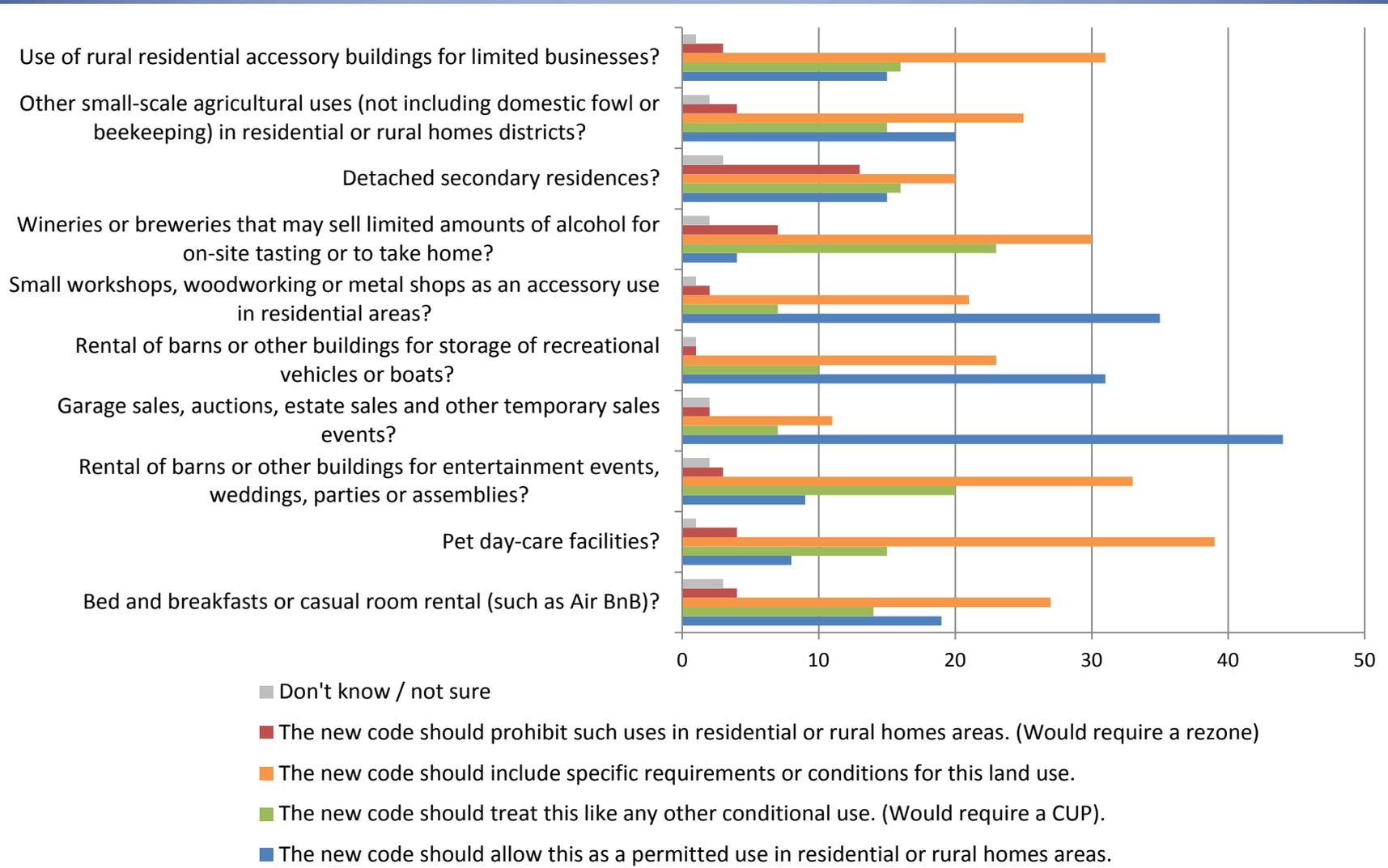
### Q1: How should the new code treat the following special uses?

*(already regulated in current code)*

- Larger area of notification of blasting for mineral extraction.
- More rural representation on the ZLR.
- Mineral extraction should NOT be an acceptable use of Ag land!! That's asinine...!!
- Be more restrictive about building in rural areas and make building near cities and villages high density
- I agree with the state law to leave these matters up to the towns!
- I did not like any of the choices you had on these issues, some should be more restrictive some don't apply!
- Restrictions on water in out buildings and "Granny" apartments should be removed.
- Many old barns are falling apart because it is too expensive to repair the roof for a building that the owner can't use for storage or a small business where they make a profit. Without the ability to generate revenue, most people are not going to invest 15-20K into a barn roof so they let the building rot. We need a system where people can use that space productively and not have to rezone the property to commercial. When it was a farm building it received a very low tax assessment. When it is used to generate a few hundred dollars of revenue a year or even several thousand for non-farm use, the tax assessment goes up enough that it does not make financial sense to spend time and money fixing it up. Since it is on the same footprint of the original farm, it should not be taxed any higher than when it was a farm. If it goes off that small area where farm buildings existed, then it would be different and would be more of a business. In a rural area like the one I live in, retired farmers or people who bought farmsteads need ways to generate enough money to survive and to pay for the buildings upkeep or we will loose almost all of them. The county and state get revenue from them already as they pay sales tax and income tax on the revenue generated. Lots of landowners have mentioned this to me over the past 10 years I have been a board member

# Q2: How should the new code treat the following special uses?

*(not specifically regulated in current code)*



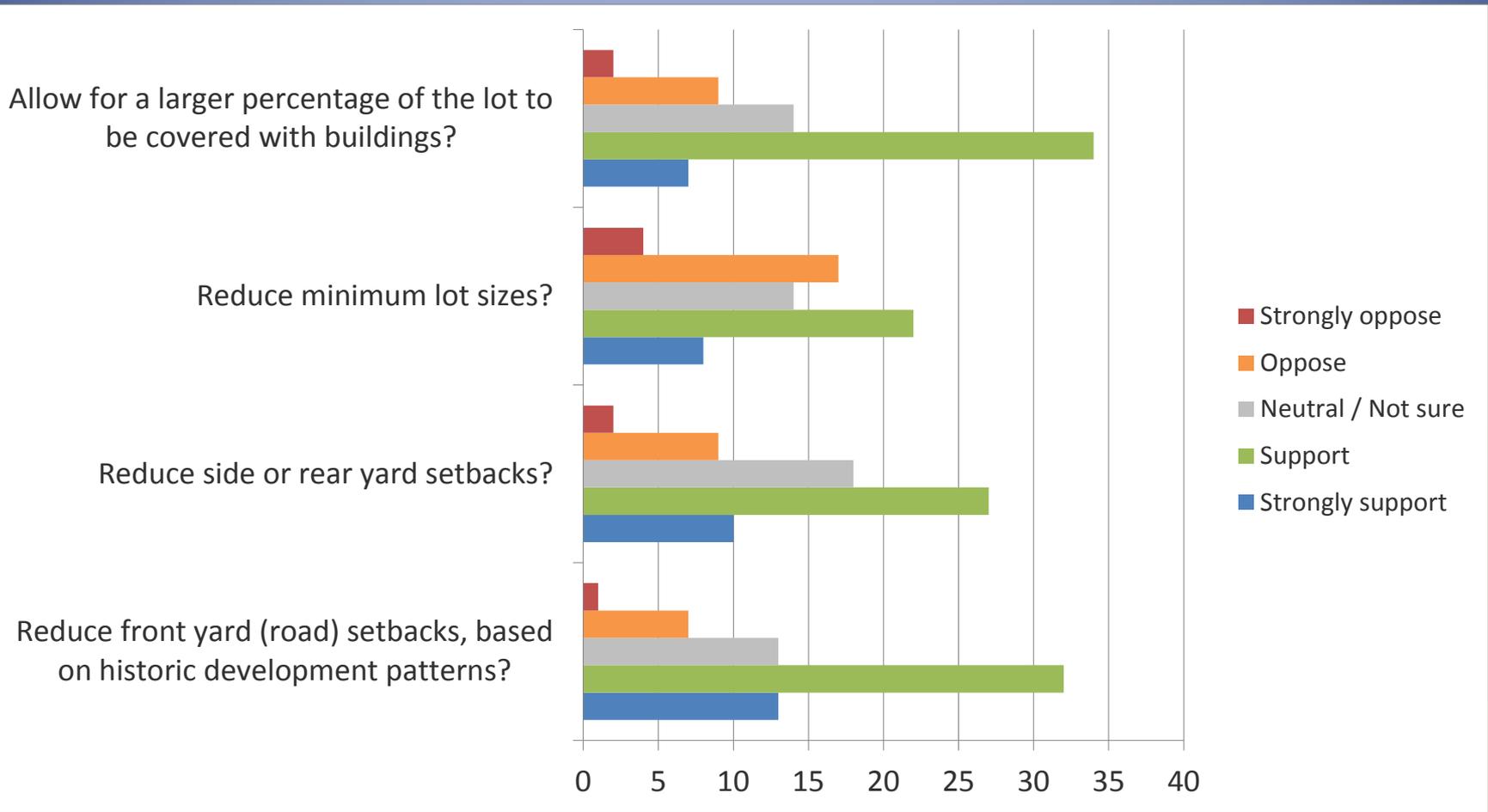
## Other comments:

### Q2: How should the new code treat the following special uses?

*(not specifically regulated in current code)*

- No permit required on those not answers.
- Gyms/Health Clubs
- Rural airports are difficult to assess for tax purposes and not well-defined from a zoning perspective. A more specific code for these would be appreciated.
- Allow plumbing fixtures in accessory buildings.
- In general the use should be one that does not create disturbance to neighbors. A band or party 1-2 times a year is no big inconvenience to neighbors because they can go someplace for the day or evening. Renting a building out for many weekends is definitely going to irritate neighbors. Renting out the space to store peoples cars, tractors, etc. is not going to disturb neighbors very often and it is far better than having farm animals in it like chickens, pigs etc. A common way for farm wives to earn some extra money to keep the farm viable is to have a small day care. Their watching 2-7 kids is not going to impact neighbors and it may generate enough additional money to keep the farm viable. Making them have a C.U.P. and taxing them more is not reasonable considering we as a state and even a nation go to great lengths to help them out financially through tax breaks and subsidies. Why penalize them with a C.U.P and higher property taxes when they are proactively trying to earn enough money to keep the farm viable.

# Q3: In older developed areas and historic hamlets, would you support a new code that would:

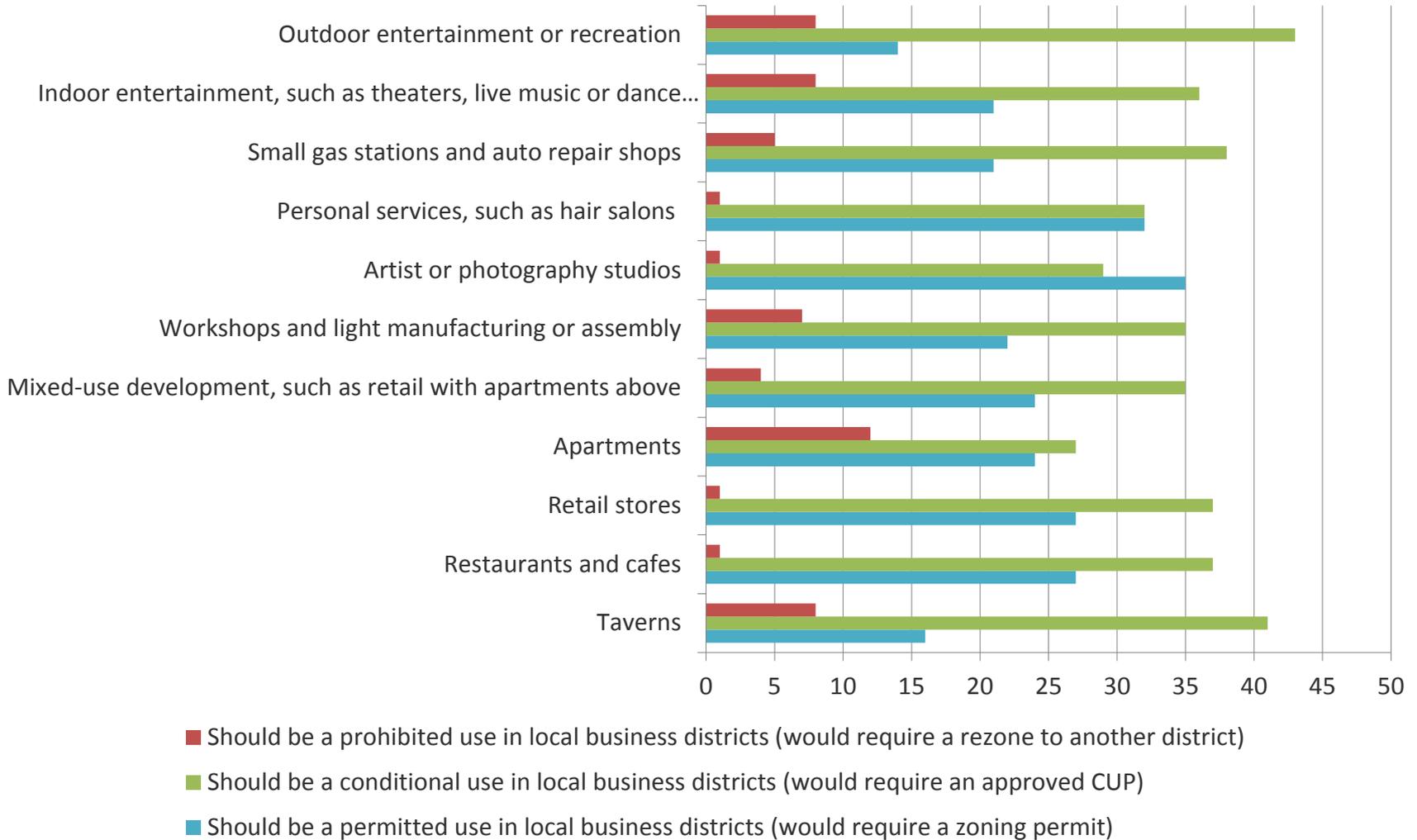


## Other comments

Q3: In older developed areas and historic hamlets, would you support a new code that would:

- Listen to recommendations of local municipalities.
- Write code to retain historic character of these areas, restrict new construction inconsistent with existing historic development.
- If setback requirements are changed, the new buildings should not obstruct the view of other houses. While this is not easy to quantify, it should be one where a new structure should not be placed directly in front of a houses living room or windows with a view because this would negatively impact the resale of the house and the house owner would not have had a way to predict a building being built there.

# Q4: Would you support a new code that would accommodate any of the following in local business or mixed-use districts?



## Other comments

### Q4: Would you support a new code that would accommodate any of the following in local business or mixed-use districts?

- Smoking parlors and vaping parlors should require a rezone.
- The questions above put items together that are not like kind in terms of impact on land and neighbors. For example a gas station is a high impact item but a small auto repair shop can be very low impact. A farmer who works on cars, or has a son that works on cars in an unused building is not going to impact neighbors more than the farm's tractors and machinery do. A gas station on the same site would have a lot of impact on neighbors due to traffic and the look of the site. In general people should be able to have small businesses on site as long as they do not employ a person(s) for more than a cumulative total of 40 hours in a week. 2 employee's can't put more than 40 hours in between both employee's. This is for on site work. A landscaper or plant nursery may be able to have more onsite time. This is important for keep our rural area's looking rural. If a landowner can't rent some of his land out to a landscaping company to grow tree's (which may require a building to work out of) then the landowners options are essentially sell the land for a house site, or grow traditional ag crops. We need to keep small farms intact to protect our last remaining remote spots in the county and to keep farm buildings looking nice. Another example is letting people board horses and give riding lessons without their needing any form of permits. They will pay a lot more for insurance so if the site is taxed as a business and they need permits etc. it won't be financially worth the investment so they will simply let the buildings fall apart or they will sell the farm to house sites.

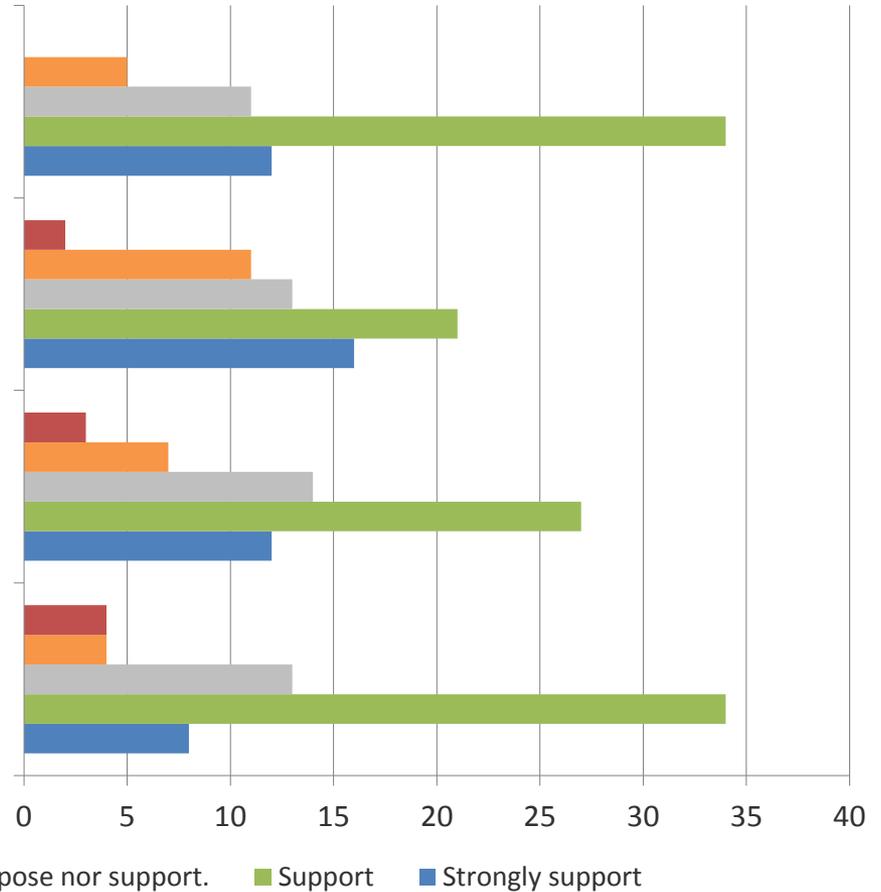
# Q5: Would you support a new zoning code that would:

Allow smaller-scale operations (based on square footage, traffic volume, number of employees, etc.) as a permitted use, but require a conditional use permit for uses exceeding those limits?

Move manufacturing, processing and industrial uses (such as fuel storage, electric generating stations, fertilizer blending stations, slaughterhouses or scrap waste processing) from the heavy commercial district to a manufacturing district?

Move high-impact uses (such as manufacturing, assembly plants, or wholesale businesses) out of general commercial districts to heavy commercial or manufacturing districts?

Move low-impact uses (such as local taverns, small retail, restaurants, cafés, small workshops, etc.) to a local business or mixed-use district?

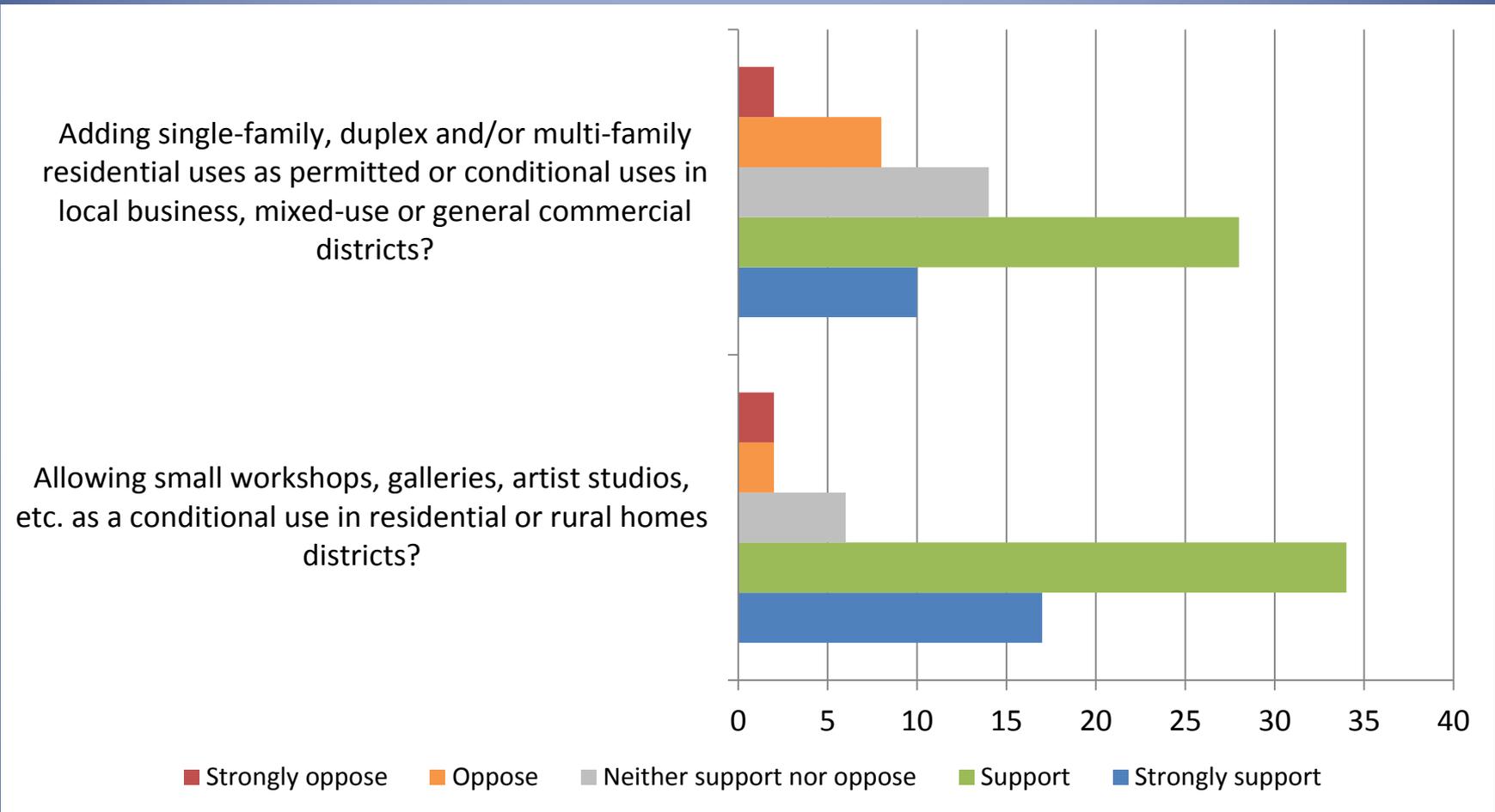


## Other comments

### Q5: Would you support a new zoning code that would:

- Recommendations should be by local municipality.
- If it is a farm, or it was a farm, let people have limited businesses in the existing buildings without changing their property taxes. For example a retired farmer who sharpens lawn mower blades or similar items, who earns about \$5,000 a year should not pay higher property taxes because they are actually doing all of us a favor by earning enough money to keep their farm intact and looking nice.
- SIGNIFICANT BUFFERS from residential areas; minimum of 1/2 mile!
- There should be language that guides aesthetics and allows for a buffer between commercial and residential, RH, or any other use that could be considered conflicting.
- Commercial zoning categories struggle to include non-traditional business operations such as wedding chapels and an operation to split wood and dry wood (kiln and open air). A more comprehensive list for each for permitted and conditional use would be helpful when talking to potential developers.

# Q6: Would you support other changes that would support mixed-use development, such as:

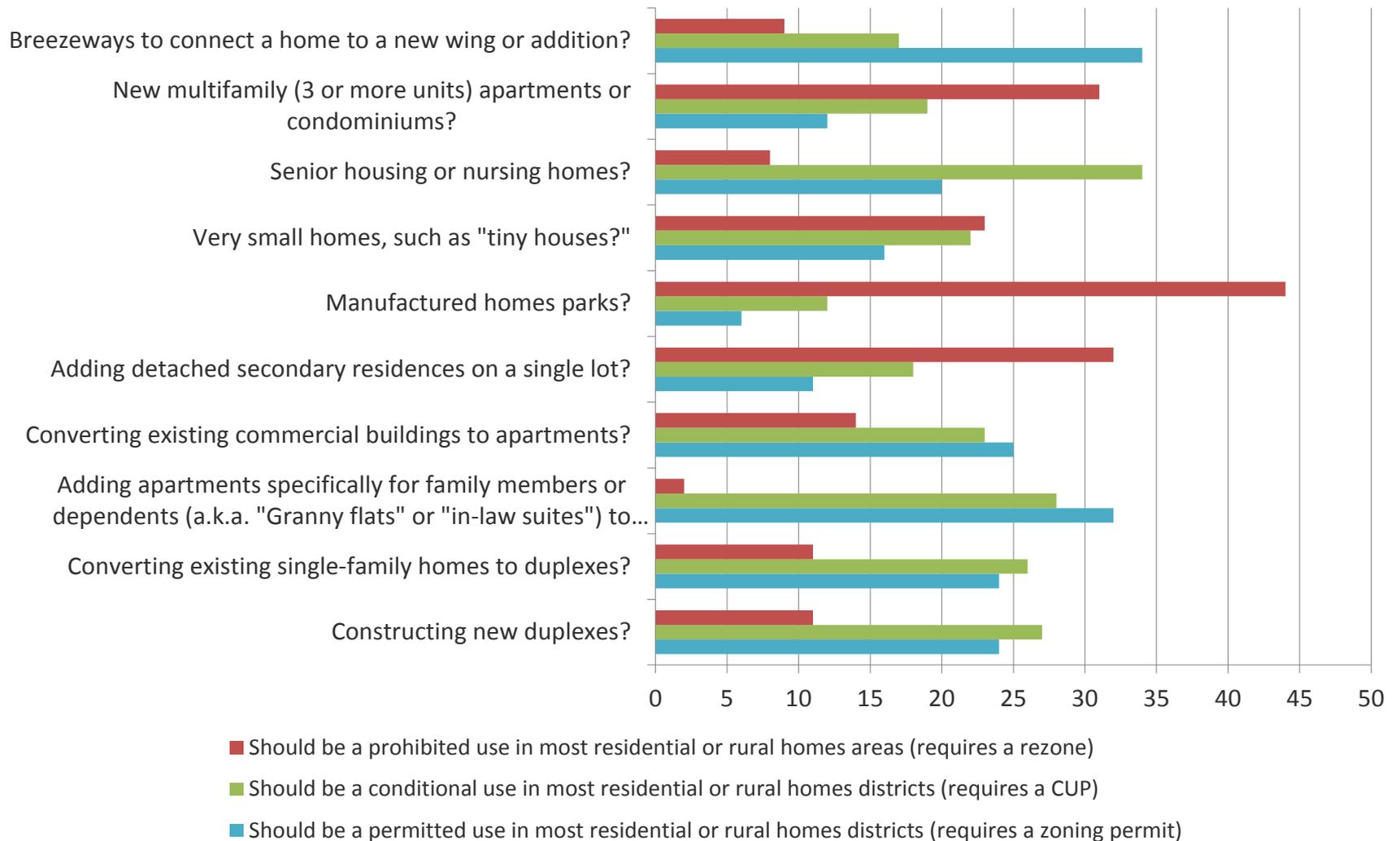


## Other comments

Q6: Would you support other changes that would support mixed-use development, such as:

- I think we need to be very careful about mixed-use development and would prefer to see more CUPs and ENFORCEMENT of those CUP conditions rather than wide sweeping approvals through zoning.
- Artist studios vary widely. Some applications such as woodworking, kiln fired ceramics, smithing, and hot glass work should be in buildings built to a higher standard than those for painting, wood carving, photography, etc.
- Allow small workshops and galleries in rural areas without CUP

# Q7: would you support a new code that would make it easier to develop any of the following housing types?

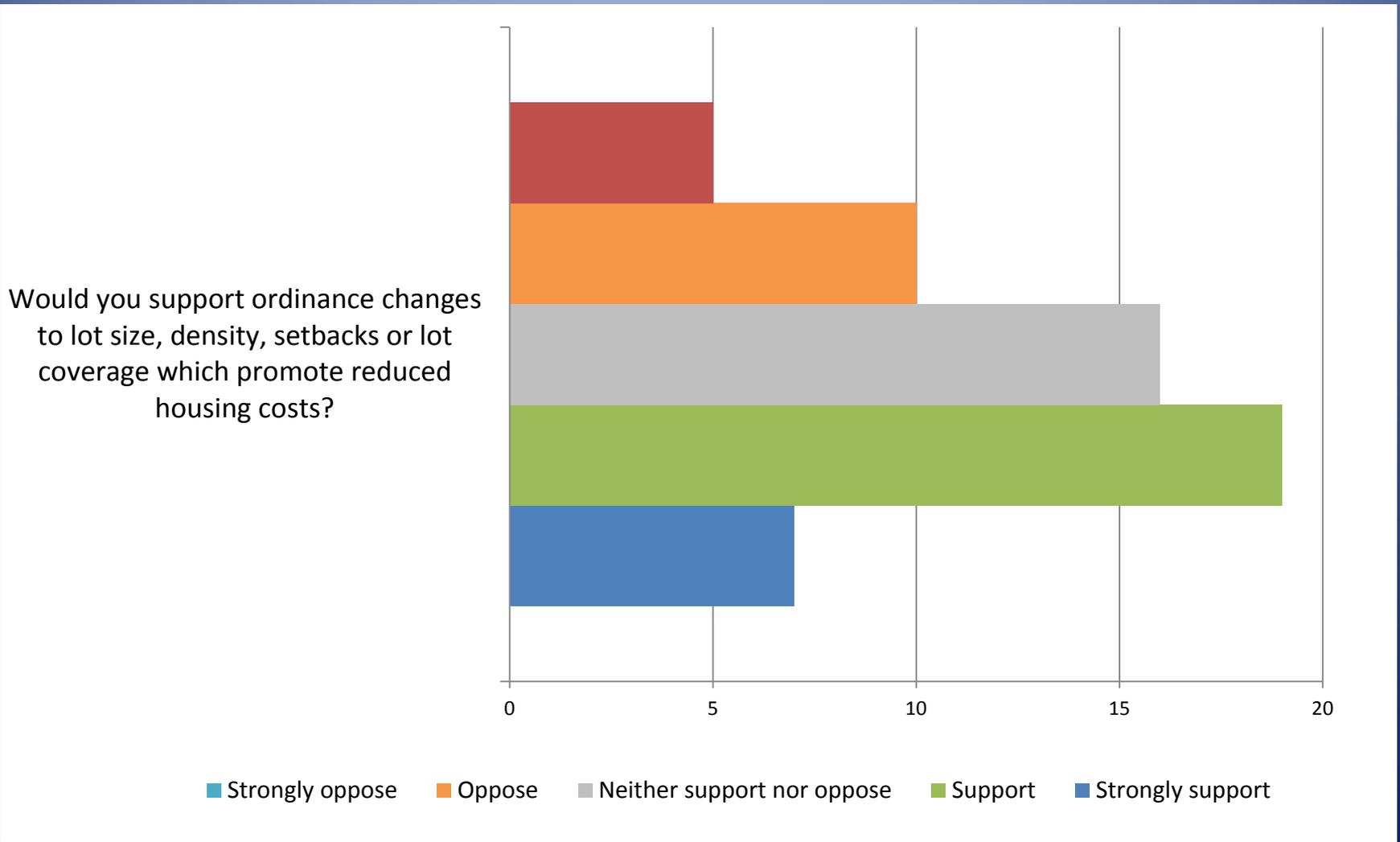


## Other comments

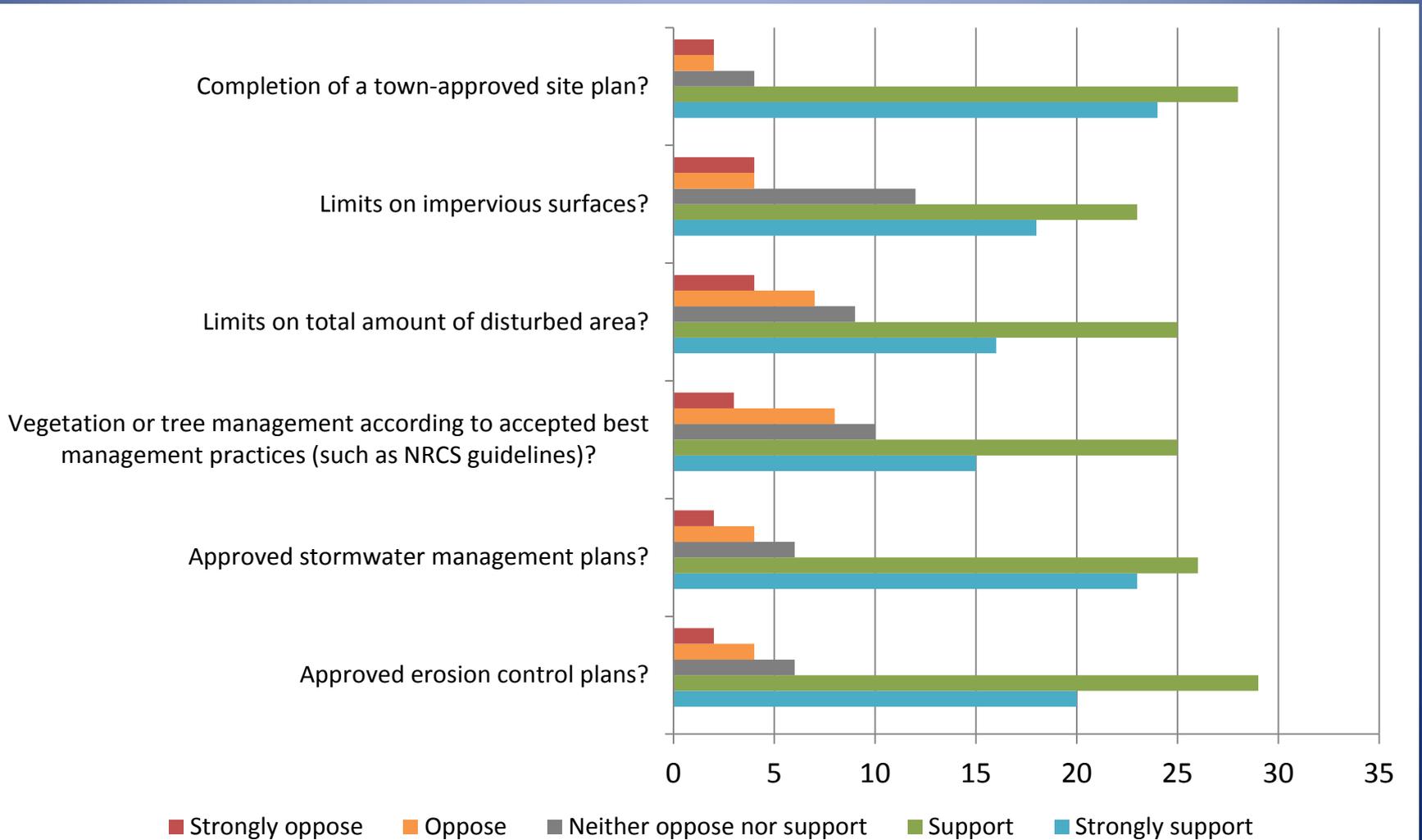
Q7: would you support a new code that would make it easier to develop any of the following housing types?

- No tiny houses permitted, building permit for additions.
- Our town has made some effort to reduce the lot sizes on some of the new splits to around 2 acres. I'd like to see that guidance if it isn't already in the zoning area to cut back on the huge parcels with one home on them.
- I think density usually determines the success or failure in any given neighborhood. Scattering affordable housing across a wider geographic area seems to work better than concentrating it in one location.

# Q8: Would you support ordinance changes to lot size, density, setbacks or lot coverage which promote reduced housing costs?



# Q9: Would you support a new overlay zoning district, which would require development to meet the following standards:

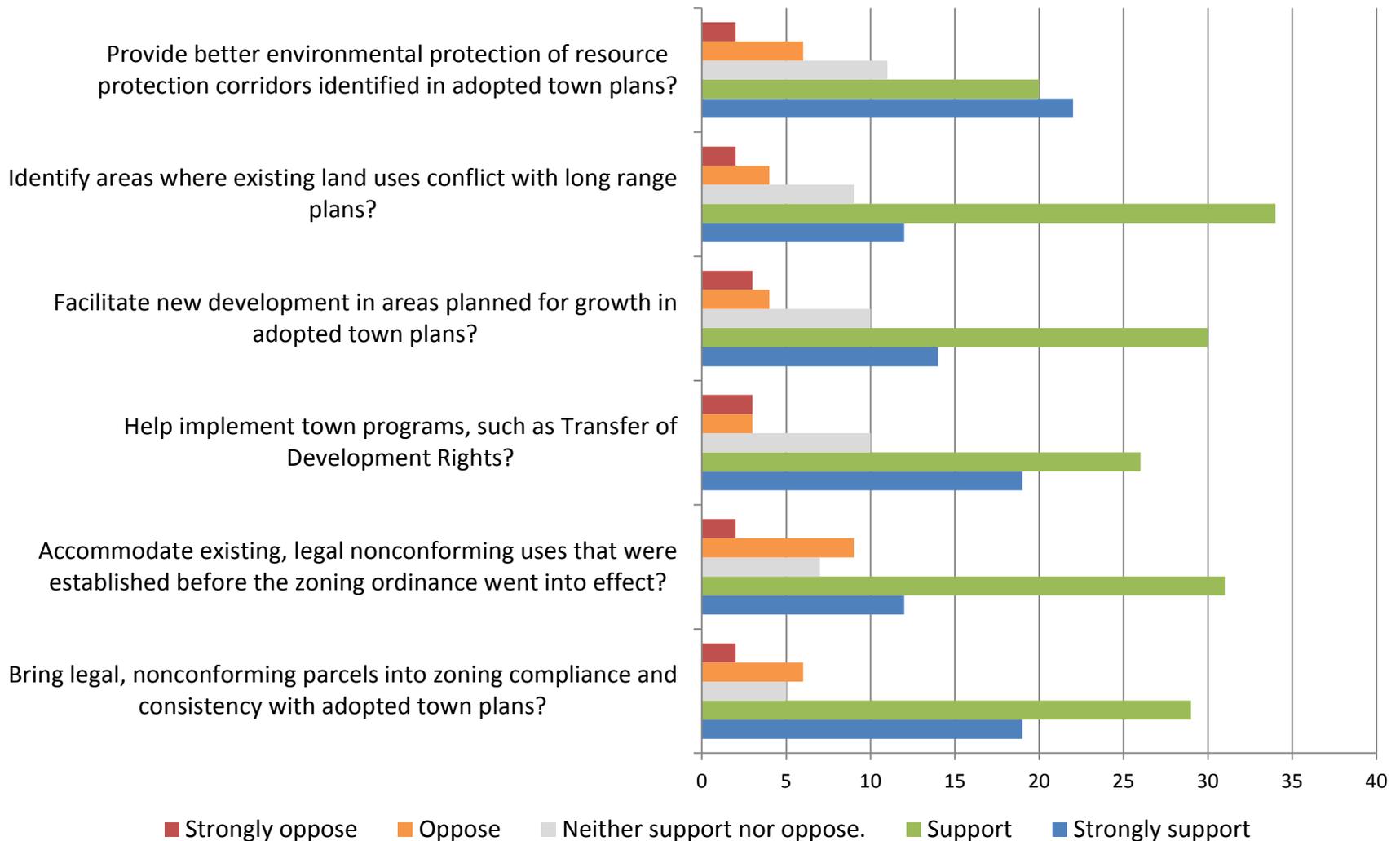


## Other comments

Q9: Would you support a new overlay zoning district, which would require development to meet the following standards:

- Local government should handle this not county.
- Driveway length limits. People are buying 35-40 acres and putting their house in the middle of it. If everyone does this, the landscape will be one spread out neighborhood and suddenly not be rural.
- We currently have no way to fully protect our resources. For small towns we need to have this guidance from the county.
- IF IDENTIFIED AS A NEED BY EACH INDIVIDUAL TOWN!
- Removal of trees (particularly when property is removed from MFL) to clear for residential use appears to be under-regulated regarding erosion control and stormwater management. I favor analytical support as guidelines for municipalities/county when reviewing future use plans.

# Q10: Would you support town and county initiated map changes or blanket rezones to accomplish any of the following:

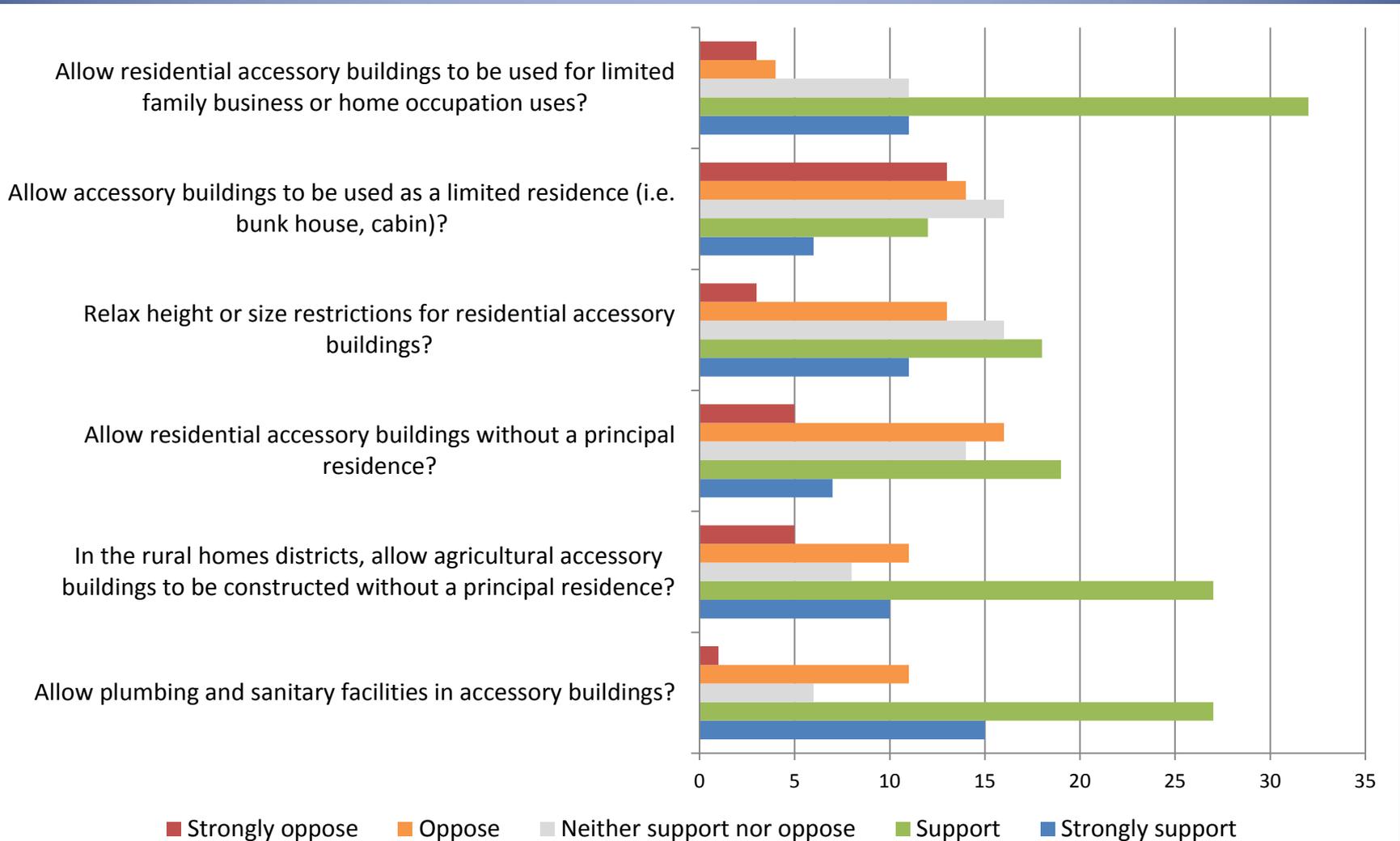


## Other comments

Q10: Would you support town and county initiated map changes or blanket rezones to accomplish any of the following:

- The towns decision on blanket rezone not county.
- County should not define "BETTER PROTECTIONS" that can very subjective.
- Development of a GIS layer based upon LiDAR data that better predicts areas of stormwater concern than FEMA FIRM maps. Perhaps a blend of the topographical data and soil erodibility data to develop an algorithm to make these predictions?

# Q11: Would you support a new zoning code that would:



## Other comments

Q11: Would you support a new zoning code that would:

- We see consistent violations of the existing restrictions. I oppose easing the standard when rezoning or a CUP option is available.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

- Administration and enforcement
  - A lot less county influence and more town participation.
  - An effort at consistency
  - Reference to enforcement consequences. I know this is impossible, but with the overworked county zoning staff, there are too many instances of violations of county zoning ordinances that never get enforced.
  - Actual enforcement would be welcomed. We should not have to wait until there is a complaint on a property to do an assessment of the town's permitted uses and zoning. I appreciate having guidance from the county on conflicting land uses. I feel our town has made the mistake several times now and I would like to see a lot more oversight into protection of residential property values and natural resources on the county side. A town should not be allowed to send up a CUP or zoning change in a sensitive environmental or residential without certain conditions placed on the rezone. In addition we then MUST enforce these conditions or inspect at least every 5 years.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

#### Density

- Density requirements of only one build per 35 acres.

- Environmental protection and rural character

- STRICTLY PROHIBIT the filling in or tiling of wetland, even marginal wetland, for agriculture use!
- The western part of Dane County is the driftless region. Little in the current zoning ordinance helps to restrict development atop ridgelines. Most homes and businesses are unsightly in these locations and waste heating and cooling dollars to have views of other rooftops in all directions. Unless heavily wooded, I oppose developing atop ridgelines where trees are absent, especially for multistory improvements.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

#### Mineral extraction

- If a quarry is being used as a quarry for stone, sand etc. then the minimum distance to a lot line or from a house should be 2,500 feet. 2,500 feet sounds like a lot but if you had blasting or heavy equipment going in and out all day long next to your house, it would not be pleasant and it would make your house much harder to sell.
- Prohibit mineral extraction on Exclusive Ag land and within 1 mile of any residence!

#### • Policy decision making

- URBAN TOWNS CAN HANDLE ZONING VERY WELL, THEM- SELVES!
- This has nothing to do with new "zoning ordinances", but directly to the ability to keep Dane Co Towns from withdrawing from Dane Co. zoning.
- Underlying opposition to Dane Co zoning is the historically arbitrary nature of the ZLR. With one change in ZLR membership decisions can change to the whim of that member if they're strong and influential. Dane County's ZLR should be replaced with a commission of officials from across the county, either elected representatives or appointed by County towns, villages and cities.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

- Ordinance drafting
  - Better organization, simpler, easier to follow, more up to date, easy to interpret rather than staffing friendly
- Permitted, conditional and prohibited uses
  - Allow secondary farm residences for owners and employees.
- Setbacks and buffers
  - Property line setbacks in rural area's should be at least 200' and more if the use is going to be for animals, loud equipment like farm machinery.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

- Other
  - Just more time to study these questions
  - The ability for a Town to weigh in on lot line changes. Our town has found that a land owner can use this tool to circumvent our Towns Land Use Plan.
  - One way some townships generate revenue is to put a tax on the revenues generated. For example in Northern WI it is common for towns to put a rooming tax in place for people renting out their houses to vacationers. They usually charge 4.5% as a sales and use tax. This is a lot, but it allows a cabin owner to rent their places out a few times a year, generate some revenue to pay their property taxes and do the needed maintenance on the building, and not pay higher property taxes. If Dane County had a sales and use tax of 1-2% on small businesses that remained in the same farmstead buildings, it would generate a lot of revenue for the township and county and this would offset the property tax cost to the owner to rezone their land and get a C.U.P. These types of businesses tend to be self limiting in size because rural sites are rarely ideal places to grow a business, so when the business needs more buildings and needs to grow, they tend to move to area's with more visibility and traffic.

## Other comments

### Q12: Are there other things you'd like to see to in a new zoning ordinance?

- Dane County needs to come up with a land use plan that allows more businesses on major roads/hwy's. If the Hwy exists, let businesses develop there without as many restrictions as there currently are. This will keep the more rural sites looking rural. We need to allow towns and villages near Madison (Middleton, Verona, Fitchburg, Sun Prairie, Waunakee etc. to expand more easily. This will help direct the population growth closer to Madison vs. spreading it out in the country.
- Forcing a 1:35 acre practice throughout the entire county does not help either group, rural or residential residents. In general people who buy in rural settings don't want many houses around them. People who buy in an area close to Madison, understand that the city will expand and they will have more houses near them because the trend is clear. What is needed is a system where townships that border the city of Madison can build on 1/2 acre or less without any relationship to a 1:35 rules. The townships that do not border Madison, should be 1:35 or more. The farther away from Madison the greater the number of acres required for a build or split.
- 100 years from now, if gas prices are dramatically different, roads cost dramatically more to build, we may need a system with less small rural roads to maintain, and large numbers of people commuting 25+ miles in to work. 200 years from now we may find it so expensive to commute to work and maintain roads that many houses built out on 35 acres are not worth much. Drive to places like many Northern WI towns or places in SW WI where the commute to Madison is too far to be practical and you will usually see existing houses for sale for far less than a new one can be built. We need to reshape the thinking in our Comp Plans to encourage houses to be built closer to Madison and less in rural area's. We also need to allow the existing truly rural places to have more options to keep their farm or acreage viable by allowing more small, low impact businesses within existing buildings so they can afford to stay on the farm. This problem is going to rapidly accelerate as the generation of people raised on farms and operating farms retires and then passes. The next generation will not be interested in spending lots of money to keep some old barns looking nice and functional. They will need economic justification to maintain them