

## Frequently Asked Questions

**Q: What is the difference between the new State Legislation (Act 178) allowing Dane County towns to opt out of zoning and the Dane County led zoning code re-write that will also allow towns to opt out of County zoning?**

A: Opting out through the State Legislation gives town zoning and plat review authority. Opting out as a result of the zoning code re-write only gives towns zoning authority, towns will still need to work with the county for land division approval.

**Q: What are the steps and time frame for opting out under Act 178?**

A: The first step is a **Town Board withdrawal notice** that must be sent between July 1, 2016 and October 20, 2016 to the county clerk and every town in the county, stating intent to enact an ordinance to opt out of county zoning. Then not less 60 days before the Town Board approves a withdrawal ordinance, towns must re-adopt their Comprehensive Plans, adopt a town map and adopt a zoning code. Finally, the withdrawal ordinance needs to be **approved at the town Annual Meeting (April 2017)** or by referendum.

**Q: When will zoning authority take effect under Act 178?**

A; The new zoning authority takes effect on the date stated in the town ordinance (minimum of 90 days after passage). For most towns, we suggest this date should be January 1, 2018.

**Q: What if our town is undecided? This is happening quickly and the town board wants more information.**

A: We suggest that your town go through the first step of sending a withdrawal notice. This notice will give you the time (an additional 4 months) to continue to study the option and see if it is right for your town. Sending the withdrawal notice does not obligate your town.

**Q: I heard that Act 178 makes changes to how Town Comprehensive Plans are adopted. Can you explain?**

A: The Act requires that Dane County adopt Town Comprehensive Plans “without change.” So Dane County can no longer require changes for their approval/adoption. This puts town plans on the same level as city and village plans that are directly adopted by Dane County. At recent County meetings it was stated that they are interpreting this clause of Act 178 to only apply to towns that have opted out. DCTA disagrees with that interpretation. It was written to apply to all towns in Dane County regardless of whether they opt out.

**Q: How will towns fund this?**

A: We are working with a consultant (General Engineering) that currently administers zoning for several towns in WI. Initial estimates are that if towns continue the fees currently charged by Dane County for zoning and CUP permits, those fees will cover the expense of hiring a consultant to administer the program.

**Q: If my town opts out and adopts the new zoning code, what happens to my existing zoning?**

A: Nothing will happen to your existing status. You will not have to re-zone or make any changes. The new zoning code will adopt the existing zoning code (or legacy zoning) by reference. The new code will only be used if you decide to make changes on your property that require a different zoning.

**Q: Will I still need to go to Dane County for permits?**

A: Yes, for some permits. Dane County will still handle storm water management, erosion control and shoreline zoning permits. Dane County staff currently do this permitting for cities and villages - it will be done for towns in a similar manner.

**Q: Will my land still be eligible for Farmland Preservation Tax Credits?**

A: Yes, the new zoning code is designed to be a certified farmland preservation ordinance.