

DCTA Response to Questions from Verona

General Questions

1) Q: If Town does opt-out, will all parcels be rezoned to comply with the new Town Association Zoning code, or will the new codes only apply to new zoning?

A: *To assure that no [property owner loses any rights they currently have, the current county code or “Legacy Zoning” will be adopted by reference into the new code and thus able to remain in effect for existing lots. Landowners will not have to rezone their property until they make a significant change to it, such as building a new structure or changing the use of the parcel in a substantial way.*

2) Q: If new zoning districts only apply to new requests, then the Town will have two different codes for many, many years. Will having two different codes cause difficulties with enforcement as some parcels will have Dane County Codes and some will have Town Association Codes. Will the enforcement for both codes be done by the mechanism associated with the Town Association arrangement?

A: *The dual code exists in a number of towns already and has worked well. Some towns have zoning which was adopted by their neighboring city or village. The Town of Westport is such an example. And, each parcel is already unique with specific zoning, conditional uses, site plans etc. Enforcement currently requires a review of the parcel and its history. This will continue under both codes and will be done by the new Zoning Administrator. The professional administrator will be able to manage the codes without difficulty.*

3) Q: If after three years or some time period, the Town decides to go back to Dane County zoning, etc., will the Parcels with Town Association zoning keep this zoning or go to a Dane County zoning district? Will Dane County enforce the Town Associations zoning if a parcel does not have Dane County zoning districts?

A: *A Town can return to Dane County Zoning at any time. Presumably, Dane County Zoning will decide whether to grandfather in the Town Zoning [or whatever was authorized by the Town Zoning], or fit the returning properties into a comparable Dane County Zoning Category. Since we are dealing with property rights, taking away existing uses authorized by law when they were constructed, is not possible without compensation, so I would anticipate a form of grandfathering would occur. Since we are grandfathering in Dane County Zoning for those who do not request a change, only a handful of properties would be involved in most Towns, should the Town choose to return to Dane County Zoning.*

4) Q: On average, how many parcels are split and rezoned each year?

A: *Link to housing permits issued from 2004 - 2015, Verona issued five last year and two in 2014*

https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/BuildingPermits_2004-2015.pdf

5) Q: What are the main concerns about the current arrangement with Dane County?

A: *Working with the ZLR and the lengthy timeframe for county decisions; the County’s application of a philosophy driven by city residents to land use issues which concern rural residents; arbitrary treatment of towns by the County ZLR.*

General Questions Town Association:

1) Q: Will General Engineering provide the same level of support as Dane County Staff for zoning district interpretation, planning and enforcement? Will there be a fee for each of these requests?

A: If anything, service will improve. General Engineering is also a building code inspector. It will be possible, although not required, to combine zoning and building code administration. That will allow homeowners to deal with one inspector rather than two. We believe Dane County's administration of zoning is cumbersome, expensive and not always responsive. We think we can improve. Yes, we are asking General Engineering to provide the same level of support. They have stated that their costs will be covered by permit fees. The permit fees will be the same amounts currently charged by Dane County. Initial enforcement will also be handled by GE. If enforcement requires court action, fees will be recovered as provided for in the ordinance. The cost of enforcement activities that do not result in court cases would fall on the Town, as they often do now

2) Q: What will be new responsibilities of the Town Clerk? (currently done by Dane County)

A: The Clerk will continue to take applications and pass on information to the Town Board. The difference will be that they will be interacting with the new zoning administrator and not Dane County staff. There will be only one level of review, not two. We do not expect there to be any additional responsibilities for the Town Clerks. That said, we are starting a new system, there will be some things to figure out and the Clerks will need to be involved in that decision making process. Many, many towns in Wisconsin easily do their own zoning and work with General Engineering to do so. It is our goal to make this change without increasing the workload on the Clerks.

It should be emphasized that this is a service to your town residents. The process will be timelier. And they will no longer have to go downtown for lengthy ZLR meetings.

3) Q: How will mapping be achieved for zoning districts or will this service stay with Dane County? Will there be an access fee for use of the mapping service by the Town?

A: We assume we will be creating a new system, as Dane County has not been clear if they will provide mapping for towns which are withdrawing. Dane County currently provides AccessDane (on-line GIS mapping service) for towns, cities and villages. Since the County GIS databases are free public information, we can cost effectively create our own system. We could do that even without the County's data because GIS data is now widely available.

4) Q: How will regional planning be coordinated?

A: We are not altering any regional planning. Town's still need to follow and regularly update their Comprehensive Plans. We are simply eliminating the step of taking town land use decisions to the ZLR and County Board for approval. The decisions which the Capital Area Regional Planning Commission make will continue to be made at that level. The County is not a regional planning agency, since it has no authority over the cities and villages. The County can continue to work with towns to coordinate land use planning and discussions. The difference will be that the Towns will have the option of refusing to go along with the County's wishes.