



## DANE COUNTY PLANNING & DEVELOPMENT

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### **New Dane County Zoning Ordinance - Frequently Asked Questions**

#### **1. Why is a new zoning ordinance being done?**

The current county zoning code is almost 70 years old. Piecemeal changes over time have created numerous problem areas and inconsistencies. The new ordinance resolves these issues, addresses new land uses, and is designed to be adaptable into the future.

#### **2. What changes are being made in the new ordinance?**

The new ordinance retains what was working in the current ordinance and replaces what wasn't working. Things that aren't changing: most bulk requirements (setback, building height, lot coverage), and permitted and conditional uses for residential and ag districts. Things that are changing: district names, land use descriptions and definitions (particularly commercial), standard conditions added for particular land uses (e.g., cell towers, quarries), and several new districts have been added.

#### **3. Is the new zoning ordinance being done to allow more development?**

No. The new ordinance is not being done to allow more development. The ability for new development to occur is largely a function of policies contained in town comprehensive plans. Most town plans are focused primarily on agricultural preservation and have policies that limit residential development to a low density (e.g., 1 house per 35 acres).

#### **4. Will the zoning ordinance update result in a change to my property taxes?**

**No**, the new zoning ordinance will not result in a change to your property taxes. State law requires that local assessors classify and assign value to land on the basis of its use, not on the underlying zoning.

#### **5. What factors were taken into consideration when assigning the new zoning categories to properties?**

The size, use, and existing zoning of properties were considered when assigning new zoning categories. In addition, environmental features and town comprehensive plan policies were also taken into account. The transition to the new ordinance is based on making "apples to apples" changes to accommodate existing land uses. Residential properties get residential zoning, ag properties get ag zoning, commercial properties get commercial.

#### **6. Will the new zoning affect my development rights or "splits"?**

No. The ability to change the land use of a property or further subdivide land for new development is governed by the policies of town comprehensive plans, which are *not* changing.

#### **7. What uses are allowed in the Rural Residential (RR) and Rural Mixed Use (RM) districts?**

The RR and RM districts allow for residential and agricultural uses. The RR district has a livestock limit of no more than 1 "animal unit" (horse/cow) per acre. The RM district is only available for parcels over 8 acres, does not have a numeric limit on livestock, and has a broader list of conditional uses available.

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### **8. My property is under 35 acres and is currently zoned A-1EX, what will my new zoning be?**

All existing A-1EX parcels smaller than 35 acres will be rezoned into new, compliant districts. Parcels that are defined by a Certified Survey Map (CSM) or subdivision plat, and/or those that have an existing house will be rezoned to a district that allows residential use (SFR, RR, or RM, depending on parcel size). Vacant parcels not defined by a CSM or plat will be rezoned to a district that does not allow residential use (FP-1, NR-C, UTR). Such parcels would need to be rezoned in the future to allow development, providing towns with the opportunity to review the origin of the property and consistency with town plan policies.

### **9. What if I want to request a different zoning for my property?**

The town and county will consider requests to zone property into a different category to accommodate existing land uses. Please contact county planning staff if you have such a request (phone number listed in the letterhead on page 1). If you have residential property and want to change the use to commercial, that will require a separate rezoning application process which will be reviewed for consistency with applicable town comprehensive plan policies.

### **10. Can I keep my current zoning category?**

No. The current county zoning code will no longer exist once the new one is adopted by the county board and town.

### **11. I have an existing Conditional Use Permit. How will the new ordinance impact it?**

All existing Conditional Use Permits will carry forward under the new ordinance.

### **12. I have property that is deed restricted to limit current and future uses. Will that change?**

No. All existing use restrictions that may have been required by the town and/or county will continue to apply under the new ordinance. Examples include commercially zoned property that is restricted to limit the types of businesses that can be established, or farmland that may have been restricted following the use of all available development rights.

### **13. When will the new ordinance go into effect?**

The county is looking to adopt the new ordinance before the end of 2018. Once the ordinance is adopted by the county, towns will have 12 months to adopt the ordinance, or to choose not to adopt and instead begin conducting their own zoning. It is anticipated that many towns will adopt the new ordinance sometime in early-mid 2019. Once a town adopts the new ordinance, the new zoning classifications will take effect.

### **14. Will the new zoning ordinance make changes to building near a lake or other water body?**

The new ordinance makes no changes to the county's Shoreland and Inland Wetland zoning ordinance (Chapter 11, Dane County Code). Those ordinances, including minimum requirements for setbacks, etc., will continue to apply to development on properties adjacent to lakes or other bodies of water.