

Exhibit A: Amendments to Residential Development Density Policies

This Plan designates the *Single Family Residential*, *Commercial/Industrial Mix*, and *Urban Transition* areas as shown on Map 6 as “Smart Growth Areas”.

The primary *Commercial/Industrial Mix* area is designated at the I-39/90/94 Interchange Area. Here, the Town provides public sanitary sewer service. This service enables the Town to facilitate redevelopment of aging development parcels and promote denser development than would otherwise be possible. Development in this area also takes advantage of existing transportation infrastructure and provides the Town with an enhanced non-farm, non-residential tax base. The Town is actively promoting development of this area, as is further documented in the Economic Development chapter.

The *Urban Transition Area* is designated near the Village of Poynette. This area is identified for potential development on municipal services over the 20-year planning period, and is described in greater detail in the sections that follow.

D. LAND USE GOALS, OBJECTIVES, POLICIES, AND PROGRAMS

1. Goal

Promote a future land use pattern that is consistent with the Town’s rural, “small-town” character, but which also focuses economic development near major highways.

2. Objectives

- a. Maintain low densities and minimize the visual impact of non-farm development in agricultural areas.
- b. Direct new development to areas of existing development, utilities, and highways.
- c. Promote high quality design and scale compatibility in new development projects.
- d. Balance individual property rights with community interests and goals.

3. Policies

- a. Assure that **incompatible land uses are not located close to one another** or require appropriate separation and screening where they are.
- b. Promote **grouping and clustering of allowable development sites** to preserve farmland, protect other natural resources, and reduce development visibility.
- c. Direct **intensive new development to the mapped *Commercial/Industrial Mix* areas, Poynette**, and other specific areas targeted for development as a way to relieve pressure to develop in the planned *Agriculture and Woodland Preservation Area*.
- d. Follow the Town’s **rezoning procedures** (in Chapter 11.06 of the Town Code of Ordinances) and the County’s zoning ordinance when considering changes in land use that require rezonings. Follow similar procedures for the review of conditional use permits. ~~Both rezoning and conditional use permit applications require Town and County approval to take effect.~~
- e. Utilize the **Town’s Plan Commission** as the primary recommending entity for development decisions in the Town, ~~except that the Town’s Architectural Review Committee shall be the recommending entity for applications for site plan review within the boundaries of Dekorra Utility District #1.~~ The **Town Board** is the primary Town approval agent for development decisions in the Town, except where ~~specifically~~ delegated by ~~the~~ Town ~~ordinance~~**Board**.

- f. Use the documents listed as described in Figure A as the primary substantive bases for Town decision making on the indicated land use and development approvals. Other Town ordinances and County, State, and federal rules may also apply.

Figure A: Documents Used in Review of Common Development Approval Requests

Plan or Ordinance	Applicable Code Chapter or Section	Rezoning	Conditional Use Permits	Zoning Variances	Site Plan Approval	Plats and CSMs
Town Comprehensive Plan	Especially Land Use	✓	✓		✓	✓
County Zoning Ordinance	Title 16, Chapter 100	✓	✓	✓	✓	
Town Land Division and Subdivision Code	Chapter 10					✓
Town Erosion Control and Stormwater Management Regulations	Section 11.01		✓		✓	✓
Town Site Plan Review Ordinance	Section 11.04				✓	
Town Interchange Area Design Guidelines	If near CS Interchange	✓	✓		✓	✓

E. PLANNED LAND USE MAPS

Maps 6 and 7 and related policies described below should be used to guide development decisions that involve a change in land use, such as rezonings, conditional use permits, and subdivision plat and certified survey map approvals. Changes in land use to implement the recommendations of this *Plan* will generally be initiated by property owners and private developers. In other words, this *Plan* does not automatically compel property owners to change the use of their land.

Not all land shown for development on the Maps 6 and 7 will be appropriate for rezoning and other land use approvals immediately following adoption of this *Plan*. Given market and service demands, careful consideration to the amount, mix, timing, and location of development to keep it manageable and sustainable is essential. The Town advocates the phased development of land in such a way that advances the Town's overall goal and objectives, consistent with growth projections within this *Plan* and other trend information like U.S. Census data.

Like other aspects of this *Comprehensive Plan*, a variety of different types of circumstances may compel the Town to amend Map 6 over time. These include, but are not limited to, changes in market demand, development trends, and available land supply.

The following sections of this chapter provide detailed objectives and policies for the primary planned land use designations that are shown on Maps 6 and 7. The policies under each section apply only to the planned land use designation described in that section.

F. AGRICULTURE AND WOODLAND PRESERVATION AREA (SEE MAP 6 FOR LOCATIONS WHERE POLICIES APPLY)

1. Objective

As shown on Map 6, the *Agriculture and Woodland Preservation Area* identifies land intended to be preserved primarily for farming, forestry, open space, and agricultural or forestry support activities. The *Agriculture and Woodland Preservation Area* is also intended for farmsteads and limited new residential development per the “Policies and Programs” section below, home occupations and family businesses, and other uses identified as permitted and conditional uses in the implementing zoning districts described below.



2. Recommended Zoning

Most lands in the *Agriculture and Woodland Preservation Area* planned land use designation should be zoned A-1 Agriculture. The A-1 district is a state-certified farmland preservation zoning district, which prioritizes continued farming and open space uses and also enables eligible farmers to obtain state income tax credits.

Where new residential development is proposed, rezoning away from the A-1 zoning district will be required. The RR-1 Rural Residence District is the preferred district for the new residential lots. Other residential districts, such as the R-1 Single Family Residence district, may be considered where the applicant can demonstrate that another district aside from RR-1 meets the objective of the *Agriculture and Woodland Preservation Area* and responds to a unique circumstance.

Other zoning districts, such as the A-2 General Agriculture, may also be appropriate on an occasional basis for lands planned in the *Agriculture and Woodland Preservation Area*, such as where preexisting parcel sizes and land uses differ from the norm for these areas.

Columbia County also has the A-4 Agricultural Overlay zoning district, which generally limits underlying land uses and structures to those related to agriculture and open space. The County uses the A-4 district as a means to track and maintain development density policies over time. The A-4 overlay district will often be applied to the balance of the Contiguous Common Ownership

that remains zoned A-1 at the time of rezoning to RR-1 or other residential zoning district. [The County, through its zoning ordinance, and the Town also enable the application of A-4 zoning to non-contiguous parcels, provided that such A-4 lands are in the same town as the lot\(s\) on which a dwelling\(s\) will be constructed.](#)

3. Key Definitions

The definition of “Contiguous Common Ownership” and its component words is important for determining the right to develop lands in the *Agriculture and Woodland Preservation Area*.

“Common Ownership” means any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

Lots or parcels shall be considered “Contiguous” if they share a common boundary. Parcels in Common Ownership that are directly across from a public street, rail right-of-way, easement, or navigable river, stream, or creek, along with parcels that meet only at a corner, shall be considered “Contiguous.”

“Contiguous Common Ownership” means all contiguous lands zoned A-1 and/or A-2, and under Common Ownership at the time of the development proposal. Contiguous Common Ownership may include one or more tax parcels, “40’s”, or lots with lots defined as a parcel designated in a recorded plat or certified survey map, or described in a conveyance recorded in the office of the Register of Deeds, except that each residential lot legally created through a “farm consolidation” process and documented with a recorded certified survey map (CSM) shall not be considered part of any Contiguous Common Ownership.

4. Policies and Programs

- a. **Required Rezoning Criteria:** Whenever land is proposed for rezoning away from the A-1 district, the following criteria must be met by state law:
 - i. The land is better suited for a use not allowed in the A-1 zoning district.
 - ii. The rezoning is consistent with the applicable Town and County comprehensive plans, including the County farmland preservation plan.
 - iii. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- b. **Limits on Conversion of ~~Prime~~ Farmland:** [Prime farmland is defined and illustrated as Groups I, II, and III soils on Map 3.](#) The conversion of prime farmland for residences and other nonfarm development ~~must shall~~ be minimized, [per the following standards:](#) ~~Prime farmland is defined and illustrated as Groups I, II, and III soils on Map 3.~~

- i. ~~The~~ The Town Board will consider creation of new residential lots on prime farmland only if it determines that no available non-prime farmland exists on the parcel of record or that placement of lots on prime farmland provides better protection of land, environmental, and habitat resources than a non-prime location.

- ii. ~~In addition, per~~ [Per](#) state law, new development may not (a) convert prime farmland from agricultural use or convert land previously used as cropland, other than a

woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence; or (b) significantly impair or limit the current or future agricultural use of other protected farmland.

b.c. Standard Residential Development Density with 35+ acres in Contiguous Common Ownership: ~~Except as otherwise provided in subsections d. and e.,~~ The owner of each set of lands in Contiguous Common Ownership of 35 acres or greater within the *Agriculture and Woodland Preservation Area* may develop single family residences, subject to the following criteria:

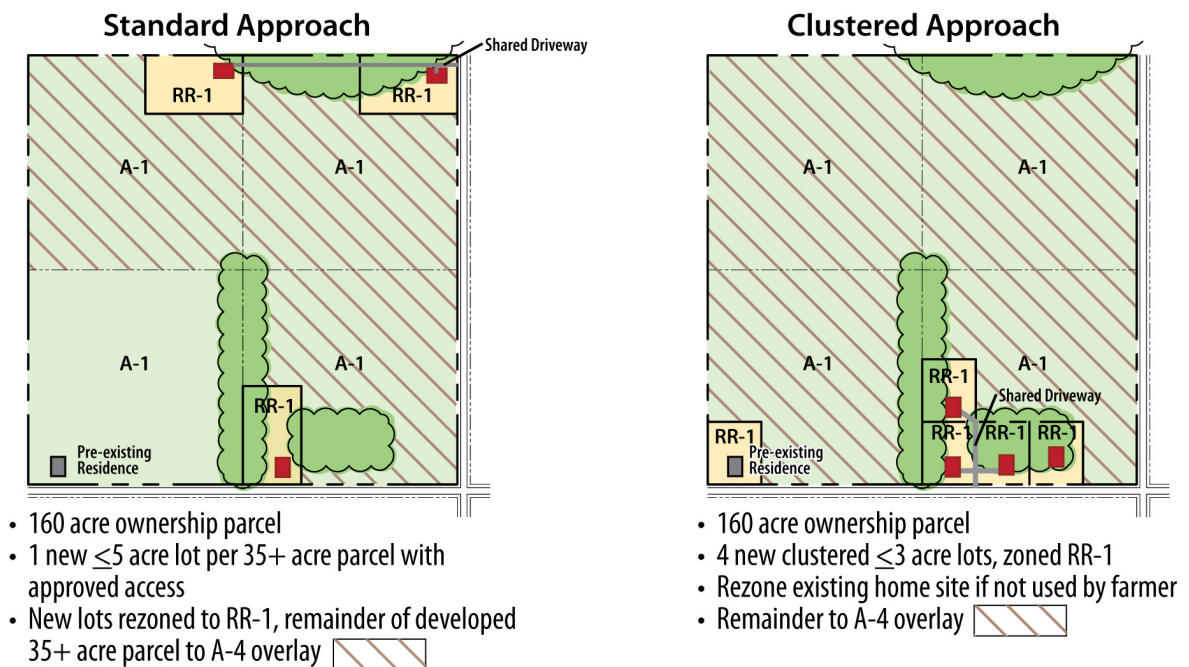
- i. The owner is normally allowed one single family residence per 35 acres of Contiguous Common Ownership, including any existing house(s) within the Contiguous Common Ownership except where a cluster is used per County policy, Figure B, and the “Residential Development Siting Standards” in subsection e. below.
- ii. Before or at the time of rezoning, the owner may acquire additional land from adjacent landowners to assemble a larger Contiguous Common Ownership, provided that such land is also in the *Agriculture and Woodland Preservation Area* and is not restricted against additional residential development by policy, zoning rule, deed restriction, conservation easement, or otherwise.
- iii. Before or at the time of rezoning, the owner may build one or more single family residences greater than what the density policy in subsection c.i. and County zoning would allow though conveyance of the right to build such residence(s) from other lands to the Contiguous Common Ownership, subject to the following limitations:
 - 1) Both sets of lands party to the convenience may be under separate ownership or similar ownership, and may be contiguous or not contiguous to the Contiguous Common Ownership, but must be within the Town of Dekorra.
 - 2) All lands from which the conveyance is made must be mapped as *Agriculture and Woodland Preservation Area* on Map 6 and/or adjacent *Environmental Corridor*, subject to other limitations below.
 - 3) No parcel from which the conveyance is made may, in advance of the conveyance, be restricted from the construction of new residences by one or more of the following conditions:
 - It is subject to A-4 zoning, and/or is deed restricted or has a conservation easement that restricts any new residence.
 - It is burdened by environmental or access limitations that would prevent it from providing a viable residential building site in the Town Board’s determination. Such a burden would include, as an example, a parcel that is entirely wetland.

- It is completely covered by, or restricted from construction of new residences as a result of, alternative energy collection equipment installed on the parcel, such as solar panels or wind turbines.
 - 4) Class I and II soils may not be used for the residence(s) to be conveyed to the Contiguous Common Ownership.
 - 5) The land to which the right to build a residence is conveyed shall be less suitable for agricultural use than the land from which the right is conveyed, per the soil groupings indicated on Map 3 and/or as may be otherwise determined by the Town Board.
 - 6) The right may not be conveyed from any lot or group of lots in Contiguous Common Ownership that are less than 35 acres.
 - 7) the owner of the land from which the right to build the residence is conveyed must have at least 35 previously unrestricted acres, which must be zoned A-4 and deed restricted per subsection c.vi. before the Town will enable the recording of a CSM or issuance of a building permit for the conveyed residence.
 - 8) The Contiguous Common Ownership shall not be developed to a density that is greater than two single family residences per 35 acres as a result of any such conveyance.
- ~~iii.~~iv. Each new residence must be on a new lot of one acre or greater created by CSM. Each new lot for a new residence may not exceed five acres in area, except that larger lots may be permitted where other policies in this Plan are met and an additional ten acres ~~in Contiguous Common Ownership~~ are restricted via A-4 zoning and deed restriction for every one acre greater than the five acre normal maximum. These maximum lot size and additional restricted land requirements do not apply when the lot is created around a pre-existing residence as described in subsection ~~gf.~~ below or where land configuration does not allow a lot size under five acres.
- ~~iv.~~v. Each newly created residential lot must abut a public road wherever practical, or have a suitable access easement approved by the Town Board and County.
- ~~v.~~vi. The ~~balance of the~~ acreage used to enable the approval of a single family residential lot ~~within the Contiguous Common Ownership~~ shall be restricted to agricultural or open space uses via deed restriction. All such deed restrictions shall be preapproved by the Town, recorded in conjunction with the recording of the associated certified survey mapCSM, and allowed to be removed or altered only if approved by the Town Board. The Town does not intend to issue any building permit for construction on an associated residential lot until the recorded deed restriction is provided. Columbia County may also require use of A-4 Agricultural Overlay zoning over the balance. Such deed restriction and A-4 zoning are the means to track the density poli-

cy—whether the restricted lands are contiguous to the new residence(s) or not. The Town may make a model deed restriction available for property owner use.

- ~~c. **Density Bonus for Clustering with 70+ acres in Contiguous Common Ownership:** The Town desires to provide an incentive for smaller lots and clustering as a means to preserve farm-land, open space, and rural character. Where the owner of each set of lands in Contiguous Common Ownership of 70 acres or greater within the *Agriculture and Woodland Preservation Area* proposes the construction of new residences that meet the standards applicable to clusters in subsection f., the land owner shall be permitted one additional single family residence above the quantity normally permitted under subsection c. above, including any existing residence. For 70 to 105 acres in Contiguous Common Ownership, the new residences must be clustered with any existing residence. Figure B provides one set of examples of permitted residential density on a hypothetical 160 acres of Contiguous Common Ownership, with and without clustering.~~

Figure B: Residential Development Examples with and without Clustering

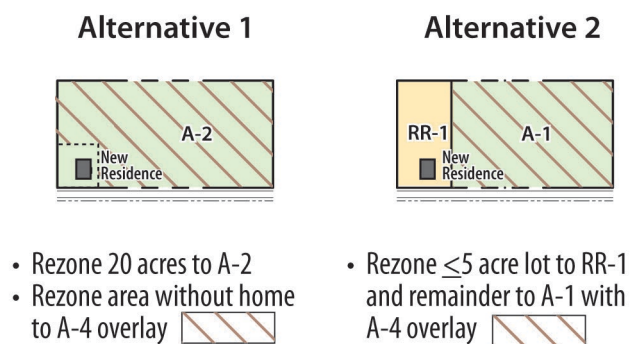


- ~~d. **Residential Development Density with <35 acres in Contiguous Common Ownership:** The Town contains Map 6 designates, within the *Agriculture and Woodland Preservation Area*, many lots and groups of lots in Contiguous Common Ownership that are less than 35 acres (i.e., "<35 Acre Ownerships"). Map 6 designates certain parts of the *Agriculture and Woodland Preservation Area* where there are particularly high concentrations of such lots as "Existing Small Parcel Districts." The following are the Town's policies where there are less than 35 acres in Contiguous Common Ownership:In such cases, the owner may have a maximum of one single family residence for the entire <35 Acre Ownership including any existing dwelling unit, and Generally: Where such a lot already contains one or more dwelling units,~~

the Town will not allow rezoning or division that would result in the right to build any more dwelling units, except by conveyance under subsection c.iii. The limitations in subsections c.iii.4) and 8) shall not apply to a conveyance to a <35 Acre Ownership. In order to build on such lots a <35 Acre Ownership where there is not an existing residence, the following basic standards apply:

- i. Must be a valid parcel(s) created legally prior to November 1, 1984.
- ii. Rezoning to A-2 or RR-1 or other residential district will be required before a new home residence may be built.
- iii. Compliance with applicable “Residential Development Siting Standards” in subsection fe. will be required for new home siting.
- iv. Each lot on which a new residence is to be built must front on a public road.
- v. No further land division of such all newly created lots shall be permitted, unless either (i) the land is redesignated out of the *Agriculture and Woodland Preservation Area* through an amendment to this Comprehensive Plan or (ii) the divided land is restricted from additional residential development via a Town deed restriction (see subsection (e)(v)c.vi. above), and via A-4 zoning if required by the County (see Alternative 2 in Figure C).
- vi. In some cases, more than one such lot is held in Contiguous Common Ownership. When new homes are allowed on lots less than 35 acres per the policies in this subsection, the balance of the Contiguous Common Ownership will be restricted to prevent further housing development.

Figure C: Alternative Rezoning Approaches for Pre-1984 Substandard (<35 acre) A-1 Lots with Non-Farm Residence



- i. ~~If <35 Acres in Contiguous Common Ownership are WITHIN “Existing Small Parcel District”: Where such a lot is located WITHIN an “Existing Small Parcel District” on Map 6, is undeveloped (e.g., no housing unit constructed), and was legally created before November 1, 1984, the Town will support the rezoning of each such lot to allow one dwelling unit per lot, regardless of whether there are other sub-35 acre lots~~

~~in Contiguous Common Ownership. This may not be consistent with County plans and policies, so comprehensive plan amendments could be required before this level of land development may occur within an "Existing Small Parcel District."~~

- ~~ii. If <35 Acres in Contiguous Common Ownership are OUTSIDE OF "Existing Small Parcel District": Where such a lot is located OUTSIDE OF an "Existing Small Parcel District" on Map 6, the owner of each set of lands in Contiguous Common Ownership less than 35 acres may have a maximum of one single family residence for all parcels that make up the Contiguous Common Ownership, including any existing residence.~~



Above: A cul-de-sac can provide access to several homes set back from the roadway. The homes are kept off of the hilltops, and a series of driveways leading off the main road is avoided. Below: Vegetation and topography can "hide" development.

- e. **Residential Development Siting Standards.** Any new residential structure and its associated driveway and accessory structures where located on land designated within an *Agriculture and Woodland Preservation Area* shall meet the standards in Section 11.04(d)(10) of the Town's Site Plan Review ordinance, except as may be allowed under the variance procedure in that ordinance. It is the applicant's responsibility to learn about and follow additional siting and design standards that may be promulgated by Columbia County. -A cluster is a contiguous grouping of two or more allowable lots for new residential development. For two or more new lots to qualify as a cluster, the following additional cluster siting standards shall be met to the extent determined practical by the Town Board:
 - i. Meet cluster development standards in Section 10.745 of the Town's Subdivision and Land Division Code, except that the Town Board may allow variations and exceptions per that Code's procedures.
 - ii. Where the area of the Contiguous Common Ownership allows, clusters may take the form of subdivision plats (5+ lots) if also allowed by Columbia County.
 - iii. Flag lots will be allowed only where advisable to achieve rural character objectives of this Plan, such as by hiding the development. A flag lot is a lot with its widest point set back from the road, and having a thin, long strip (flagpole) of land connected to the road to provide legal access and frontage.



- iv. Existing vegetation, stone rows, fence lines, and tree lines shall be preserved.
 - v. New streets or driveways shall be placed along existing contours, property lines, fencerows, lines of existing vegetation, or other natural features.
 - vi. Where existing vegetation and changes in topography would not adequately screen the development from public roads, and new plantings would be insufficient, consider arranging development sites in a pattern resembling historic farm building placements (e.g., a group of houses set back from the road, tree lined single drive or street, fence rows.)
 - vii. The cluster may not be located within 500 feet of any operating farm animal facility.
 - viii. The cluster may not be of a size or shape to be efficiently worked for farming.
 - ix. Isolated small pockets of uncultivable land in an area otherwise farmed will not result from the cluster.
 - x. The site has soils that are able to safely support clusters of buildings and private on-site waste treatment (septic) systems, other than holding tanks.
 - xi. Proposed development has adequate access to existing town roads or, the developer shall provide such a road built to town road standards or such other suitable access approved by the town and County, at the developer's expense.
 - xii. Proposed access points shall meet minimum spacing requirements as established by County and town ordinances, as applicable.
 - xiii. Proposed driveways will not exceed 1,000 feet in length, unless otherwise approved by the County following a recommendation by the Town Board.
 - xiv. The cluster is not on land prone to flooding, and does not require driveways over lands that are prone to flooding.
 - xv. The cluster is not on land of archaeological, cultural, historical, or religious significance.
- f. **Treatment of Pre-Existing Residences:** The Town will allow legally established residences to remain within the A-1 zoning district when historically zoned in that manner, except where new land divisions are required outside of farm consolidation situations. When the owner of a preexisting residence legally established before December 21, 1977 desires to divide the land occupied by such residence and accessory buildings from the farm, in conjunction with a farm consolidation, the Town will require the resulting residential lot to be as small as practical, considering the desire to keep accessory buildings with the residence and the future probability that farm animals will be kept on the lot. Further, the Town will require that the balance of the tax parcel (or at least 35 acres elsewhere [in the Contiguous Common Ownership](#) ~~per the limitations in subsection c. above~~) be deed restricted per subsection ~~(c)(v)~~ [c.vi.](#) above. Columbia County may also require use of A-4 Agricultural Overlay zoning over the balance.