

1 10.000. General Provisions

2 10.001. Title, Purpose and Statutory Authorization

3 (1) Title.

4 This ordinance is known as the "Dane County Zoning Ordinance."

5 (2) Purpose.

6 The purpose of this chapter is to:

- 7 (a) promote the public health, safety, convenience and general welfare;
- 8 (b) encourage planned and orderly land use development;
- 9 (c) protect property values and the property tax base;
- 10 (d) permit the careful planning and efficient maintenance of highway systems;
- 11 (e) ensure adequate highway, utility, health, educational and recreational facilities;
- 12 (f) recognize the needs of agriculture, forestry, industry and business in future growth;
- 13 (g) encourage uses of land and other natural resources which are in accordance with
- 14 their character and adaptability;
- 15 (h) provide adequate light and air, including access to sunlight for solar collectors and
- 16 to wind for wind energy systems;
- 17 (i) encourage the protection of groundwater resources;
- 18 (j) preserve wetlands;
- 19 (k) conserve soil, water and forest resources;
- 20 (l) protect the beauty and amenities of landscape and man-made developments;
- 21 (m) provide healthy surroundings for family life; and
- 22 (n) promote the efficient and economical use of public funds.

23 (3) Statutory Authority.

24 This ordinance is adopted under, but not limited to, the following statutes: ss.59.69,
25 59.694, 59.698 and Chapter 91, Wisconsin Statutes.

26 10.002. Reenactment And Repeal.

27 (1) Rights and liabilities under previous code.

28 It is the intention of this chapter to continue in force such existing provisions of the
29 previous code known as "Chapter 10, Dane County Zoning Ordinance" so that all rights
30 and liabilities that have accrued there under are preserved and may be enforced, unless
31 explicitly surrendered by specific provisions of this chapter or altered by the Official
32 Zoning Map.

33 (2) Repeal of provisions not reenacted.

34 All provisions of the Chapter 10 of the Dane County Code of Ordinances which existed
35 prior to (clerk to insert effective date), and which are not reenacted herein are hereby
36 repealed.

37 **(3)** Violations under previous code.

38 The adoption of this chapter shall not adversely affect the County's right to prosecute
39 any violation of the predecessor Chapter 10, provided that such violation occurred while
40 that chapter was in effect.

41 10.003. Jurisdiction, Effective Date and Interpretation

42 **(1)** Applicability and effective dates.

43 **(a)** Unincorporated areas.

44 This chapter is applicable to all territory, except for areas under city or village
45 extraterritorial zoning under [s. 62.23\(7a\), Wisconsin Statutes](#), located within those
46 portions of the unincorporated areas of Dane County in which the associated town
47 board has adopted this chapter pursuant to [s.59.69\(5\), Wis. Stats.](#) The following
48 towns have adopted this ordinance as of the effective date listed below:

49 1. (List)

50 **(b)** Incorporated areas.

51 Under [s. 59.69\(7\), Wisconsin Statutes](#):

52 1. Whenever an area which has been subject to a county zoning ordinance petitions
53 to become part of a city or village, the regulations imposed by the county zoning
54 ordinance shall continue in effect, without change, and shall be enforced by the
55 city or village until the regulations have been changed by official action of the
56 governing body of the city or village.

57 2. In the event an ordinance of annexation is contested in the courts, the county
58 zoning shall prevail and the county shall have jurisdiction over the zoning in the
59 area affected until ultimate determination of the court action.

60 **(c)** Municipalities And State Agencies Regulated.

61 Unless specifically exempted by law, all cities, villages, towns and counties are
62 required to comply with this chapter and obtain all necessary permits for projects
63 occurring within this chapter's jurisdiction. State agencies are required to comply
64 when [s. 13.48\(13\), Wis. Stats.](#), applies. The construction, reconstruction,
65 maintenance and repair of State highways and bridges by the Wisconsin
66 Department of Transportation are exempt when permits under [s. 30.12, Wis. Stats.](#),
67 are issued.

68 **(2)** Severability.

- 69 (a) If any portion of this ordinance is adjudged unconstitutional or invalid by a court of
70 competent jurisdiction, the remainder of this ordinance shall not be affected.
71 (b) If any court of competent jurisdiction shall adjudge invalid the application of any
72 portion of this chapter to a particular property, building, or structure, such
73 judgment shall not affect the application of said provision to any other property,
74 water, building, or structure not specifically included in said judgment.
75 (c) If any requirement or limitation attached to an authorization given under this
76 chapter is found invalid, it shall be presumed that the authorization would not have
77 been granted without the requirement or limitation and, therefore, said
78 authorization shall also be invalid..

79 (3) Abrogations and other restrictions.

- 80 (a) If any other legally adopted County or town ordinance is more restrictive than this
81 chapter or any amendments thereto, such other County or town ordinance
82 continues in all respects to the extent of the greater restrictions, but not otherwise.
83 (b) It is not otherwise intended by this chapter to abrogate, repeal, annul, impair or
84 interfere with any existing easements, covenants, deed restrictions, agreements,
85 rules, regulations or permits previously adopted or issued pursuant to law.
86 However, wherever this chapter imposes greater restrictions, the provisions of this
87 chapter shall prevail.

88 (4) Interpretation and Application.

- 89 (a) In their interpretation and application, the provisions of this chapter shall be held
90 to be the minimum requirements for the promotion of the public health, safety,
91 morals and welfare, and shall be liberally construed in favor of the County and shall
92 not be construed to be a limitation or repeal of any other power now granted by
93 Wisconsin Statutes and possessed by the County.
94 (b) Where property is affected by the regulations imposed by any provision of this
95 chapter and by other governmental regulations, the regulations which are more
96 restrictive or which impose higher standards or requirements shall prevail.
97 Regardless of any other provision of this chapter, no land shall be developed or
98 used, and no structure erected or maintained in violation of any State or Federal
99 regulations.
100 (c) *Word usage.* In the interpretation of words used in this chapter:
101 1. Words used or defined in one tense or form shall include other tenses and
102 derivative forms.
103 2. Words in the singular number shall include the plural number, and words in the
104 plural number shall include the single number.
105 3. The masculine gender shall include the feminine, and vice versa.
106 4. The words "shall", "must" and "will" are mandatory.
107 5. The words "may", "can", "should", and "might" are permissive.

108
109
110
111
112

6. The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
7. If there is any ambiguity between the text of this chapter and any caption, illustration, table, or appendix, then the text shall control.

DRAFT

113 10.004. Definitions

114 **(1) Abandoned or discontinued use.**

115 **(a)** Except as described in (b) below, when the nonconforming use of a property has
116 ceased for twelve months or longer, a use shall be considered abandoned and
117 discontinued.

118 **(b)** Mineral extraction uses shall be considered abandoned or discontinued if the use
119 ceases for twelve months or longer, unless the landowner or operator complies
120 with all of the following:

121 **1.** Within twelve months of the effective date of this ordinance has submitted a
122 reclamation plan under Chapter 74, Dane County Code;

123 **2.** By January 31 of each year after submitting a reclamation plan, submits an annual
124 report that meets all the requirements of s.74.251, Dane County Code and
125 indicates the site was active during the previous year.

126 **3.** Within twelve months of the receipt of notice under s. 10.102(5)(b)2., records a
127 deed notice document, that:

128 (a) indicates the presence of a nonconforming mineral extraction site;

129 (b) describes the boundaries of the nonconforming mineral extraction site, and;

130 (c) is signed by the landowner and the zoning administrator.

131 **4.** By January 31 of each year, provide to the zoning administrator evidence, subject
132 to inspection, that all of the following conditions are met:

133 (a) Verification of property ownership or an active mineral lease, as recorded
134 with the Dane County Register of Deeds, between the landowner and a
135 mineral extraction operator.

136 (b) The driveway accessing the subject site shall either be paved or covered with
137 crushed asphalt for a minimum distance of 100 feet from the public right-of-
138 way.

139 (c) There shall be a safety fence around the entire extraction area at all times.

140 (d) Driveway access points to the site shall be gated. All gates shall be signed "no
141 trespassing."

142 **(c)** The operator shall post clearly visible signage indicating the presence of mineral
143 extraction activity.

144 **(2) Accessory building.**

145 A subordinate or supplemental building, the use of which is incidental to that of the
146 main building on the same lot or the use of the premises on which it is located. Except
147 for accessory dwelling units, accessory buildings may not be used for human habitation.

148 **(3) Accessory dwelling unit.**

149 **(a)** A second dwelling unit, limited in size, which is either attached to or located on the
150 same lot as, an existing single-family dwelling.

- 151 **(b)** Accessory dwelling units have their own entrance, and do not share a main
152 entrance with the principal residence on the lot..
- 153 **(c)** This definition includes accessory buildings constructed in connection with a private
154 garage or a private garage converted into a dwelling unit.
- 155 **(4)** Accessory structure.
156 A structure associated with an accessory use.
- 157 **(5)** Accessory use.
158 (See also “agricultural accessory use” below). A land use incidental to, and customarily
159 associated with a specific principal use. Accessory uses must be located on the same lot
160 or parcel and in the same zoning district as the principal use.
- 161 **(6)** Adult book store.
162 An establishment which is used for selling or renting, for monetary consideration, the
163 following materials, when such activity constitutes a significant part of the business
164 conducted therein:
- 165 **(a)** Any picture, photograph, drawing, motion picture film or similar visual
166 representation or image of a person or portion of human body which depicts sexual
167 conduct, sadomasochistic conduct or nudity in the context of sexual activity,
168 whether or not the same is intended to be viewed on or off the premises; or
- 169 **(b)** Any book, pamphlet, magazine, printed matter, however reproduced, or any sound
170 recording which contains any matter enumerated in para. (a) above or which
171 contains explicit and detailed verbal descriptions or narrative accounts of sexual
172 excitement, sexual conduct or sadomasochistic abuse.
- 173 **(c)** As used in paragraphs (a) and (b), sexual conduct has the meaning set forth in [s.](#)
174 [944.21 \(2\)\(e\), Wis. Stats.](#), and as used in this subsection, significant part of the
175 business means dedication or use of more than 10% of the available floor space to
176 the sale or rental of the subject matter referenced herein, including space devoted
177 to viewing of videotapes or films.
- 178 **(d)** Material, however distributed, which is published by a medical products
179 manufacturer, a medical or health association, an insurance company, or by a
180 consumer education organization shall not be considered part of the business of
181 operating an adult book store.
- 182 **(7)** Adult entertainment establishment.
183 **(a)** Any establishment which regularly features for monetary consideration
184 performances or presentations which are distinguished or characterized by an
185 emphasis on exposure to view of less than completely or opaquely covered human
186 genitals, pubic area, anus, vulva, female breasts below a point immediately above
187 the top of the areola; or male genitals in a discernable turgid state, even if opaquely

- 188 covered; or on acts of or acts which simulate the fondling of another person's
189 genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation,
190 flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio,
191 cunnilingus, or any sexual conduct as defined by [s. 944.21\(2\)\(e\), Wisconsin Statutes.](#)
192 **(b)** The term regularly features as used in this subsection means giving special
193 prominence at uniform, orderly intervals on a permanent basis, or always features.
- 194 **(8)** Adopted town and county comprehensive plan.
195 A town comprehensive plan adopted by both the affected town board and the Dane
196 County Board of Supervisors under [s. 66.1001, Wis. Stats.](#), and [Chapter 82, Dane County](#)
197 [Code.](#)
- 198 **(9)** Agricultural use.
199 Means any of the following activities conducted for the purpose of producing an income
200 or livelihood:
201 **(a)** Crop or forage production.
202 **(b)** Keeping livestock.
203 **(c)** Beekeeping.
204 **(d)** Nursery, sod, or Christmas tree production.
205 **(e)** Floriculture.
206 **(f)** Aquaculture.
207 **(g)** Fur farming.
208 **(h)** Forest management.
209 **(i)** Enrolling land in a federal agricultural commodity payment program or a federal or
210 state agricultural land conservation payment program.
- 211 **(10)** Agricultural accessory building.
212 A building or buildings used in the operation of a farm.
- 213 **(11)** Agricultural accessory use.
214 Any of the following land uses on a farm:
215 **(a)** A building, structure, or improvement that is an integral part of, or incidental to, an
216 agricultural use.
217 **(b)** An activity or business operation that is an integral part of, or incidental to, an
218 agriculture use.
219 **(c)** Farm residence.
220 **(d)** A business, activity, or enterprise, whether or not associated with an agricultural
221 use, which is conducted by the owner or operator of a farm, that requires no
222 buildings, structures, or improvements other than those described in par. (a) or (c),
223 that employs no more than 4 full-time employees annually, and that does not
224 impair or limit the current or future agricultural use of the farm or of other

225 protected farmland.

226 **(12)** Agricultural entertainment.

227 **(a)** An agricultural accessory use, taking place on a farm, that combines the elements
228 and characteristics of agriculture and tourism.

229 **(b)** Examples of agricultural entertainment include, but are not limited to: corn mazes,
230 pick-your-own operations, hay rides, sleigh rides, petting farms, on-farm tours,
231 agricultural related museums, demonstrations of farming practices, techniques and
232 methods, fee based fishing and hunting, horseback riding, nature trails, haunted
233 barns and similar activities which are related to agriculture.

234 **(13)** Agriculture-related use.

235 A facility, whether or not located on a farm, that has at least one of the following as a
236 primary, and not merely incidental, purpose:

237 **(a)** Providing agricultural supplies, agricultural equipment, agricultural inputs or
238 agricultural services directly to farms, including farms in the farmland preservation
239 zoning district.

240 **(b)** Storing, processing or handling raw agricultural commodities obtained directly from
241 farms, including farms in the farmland preservation zoning district.

242 **(c)** Processing agricultural by-products or wastes received directly from farms,
243 including farms in the farmland preservation district.

244 **(14)** Airport, landing strip or heliport.

245 A transportation facility that provides takeoff, landing, servicing, storage and other
246 services to any type of air transportation.

247 **(a)** Seaplane operation below the ordinary highwater mark of a navigable water is not
248 included in this definition, but such use may be regulated under Chapter 72, Dane
249 County Code.

250 **(b)** The operation of any type of air vehicle (including ultra light aircraft, helicopters,
251 hang gliders, but excepting model aircraft) shall occur only in conjunction with an
252 approved airport, landing strip, or heliport.

253 **(15)** Animal boarding, domestic pet.

254 Any premises that accommodates six or more domestic pets overnight, including both
255 indoor and outdoor facilities. May also include accessory retail sales of pet food, pet
256 supplies and related items, limited to 100 square feet of floor space.

257 **(a)** Examples of these land uses include: commercial kennels, pet breeding operations
258 and pet day-care operations.

259 **(b)** Domestic pet animal boarding does not include: temporary foster care not to
260 exceed a residence of six weeks per animal, overnight or observational care for
261 patients of a veterinary clinic, large animal boarding, domestic fowl or beekeeping,

- 262 colony houses, small-scale farming or agricultural livestock operations.
- 263 **(16)** Animal boarding, large animal.
264 Any premises that accommodates six or more of any animals, not owned by the owner
265 of the property, not including domestic pets, domestic fowl or domestic bees. Exercise
266 yards, fields, training areas, and trails associated with such land uses are considered
267 accessory to such land uses and do not require separate consideration.
268 **(a)** Examples of these land uses include commercial stables, livestock boarding, wildlife
269 rehabilitation centers and game farms.
270 **(b)** Large animal boarding does not include: temporary foster care not to exceed a
271 residence of six weeks per animal, overnight or observational care for patients of a
272 veterinary clinic, domestic pet boarding, domestic fowl or beekeeping, colony
273 houses, small-scale farming or agricultural livestock operations .
- 274 **(17)** Animal unit.
275 One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10
276 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination
277 thereof.
- 278 **(18)** Apartment.
279 A room, or a suite of rooms, with toilet and culinary accommodations, used or designed
280 for use as a residence by a family, and located in either:
281 **(a)** a building containing two or more such rooms or suites or;
282 **(b)** a building devoted primarily to nonresidential use.
- 283 **(19)** Boat slip.
284 A mooring accommodation for the in-water storage of a boat or other water craft which
285 is owned by other than a resident or owner of the premises.
- 286 **(20)** Building.
287 **(a)** Any structure having a roof supported by posts, columns or walls and its
288 appendages including, but not limited to balconies, porches, decks, stoops,
289 fireplaces and chimneys.
290 **(b)** For permit and locational purposes, the following are also considered buildings:
291 swimming pools, both above and below ground, permanent hunting blinds with a
292 foundation, and towers, including communication towers.
293 **(c)** The following are not considered buildings: poles, towers and posts for lines
294 carrying telephone messages or electricity and recreational structures of open
295 construction and without walls, such as swing sets, slides, yard gyms, climbers, sand
296 boxes and teeter totters.

- 297 (21) Building envelope.
298 The three dimensional space within which a building is constructed.
- 299 (22) Building footprint.
300 The entire area of ground covered by a structure, expressed in square feet, including
301 appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces,
302 and chimneys.
- 303 (23) Building height.
304 The vertical distance, measured from the mean elevation of the finished grade along the
305 front of the building to the highest point on the roof for flat roofs; to the mean height
306 level between the highest ridge and its associated eave for gable and hip roofs; to the
307 deck line for mansard roofs.
308 (a) For non-riparian lots or parcels, the front of the building shall be the side directly
309 facing the public or private thoroughfare which affords primary means of access to
310 the property, excluding the driveway.
311 (b) For riparian lots or parcels in the shoreland zone, the front of the building shall be
312 the ordinary highwater mark.
- 313 (24) Building line.
314 (a) The building line shall be the point at which the building wall or any appendage of
315 the building such as steps, chimneys, decks, porches or covered patios meet the
316 ground.
317 (b) For earth sheltered homes, the building line is a line where the exterior walls of the
318 building if extended vertically would be located on the lot or zoning parcel.
- 319 (25) Building setback line.
320 (a) A line that is parallel to the front or street lot line and is located at a distance from
321 either the center line of the adjacent highway or the front lot line as provided for in
322 [s.10.101\(8\)](#) of this ordinance.
323 (b) For triangular or gored lots that do not have the required lot width at the required
324 building setback line, the building setback line shall be a line that is parallel to the
325 front lot line or if the front lot line is a curve it shall be parallel to the chord of the
326 arc of the curve of the front lot line and located at the point on the lot where the
327 length of the line meets the lot width requirements of the zoning district in which it
328 is located. (See also Lot Width.)
- 329 (26) Campground.
330 Any parcel of land which is designed, maintained, intended or used for the purpose of
331 providing sites for nonpermanent overnight use by 4 or more camping units, or which is
332 advertised or represented as a camping area. Campgrounds may include buildings to

333 provide services to the patrons, such as restrooms, bathing, laundry and commissary
334 facilities.

335 **(27) Campground, primitive.**
336 Any campground which is accessible only by hiking, boating or canoeing.

337 **(28) Camping unit.**
338 **(a) Any portable device, no more than 400 square feet in area, used as a temporary**
339 **shelter for a period not exceeding 180 days within any calendar year.**
340 **(b) Camping units include, but are not limited to, a tent, camping trailer, motor home,**
341 **bus, van, or pickup truck that is fully licensed, if required, and ready for highway**
342 **use.**

343 **(29) Caretaker's residence.**
344 An accessory dwelling on a nonresidential property occupied by the person who
345 oversees the nonresidential property 24 hours a day, and his or her family.

346 **(30) Cemetery.**
347 **(a) Any land, that is used, or intended to be used, for the burial of human remains.**
348 **(b) Examples of cemeteries include, but are not limited to, cemeteries, mausoleums,**
349 **columbarians and burial chapels.**

350 **(31) Committee.**
351 The Zoning and Land Regulations Committee of the Dane County Board of Supervisors,
352 or any other committee of the Dane County Board of Supervisors designated to act as
353 the county zoning agency and delegated the responsibility for zoning matters under
354 ss.59.69, 59.692, 87.30 and 144.26 of the Wisconsin Statutes.

355 **(32) Communications tower.**
356 **(a) Except as exempted below, any of the following:**
357 **1. A mobile service support structure, as defined in [s.66.0404\(1\)\(n\), Wisconsin](#)**
358 **[Statutes.](#)**
359 **2. A radio broadcast service facility as defined in [s. 66.0406\(1\), Wisconsin Statutes.](#)**
360 **3. Any structure, whether free-standing or attached to an existing building or**
361 **structure, that is designed and constructed primarily for the purpose of**
362 **supporting one or more antennas.**
363 **4. Communications towers may include, but are not limited to: self-supporting**
364 **lattice towers, guy towers or monopole towers, radio and television transmission**
365 **towers, microwave towers, common-carrier towers, or cellular telephone towers.**
366 **(b) Exemptions.**

367 The following are not considered communication towers for the purposes of this
368 ordinance:

- 369 1. Amateur radio towers installed, erected, maintained and/or operated in
370 association with any permitted or conditional residential use, by a federally-
371 licensed amateur radio operator, so long as all the following conditions are met:
 - 372 a. The antenna use involved is accessory to the primary use of the property
373 which is not a telecommunication facility;
 - 374 b. In a residential zone, no more than one support structure for licensed
375 amateur radio operator is allowed on the parcel;
 - 376 c. Sufficient anti-climbing measures have been incorporated into the facility,
377 as needed, to reduce potential for trespass and injury.
- 378 2. Publicly owned and operated telecommunications facilities required in the public
379 interest to provide for and maintain a radio frequency telecommunication
380 system, including digital, analog, wireless or electromagnetic waves, for police,
381 fire and other municipal services.
- 382 3. Broadcast signal receivers, including satellite dishes or antennas that are one (1)
383 meter or less in diameter and satellite earth station antennas that are two (2)
384 meters or less in diameter.

385 (33) Communications tower, substantial modification.

386 The modification of a communications tower, including the mounting of an antenna on
387 such a structure, that does any of the following:

- 388 (a) For structures with an overall height of 200 feet or less, increases the overall height
389 of the structure by more than 20 feet.
- 390 (b) For structures with an overall height of more than 200 feet, increases the overall
391 height of the structure by 10 percent or more.
- 392 (c) Measured at the level of the appurtenance added to the structure as a result of the
393 modification, increases the width of the support structure by 20 feet or more,
394 unless a larger area is necessary for collocation.
- 395 (d) Increases the square footage of an existing equipment compound to a total area of
396 more than 2,500 square feet.

397 (34) Community living arrangements.

- 398 (a) Any of the following facilities licensed or operated, or permitted under the
399 authority of the Wisconsin Department of Health and Social Services:
 - 400 1. a community living arrangement for adults, as defined in [s. 46.03 \(22\), Wis. Stats.](#)
401 and [s. 50.01\(1g\), Wis. Stats.](#)
 - 402 2. a community living arrangement for children, as defined in [s. 48.743 \(1\), Wis.](#)
403 [Stats.](#)
 - 404 3. a foster home, as defined in [s. 48.02 \(6\), Wis. Stats.](#), or
405 4. or an adult family home, as defined in [s. 50.01 \(1\), Wis. Stats.](#)

- 406 **(b)** Community living arrangements do not include:
407 1. day care centers,
408 2. nursing homes,
409 3. hospitals,
410 4. prisons or jails.
- 411 **(35)** Condominium.
412 Individual ownership of a structure or a unit in a multi-unit structure located on a
413 commonly held parcel of land organized under [Chapter 703, Wisconsin Statutes](#).
414 Buildings in a condominium shall meet the density and locational requirements of the
415 zoning district in which they are located.
- 416 **(36)** Consistent with.
417 Furthers or does not contradict:
418 **(a)** The purposes and standards of this ordinance, or
419 **(b)** the objectives, goals, and policies contained in the Dane County Comprehensive
420 Plan or the Dane County Farmland Preservation Plan.
- 421 **(37)** Construction equipment.
422 **(a)** A type of commercial vehicle that is primarily designed and used for commercial,
423 construction, or industrial operations or activities.
424 **(b)** Construction equipment includes, but is not limited to, front end loaders, dumpster
425 haulers, forklifts, augers, tractor-trailers, dump trucks, wreckers, bulldozers, cranes,
426 bobcats, trenchers, stump grinders, backhoes, and cement mixers tractors, both
427 wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back
428 hoes, drag lines, trucks, including dump, stake body or semi-trailer lowboys of more
429 than two and one-half (2-½) ton capacity, "cherry picker" vehicles and air
430 compressors.
431 **(c)** Equipment used in connection with a farm operation and not leased or contracted
432 for use on any other property shall not be considered construction equipment.
- 433 **(38)** Contiguous.
434 Lots or parcels that share a common boundary for a distance of at least 66 feet.
- 435 **(39)** Day care centers.
436 A place or home which provides care for eight (8) or more children under the age of
437 seven (7) years for less than 24 hours a day and is licensed as provided for in [s. 48.65](#) of
438 the Wisconsin Statutes.
- 439 **(40)** Development.
440 Any activity requiring any of the following:

- 441 (a) a zoning permit, conditional use permit or certificate of compliance under this
442 ordinance;
- 443 (b) a shoreland zoning permit under [Chapter 11](#), Dane County Code
444 (c) a floodplain zoning permit under [Chapter 17](#), Dane County Code
445 (d) an erosion control permit or stormwater management permit under [Chapter 14](#),
446 Dane County Code.
- 447 (41) Development plan.
448 A scale drawing of the premises which accurately depicts:
- 449 (a) the shape and dimensions of the lot or parcel,
450 (b) the location and dimensions of all existing and proposed buildings and other
451 structures;
452 (c) the location and dimensions of all parking areas, loading areas, circulation areas,
453 and access drives;
454 (d) the distance in feet between all structures, and between all structures and parking
455 areas, abutting streets and highway rights-of-way or easements and side and rear
456 lot lines, and;
457 (e) any other information as the zoning administrator deems necessary to determine
458 the nature of the development.
- 459 (42) Development right.
460 (a) A potential new residential building site available under the policies of an adopted
461 town and county comprehensive plan, subject to the standards of this ordinance
462 and chapters 11, 17 and 75.
463 (b) For purposes of participating in a transfer of development rights program, a
464 development right exists on a particular property if adopted town and county
465 comprehensive plans would support a rezone petition to allow residential
466 development on the property.
- 467 (43) Divided highway
468 A highway with 2 or more roadways separated by spaces not intended for the use of
469 vehicular traffic.
- 470 (44) Domestic beekeeping.
471 The keeping of honeybees in a residential zoning district.
- 472 (45) Domestic fowl.
473 Female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered
474 domestic fowl for the purposes of this ordinance.
- 475 (46) Domestic pets.
476 (a) Any animal that:

- 477 1. has been bred or raised to live in or near the habitations of humans,
478 2. is not kept for slaughter, milk, eggs or the harvesting of fur, wool or plumage,
479 and;
480 3. is dependent on humans for food and shelter.
481 **(b)** Domestic pets include, but are not limited to: dogs, cats, domesticated songbirds,
482 aquarium fish, reptiles kept indoors and domestic ferrets.
483 **(c)** Domestic pets do not include: horses, sheep, any animal equivalent to one-half
484 animal unit or larger, endangered species, wildlife, livestock, domestic fowl or bees.
- 485 **(47)** Duplex.
486 A dwelling designed or intended to be occupied by two families.
- 487 **(48)** Dwelling.
488 A building, or part of a building, containing living, sleeping, housekeeping
489 accommodations and sanitary facilities for occupancy by one or more families.
- 490 **(49)** Event.
- 491 **(50)** Explosive materials.
492 **(a)** Any chemical compound, mixture or device, the primary or common purpose of
493 which is to function by explosion, except as exempted below.
494 **(b)** Explosive materials include, but are not limited to, dynamite and other high
495 explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet
496 powder, initiating explosives, detonators, safety fuses, squibs, detonating cord,
497 igniter cord and igniters.
498 **(c)** Exemptions.
499 **(d)** For the purposes of this ordinance, the following are not considered explosive
500 materials:
501 1. Fireworks, as defined in [s.167.10, Wis. Stats.](#)
502 2. Fuel or a lubricant.
503 3. A firearm cartridge or shotgun shell.
504 4. A flare used or possessed or sold for use as a signal in an emergency or in the
505 operation of a railway, aircraft, watercraft or motor vehicle.
506 5. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
507 6. A cap containing not more than one-quarter grain of explosive mixture, if the cap
508 is used or possessed or sold for use in a device which prevents direct bodily
509 contact with a cap when it is in place for explosion.
510 7. A toy snake which contains no mercury.
511 8. A model rocket engine.
512 9. Tobacco and a tobacco product.

- 513 **10.** A sparkler on a wire or wood stick not exceeding 36 inches in length that is
514 designed to produce audible or visible effects or to produce audible and visible
515 effects.
- 516 **11.** A device designed to spray out paper confetti or streamers and which contains
517 less than one-quarter grain of explosive mixture.
- 518 **12.** A fuseless device that is designed to produce audible or visible effects or audible
519 and visible effects, and that contains less than one-quarter grain of explosive
520 mixture.
- 521 **13.** A device that is designed primarily to burn pyrotechnic smoke-producing
522 mixtures, at a controlled rate, and that produces audible or visible effects, or
523 audible and visible effects.
- 524 **14.** A cylindrical fountain that consists of one or more tubes and that is classified by
525 the federal department of transportation as a Division 1.4 explosive, as defined in
526 [49 CFR 173.50](#).
- 527 **15.** A cone fountain that is classified by the federal department of transportation as a
528 Division 1.4 explosive, as defined in [49 CFR 173.50](#).
- 529 **16.** A novelty device that spins or moves on the ground..
- 530 **(51)** Extended care facilities.
531 A nursing home which is certified by the State of Wisconsin under the Federal Social
532 Security Act to care for patients under the Medicare Program.
- 533 **(52)** Family.
534 A single housekeeping unit, living together on the premises, comprised of either:
535 **(a)** Any number of individuals related by blood, adoption, foster care, domestic
536 partnership or marriage, or
537 **(b)** No more than five unrelated individuals.
- 538 **(53)** Farm.
539 All land under common ownership that is primarily devoted to agricultural use. For the
540 purposes of this ordinance, “primarily devoted” means that a majority of the land is in
541 agricultural use.
- 542 **(54)** Farm operator.
543 A person who, or a family at least one member of which, earns substantial farm income
544 from farm operations on the farm..
- 545 **(55)** Farm residence.
546 Any of the following structures that is located on a farm:
547 **(a)** A single-family residence that is occupied by any of the following:
548 **1.** A person who is both the owner and farm operator of the farm.

- 549 2. A parent or child of the owner and farm operator of the farm.
550 3. An individual who earns more than 50 percent of his or her gross income from the
551 farm.
552 **(b)** A migrant labor camp that is certified under [s. 103.92, Wis. Stats.](#)

- 553 **(56)** Governmental, institutional, religious, or nonprofit community uses.
554 A facility, land or premises that provides a public service and is operated by a:
555 **(a)** federal, state, county, city, village, town or tribal government,
556 **(b)** public or private utility, commission or authority,
557 **(c)** public or private school, university, college or school district,
558 **(d)** church or religious institution
559 **(e)** public or quasi-public agency, or
560 **(f)** tax-exempt organization.

- 561 **(57)** Gross floor area.
562 **(a)** The aggregate area of all horizontal levels of a building, expressed in square feet,
563 not including any horizontal level where the average floor to ceiling height is less
564 than 6 feet.
565 **(b)** When used as a basis of measurement for off-street parking and loading spaces for
566 any use, gross floor area shall be the sum of the areas of the several floors of the
567 buildings devoted to such use, including all areas devoted to restrooms, storage,
568 utilities and circulation.

- 569 **(58)** Gross income.
570 Wisconsin Adjusted Gross Income, as defined in [s. 71.01, Wis. Stats.](#)

- 571 **(59)** Gross vehicle weight.
572 The weight of any truck or road tractor and its semitrailer plus the load that the vehicle
573 is rated to haul.

- 574 **(60)** Heavy industrial.
575 **(a)** A processing, manufacturing or assembly use engaged in the basic processing and
576 manufacturing of materials or products predominately from extracted or raw
577 materials, or any other processing, manufacturing or assembly use where any of
578 the following conditions apply:
579 1. operations are conducted wholly or partially outdoors;
580 2. operations are potentially associated with significant nuisances such as odor,
581 noise, heat, vibration, pollution or radiation which are detectable at the property
582 line;
583 3. operations may pose a significant safety hazard (such as danger of fire, toxic spills
584 or explosion).
585 **(b)** Heavy industrial uses include, but are not limited to: paper, pulp or paperboard

586 producers; chemical and allied product producers including poison or fertilizer
587 producers but not including drug producers; petroleum and coal product
588 producers; permanent asphalt, concrete or cement producers; tanneries; stone,
589 clay or glass product producers; primary metal producers; heavy machinery
590 producers; electrical distribution equipment producers; electrical industrial
591 apparatus producers; transportation vehicle producers; commercial sanitary
592 sewage treatment plants; power production facilities; railroad switching yards; and
593 commercial recycling facilities not involving the on-site storage of salvage materials.
594 **(c)** Heavy industrial uses do not include agriculture, agriculture-related, small-scale
595 domestic energy generation, utility services, or light industrial uses.

596 **(61)** Home occupation.

597 A home occupation is any activity carried on by a member of the family residing on the
598 premises, which meets all of the following conditions:

- 599 **(a)** The occupation is conducted within a dwelling and not in an accessory building;
600 **(b)** Only members of the family residing on the premises may be employed on the
601 premises, plus a maximum of one other unrelated person;
602 **(c)** No stock-in-trade is kept or commodities sold, other than those made on the
603 premises;
604 **(d)** Samples may be kept but not sold on the premises;
605 **(e)** No mechanical equipment is used except such as may be used for purely domestic
606 or household purposes;
607 **(f)** Such occupation shall not require internal or external alterations, or involve
608 construction features not customary in a dwelling;
609 **(g)** No more than 25 percent (25%) of the floor area of one (1) story of the dwelling is
610 devoted to the occupation;
611 **(h)** The entrance to the space devoted to the occupation is from within the building;
612 **(i)** There is no evidence, other than the sign referred to in subsection (j) below, that
613 will indicate from the exterior that the building is being utilized in part for any
614 purpose other than that of a dwelling; and
615 **(j)** One (1) sign shall be permitted, which sign shall be attached to the building, shall
616 not exceed two (2) square feet in area and shall not be lighted at night.

617 **(62)** In-vehicle sales and service.

- 618 **(a)** An establishment that dispenses products or services to patrons who remain in
619 motor vehicles, or
620 **(b)** an establishment which accommodates motor vehicles for the purpose of fueling or
621 providing minor repair services.

622 **(63)** Incidental room rental.

623 Rental or leasing of rooms within a single-family residence, provided all of the following
624 are met:

- 625 (a) All rooms offered for rent are within the landowner's principal residence
626 (b) No room has its own kitchen facility
627 (c) No more than two rooms are offered for rent
628 (d) One off-street parking space is provided for each rental room.
- 629 (64) Indoor commercial lodging.
630 (a) A building or premises that provides lodging to transient or tourist guests, that
631 meets at least one of the following criteria:
632 1. Provides more than eight rooms available for transient guests;
633 2. Provides accommodations for more than twenty transient or tourist guests at a
634 time; or
635 3. Is located in a building that is not on the same zoning parcel as the landowner's
636 principal residence.
637 (b) Indoor commercial lodging may include, but is not limited to: hotels, motels, inns or
638 resorts.
639 (c) Indoor commercial lodging does not include: incidental room rental, transient
640 lodging houses, campgrounds, rooming houses, duplexes or multifamily residences.
- 641 (65) Indoor entertainment.
642 (a) All land uses which provide entertainment services, 10 or more days per calendar
643 year, entirely within an enclosed building. Such activities often have:
644 1. operating hours which extend significantly later than other commercial land uses
645 and;
646 2. event-driven attendance of 50 or more people, who typically arrive and leave the
647 premises as a group, and may congregate outside before and after events.
648 (b) Examples of such land uses include, but are not limited to: restaurants, taverns,
649 theaters, dance clubs, music or performance venues and auditoriums..
- 650 (66) Institutional residential.
651 (a) A congregate residential use that provides some level of human, health or social
652 service to non-transient residents, in addition to basic housing.
653 (b) Institutional residential uses include, but are not limited to: group homes, convents,
654 monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted
655 living facilities, congregate care facilities and retirement communities.
656 (c) Institutional residential uses do not include: community living arrangements, day
657 care centers, duplexes, multifamily residences, rooming houses, adult family
658 homes, foster homes or treatment foster homes.
- 659 (67) Indoor maintenance and repair.
- 660 (68) Indoor sales.

661 Includes all principal land uses that conduct or display sales or rental merchandise or
662 equipment completely or nearly completely within an enclosed building. Indoor sales
663 operations may provide incidental service and indoor repair as an accessory use.

664 (a) Indoor sales include, but are not limited to: general merchandise stores, grocery
665 stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats,
666 artisan studios, and bakeries.

667 (b) Indoor sales do not include adult bookstores, personal or professional services..

668 (69) Indoor storage.

669 Uses that are primarily oriented to the receiving, holding and shipping of materials for a
670 single business. Such uses are not for retail sales, storage of personal belongings of
671 others, or warehousing of materials for others. With the exception of loading facilities,
672 such uses are contained entirely within an enclosed building.

673 (70) Land disturbing activity.

674 Any alteration or disturbance that may result in soil erosion, sedimentation or change in
675 runoff including, but not limited to, removal of ground cover, grading, excavating or
676 filling of land.

677 (71) Light industrial.

678 (a) The processing, manufacturing, compounding, assembly, packaging, treatment or
679 fabrication of materials and products, from previously processed or previously
680 manufactured materials. All operations (with the exception of loading operations):

- 681 1. are conducted entirely within an enclosed building;
- 682 2. are not potentially associated with nuisances such as odor, noise, heat, vibration,
683 and radiation which are detectable at the property line;
- 684 3. do not pose a significant safety hazard (such as danger of explosion); and
- 685 4. include no retail sales.

686 (b) Light industrial uses do not include agriculture-related, limited family businesses,
687 Limited farm businesses, small workshops accessory to a permitted use, or heavy
688 industrial uses.

689 (72) Limited family business.

690 A small family-run commercial operation, accessory to a permitted principle use, that
691 takes place entirely within an accessory building. All employees, except up to four or
692 four full-time equivalents, must be a member of the family residing on the premises.

693 (73) Limited farm business.

694 An agricultural accessory use that meets all of the following criteria:

695 (a) Consists of a business, activity, or enterprise, whether or not associated with an

- 696 agricultural use, that is conducted by the owner or operator of a farm,
697 **(b)** Requires no buildings, structures, or improvements other than existing agricultural
698 buildings or a farm residence
699 **(c)** Employs no more than 4 full-time equivalent employees annually, who are not
700 members of the family residing on the farm, and;
701 **(d)** Does not impair or limit the current or future agricultural use of the farm or of
702 other protected farmland.

- 703 **(74)** Livestock.
704 **(a)** Except as listed below, bovine animals, equine animals, goats, poultry, sheep,
705 swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised
706 fish.
707 **(b)** For the purposes of this ordinance, the following are not considered livestock:
708 1. Five or fewer equine animals on a premises in the Rural Mixed-Use Districts;
709 2. Domestic fowl;
710 3. Domestic pets;
711 4. Domestic beekeeping.

- 712 **(75)** Location survey.
713 Survey information prepared by a licensed surveyor indicating the location of property
714 lines and building location distances from those property lines for the specific portions
715 of the building indicated in this ordinance.
716 **(a)** Such surveys need not provide all the parcel information set forth by Wisconsin
717 Administrative Code Chapter A-E 7.02 Minimum Standards for Property Surveys
718 item A-E 7.01(2), but may exclude unnecessary information as permitted in A-E
719 7.01(2).
720 **(b)** All location surveys must comply with the accuracy standard required by A-E 7.06
721 Measurements.

- 722 **(76)** Lot.
723 A parcel of land occupied or intended to be occupied by one principal building and its
724 accessory buildings or uses, except for commercial zoning districts. A parcel or tract of
725 land It is defined by metes and bounds, certified survey, recorded subdivision plat, or
726 other means of description recorded with the Register of Deeds and legally separated
727 from other lots by such description. No land included in any street, highway or railroad
728 right-of-way shall be included when computing lot area. Also referred to as a "lot of
729 record."

- 730 **(77)** Lot depth.
731 The lot depth is the mean horizontal distance between the front lot line and the rear lot
732 line measured within the lot boundaries.

- 733 (78) Lot width.
734 (a) The distance between the side lot lines measured along a line that is parallel to the
735 front lot line at the required building setback line.
736 (b) On triangular or gored lots, the lot width shall be measured along a line that is
737 parallel to the chord of the arc of the front lot line at the required building setback
738 line. The lot width at this point shall not be less than that required by the zoning
739 district in which the lot is located.
- 740 (79) Lot line, front.
741 The lot line adjoining, and parallel to, the right-of-way that provides primary vehicular
742 access to the lot.
- 743 (80) Lot line, rear.
744 (a) The rear lot line shall mean that lot line which is opposite and most distant from the
745 front lot line.
746 (b) In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in
747 length entirely within the lot, parallel to and most distant from the front lot line
748 shall be considered to be the rear lot line for the purpose of determining depth of
749 rear yard.
750 (c) In cases where none of these definitions is applicable, the zoning administrator
751 shall designate the rear lot line.
- 752 (81) Lot line, side.
753 Any lot line other than a front or rear lot line
- 754 (82) Manufactured home.
755 (a) A residential dwelling for one family as is defined in [s.101.91\(2\), Wis. Stats.](#), that:
756 1. Is fabricated in an off-site facility for installation or assembly at the building site,
757 2. bears a HUD label or insignia certifying that it is built in compliance with the
758 Federal Manufactured Housing Construction Standards under 42 U.S.C. ss. 5401
759 to 5426, and
760 3. was built after June 14, 1976.
761 (b) A manufactured home is considered a single-family dwelling for the purposes of
762 this chapter.
- 763 (83) Manufactured home communities.
764 (a) Any plot or plots of ground upon which two (2) or more manufactured dwellings,
765 occupied for dwelling or sleeping purposes, are located.
766 (b) Exceptions. Manufactured home communities do not include manufactured homes
767 used for any of the following uses, with an approved conditional use permit:
768 1. Accessory dwelling units
769 2. Secondary farm residences.

- 770 (84) Marina.
- 771 (a) A commercial shoreside facility that provides accommodation and service for
- 772 multiple boats.
- 773 (b) Marinas may include, but are not limited to, docks; boat slips; inside or outside
- 774 storage of boats, boat trailers, storage cradles and other related marina items; sale
- 775 of boats, boating equipment, fuel and supplies.
- 776 (c) Marinas do not include noncommercial boathouses, docks, or piers intended for
- 777 watercraft owned by the landowner and accessory to a permitted principal use.
- 778 (85) Mobile home.
- 779 (a) A transportable factory built structure as is defined in [s.101.91\(10\), Wis. Stats.](#),
- 780 designed for long-term occupancy by one family and either:
- 781 1. was built prior to June 15, 1976, or
- 782 2. does not comply with the Federal Manufactured Housing Construction and Safety
- 783 Standards Act.
- 784 (b) A mobile home is not considered to be a type of single-family dwelling for the
- 785 purposes of this chapter.
- 786 (86) Mineral extraction.
- 787 (a) Quarrying, excavation or removal of sand, gravel, limestone, earth, soil or other
- 788 mineral resources.
- 789 (b) Mineral extraction does not include:
- 790 1. Site preparation for residential or commercial plats,
- 791 2. Construction or landscaping projects,
- 792 3. Soil conservation practices
- 793 4. Stream, lake or shoreline protection projects
- 794 5. Agricultural land leveling projects conducted in accordance with ATCP 50,
- 795 Wisconsin Administrative Code, provided materials are not removed from the
- 796 site.
- 797 6. Composting, storage or processing of materials that meet the definition of an
- 798 agriculture-related use.
- 799 7. Solid waste disposal operations.
- 800 (87) Mineral extraction accessory uses.
- 801 (a) When conducted entirely within the boundaries of an approved Conditional Use
- 802 Permit for a mineral extraction site, the following are considered permitted
- 803 accessory uses:
- 804 1. washing, crushing, screening and other processing of extracted mineral materials,
- 805 2. stockpiling and processing concrete and asphalt pavements for the purpose of
- 806 recycling for reuse in asphalt or concrete mixtures or base course products
- 807 3. importing and dumping of clean fill materials

- 808 4. the erection of structures and the installation or storage, or both, of the
809 necessary machinery and equipment used in the mineral extraction operation
810 5. soil blending for production of bioretention products
811 6. activities associated with an approved erosion control or stormwater
812 management plan under Chapter 14, Dane County Code.
813 7. activities associated with site reclamation under an approved reclamation plan
814 under Chapter 74, Dane County Code.
815 **(b)** At their own initiative or at the applicant’s request, town boards and the
816 committee may further limit or prohibit any of the above accessory uses on a
817 particular mineral extraction site, as part of the conditions on an individual
818 Conditional Use Permit.
- 819 **(88)** Multiple family dwelling.
820 A dwelling designed or intended to be occupied by more than two families.
- 821 **(89)** Nonconforming parcel.
822 A lot or zoning parcel lawfully created prior to the time this ordinance or relevant
823 amendments took effect, and which does not conform to current area or lot width
824 standards of this ordinance. Also known as a “substandard parcel.”
- 825 **(90)** Nonconforming structure.
826 A structure lawfully erected prior to the time this ordinance or relevant amendments
827 took effect, and which does not conform to the setback, side yard, rear yard, lot
828 coverage, height or other dimensional requirements of this ordinance.
- 829 **(91)** Nonconforming use.
830 A lawfully created use that existed prior to the time this ordinance or relevant
831 amendments took effect, and which does not conform to the current standards of this
832 ordinance.
- 833 **(92)** Notice document.
834 A recorded instrument to notify future landowners and others of unusual features,
835 policies, regulations or other characteristics that may affect future development
836 potential or other speculative use of a specific property. All notice document
837 instruments must meet the minimum recording standards of the Dane County Register
838 of Deeds.
- 839 **(93)** Occupiable floor area.
840 **(a)** When used as a basis of measurement for off-street parking spaces, the sum of the
841 areas of the several floors of the buildings designed or intended to be used for

- 842 service to the public as customers, patrons, clients, patients or members.
843 (b) Occupiable floor area includes areas occupied by fixtures and equipment used for
844 the sale of merchandise, or in the case of office uses those areas occupied or used
845 by employees.
846 (c) Occupiable floor area does not include areas used principally for non-public
847 purposes such as restrooms, locker rooms, storage, utilities and areas behind
848 counters.

849 (94) Office.
850 An exclusive indoor land use whose primary function is the handling of information or
851 administrative services. Such uses do not typically provide services directly to customers
852 on a walk-in or on-appointment basis.

- 853 (95) Outdoor active recreation.
854 (a) Non-motorized leisure and athletic activities, usually performed with others, often
855 requiring equipment and taking place at prescribed, developed sites, fields, courts,
856 courses or facilities. Active recreational uses may involve relatively large numbers
857 of participants or spectators.
858 (b) Examples of such land uses include, but are not limited to: baseball or softball
859 diamonds, field sports, tennis courts, golf courses, swimming pools, velodromes
860 and similar land uses.

- 861 (96) Outdoor assembly event.
862 (a) Any organized activity, not including agricultural entertainment events, of more
863 than one hundred (100) persons, occurring 10 or more days per calendar year, that
864 occurs entirely or partially outdoors.
865 (b) Examples of such land uses include, but are not limited to: outdoor concerts or
866 performances, fairs, festivals, weddings, parties, banquets, circuses, sporting
867 events, races and amusement parks.

- 868 (97) Outdoor entertainment.
869 (a) All land uses which provide, on a permanent or ongoing basis, entertainment
870 services partially or wholly outside of an enclosed building. Such activities often
871 have the potential to be associated with nuisances related to noise, lighting, dust,
872 trash and late operating hours.
873 (b) Examples of such land uses include, but are not limited to: outdoor swimming
874 pools, driving ranges, miniature golf facilities, volleyball courts, amusement parks,
875 drive-in theaters, go-cart tracks and racetracks.

877 (98) Outdoor passive recreation.

878 Outdoor activities that generally do not require a developed site, and have minimal
879 impact on natural resources and surrounding properties. Such land uses may include,
880 but are not limited to: arboretums, natural areas, wildlife areas, hiking trails, bike trails,
881 cross country ski trails, horse trails, open grassed areas not associated with any
882 particular active recreational land use, picnic areas, picnic shelters, gardens, fishing
883 areas, and similar land uses.

884 **(99)** Outdoor sales, display, or repair.

885 **(a)** Includes uses that conduct or display merchandise outside of an enclosed building
886 that is for sale or rent and land uses that conduct maintenance or repairs on
887 merchandise or equipment outside of an enclosed building.

888 **(b)** Examples of such land uses include, but are not limited to, vehicle sales, vehicle
889 rental, manufactured and manufactured home sales, monument sales, and lawn
890 mower repair.

891 **(c)** Such land uses do not include uses where the outdoor sales or display area is less
892 than 15 percent of the gross floor area of any principal building where sales are also
893 conducted, which are instead classified in the "indoor sales" land use category;
894 motor vehicle repair or maintenance, which are instead classified in the "in-vehicle
895 sales and service" category; drive-in theaters, which are instead classified in the
896 "outdoor commercial entertainment" category; or the storage or display of
897 inoperative vehicles or materials typically associated with a junkyard or salvage
898 yard.

899 **(100)** Outdoor storage.

900 **(a)** Any activity located primarily outdoors involving the receiving, holding and shipping
901 of materials for a single business.

902 **(b)** Outdoor storage does not include loading and parking areas, storage of materials
903 typically associated with a salvage or junkyard, salvage recycling centers or solid
904 waste recycling centers.

905 **(c)** Outdoor storage of materials is not permitted within any building setback area.

906 **(101)** Passenger transportation terminals.

907 **(102)** Person.

908 Except where otherwise indicated by the context, the word person shall include the
909 plural, or a company, firm, corporation or partnership.

910 **(103)** Personal and professional services.

911 All exclusively indoor land uses whose primary function is the provision of services
912 directly to an individual on a walk-in or on-appointment basis. Examples of such land
913 uses include, but are not limited to: professional services, insurance services, realty

914 offices, financial services, medical offices and clinics, veterinary clinics, barbershops,
915 beauty shops, and related land uses.

916 **(104)** Personal storage facility.
917 A facility that provides indoor storage of personal items entirely within partitioned
918 buildings having an individual access to each partitioned area. Also known as "mini-
919 warehouses."

920 **(105)** Planned unit development.
921 **(a)** A form of land development, conceived and implemented as a cohesive, unified
922 project and permitted only after following the procedures for creating a planned
923 unit development district as provided in [s. 10.291](#) of this ordinance.
924 **(b)** Within a planned unit development, regulations on permitted or conditional land
925 uses, setbacks, lot or zoning parcel sizes or other development standards may vary
926 to suit the proposed use and the site, as determined in the General Development
927 Plan and Specific Improvement Plan approved by the County Board specifically for
928 that project.

929 **(106)** Racetrack.
930 Any location hosting a gathering of more than three people for the purpose of repetitive
931 vehicular activity over a fixed course or area, which persists for periods in excess of 30
932 minutes in any one 24 hour period.

933 **(107)** Recorded.
934 Recorded with the Dane County Register of Deeds.

935 **(108)** Rooming house.
936 A building or premises, with a common, shared kitchen area, that rents three or more
937 rooms:
938 **(a)** For definite, extended periods of time, typically 180 days or more
939 **(b)** To no more than twenty unrelated individuals, and
940 **(c)** Is not open to transients, tourists or to the general public.

941 **(109)** Salvage yard or junk yard.
942 An area where waste or scrap materials are bought, sold, exchanged, stored, recycled,
943 baled, packed, disassembled or handled.
944 **(a)** For the purposes of this definition, waste or scrap materials may include, but are
945 not limited to: garbage, waste, refuse, trash, any used motor vehicle upon which no
946 current license plate is displayed, any inoperable motor vehicle, any used tire or
947 used motor vehicle part, and any scrap material such as metal, paper, rags, cans or
948 bottles

- 949 **(b)** A salvage or junk yard may include a motor vehicle wrecking or dismantling yard
950 **(c)** A salvage or junk yard does not include a solid waste recycling center, composting
951 or processing operations meeting the definition of an agriculture-related use.
- 952 **(110)** Sanitary fixture.
953 Any plumbing fixture that requires discharge to a private onsite wastewater treatment
954 system or public sanitary sewer system pursuant to state or county plumbing code.
- 955 **(111)** Setback.
956 The minimum horizontal distance from the front line or from the center of the highway,
957 measured parallel to the highway or front lot line, to the front of the building.
- 958 **(112)** Single family residential.
959 Land use characterized by individual, standalone dwellings designed for and occupied
960 exclusively by one family.
- 961 **(113)** Small-scale farming.
962 Any agricultural use operated for recreational, hobby or supplementary income
963 purposes on a site with a non-agricultural principal use.
- 964 **(114)** Solid waste.
965 Garbage, refuse and all other discarded or salvageable solid materials, including solid
966 waste materials resulting from industrial, commercial, operations and other domestic
967 use and public service activities. Solid waste does not include solids or dissolved
968 material in waste water effluents or other common water pollutants.
- 969 **(115)** Solid waste disposal operation.
970 A site or facility for the collection, storage, utilization, processing or final disposal of
971 solid waste.
972 **(a)** Solid waste disposal operations include, but are not limited to: sanitary landfills,
973 land disposal, incinerator, transfer, air curtain destruction, composting reduction,
974 shredding, compression, processing and salvage.
975 **(b)** Solid waste disposal operations do not include: agriculture-related uses or in-house
976 re-use of the imperfect finished products to make a merchantable finished product.
- 977 **(116)** Stormwater runoff.
978 Waters derived from rains falling, snowmelt or icemelt occurring within the drainage
979 area, flowing over the surface of the ground and collected in channels, watercourses or
980 conduits.
- 981 **(117)** Story.

982 The vertical distance of a building included between the surface of any floor, except the
983 basement, and the floor next above it. For top stories, the story is the space between
984 the floor and the ceiling.

985 **(118)** Story, half.
986 A story under a gable, hip or mansard roof, the wall plates of which on at least two (2)
987 sides are not more than two (2) feet above the floor of that story.

988 **(119)** Street.
989 A public or private thoroughfare, not including driveways, which affords primary means
990 of access to abutting property.

991 **(120)** Street line.
992 The dividing line between the street and the lot.

993 **(121)** Structure.
994 **(a)** Any human-made object with form, shape and utility, either permanently or
995 temporarily attached to, placed upon or set into the ground, stream bed or lake
996 bed.
997 **(b)** Structures include, but are not limited to, any building, dwelling, manufactured
998 building, manufactured home, mobile home, house trailer, recreational vehicle,
999 boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining
1000 walls, or other improvements or any part of such structure.
1001 **(c)** A structure includes any permanent or temporary attachments, including but not
1002 limited to awnings, extensions, porches or decks..

1003 **(122)** Structural alteration.
1004 Any change in the dimensions of a structure or in the interior layout or floor plan of a
1005 structure.

1006 **(123)** Substantial farm income.
1007 A minimum of \$10,400 gross farm income/year for the past three (3) years currently
1008 derived from the farming operation on the farm where the residential use is proposed.
1009 Rental income may not be used to meet the income requirement.

1010 **(124)** Tax parcel.
1011 A parcel of land identified by a Parcel Identification Number assigned by the Dane
1012 County Property Listing Division for the purpose of assessing real property taxes. The
1013 boundaries of a tax parcel may or may not coincide with a lot, lot of record or zoning
1014 parcel.

- 1015 (125) TDR agricultural conservation easement.
1016 (a) A holder's non-possessory interest in real property imposing any limitation or
1017 affirmative obligation, the purpose of which may include any or all of the following:
1018 1. retaining or protecting natural, scenic or open space values of real property;
1019 2. assuring the availability of real property for agricultural, forest, recreational or
1020 open space use;
1021 3. protecting natural resources;
1022 4. maintaining or enhancing air or water quality;
1023 5. preserving a burial site, as defined in [s.157.70\(1\)\(b\), Wis. Stats.](#); or,
1024 6. preserving the historical, architectural, archaeological or cultural aspects of real
1025 property.
1026 (b) TDR agricultural conservation easements need not include any requirements for
1027 public access or restrictions on agricultural or forestry practices.
- 1028 (126) Temporary batch asphalt or concrete production.
1029 Production of asphalt or concrete, using portable equipment, for a period not to exceed
1030 six months per calendar year and associated with time-limited, specific projects
1031 identified by project number.
- 1032 (127) Temporary outdoor display and sales.
1033 Outdoor sales events limited to two (2) events per year. For purposes of this paragraph,
1034 a single event is one which is held on consecutive days of not more than ten (10) days in
1035 duration.
- 1036 (128) Topography.
1037 The configuration of the ground surface and relations among human-made and natural
1038 features that may determine ground slope and the direction of runoff flow.
- 1039 (129) Transfer of development rights (TDR).
1040 (a) The conveyance of development rights by TDR agricultural conservation easement
1041 from one parcel of land to another and the recording of that conveyance with the
1042 Dane County Register of Deeds and other land records of Dane County.
1043 (b) Any individual transfer of development rights transaction may, at the discretion of
1044 the parties involved, also include the conveyance of additional rights not
1045 enumerated in this ordinance.
- 1046 (130) Transient or tourist.
1047 (a) A person who travels to a location away from his or her permanent or legal address
1048 for a short period of time, not to exceed thirty days, for vacation, pleasure,
1049 recreation, culture, business or employment.
1050 (b) For the purposes of this ordinance, transients or tourists do not include:

- 1051 1. Nonpaying guests of the family occupying a dwelling unit;
1052 2. Patients, clients or residents of permitted indoor institutional, institutional
1053 residential, or community living arrangement land uses ;
1054 3. Employees who receive room and/or board as part of their salary or
1055 compensation.
- 1056 **(131)** Transient or tourist lodging.
1057 **(a)** A residence or accessory dwelling unit that rents more than two, but not more than
1058 eight, rooms to transient guests or tourists, where all of the following apply:
1059 1. Buildings housing rental rooms are either within, or on the same zoning parcel as,
1060 the landowner's principal residence.
1061 2. Rooms are rented to no more than a total of 20 individuals who are not members
1062 of the landowner's family.
1063 3. Length of stay does not exceed twenty-one (21) consecutive days for each
1064 registered guest.
1065 4. Rooms do not include their own kitchen facilities.
1066 **(b)** Transient lodging houses may include, but are not limited to: bed and breakfasts,
1067 hostels and recreational cabins.
1068 **(c)** Transient lodging does not include: incidental room rental, campgrounds, duplexes,
1069 multifamily housing, institutional residential, indoor institutional, community living
1070 arrangements, rooming houses or indoor commercial lodging .
- 1071 **(132)** Urban service area.
1072 Areas identified and mapped by the Capitol Area Regional Planning Commission, or
1073 successor agency, designated by the State of Wisconsin in accordance with the federal
1074 Clean Water Act, that are planned for urban development and capable of being
1075 provided with a full range of services.
- 1076 **(133)** Use, conditional.
1077 A land use, which because of the potential for unusual or site-specific impacts, may be
1078 lawfully established only with an approved conditional use permit and subject to specific
1079 limitations or conditions.
- 1080 **(134)** Use, permitted.
1081 A land use which may be lawfully established and that conforms with all requirements
1082 and standards of this ordinance and the zoning district in which the use is located.
- 1083 **(135)** Use, principal.
1084 The main or primary use of land or buildings, as distinguished from a subordinate or
1085 accessory use.

- 1086 (136) Utility services.
1087 Transmission, distribution and small-scale renewable generation facilities both above
1088 and below ground which carry electricity, liquid or gaseous fuel, steam, water, data,
1089 heat, sewage, telephone messages, television or radio signals, or other similar services.
1090 (a) Utility services include, but are not limited to:
1091 1. Buildings and structures necessary to operate transmission and distribution lines
1092 such as substations, transformer installations, repeater stations, pumping stations
1093 and water towers.
1094 2. Renewable energy systems, such as solar, wind, geothermal or other systems
1095 intended primarily for generation of energy, fuel or heat consumed on the
1096 premises. Incidental or occasional provision of energy to a utility company or
1097 electric grid is included within this definition.
1098 3. Public sewer systems.
1099 4. Collocation of an antenna array on an existing communication tower, provided
1100 there is no substantial modification of the tower.
1101 (b) Utility services do not include offices, garages, manually operated exchanges,
1102 terminal distribution facilities, new or substantially modified communication
1103 towers, merchant electric or heat generating plants or sewage disposal plants.
- 1104 (137) Variance.
- 1105 (138) Vehicle, farm or off-road.
1106 An operational motor vehicle that is used only on private property and is not licensed
1107 for use on a public right-of-way.
- 1108 (139) Vehicle repair or maintenance service.
1109 Includes all principal land uses that perform repair, maintenance, or painting services to
1110 motorized vehicles.
- 1111 (140) Veterinary clinic.
1112 An establishment for the medical or surgical treatment of animals. Boarding and care is
1113 limited only to animals undergoing active treatment or observation.
1114 (a) Veterinary clinics include, but are not limited to: animal hospitals and clinics for the
1115 treatment of domestic pets or livestock and wildlife rehabilitation centers.
1116 (b) Veterinary clinics do not include: animal boarding facilities, breeding operations,
1117 colony houses, domestic fowl or beekeeping, small-scale farming or agricultural
1118 livestock operations.
- 1119 (141) Warehousing and distribution facilities
- 1120 (142) Vision clearance triangle.

1121 The area in each quadrant of an intersection which is bounded by the right-of-way lines
1122 of the highways or streets and a vision clearance setback line connecting points on each
1123 right-of-way line which are located a distance back from the intersection equal to the
1124 setback required on the road or highway.

1125 **(143)** Yard.
1126 An open space on a zoning parcel which is unoccupied or unobstructed from its lowest
1127 level to the sky, except as otherwise provided herein. For the purpose of this ordinance,
1128 a yard extends along a zoning parcel line to a depth or width specified in the yard
1129 regulations.

1130 **(144)** Yard, front.
1131 A yard paralleling the full length of the front zoning parcel line between the side lot
1132 lines.

1133 **(145)** Yard, rear.
1134 A rear yard is a yard paralleling the full length of the rear zoning parcel line between the
1135 side lot lines.

1136 **(146)** Yard, side.
1137 A yard paralleling along a side zoning parcel line from the front yard to the rear yard.

1138 **(147)** Zoning lot.
1139 **(a)** A parcel of land under single ownership and in a single zoning district, occupied or
1140 intended to be occupied by:
1141 **1.** One principal building or principal use;
1142 **2.** Buildings and uses customarily accessory or incidental to the principal use; and
1143 **3.** Open spaces, yards or setback areas normally associated with the principal use or
1144 as required by this ordinance.
1145 **(b)** The boundaries of a zoning parcel may or may not coincide with a lot of record or
1146 tax parcel.

1147

1148 10.100. Standards and Requirements for All Land Uses

1149 10.101. Administration, Enforcement and Penalties

1150 (1) Zoning Permits

1151 (a) *Zoning permits required.* Unless specifically exempted below, the following
1152 activities may not occur until the zoning administrator, or his or her designee,
1153 issues a zoning permit specific to the use and premises:

- 1154 1. Erection or construction of any new building
1155 2. Structural alteration, relocation or reconstruction of any existing building
1156 3. Change of land use for any building, structure or premises

1157 (b) *Exceptions.* Zoning Permits are not required for accessory buildings equal to or less
1158 than 120 square feet on non-permanent foundations, provided they meet all
1159 setback, height, and lot coverage requirements.

1160 (c) *Outstanding violations or arrears.* The Zoning Administrator may not issue a zoning
1161 permit for any property upon which there are:

- 1162 1. Outstanding violations of this ordinance, or Chapters 11, 17, 14, 74, 75 or 46,
1163 Dane County Code, or
1164 2. Delinquent real estate taxes.

1165 (d) *Application materials.* An application for a zoning permit shall be filed with the
1166 zoning administrator on a form prescribed by the zoning administrator. Only
1167 complete applications will be accepted. At a minimum, applications for a zoning
1168 permit must include the following:

- 1169 1. Name and address of the owner of the property;
1170 2. Legal description of the property;
1171 3. Site plans
1172 4. Size and location of the building to be erected or moved on or onto the property;
1173 5. Proposed use of the building or premises;
1174 6. Type of construction;
1175 7. Estimated cost of construction;
1176 8. Evidence of compliance with other applicable permitting regulations, including,
1177 but not limited to, the Dane County Shoreland and Wetland Zoning Ordinance,
1178 Dane County Floodplain Zoning Ordinance, Dane County Sanitary Code, Dane
1179 County Land Division Ordinance, Dane County Stormwater and Erosion Control
1180 Ordinance, Dane County Trunk Highway Access Control Regulations or any other
1181 state or town access or culvert regulations.
1182 9. A development plan as defined in [s. 10.003\(38\)](#). If from the development plan
1183 submitted by the applicant or based upon information gathered by a zoning
1184 inspector, the zoning administrator cannot determine compliance with the
1185 provisions of county ordinances, the zoning administrator may require the filing

1186 of a development plan prepared by a licensed surveyor. The zoning administrator
1187 shall not be responsible for determining the location of lot lines.

1188 **10.** Any other information, as determined by the zoning administrator or designee,
1189 necessary to determine compliance of the proposed use with the standards or
1190 purposes of this ordinance.

1191 **(e) Review of applications.**

1192 **1.** The zoning administrator, or his or her designee, will review the application for a
1193 zoning permit, and will grant or deny the permit based within a reasonable time
1194 of receiving a complete application.

1195 **2.** No zoning permit shall be granted unless the development complies with all
1196 applicable standards of this chapter.

1197 **(f) Permit posting.**

1198 **1.** Once a zoning permit is issued, the zoning administrator or designee shall prepare
1199 a card that identifies the permit number and construction and premises covered
1200 by the permit.

1201 **2.** The applicant shall post the permit card in a conspicuous place on the premises
1202 prior to the start of, and for the entire duration of, any construction associated
1203 with the project. No construction shall be begin until the permit card is posted.

1204 **3.** For purposes of this section, start of construction shall be when any earth
1205 disturbing activity takes place that will lead to the installation of footings, piers,
1206 posts, pilings or foundations. Earth disturbing activity for the purpose of soil
1207 evaluation or testing shall not be considered the start of construction.

1208 **(g) Expiration and Voiding of Permits**

1209 **1.** Any permit obtained through material misrepresentation shall be null and void.

1210 **2.** Zoning permits shall expire:

1211 **a.** Upon the issuance of a Certificate of Compliance for the project;

1212 **b.** One year from the date of issuance if construction has not started, or;

1213 **c.** Two years from the date construction starts, if the zoning administrator
1214 determines the applicant is not diligently attempting to complete the
1215 project.

1216 **3.** Re-application for expired or voided permits shall follow the same standards for
1217 application, review and approval as a new application.

1218 **(2) Location Surveys**

1219 **(a) Location survey required.** Unless waived by the zoning administrator under (c)
1220 below, applicants must submit a location survey for any development located
1221 within ten feet of any of the following:

1222 **1.** Road setback lines under [s. 10.101\(8\)](#).

1223 **1.** Side and rear yard setback lines required in the applicable zoning district

1224 **2.** Navigable water setback, wetland setback or vegetative buffer lines required
1225 under [Chapter 11, Dane County Code](#).

1226 **(b) Timing of survey.** The survey shall be done at the time when foundations or

1227 basement walls are completed. Such survey shall be submitted to the zoning office
1228 prior to the continuation of work on the project.
1229 (c) *Waivers from location survey requirements.* At his or her discretion, the zoning
1230 administrator may waive the requirement for a location survey for temporary
1231 accessory buildings under 120 square feet in gross floor area not located on a
1232 foundation, concrete slab, pilings, or footings. If a location survey is waived, the
1233 owner shall demonstrate, at the zoning administrator's request, compliance with all
1234 setback requirements.

1235 (3) Site Plans

1236 (a) *Site plans required.* Applicants must submit site plans with any of the following
1237 applications:

- 1238 1. Any Zoning Permit application within the CO-1, NR-I or UTR zoning districts
- 1239 2. Any Conditional Use Permit application.
- 1240 3. Any rezone petition to the HAM-R, HAM-M, LC, GC, HC, RI or MI zoning districts.
- 1241 4. Any rezone petition within the NR-I overlay zoning district, except for petitions to
1242 rezone to the FP-35, FP-1 or NR-C districts.

1243 (b) *Information included.* Site plans must be drawn to a scale large enough to show
1244 sufficient detail on 11" by 17" paper, that includes, at a minimum the following
1245 information, as applicable:

- 1246 1. A small vicinity map that clearly identifies the site's location within Dane County
- 1247 2. Location of subject property, tax parcel number(s), and any relevant certified
1248 survey (CSM) or plat information related to the identification of the property.
- 1249 3. Scale and north arrow;
- 1250 4. Date the site plan was created and/or last revised;
- 1251 5. Existing subject property lot lines and dimensions;.
- 1252 6. Existing and proposed wastewater treatment systems and wells;
- 1253 7. All buildings and all outdoor use and/or storage areas, existing and proposed,
1254 including provisions for water and sewer. Existing and proposed uses must be
1255 clearly labeled.
- 1256 8. All dimensions and required setbacks, side yards and rear yards.
- 1257 9. Location and width of all existing and proposed driveway entrances onto public
1258 and private roadways, and of all interior roads or driveways. Traffic flow patterns
1259 must be indicated.
- 1260 10. Location and dimensions of any existing utilities, easements or rights-of-way.
- 1261 11. Parking lot layout in compliance with [s. 10.101\(7\)](#).
- 1262 12. Proposed loading/unloading areas.
- 1263 13. Zoning district boundaries in the immediate area. All districts on the property and
1264 on all neighboring properties must be clearly labeled.
- 1265 14. All relevant natural features, including but not limited to:
 - 1266 a. Navigable waters, including ordinary highwater marks and shoreland
1267 setbacks required under [Chapter 11](#), Dane County Code, for all lakes, ponds,

- 1268 rivers, streams (including intermittent streams) within 300 feet of the
1269 property.
1270 **b.** Non-navigable water features, including drainage ditches, culverts and
1271 stormwater conveyances
1272 **c.** Floodplain boundaries and field-verified elevations, including floodfringe,
1273 floodway, flood storage and general floodplain districts as described in
1274 Chapter 17, Dane County Code
1275 **d.** Delineated wetland areas , including wetland setbacks required under
1276 Chapter 11, Dane County Code
1277 **e.** Natural drainage patterns
1278 **f.** Archaeological features and
1279 **g.** Slopes over 12% grade.
1280 **15.** If required by [s. 10.101\(10\)](#), location and type of proposed screening, landscaping,
1281 berms or buffer areas.
1282 **16.** The Zoning Administrator may require, at his or her discretion, site plans to show
1283 additional detail, including, but not limited to contours, drainage, screening,
1284 fences, landscaping, lighting, signs, refuse dumpsters, and possible future
1285 expansion areas.

1286 **(4) Inspection**

- 1287 **(a)** The Zoning Administrator or his or her designee may inspect premises of existing or
1288 proposed land uses regulated under this chapter to ascertain compliance with this
1289 ordinance or to investigate an alleged violation.
1290 **(b)** Application for any approvals from the Zoning Division constitutes the landowner's
1291 approval to allow zoning staff on site for the purposes of conducting inspections
1292 under this ordinance.
1293 **(c)** Zoning staff will abide by any applicable workplace safety rules or standards for the
1294 site.
1295 **(d)** Upon completion of a permitted project, the owner or their agent must notify the
1296 zoning division and request an inspection. The owner or his or her agent shall have
1297 all lot corners visibly staked prior to requesting an inspection. If the zoning
1298 administrator is unable to accurately verify the location of a building on its lot, he
1299 or she may post a stop work order where appropriate and require that a survey
1300 map be prepared by a registered land surveyor that will show the location of the
1301 building on its lot before allowing construction to continue.

1302 **(5) Certificates of Compliance**

- 1303 **(a)** No building or addition thereto, constructed after the effective date of this
1304 ordinance and no addition to a previously existing building shall be occupied,
1305 except accessory buildings used exclusively for farming or agricultural purposes and
1306 no land vacant, except that used exclusively for farming or agricultural purposes on
1307 the effective day of this ordinance, shall be used for any purposes until a certificate

1308 of compliance has been issued by the county zoning administrator. Every certificate
1309 of compliance shall state the use and occupancy and the location of the building or
1310 buildings and indicate that the use of land complies with all of the provisions of this
1311 ordinance.

1312 (b) Every application for a zoning permit shall be an application for a certificate of
1313 compliance.

1314 (c) An application for a certificate of compliance for a new use or a change in use of
1315 land or a building shall be made directly to the zoning administrator.

1316 (d) No certificate of compliance for a building or addition thereto, constructed after
1317 the effective date of this ordinance shall be issued until construction has been
1318 substantially completed and the premises inspected and certified by the zoning
1319 administrator to be in conformity with the specifications on which the permit was
1320 issued.

1321 (e) The zoning administrator may establish rules by which a temporary certificate of
1322 compliance may be issued for a part of a building.

1323 (6) Conditional Use Permits

1324 (a) Purpose. The development and execution of this ordinance is based upon the
1325 division of the county into districts, within which districts the use of land and
1326 buildings, and bulk and location of buildings and structures in relation to the land
1327 are mutually compatible and substantially uniform. Certain uses, because of their
1328 unusual nature and potential for impacts on neighboring lands, public facilities, the
1329 environment or general welfare, warrant special consideration and review. With
1330 appropriate limitations on siting, development and operation, such uses may be
1331 compatible with other uses in a particular zoning district. Such uses are classified as
1332 conditional uses and are subject to the following provisions.

1333 (b) Application Requirements. An application for a conditional use shall be filed with
1334 the zoning administrator on a form prescribed by the zoning administrator. Only
1335 complete applications will be accepted. The application shall be accompanied by
1336 such plans and other information as required by this section, by requirements for
1337 particular uses or as prescribed by the zoning administrator, and shall include, at a
1338 minimum, the following:

- 1339 1. Statement. The applicant shall provide a written statement and adequate
1340 evidence demonstrating that the proposed conditional use conforms to the
1341 standards for approval described in s. [10.100\(7\)\(d\)](#), and to any additional
1342 standards required in the applicable zoning district.
- 1343 2. Site plan. All applications for a conditional use permit must be accompanied by a
1344 site plan, meeting all the standards described in [s. 10.100\(4\)](#).
- 1345 3. Operational plan. All applications for a conditional use permit must be
1346 accompanied by an operational plan that describes, at a detail acceptable to the
1347 Zoning Administrator, the following characteristics of the operation, as applicable:
1348 a. Hours of operation.

- 1349 **b.** Number of employees, including both full-time equivalents and maximum
1350 number of personnel to be on the premises at any time.
- 1351 **c.** Anticipated noise, odors, dust, soot, runoff or pollution and measures
1352 taken to mitigate impacts to neighboring properties.
- 1353 **d.** Descriptions of any materials stored outside and any activities, processing
1354 or other operations taking place outside an enclosed building.
- 1355 **e.** Compliance with county stormwater and erosion control standards under
1356 Chapter 11 or Chapter 14, Dane County Code.
- 1357 **f.** Sanitary facilities, including adequate private onsite wastewater treatment
1358 systems and any manure storage or management plans approved by the
1359 Madison & Dane County Public Health Agency and/or the Dane County
1360 Land and Water Resources Department.
- 1361 **g.** Facilities for managing and removal of trash, solid waste and recyclable
1362 materials.
- 1363 **h.** Anticipated daily traffic, types and weights of vehicles, and any provisions,
1364 intersection or road improvements or other measures proposed to
1365 accommodate increased traffic.
- 1366 **i.** A listing of hazardous, toxic or explosive materials stored on site, and any
1367 spill containment, safety or pollution prevention measures taken.
- 1368 **j.** Outdoor lighting and measures taken to mitigate light-pollution impacts to
1369 neighboring properties.
- 1370 **k.** Signage.
- 1371 **4.** Third Party Consultation. If necessary expertise is not available from county staff,
1372 public academic institutions or from appropriate regional, state or federal
1373 agencies, the committee may consult with a third party to effectively evaluate a
1374 conditional use permit application. The zoning administrator, or his or her
1375 designee, will select the consultant. The applicant for the conditional use permit
1376 shall bear all reasonable costs and expenses associated with such consultation.
1377 Applicants retain the right to withdraw a pending conditional use permit
1378 application if they choose not to pay consultant fees.
- 1379 **5.** Property Owner Consent. If the applicant for any conditional use permit is not the
1380 owner of the property, the applicant must provide a signature(s) of the property
1381 owner(s) on the application form or a written statement from the property
1382 owner(s) granting authorization to proceed with the conditional use permit
1383 application.
- 1384 **(c)** Approval process.
- 1385 **1.** Hearing on application.
- 1386 **a.** Upon receipt of a complete and acceptable application , statement, site
1387 plan and operational plan , the zoning committee shall hold a public
1388 hearing on each application for conditional use. The zoning committee shall
1389 establish, by rule, a regular schedule and location for public hearings. The

- 1390 zoning committee may prescribe or amend rules for the conduct of the
1391 hearing and preserving a publicly-accessible recording of the proceedings.
1392 **b.** The Department of Planning Development will publish a Class 2 notice of
1393 each public hearing , as provided in [chapter 985](#) of the Wisconsin Statutes.
1394 The Department will also provide direct notice to the Town Clerk of any
1395 towns affected by the proposed conditional use. The zoning committee
1396 shall establish policies governing notice to other parties of interest.
- 1397 **2. Zoning Committee Action.**
- 1398 **a.** The zoning committee is authorized by s. [59.69\(2\)\(bm\)](#), Wis. Stats. to grant
1399 conditional use permits.
- 1400 **b.** The zoning committee, after a public hearing, shall, within a reasonable
1401 time, grant, grant with conditions or deny any application for conditional
1402 use.
- 1403 **c.** The zoning committee shall not take action on the application for
1404 conditional use until it receives action from the town board or the time
1405 period for action by the town board described in s.10.100(7)3. has expired.
- 1406 **i.** If the town board denies the conditional use permit within the
1407 timeframes described in s.10.100(7)3. below, the zoning committee
1408 need take no further action.
- 1409 **ii.** The zoning committee may approve or deny a conditional use permit
1410 without town action if the town board fails to act within the time
1411 period set forth in s.10.100(7)3. below.
- 1412 **d.** Prior to granting or denying a conditional use, the zoning committee shall
1413 make written findings of fact based on evidence presented and issue a
1414 determination whether the proposed conditional use, with any
1415 recommended conditions, meets all of the following standards:
- 1416 **i.** General standards for approval of a conditional use under s.
1417 10.100(7)(d);
- 1418 **ii.** Any prescribed standards specific to the applicable zoning district.
- 1419 **iii.** Any prescribed standards specific to the particular use under s.
1420 10.102.
- 1421 **e.** The zoning committee must deny a conditional use permit if it finds that
1422 the standards for approval are not met.
- 1423 **f.** The zoning committee must approve a conditional use permit if it finds that
1424 the standards for approval are met.
- 1425 **3. Town Board Action.**
- 1426 **a.** The Department of Planning and Development shall provide direct notice
1427 to the town clerk of the town where a conditional use is proposed.
- 1428 **b.** The town board may, at a properly noticed public meeting, grant, grant
1429 with conditions or deny any application for conditional use.
- 1430 **i.** The town board shall communicate its position in writing on the
1431 conditional use application within sixty (60) days of the date of the

- 1432 county zoning committee public hearing.
- 1433 ii. The town board may request an extension of the review period of up
- 1434 to forty (40) days by submitting a written request to the zoning
- 1435 committee.
- 1436 c. Prior to granting or denying a conditional use, the town board shall make
- 1437 written findings of fact based on evidence presented and issue a
- 1438 determination whether the proposed conditional use, with any
- 1439 recommended conditions, meets all of the following standards:
- 1440 i. General standards for approval of a conditional use under s.
- 1441 10.100(7)(d);
- 1442 ii. Any prescribed standards specific to the applicable zoning district.
- 1443 iii. Any prescribed standards specific to the particular use under s.
- 1444 10.102.
- 1445 d. The town board must deny a conditional use permit if it finds that the
- 1446 standards for approval are not met.
- 1447 e. The town board must approve a conditional use permit if it finds that the
- 1448 standards for approval are met.
- 1449 4. Appeals to Board of Adjustment.
- 1450 a. Any person aggrieved by the grant or denial of a conditional use permit
- 1451 may appeal the decision of the town board or zoning committee to the
- 1452 Dane County Board of Adjustment.
- 1453 b. Aggrieved parties must file their appeal with the zoning administrator
- 1454 within 30 days of the final action.
- 1455 (d) Requirements and standards for conditional use permits
- 1456 1. *Standards for approval.* Before approving any conditional use permit, the town
- 1457 board and zoning committee must find that all of the following conditions are
- 1458 met:
- 1459 a. That the establishment, maintenance or operation of the conditional use will
- 1460 not be detrimental to or endanger the public health, safety, comfort or
- 1461 general welfare;
- 1462 b. That the uses, values and enjoyment of other property in the neighborhood
- 1463 for purposes already permitted shall be in no foreseeable manner
- 1464 substantially impaired or diminished by establishment, maintenance or
- 1465 operation of the conditional use;
- 1466 c. That the establishment of the conditional use will not impede the normal
- 1467 and orderly development and improvement of the surrounding property
- 1468 for uses permitted in the district;
- 1469 d. That adequate utilities, access roads, drainage and other necessary site
- 1470 improvements have been or are being made;
- 1471 e. That adequate measures have been or will be taken to provide ingress and
- 1472 egress so designed as to minimize traffic congestion in the public streets;
- 1473 and

- 1474 f. That the conditional use shall conform to all applicable regulations of the
1475 district in which it is located.
- 1476 g. If the conditional use is located in a Farmland Preservation Zoning district,
1477 the town board and zoning committee must also make the findings
1478 described in [s. 10.220\(1\)](#).
- 1479 2. Conditions
- 1480 a. *Standard conditions.* The town board and zoning committee shall impose, at
1481 a minimum, the following conditions on any approved conditional use
1482 permit:
- 1483 i. Any conditions required for specific uses listed under [s. 10.102](#).
- 1484 ii. The physical development and operation of the conditional use must
1485 conform, in all respects, to the approved site plan, operational plan
1486 and phasing plan.
- 1487 iii. New and existing buildings housing a conditional use must be
1488 constructed and maintained to meet the current requirements of the
1489 applicable sections of the Wisconsin Commercial Building Code and
1490 any applicable local building or fire codes.
- 1491 iv. The applicant shall apply for, receive and maintain all other legally
1492 required and applicable local, county, state and federal permits.
1493 Copies of approved permits or other evidence of compliance will be
1494 provided to the zoning administrator upon request.
- 1495 v. Any ongoing business operation must obtain and continue to meet
1496 all legally required and applicable local, county, state and federal
1497 licensing requirements. Copies of approved licenses or other
1498 evidence of compliance will be provided to the zoning administrator
1499 upon request.
- 1500 vi. Existing onsite wastewater sewage disposal systems, if any, serving
1501 the conditional use must be inspected by a licensed plumber to
1502 determine its suitability for the proposed or expanded use. Deficient
1503 systems must be brought, at the owner's expense, into full
1504 compliance with the current requirements for new development of
1505 the state plumbing code and Chapter 46, Dane County Code.
- 1506 vii. All vehicles and equipment must access the site only at approved
1507 locations identified in the site plan and operations plan.
- 1508 viii. Off-street parking must be provided, consistent with [s. 10.101\(7\)](#).
- 1509 ix. If the Dane County Highway, Transportation and Public Works
1510 Department or the town engineer determine that road intersection
1511 improvements are necessary to safely accommodate the conditional
1512 use, the cost of such improvements shall be born by the landowner.
1513 Costs born by the landowner shall be proportional to the
1514 incremental increase in traffic associated with the proposed
1515 conditional use.

- 1516 x. The Zoning Administrator or designee may enter the premises of the
1517 operation in order to inspect those premises and to ascertain
1518 compliance with these conditions or to investigate an alleged
1519 violation. Zoning staff conducting inspections or investigations will
1520 comply with any applicable workplace safety rules or standards for
1521 the site.
- 1522 xi. The owner must post, in a prominent public place and in a form
1523 approved by the zoning administrator, a placard with the approved
1524 Conditional Use Permit number, the nature of the operation, name
1525 and contact information for the operator, and contact information
1526 for the Dane County Zoning Division.
- 1527 xii. The owner or operator must keep a copy of the conditional use
1528 permit, including the list of all conditions, on the site, available for
1529 inspection to the public during business hours.
- 1530 xiii. Failure to comply with any imposed conditions, or to pay reasonable
1531 county costs of investigation or enforcement of sustained violations,
1532 may be grounds for revocation of the conditional use permit. The
1533 holder of a conditional use permit shall be given a reasonable
1534 opportunity to correct any violations prior to revocation.
- 1535 b. *Other conditions.* In addition to the standard conditions listed above, the
1536 town board and zoning committee may, at their discretion, impose any
1537 other conditions as necessary to meet the standards for approval described
1538 in s. [10.100\(7\)\(d\)1](#). above, including but not limited to:
- 1539 i. Expiration dates on conditional use permits, except for permits for
1540 communication towers under [s. 10.102\(9\)](#). Continuation or extension
1541 of an expired conditional use requires re-application and approval by
1542 the town board and zoning committee.
- 1543 ii. Limits on hours or days of operation, or number of events each year.
- 1544 iii. Limits on numbers of employees.
- 1545 iv. Limits on numbers of total people, vehicles or animals on the
1546 premises at any one time.
- 1547 v. Limits on total quantity or volume of product on the premises at any
1548 one time.
- 1549 vi. Limits on square footage of buildings or outdoor areas devoted to
1550 the proposed use.
- 1551 vii. Requirements for screening, berms or minimum setbacks as
1552 necessary to minimize disturbance to neighboring properties.
- 1553 viii. Noise limits, set to a decibel [db(a)] level appropriate for the
1554 particular use and location, as provided in [s. 10.101\(5\)](#).
- 1555 ix. Controls, limits or setbacks to control odor or fumes.
- 1556 x. Surety bonds or other financial guarantees, to dismantle equipment,
1557 buildings or structures that may pose a hazard or nuisance after a

- 1558 conditional use permit is abandoned or revoked. Unless otherwise
1559 required under applicable state statute or administrative code:
1560 • Any bond or other financial instrument shall expressly state that
1561 it will remain in full force and effect for a period of at least six
1562 months after the surety provides Dane County written
1563 notification of expiration or termination of the surety's obligation
1564 under the bond.
1565 • Applicant shall remove any equipment or structure placed or
1566 erected pursuant to the conditional use permit no less than 30
1567 days prior to the termination or expiration of the guarantee.
1568 • Bonds or other financial instruments shall not exceed \$20,000
1569 unless it is conclusively demonstrated that a higher amount is
1570 necessary to protect the public health, safety and welfare.

1571 **(7) Petitions to Rezone (Zoning Map Amendments)**

1572 **(a) Who may petition to rezone.** As described in [s. 59.69\(5\)\(e\), Wis. Stats.](#), petitions to
1573 amend the zoning map to change the zoning district of any new or existing parcels,
1574 or to modify the boundaries of any zoning district may be submitted by any of the
1575 following:

- 1576 1. A property owner in the area affected by the proposed amendment;
1577 2. The town board affected by the proposed amendment;
1578 3. Any member of the zoning committee, or
1579 4. Any county board supervisor.

1580 **(b) Petition requirements.**

- 1581 1. *Town consultation.* Prior to submitting a rezone petition, applicants must consult
1582 with the affected town clerk, town plan commission or town board, as
1583 determined by the town.
1584 2. *Application form.* Zoning petitions must be submitted in a form approved by the
1585 zoning administrator, and must include, at a minimum, the following:
1586 a. The name, address and other contact information for the owner(s) of all
1587 properties affected by the rezone;
1588 b. The name, address and other contact information for anyone acting as the
1589 owner's agent on the application;
1590 c. A written legal description accurately describing the area to be rezoned;
1591 d. A scaled drawing of the proposed rezone area, including area in acres or
1592 square feet;
1593 e. The town(s) in which the proposed rezone is located;
1594 f. Parcel ID numbers affected by the proposed rezone;
1595 g. A written narrative describing the proposed use;

- 1596 3. *Site plan.* For rezones to the HAM-R, HAM-M, LC, LC, HC, RI or MI zoning districts,
1597 the applicant must provide site plans as described in [s.10.05\(4\)](#);
- 1598 4. *Land division application.* If required under Chapter 75, Dane County Code, the
1599 applicant must provide draft certified survey maps, preliminary plats, land
1600 division applications and any associated fees;
- 1601 5. *Fees.* The applicant must provide payment of all applicable fees as described in
1602 Chapter 12, Dane County Code.
- 1603 6. *Other information.* Any other information the zoning administrator, or designee,
1604 determines necessary to evaluate the nature, location or intensity of the
1605 proposed use or consistency with the *Dane County Comprehensive Plan* or the
1606 *Dane County Farmland Preservation Plan*.
- 1607 7. Incomplete applications will not be accepted.
- 1608 (c) Approval process.
- 1609 1. Zoning committee, town board and county board action.
- 1610 (a) The zoning committee, town board and county board shall follow the process
1611 for public hearing, recommendations, amendment, approval, denial and re-
1612 referral of petitions to rezone as described in [s. 59.69\(5\)\(e\), Wis. Stats.](#)
- 1613 (b) The zoning committee or county board may adopt additional rules and
1614 procedures for petitions to rezone under the authority of Chapter 7, Dane
1615 County Code.
- 1616 2. County executive action. The county executive shall, within a reasonable time of
1617 county board action, take action on the proposed rezone petition. The county
1618 executive may sign, refuse to sign or veto the rezone petition as described in [s.](#)
1619 [59.17\(6\), Wis. Stats.](#)
- 1620 (d) Conditions on rezone petitions.
- 1621 1. The zoning committee may recommend and the county board may adopt an
1622 ordinance effecting an amendment of the zoning district map containing the
1623 condition that the change in the map will take effect on such date occurring
1624 within a specified number of months of the date of county board approval of the
1625 amendment when the first on-site inspection for building location is made and
1626 approved for the project sought to be established, and in the event such
1627 approved inspection has not occurred by the end of the specified time period, the
1628 possibility of making effective the rezoning will then be terminated.
- 1629 2. The zoning committee may recommend and the county board may adopt an
1630 ordinance effecting an amendment of the zoning district map containing the
1631 condition that the change in the map will take effect on such date occurring
1632 within a specified number of months of the date of county board approval of the
1633 amendment when a restrictive covenant has been recorded binding the property
1634 to conditions specified in the amending ordinance, and in the event such
1635 covenant is not recorded by the end of the specified time period, the possibility of
1636 making effective the rezoning will then be terminated.

- 1637 3. Conditions specified to be in such required covenants shall be related to the
1638 purposes of the Dane County Code of Ordinances **and consistency with adopted**
1639 **town and county comprehensive plans.** They may include, as specific cases
1640 warrant, limits of permissible uses to less than the full range of uses otherwise
1641 allowable in the district into which the land is being placed. ~~Enforcement rights~~
1642 ~~over such covenant controls shall be afforded to the county, the town and owners~~
1643 ~~of property within 300 feet of the site.~~ The covenant controls shall be amendable
1644 or repealable upon petition of the owner of the lands subject to the controls and
1645 approval by the county board after a hearing similar to a rezoning hearing. A
1646 rezoning of the lands to a different zoning district shall also act to repeal the
1647 covenant controls. Except as provided above, the covenants shall run with the
1648 land.
- 1649 4. Other similar controls appropriate to handling by covenant provisions may also be
1650 imposed.

1651 **(8) Appeals of administrative decisions.**

- 1652 **(a) Who may appeal.** Any person aggrieved or any officer, department, board or
1653 bureau of the municipality affected by any decision of the zoning administrator or
1654 other administrative officer, may appeal that decision to the board of adjustment.
- 1655 **(b) Application process.** Such appeal shall be taken within a reasonable time, as
1656 provided by the rules of the board, by filing with the officer from whom the appeal
1657 is taken and with the board of adjustment a notice of appeal specifying the grounds
1658 thereof. The officer from whom the appeal is taken shall transmit to the board all
1659 the papers constituting the record upon which the action appealed from was taken.
- 1660 **(c) Stays.** An appeal shall stay all proceedings in furtherance of the action appealed
1661 from, unless the officer from whom the appeal is taken shall certify to the board of
1662 adjustment after the notice of appeal shall have been filed with him or her that by
1663 reason of facts stated in the certificate a stay would cause imminent peril to life or
1664 property. In such case, proceedings shall not be stayed otherwise than by a
1665 restraining order, which may be granted by the board of adjustment or by a court
1666 of record on application on notice to the officer from whom the appeal is taken and
1667 on due cause shown.
- 1668 **(d) Hearing appeals.** The board of adjustment shall fix a reasonable time for the
1669 hearing of the appeal and publish a class 2 notice thereof under ch. 985, Wis. Stats.,
1670 as well as give due notice to the parties in interest, and decide the same within a
1671 reasonable time. Upon the hearing any party may appeal in person or by agent or
1672 attorney.
- 1673 **(e) Board of Adjustment Action.** The board of adjustment may, by majority vote, affirm,
1674 reverse, reverse partly or modify the order, requirement, decision or determination
1675 that is the subject of the appeal. The board may make such order, requirement,
1676 decision or determination as ought to be made, and to that end shall have all the
1677 powers of the officer from whom the appeal is taken.

1678 (f) *Effect of denial.* If the Board of Adjustment denies an appeal, the same, or
1679 substantially similar appeal cannot be resubmitted for a period of one year from
1680 the date of denial. The Board may waive this requirement if it finds there is valid
1681 new evidence or proof of change of conditions.

1682 (9) Variances

1683 (a) *Hearing on application.* Upon receipt of a complete and acceptable petition and
1684 accompanying materials, the board of adjustment shall hold a public hearing on
1685 each rezone petition. The board of adjustment shall establish, by rule, a regular
1686 schedule and location for public hearings. The board of adjustment may prescribe
1687 or amend rules for the conduct of the hearing and preserving a publicly-accessible
1688 recording of the proceedings.

1689 (b) *Decision.* The Board of Adjustment may approve, conditionally approve, or deny a
1690 variance after a public hearing.

1691 (c) *Majority vote.* The concurring vote of a majority of quorum of the Board of
1692 Adjustment is required to grant a variance.

1693 (d) *Findings of fact.* The decision of the Board of Adjustment shall include findings of
1694 fact, related to conditions on the site, the standards for approval of a variance and
1695 any impacts on the purposes of this ordinance.

1696 (e) *Conditions on variances.* The Board of Adjustment may impose conditions on the
1697 use, development or activities subject to the variance. The Board of Adjustment
1698 may require the conditions in order to comply with the standards in this section, to
1699 mitigate the effect of the variance on other property in the neighborhood, and to
1700 better carry out the general intent of this ordinance.

1701 (f) *Standards for approval of a variance.* The Board of Adjustment shall not grant a
1702 variance unless it finds that all of the following standards are met

- 1703 1. There are conditions unique to the property of the applicant that do not apply
1704 generally to other properties in the district.
- 1705 2. The variance is not contrary to the spirit, purpose, and intent of the regulations in
1706 the zoning district and is not contrary to the public interest.
- 1707 3. For a variance from area, setback or dimensional standards in the ordinance,
1708 compliance with the strict letter of the ordinance would unreasonably prevent
1709 use of the property for a permitted purpose or would render compliance with the
1710 ordinance unnecessarily burdensome.
- 1711 4. The alleged difficulty or hardship is created by the terms of the ordinance rather
1712 than by a person who has a present interest in the property.
- 1713 5. The proposed variance shall not create substantial detriment to adjacent
1714 property.
- 1715 6. The proposed variance shall be compatible with the character of the immediate
1716 neighborhood.

1717 (g) *Effect of denial.* If the Board of Adjustment denies an variance, the same or
1718 substantially similar variance cannot be resubmitted for a period of one year from

1719 the date of denial. The Board may waive this requirement if it finds there is valid
1720 new evidence or proof of change of conditions.

1721 **(h) Time limits on construction.**

- 1722 1. The landowner must obtain zoning permits for any construction authorized by
1723 variance within one year from the date the Board of Adjustment approved the
1724 variance.
1725 2. Failure to obtain appropriate permits within one year shall render the variance
1726 null and void.
1727 3. The board of adjustment may, upon request, extend the timeframe for a specific
1728 period, without another public hearing.

1729 **(10) Violations and Penalties**

1730 **(a) Continuing violations.**

- 1731 1. Each day a non-permitted structure, building, addition, alteration or activity or
1732 any other violation of this ordinance exists shall constitute a separate offense.
1733 2. A non-permitted structure, building, addition, alteration or activity is one which
1734 requires the issuance of a permit under this ordinance but which permit has not
1735 been issued by the zoning administrator.

1736 **(b) Stop work order.**

- 1737 1. Whenever the zoning administrator, or designee, finds that any development
1738 activity does not comply with the provisions of this ordinance or Chapters 11, 17
1739 or 75, Dane County Code, the zoning administrator or designee shall post a stop
1740 work order in a conspicuous place on the premises. Once a stop work order is
1741 issued, all development activities on the premises must cease until all
1742 construction is in compliance.
1743 2. The stop work order card shall provide the following information: date of
1744 issuance, town and section number, reason for posting and the signature of the
1745 inspector posting the card.
1746 3. It shall be a violation of this ordinance for anyone to remove a stop work-order
1747 card from the premises without specific authorization from the zoning
1748 administrator or designee.

1749 **(c) Citation authority.**

1750 The zoning administrator and any of his or her designees may enforce violations of this
1751 chapter, Chapter 11, Chapter 17 or Chapter 75, Dane County Code by citation as
1752 described in Chapter 2, Dane County Code and s. 66.119, Wis. Stats.

1753 **(d) Forfeitures.**

1754 Any person or persons, firm, company or corporation, owner, occupant or other user of
1755 the premises who violates, disobeys, omits, neglects or refuses to comply with or
1756 resists the enforcement of any of the provisions of this ordinance shall be subject to a
1757 forfeiture as described in s. 2.06, Dane County Code.

1758 **(e) Court injunction.**

1759 Compliance with this ordinance may be enforced by injunctive order at suit of the
1760 county or occupant of real estate within the district affected by the regulations of this
1761 ordinance. It shall not be necessary to prosecute for forfeiture before resorting to
1762 injunctive proceedings.

1763 **(f) Jail.**

- 1764 1. Any person who has the ability to pay any forfeiture entered against him or her
1765 under this ordinance but refuses to do so may be confined in the county jail until
1766 such forfeiture is paid, but in no event to exceed thirty (30) days.
- 1767 2. In determining whether an individual has the ability to pay a forfeiture, all items
1768 of income and all assets may be considered regardless of whether or not such
1769 income or assets are subject to garnishment, lien or attachment by creditors.

1770

DRAFT

1771 10.102. General Provisions Applicable to All Uses in All Zoning
1772 Districts

1773 (1) Accommodations for disabled persons.

1774 (a) Where strict interpretation of this chapter would effectively deny disabled persons
1775 equal housing opportunity, and where the property does not meet the criteria for a
1776 variance under [s. 10.100\(10\)](#), the Zoning Administrator may grant a waiver to the
1777 dimensional standards of this chapter in order to provide reasonable
1778 accommodations as required by the Federal Americans with Disabilities Act, the
1779 Federal Housing Act and the Wisconsin Fair Housing Act. The permit shall be subject
1780 to the following conditions:

- 1781 3. Only the minimum relaxation of dimensional standards needed to provide
1782 reasonable accommodation shall be approved.
1783 4. No use, structure or other relaxation of standards shall be approved that would
1784 violate or undermine the stated purpose of this chapter.
1785 5. Where practicable, the improvement authorized by this provision shall be
1786 removed when the premises are no longer occupied or frequented by a disabled
1787 person.

1788 (b) If the zoning administrator denies a permit requesting an accommodation under
1789 this subsection, the denial may be appealed to the Board of Adjustment pursuant
1790 to [s. 10.100\(9\)](#).

1791 (2) Buildings and structures

1792 (a) Accessory Buildings.

- 1793 1. A Zoning Permit is required for any accessory building larger than 120 square feet
1794 in size.
1795 2. Zoning Permits are not required for accessory buildings equal to or less than 120
1796 square feet on non-permanent foundations, provided they meet setback, height,
1797 and lot coverage requirements.
1798 3. Zoning Permit fees may be exempt for buildings for large farm operations on
1799 farms of 35 acres or larger.
1800 4. Except for agricultural accessory buildings, a principal building must exist or be
1801 under construction prior to the construction of an accessory building.
1802 5. Except for accessory dwelling units, accessory buildings may not be used for living
1803 spaces. No guesthouses or apartments are allowed.
1804 6. Except for accessory dwelling units or as specifically permitted by conditional use
1805 permit, plumbing fixtures are prohibited in accessory buildings.
1806 7. All accessory buildings must meet size, height and lot coverage restrictions of the
1807 applicable zoning district.
1808 8. Accessory buildings must meet required setbacks from roads, Shoreland District,
1809 Wetlands, and Floodplain.

1810 (b) Modifications to existing buildings.
 1811 1. Nothing herein contained shall require any change in the plans, construction or
 1812 intended use of a building or premises for which plans have been prepared
 1813 heretofore, and the construction of which shall have been diligently pursued
 1814 within three (3) months after the effective date of this ordinance.

1815 (3) Compliance with other laws, regulations and codes.

1816 (4) Lighting.
 1817 Any outdoor lighting associated with any permitted or conditional use shall be directed
 1818 downward and away from adjacent properties and public rights-of-way, and shall be
 1819 designed to minimize ambient light spill.

1820 (5) Noise Reduction.

1821 (a) Town boards and the zoning committee may, as necessary, set decibel limits
 1822 appropriate to the use and location as a condition on a Conditional Use Permit or
 1823 on a conditional rezone petition.

1824 (b) Town boards and the zoning committee may, as necessary, recommend decibel
 1825 limits appropriate to the use and location as a condition on rezones to General
 1826 Commercial, Heavy Commercial, Limited Commercial or Hamlet Mixed-Use districts.

1827 (c) Noise abatement on blasting sites shall not conflict with or exceed the
 1828 requirements of SPS 307, Wisconsin Administrative Code, as amended from time to
 1829 time, or its successor administrative code regulations.

1830 (d) Noise levels shall be set to the db(a) decibel scale and should be appropriate to the
 1831 background noise level of the surrounding area, and to the nature, duration and
 1832 repetition of the proposed use. Table 1 describes common uses by typical decibel
 1833 level, as a reference guide for town board and zoning committee action.

Table 1: Common Indoor and Outdoor Noise Levels

Noises	Sound Level dBA
Threshold of pain	140
Leaf blower/Car horn	110
Gas lawn mower at 3 feet	100
Diesel truck at 50 feet /Food blender at 3 feet	90
MD 80 Passenger Plane at 1,500 feet	85
Diesel truck at 50 feet at 40 mph	84
Garbage disposal at 3 feet/Motorcycle at 25 feet	80
Car at 25 feet at 65 mph	77
Vacuum cleaner at 10 feet	70
Heavy traffic at 300 feet/Air-conditioner	60

at 100 feet	
Dishwasher next room	50
Quiet residential area	40
Library	35
Threshold of hearing	0

1835

1836

(6) Nonconforming Uses and Structures

1837

(a) Certificate of Compliance for Nonconforming Uses and Structures

1838

1. Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to use or building location may request a certificate of compliance.

1839

1840

1841

2. The applicant shall present documentary proof that said use was a permitted use at the time it originated or that the building has been erected prior to the adoption of this ordinance and was made nonconforming by the adoption of this ordinance or by a subsequent amendment.

1842

1843

1844

1845

3. After certifying that the use of the building or land is in fact nonconforming the zoning administrator shall issue a certificate of compliance stating the use in question or the location of buildings and the zoning of the property.

1846

1847

1848

(b) Nonconforming Uses.

1849

1. Continuation of a Legal, Nonconforming Use.

1850

The lawful principal use of a building or premises existing at the time of adoption of this ordinance may be continued as a nonconforming use.

1851

1852

2. Notification of Nonconformity.

1853

Within 30 days of the effective date of this ordinance in any town, the zoning

1854

administrator will send a notice via certified mail, return receipt requested, to all

1855

legally established, nonconforming mineral extraction operations which existed

1856

prior to 1969, and were registered with and approved by the Dane County Zoning

1857

Administrator at the time. The notice shall inform the landowner that registered

1858

nonconforming mineral extraction sites are subject to the provisions of this

1859

section.

1860

3. Abandonment or Discontinuation of a Nonconforming Use.

1861

a. Any use that is discontinued or abandoned for a period of one (1) year shall be considered terminated and shall lose its nonconforming status. Any future use or reestablishment of a previously nonconforming use on the premises must conform to the provisions of this ordinance, except as specifically exempted below.

1862

1863

1864

1865

1866

a. The relocation or expansion of any nonconforming use beyond areas where such use was originally established shall conform to all standards and requirements of this ordinance, except as otherwise provided by law.

1867

1868

- 1869
- 1870
- 1871
- 1872
- 1873
- 1874
- 1875
- 1876
- 1877
- 1878
- 1879
- 1880
- 1881
- 1882
- 1883
- 1884
- 1885
- 1886
- 1887
- 1888
- 1889
- 1890
- 1891
- 1892
- 1893
- 1894
- 1895
- 1896
- 1897
- 1898
- 1899
- 1900
- 1901
- 1902
- 1903
- 1904
- 1905
- 1906
- 1907
- 1908
- 1909
- 1910
4. Expansion of building or structure housing a nonconforming use.
 - a. Except as specifically exempted below, no building or premises used as a nonconforming use shall be added to or structurally altered so as to increase the facilities for such nonconforming use.
 - b. *Exceptions.* Alteration, restoration or repair of any legal structure occupied by a nonconforming use at the effective date of this ordinance is permitted; provided that the value of the structure is not increased by more than 50%, compared with the assessed value of the structure at the time it became nonconforming.
- (c) Nonconforming structures.
1. Continued use of nonconforming structures.
 - a. Except as exempted below, any nonconforming structure may be continued in use.
 - b. *Exceptions.* Nothing herein contained shall require any change in the plans, construction or intended use of a structure or premises for which plans have been prepared heretofore, and the construction of which shall have been diligently pursued within three (3) months after the effective date of this ordinance.
 2. *Demolition or destruction of a nonconforming structures.*
 - a. Except as exempted in d. below, a structure is considered to be demolished and nonexistent if more than 50% of the pre-existing structure is removed or must be replaced to maintain structural integrity.
 - b. A structure subject to sub. a shall comply with the provisions of this ordinance.
 - c. Any variance that may have been issued for said building or structure shall be null and void and any zoning permits shall be rescinded pending verification of compliance.
 - d. *Exceptions.* Nothing contained in this section shall prevent the restoration of a nonconforming structure damaged or destroyed by wind, vandalism, fire, flood, ice, snow, mold, or infestation, if the structure is restored to the size, location, and use that it had immediately before the damage or destruction occurred. Such restoration shall occur within 2 years of the damage or destruction.
 - i. A structure to which sub. d. applies may be larger than the size it was immediately before the damage or destruction if necessary to comply with applicable state or federal requirements, but no larger than necessary to comply with said requirements.
 3. Repair, maintenance and renovation of nonconforming structures.
 - a. A nonconforming principal structure may be maintained and repaired within its existing building envelope.
 - b. Maintenance and repair also includes such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or

1911 electrical systems, insulation, windows, doors, siding, or roof within the
1912 existing building envelope.

1913 4. *Additions or alterations to nonconforming structures.* Any future additions to, or
1914 any other alterations that expand the building envelope of, a nonconforming
1915 structure shall conform to the provisions of this ordinance.

1916 (7) Parking and loading areas.

1917 (a) Purpose.

1918 The purpose of this section is to provide off-street vehicle parking, loading and
1919 circulation standards sufficient to prevent congestion of public rights-of-way and
1920 provide safe and efficient public access to properties, while minimizing the impact of
1921 off-street parking areas on nearby properties and the natural environment.

1922 (b) Applicability.

1923 In all districts, in connection with all uses, at the time any new structure is erected, any
1924 use of a structure or land is enlarged or increased in intensity, or any other use or
1925 change of use is established, off-street parking, loading and circulation areas shall be
1926 provided and located in accordance with the requirements of this section. Off-street
1927 parking areas in existence as of the effective date of this ordinance shall not hereafter
1928 be reduced below or further below the requirements for a similar new building or use.

1929 (c) General provisions.

- 1930 1. A scaled and dimensioned parking, loading and circulation plan shall be included
1931 within a development plan submitted to and approved by the zoning
1932 administrator prior to issuance of a zoning permit for construction or expansion
1933 of any use. When a use requires a conditional use permit, such plan shall be
1934 submitted with the application for the conditional use.
- 1935 2. No areas designated for parking, loading or circulation may be used for any other
1936 purposes. Required parking spaces shall be used solely for the parking of licensed
1937 automobiles of occupants, patrons and employees and licensed service vehicles.
- 1938 3. All parking spaces required to serve buildings erected or uses established shall be
1939 located on the same zoning lot as the building or use served, except that parking
1940 may be located off-site on another zoning lot provided all of the following criteria
1941 are satisfied:
- 1942 4. Off-site parking shall be located only in the LC, HC, MI and PUD districts.
- 1943 a. The zoning lots including the principal use and off-site parking shall be
1944 located no farther than 500 feet from one another;
- 1945 b. Adequate pedestrian connection and directional signage between the sites
1946 exists or shall be provided;
- 1947 c. The continued availability of such off-site parking areas, necessary to meet
1948 the requirements of this section, shall be ensured by an agreement among
1949 all involved property owners describing the rights and limitations of all

1950 property owners and businesses. Such agreement shall bind all heirs,
1951 successors and assigns of each owner and shall be approved by the zoning
1952 administrator before being recorded with the register of deeds.

1953 d. Off-site parking areas shall be subject to the same design standards as on-
1954 site parking areas.

1955 5. The parking or storage of motor vehicles provided for in s. 10.18(8) shall not
1956 occur within parking spaces otherwise required by this section.

1957 **(d) Design standards.**

1958 1. Access. Adequate ingress and egress to parking and loading areas by means of
1959 clearly limited and defined drives shall be provided. Access drives shall be
1960 perpendicular to the public right-of-way wherever possible. Access drives shall be
1961 spaced a safe distance from street intersections and each other, shall not be
1962 located within vision corners, and may be limited in number and location
1963 according to applicable local, county, state and federal standards.

1964 2. Surfacing. Within urban service areas, except for single family residences,
1965 duplexes and manufactured homes: all parking areas, loading areas, driveways
1966 and circulation areas shall be paved with a hard, all-weather surface such as
1967 asphalt, concrete, Portland cement or brick. Outside of urban service areas and
1968 for single family residences, duplexes and manufactured homes: gravel surfacing
1969 is also permitted unless otherwise restricted by town ordinance, and grass
1970 surfacing may be permitted for seasonal parking only. Seasonal means limited to
1971 a period no longer than six months in a twelve month period, or related to a
1972 unique or annually occurring event or condition of limited duration. All parking
1973 areas shall be maintained in a smooth and dust free condition.

1974 3. Dimensions of parking spaces. Perpendicular (90-degree) parking is encouraged.
1975 Each required off-street parking space shall have a stall width of at least 8 feet for
1976 90-degree and parallel parking and 9 feet for angle parking, and a stall length of at
1977 least 17 feet for 90-degree and angle parking and 23 feet for parallel parking.
1978 Parking for people with disabilities shall be provided at a size, number, location
1979 and with signage as specified by state and federal regulations, in addition to those
1980 spaces required in s. 10.18(5). All spaces on hard-surfaced lots shall be striped.

1981 4. Circulation. Minimum width of internal aisles providing two-way traffic access to
1982 parking spaces shall be 24 feet. Minimum width of internal aisles providing one-
1983 way traffic access to spaces shall be as follows: 10 feet for parallel (0-degree) to
1984 45-degree parking, 16 feet for 46 degree to 60 degree parking, and 20 feet for 61
1985 to 90 degree parking. Two-way traffic aisles shall not be permitted to serve angle
1986 parking. Directional marking or signage, or both, shall be provided where required
1987 to facilitate safe, efficient circulation. Uses with drive-through facilities shall
1988 provide sufficient space on-site for all vehicles queuing to be served by or
1989 otherwise waiting to do business at the facility. Such queuing space shall not
1990 interfere with the use or operation of parking spaces, circulation aisles, access
1991 drives, entrances or public roads.

- 1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
5. Loading areas. Uses which involve deliveries or removal of goods, materials, supplies or waste by truck shall provide adequate off-street loading and unloading facilities on the same lot as the principal use. Space reserved for loading and unloading shall not be used for off-street parking spaces or vehicle circulation. For such uses located in buildings with over 10,000 square feet of gross floor area, at least one loading berth shall be provided. Each off-street loading berth shall have a width of at least 10 feet and a length of at least 50 feet, and shall be located no closer than 30 feet from any residence district.
 6. Drainage. Suitable grading and drainage shall be provided to collect and transmit stormwater to appropriate retention or detention basins, drainageways, ditches or storm sewers.
 7. Lighting. Any lighting used to illuminate off-street parking areas shall be directed downward and away from adjacent properties and public rights-of-way.
 8. Setbacks. Parking, loading and circulation areas may be provided within required front setbacks and side and rear yards. Areas for parking, loading and circulation shall be a minimum of three feet from all property lines, except where this requirement prohibits a proposed joint driveway or proposed shared parking.
 9. Screening and landscaping. Screening shall be provided in accordance with specifications in s. 10.102(11). All hard-surfaced and graveled parking, loading and circulation areas with 10 or more spaces shall be provided with accessory landscape areas totaling not less than five percent of the surfaced area. Such landscaping shall consist primarily of trees, bushes and shrubs. Landscaping may be planted internal to the parking area itself within islands or around the immediate perimeter and shall be reasonably distributed. Landscaping shall be protected from damage by vehicles and shall be replaced if damaged or killed.

(e) Required off-street parking spaces.

2018 Minimum off-street parking spaces serving uses hereinafter designated shall be
2019 provided as follows:

- 2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
10. Airport; auction house; conference, convention or exhibition center; salvage recycling center: Spaces in adequate number to serve the public and employees.
 11. Auto sales: One space per 1,000 square feet of occupiable floor area and outdoor display area.
 12. Bank, office: One space per 300 square feet of occupiable floor area.
 13. Bed and breakfast, boarding or rooming house, community living arrangement, hotel and motel: One space per lodging room and two spaces for owner/manager, plus 50 percent of the requirement for any other associated use. For community living arrangements, parking spaces need not be provided for residents who do not have drivers licenses.
 14. Bowling center: Four parking spaces per alley, plus the requirement for any other associated use. Measurements for any associated use shall not include any area

- 2032 to the alley side of bowling scorers' tables, unless there are other areas for public
2033 access behind the alleys.
- 2034 **15.** Carpet store, furniture store: One space per 800 square feet of occupiable floor
2035 area.
- 2036 **16.** Church, theater: One space per 6 seats.
- 2037 **17.** Day care: One space per 6 children.
- 2038 **18.** Contractor business, fire or police station, mineral extraction operation: One
2039 space per 1.3 employees on the largest shift plus one space per service vehicle.
- 2040 **19.** Funeral home: One space per 100 square feet of occupiable floor area.
- 2041 **20.** Golf course: Four spaces per golf hole, plus 50 percent of the requirement for any
2042 other associated use.
- 2043 **21.** Golf driving range, miniature golf: One space per tee area or miniature golf hole.
- 2044 **22.** Kennel, stable: One space per 1,000 square feet of gross floor area or yard area
2045 devoted to the use, not including outdoor training or riding areas.
- 2046 **23.** Manufacturing, research and development facility: One space per 1.3 employees
2047 working on the largest shift.
- 2048 **24.** Medical, dental or veterinary clinic: Four spaces per examination or treatment
2049 room.
- 2050 **25.** Mini-warehouse: One space per storage unit, which may be located immediately
2051 in front of each unit.
- 2052 **26.** Nursing home: One space per 4 beds.
- 2053 **27.** Nursery, greenhouse: One space per 1,000 square feet of occupiable floor area
2054 within a building or greenhouse, plus one space per 2,000 square feet of outdoor
2055 area devoted to retail sales.
- 2056 **28.** Outdoor recreation facilities: 4 spaces per horseshoe pit; 10 spaces per volleyball
2057 court; 20 spaces per baseball, softball, football or soccer field; plus the
2058 requirement for any other associated use adjacent to such recreational facility.
- 2059 **29.** Residential:
- 2060 **30.** Multifamily--efficiency, one bedroom, two bedrooms; manufactured home: 1½
2061 spaces per dwelling unit.
- 2062 **31.** Multifamily--three or more bedrooms; single family; duplex: 2 spaces per dwelling
2063 unit.
- 2064 **32.** Restaurant, tavern, club or lodge: One space per 75 square feet of indoor
2065 occupiable floor area, plus one space per 100 square feet of outdoor
2066 eating/drinking area, not including any area occupied by an outdoor recreation
2067 facility.
- 2068 **33.** Retail or service use not listed elsewhere: One space per 300 square feet of
2069 occupiable floor area, plus one space per 2,000 square feet of outdoor area
2070 devoted to retail sales or service.
- 2071 **34.** School: Two spaces per classroom for elementary or middle school, four spaces
2072 per classroom for high school, plus one space per four seats in an auditorium or
2073 gymnasium. Ten spaces per classroom for an adult educational or training facility.

- 2074 **35.** Service and repair of motor vehicles, gas station, car wash: Three spaces per
2075 service bay, one space per fuel nozzle (not including filling area), plus the
2076 requirement for any other associated use.
- 2077 **36.** Warehouse, wholesaling: One space per 2,000 square feet of gross floor area.
2078 **(f)** Potential reductions in required spaces.
- 2079 The zoning administrator may decrease the required number of off-street parking
2080 spaces by up to 25 percent of the requirement based on one or more of the following
2081 criteria:
- 2082 **1.** Technical documentation supplied by the applicant indicates, to the satisfaction
2083 of the zoning administrator, that actual parking demand for that particular
2084 development is less than the standard would suggest;
- 2085 **2.** Bicycle parking facilities will be provided through racks, lockers or equivalent
2086 structures located convenient to the proposed use;
- 2087 **3.** A public transportation route is located within 1,000 feet of the property;
- 2088 **4.** Shared parking for more than one use will be implemented, provided that the
2089 applicant(s) demonstrate that the same spaces may adequately serve two or
2090 more uses by reason of the hours of operation of such uses. The continued
2091 availability of such shared parking areas shall be ensured by an agreement among
2092 all involved property owners describing the rights and limitations of all property
2093 owners and businesses, and providing that if any of the uses sharing the parking
2094 changes, the agreement shall become null and void. Such agreement shall bind all
2095 heirs, successors and assigns of each owner and shall be approved by the zoning
2096 administrator before being recorded with the register of deeds.
- 2097 **5.** Reserve area. In the event the number of required spaces is reduced as allowed
2098 by s. 10.18(6), the zoning administrator may also require that sufficient area be
2099 held in reserve for potential future development of parking to meet the
2100 requirements under s. 10.18(5). If required, such reserve area shall be shown and
2101 noted on the development plan, maintained in open space use and developed
2102 with parking spaces when the zoning administrator determines that such
2103 development is necessary due to parking demand which exceeds original
2104 expectations, the loss of bicycle or public transit access or facilities, or the
2105 dissolution of a shared parking agreement.
- 2106 **(g)** Parking and storage of trucks, buses and special vehicles.
- 2107 **1.** In the residence and rural homes districts, and on any lot in the A-2 Agriculture
2108 District where the principal use is residential, motor vehicles used for personal
2109 transportation and recreational vehicles and trailers owned by a person residing
2110 on the premises may be parked or stored, provided that the gross vehicle weight
2111 shall not exceed 12,000 pounds.
- 2112 **2.** In the residence, rural homes, RE-1, Agriculture-Business, B-1 and C-1 districts,
2113 only motor vehicles that are accessory to a permitted and principal use on any lot
2114 may be stored or parked.

- 2115 3. Any automobile licensed as an antique or special interest vehicle under s.
2116 341.266, Wis. Stats., or parts cars therefore, can be stored on a lot in any district
2117 provided that such vehicle is stored in such a manner that it does not constitute a
2118 health hazard and is screened from ordinary public view by means of a fence,
2119 rapidly growing trees, shrubbery or other appropriate means, as required by s.
2120 341.266(4), Wis. Stats.
- 2121 4. Farm trucks or trailers licensed under ss. 341.26(3) or 341.30, Wis. Stats., may be
2122 parked on lots in agriculture districts.
- 2123 5. Trucks with gross vehicle weight exceeding 12,000 pounds may be stored or
2124 parked only in the C-2, EXP-1 and M-1 districts, except that parking or storage of
2125 one truck and one road tractor and its trailer in excess of 12,000 pounds gross
2126 vehicle weight shall be permitted in the residence, rural homes and agricultural
2127 districts, subject to the following conditions:
- 2128 a. The vehicle shall be owned and operated by a person residing on the
2129 premises.
- 2130 b. In the residence districts, the lot area shall be not less than one acre.
- 2131 c. The vehicle shall not be parked or stored within the required highway or
2132 road setback area.
- 2133 d. The vehicle shall not be parked closer than 300 feet to another residence.
- 2134 e. No new buildings shall be constructed to house the vehicle.
- 2135 f. Before the vehicle may be parked or stored on the property, a certificate of
2136 compliance shall be issued by the zoning administrator.
- 2137 6. One racing vehicle and spare parts for such vehicle may be stored in the residence
2138 and rural homes districts, provided that such vehicle and spare parts are screened
2139 from public view in an enclosed building.
- 2140 7. Storage of no more than two racing vehicles and spare parts for such vehicles is
2141 permitted in any district except the residence and rural homes districts, provided
2142 that such vehicles and spare parts are screened from public view in an enclosed
2143 building.
- 2144 8. In any district, one school bus driven by a person residing on the premises may be
2145 parked provided that in residence districts the minimum lot area for bus parking
2146 is one acre.
- 2147 9. Except as provided in s. 341.266(4), Wis. Stats., a motor vehicle that is inoperable
2148 or unlicensed is considered salvage or junk and shall only be stored in a licensed
2149 salvage recycling center. Trucks licensed on a monthly or quarterly basis shall be
2150 considered currently licensed if they have been licensed for at least one period
2151 during the previous year.

- 2152 (8) Road setbacks / required front yards.
- 2153 (a) Except as indicated in (a)1.c. and (b) below, or as permitted by variance, all
2154 structures shall be set back from public roads as follows:
- 2155 1. Divided highways.

- 2156 **a.** Except as exempted in c. below, all principal residential buildings must be
2157 at least 200 feet from the right-of-way line.
- 2158 **b.** Accessory structures must meet the setbacks described for undivided
2159 highways below.
- 2160 **c.** Exceptions. Principal dwellings meeting either of the following criteria
2161 must meet the setbacks for undivided highways in 2. below:
- 2162 **i.** Principal dwellings on lands originally zoned for residential use prior
2163 to May 1, 1992.
- 2164 **ii.** Lands where noise control barriers effectively reduce the noise level
2165 from traffic to 67 decibels [db(a)] or less.
- 2166 **2.** Undivided highways.
- 2167 **a.** State and Federal Highways. All structures must be at least 100 feet from
2168 the centerline, or 42 feet from the right-of-way line, whichever is greater.
- 2169 **b.** County Trunk Highways. All structures must be at least 75 feet from the
2170 centerline, or 42 feet from the right-of-way line, whichever is greater.
- 2171 **c.** Town Roads. All structures must be at least 63 feet from the centerline, or
2172 30 feet from the right-of-way line, whichever is greater.
- 2173 **d.** Service Roads. All structures must be at least 30 feet from the right-of-way
2174 line.
- 2175 **(b)** Exceptions.
- 2176 **1.** In lots or platted subdivisions created before (insert date) where a building line
2177 shall have been established by the construction of buildings on 30 percent of the
2178 lots in any one (1) block, such established setback line shall be the setback for
2179 that block, but in no event shall such setback be less than 20 feet.
- 2180 **2.** For lots in the HAM-M or HAM-R zoning districts, setbacks shall be as described in
2181 ss. 10.261(5) and 10.262(5).
- 2182 **(9)** Setback measurements and exceptions.
- 2183 **(a)** For purposes of entry to buildings, steps, stoops, decks or ramps may be
2184 constructed in such a manner that they intrude into required yard or setback or
2185 areas provided that all of the following limitations and conditions are satisfied:
- 2186 **1.** Height shall not exceed 5 feet aboveground level, not including railings.
- 2187 **2.** Width shall not exceed 12 feet side to side.
- 2188 **3.** Structure shall extend no farther than 10feet from the front of the building to
2189 which it is attached or up to the front property line, whichever is less.
- 2190 **4.** Structure shall not be enclosed. Railings which do not exceed 3 1/2 feet in height
2191 and which are of open architecture and not solid in appearance are permitted.
- 2192 **5.** Structure shall not interfere with existing or planned roads, sidewalks, gas and
2193 electrical lines, sewers, drainageways, and other utilities or public improvements.
2194 The zoning administrator may require written verification from appropriate
2195 agencies before issuing a zoning permit.
- 2196 **6.** No part of the structure shall extend into any required vision clearance triangle.

- 2197 (b) For single family residences or duplexes, single story bay windows may be
2198 constructed in such a manner that they project three (3) feet or less into a required
2199 yard or setback area provided that such windows do not occupy, in the aggregate,
2200 more than one-third (1/3) of the wall of the building.
2201 (c) Roof overhangs, soffits and awnings that are not supported to the ground may
2202 extend into any required setback or yard by not more than three (3) feet.
2203 (d) In platted subdivisions recorded before the adoption of this ordinance where a
2204 building line shall have been established by the construction of buildings on 30
2205 percent of the lots in any one (1) block, such established setback line shall be the
2206 setback for that block, but in no event shall such setback be less than 20 feet.
2207 (e) More restrictive setback requirements may be required under Chapters 11 or 17,
2208 Dane County Code.

2209 (10) Topography Near Property Lines.

2210 (a) Purpose.
2211 The purpose of this subsection is to set forth the minimum requirements for preserving
2212 existing topography near property lines whenever development is planned, and to
2213 promote and protect the public health, safety, convenience and general welfare. This
2214 sub-section is intended to regulate development:

- 2215 7. to protect adjacent property owners from possible damage due to changes to the
2216 existing topography of adjoining lands;
2217 8. to retain stormwater runoff on each property undergoing development; and
2218 9. to preserve the general character of neighborhoods.

2219 (b) Standards.

- 2220 1. Except as authorized in sub. (c), the topography, including both surface and
2221 subsurface structure, within five (5) feet of any property line at the
2222 commencement of any development shall remain unchanged.
2223 2. When land disturbing activities associated with development occur within five (5)
2224 feet of any property line, finished grades in that area shall be restored to the
2225 topography in existence before the land disturbing activity began.
2226 3. The established grade of the adjoining property shall determine the finished
2227 grade at the property line for any development. The owner of the property under
2228 development bears the burden of proof as to the established grade at the
2229 property line and the topography within five (5) feet of the property line. The
2230 Zoning Administrator may require detailed site grading plans of existing and
2231 proposed conditions prior to commencement of land disturbing activities.
2232 4. Natural watercourses along property lines shall be maintained. Existing drainage
2233 ways and drainage easements along property lines including, but not limited to,
2234 stormwater management areas shown on subdivision plats and certified survey
2235 maps, shall be maintained.

2236 (c) Exceptions.

- 2237 1. A positive slope of one-half (1/2) inch vertical per one (1) foot horizontal within
2238 five (5) feet of the property line is allowed to provide proper drainage away from
2239 a one or two family residence.
2240 2. Development in Floodplain Districts requiring fill to comply with chapter 17 is
2241 exempt from this section.
2242 3. Upon written application, the Zoning Administrator may authorize exceptions
2243 resulting in changes to the existing topography at and within five (5) feet of any
2244 property line that would promote the purposes stated in this ordinance, only if
2245 the results do not direct additional stormwater runoff toward adjacent
2246 properties. Proposed exceptions may include, but are not limited to, retaining
2247 walls, berms and other structures, and other changes to existing grade at and
2248 within five (5) feet of a property line. The Zoning Administrator may require the
2249 submittal of detailed site grading plans of existing and proposed conditions
2250 including, but not limited to, detailed topographical information of the subject
2251 and adjoining properties, before land disturbing activities commence.

2252 **(11)** Visual Screening

2253 **(a)** Purpose.

2254 **(b)** Applicability.

- 2255 1. Screening is required along the interior boundary of any lot in the Limited
2256 Commercial (LC), General Commercial (LC), Heavy Commercial (HC) and
2257 Manufacturing/Industrial (MI) districts that are adjacent to land in the Single
2258 Family Residential (SFR), Two Family Residential (TFR), Multi Family Residential
2259 (MFR), Rural Residential (RR) or Rural Mixed-Use (RM) Districts.
2260 2. At the town board and zoning committee's discretion, screening may also be
2261 required as a condition on any conditional use permit, where appropriate to
2262 minimize visual impact to neighboring properties.
2263 **(c)** When a use requires a vegetative screening, the requirements of this section shall
2264 apply. A vegetative screening plan shall be submitted at the time of permit
2265 application, and no permit shall be issued until an acceptable vegetative screening
2266 plan has been approved. The plan shall provide for a minimum of 30 feet in depth,
2267 parallel to any area used for vehicles or buildings. The vegetative screening area
2268 shall not be used for any purpose other than screening, except at designated points
2269 of ingress and egress delineated in the plan. Vegetative screens that are within
2270 1,000 feet of the ordinary high water mark of a lake, pond or flowage, or 300 feet
2271 of the ordinary high water mark of a navigable river or stream, must comply with
2272 applicable portions pursuant to Chapter 11, Dane County Code.

2273 **(d)** Dimensions and design.

- 2274 1. Vegetative screening. Within the screening area, vegetation shall consist of:
2275 e. A minimum of 2 parallel rows of trees, with all rows planted 10 feet apart.
2276 f. Within any given row, there shall be a minimum of one tree every 12 feet.

- 2277 g. Vegetative screening densities along the front of the property adjacent to
2278 the road right-of-way may be reduced to not less than one tree every 20
2279 feet.
2280 h. Not less than 75% of the trees shall be evergreens.
2281 i. A minimum of 2 different species of evergreens shall be utilized.
2282 j. Non-native species which have the potential to be invasive shall not be
2283 utilized as part of the screening.
2284 k. Deciduous trees shall be either single stem or multi-stem trees, with the
2285 smallest trunk measured at a minimum of a one-inch diameter at the time
2286 of planting. The trunk shall be measured 6 inches above the ground.
2287 l. Evergreen trees shall be a minimum of 4 feet tall at the time of planting.
2288 m. There shall be a ground cover of either native grasses and flowers, or lawn
2289 grasses.
2290 2. Vegetative screens shall not interfere with applicable vision triangle
2291 requirements.
2292 3. Within the screening area, vegetation shall be maintained in viable growing
2293 conditions. Maintenance of the ground cover shall be completed in a manner so
2294 as to maintain the shape or appearance of trees within the buffer area.
2295 4. Screens shall be maintained along the interior boundaries of the lot to a point 15
2296 feet from the street right-of-way.
2297

2298 10.103. Special Requirements for Particular Uses

2299 **(1) Accessory dwelling units.**

2300 **(a) On lots zoned for single-family residential use, no more than one accessory**
2301 **dwelling unit may be created per lot.**

2302 **(b) Multiple accessory dwelling units per lot may be created only in the Multi-Family**
2303 **Residential (MFR) , Hamlet Residential (HAM-R) or Hamlet Mixed-Use (HAM-M)**
2304 **districts, or within a manufactured home community permitted under s.10.103(15).**

2305 **(c) A detached accessory dwelling unit may be included in either an existing or new**
2306 **dwelling unit.**

2307 **(d) Lots accommodating an accessory dwelling unit must meet the minimum lot size**
2308 **for the applicable zoning district.**

2309 **(e) In no case shall an accessory dwelling unit exceed 800 square feet of occupiable**
2310 **floor area.**

2311 **(f) No accessory dwelling unit shall have more than two bedrooms.**

2312 **(g) Accessory dwelling units shall not be sold separately from the principal dwelling**
2313 **unit, nor from the property on which it sits.**

2314 **(h) A lot or parcel of land containing an accessory dwelling unit shall be occupied by**
2315 **the owner of the premises. The owner may live in either the accessory dwelling unit**
2316 **or the principal residence.**

2317 **(i) The orientation of the proposed accessory dwelling unit shall, to the maximum**
2318 **extent practical, maintain the privacy of residents in adjoining dwellings. The town**
2319 **board and zoning committee may, as necessary, require screening, consistent with**
2320 **s.10.102(11) between a property containing an ADU and adjacent properties.**

2321 **(j) Off-street parking shall be provided consistent with s.10.102(7).**

2322 **(k) Accessory dwelling units must meet applicable residential building codes or**
2323 **manufactured home codes.**

2324 **(2) Adult book stores.**

2325 **(a) The County of Dane, relying upon the experience of other local governments in this**
2326 **state and throughout the country, finds that adult book stores have an adverse**
2327 **secondary effect on the surrounding community and that regulations are necessary**
2328 **to minimize this secondary effect. The experience of other cities are summarized in**
2329 **the case of Northend Cinema, Inc. v. Seattle, 585 P. 2d 1153 (1978).**

2330 **(b) This ordinance does not regulate the content of materials held for sale or rent in**
2331 **adult book stores.**

2332 **(c) Adult book stores shall meet all of the following requirements:**

2333 **1. Location of any particular adult book store must be not less than 1,000 feet from**
2334 **any church, synagogue, temple, mosque or any other place of worship, any**
2335 **residentially zoned district, park, school, playground, day care center, public**
2336 **library and any other adult book store;**

2337 **2. Exterior windows shall not be covered or made opaque in any way;**

- 2338 3. No material referenced in paragraphs (a), (b) or (c) of s. 10.04(4) shall be placed in
2339 any exterior window, provided that material which is not so referenced may be
2340 placed in a window;
- 2341 4. The business may have only one (1) nonflashing business sign which sign may only
2342 indicate the name of the business and identify it as an adult book store and which
2343 shall be not larger than 4 feet by 4 feet;
- 2344 5. A one square foot sign shall be placed on each public entrance which shall state
2345 "Admittance to adults only" and may include other pertinent business
2346 information; and
- 2347 6. There shall be no doors on any viewing booths and each booth must be lighted by
2348 a source emitting at least 10 candlepower at all times.

2349 **(3) Agricultural entertainment, tourism or assembly.**

2350 **(a)** For any such activities planned or anticipated to have attendance of more than 200
2351 persons at any one time during a day, the landowner shall file an event plan
2352 addressing, at a minimum the following issues:

- 2353 1. the number of events proposed each year
2354 2. the maximum expected attendance at each event
2355 3. off-street parking, to meet standards in s.10.102(7)
2356 4. days and hours of operation
2357 5. ingress and egress
2358 6. sanitation
2359 7. trash / recycling collection and disposal
2360 8. proposed signage
2361 9. other public safety issues

2362 **(b)** Event plans must be filed with the following:

- 2363 1. the zoning administrator,
2364 2. town clerk,
2365 3. servicing fire department,
2366 4. emergency medical service provider,
2367 5. Dane County Sheriff's Department and
2368 6. any local law enforcement agency.

2369 **(c)** Event plans for such agricultural entertainment activities must be filed at least 30
2370 days prior to the start of any agricultural entertainment activities in each calendar
2371 year.

2372 **(4) Airport, landing strip or heliport.**

2373 **(a)** All buildings, structures, outdoor airplane or helicopter storage areas shall conform
2374 to the setbacks, maximum building height and lot coverage requirements for
2375 agricultural or commercial accessory buildings in the underlying zoning district.

2376 **(b)** Runways shall be located a minimum of 100 feet from all lot lines.

2377 **(c)** Runways must be laid out to provide sufficient clear space, either within the

2378 property boundaries, or through the use of a recorded avigation easement for safe
2379 takeoff and landing. Clear space must meet current WISDOT Bureau of Aeronautics
2380 distance-to-height ratios appropriate to the speed of the proposed aircraft.
2381 **(d)** All proposed airports, landing strips or heliports must meet all current
2382 requirements of Chapter 114, Wisconsin Statutes, TRANS 57, Wisconsin
2383 Administrative Code, or its successor and any applicable standards from the Federal
2384 Aeronautics Administration.
2385 **(e)** Applicants must submit, with their conditional use permit application, copies of
2386 Wisconsin Department of Transportation airport review applications or approved
2387 certificates.
2388 **(f)** The committee and town board may require visual screening, per the standards in
2389 s.10.102(11), provided that such screening will not interfere with airport
2390 operations.

2391 **(5) Animal boarding, domestic pets.**

2392 **(a)** Use shall be enclosed by a fence or other suitable enclosure to prevent animals
2393 from leaving the site.
2394 **(b)** Each animal shall be provided with an indoor containment area if the use is located
2395 within 500 feet of an existing residence or any lot in the Single Family Residential,
2396 Two-Family Residential, Multi-Family Residential, Rural Residential or Hamlet
2397 districts.
2398 **(c)** Each animal shall be provided with adequate exercise space
2399 **(d)** Applicant shall submit a manure management plan approved by the County
2400 Conservationist.
2401 **(e)** At their discretion, and where necessary to minimize impacts to neighboring
2402 properties, the town board and zoning committee may:
2403 1. impose noise limits under s.10.102(5),
2404 2. require visual screening, consistent with s. 10.06(10), and/or;
2405 3. establish hours where animals must be kept indoors.
2406 **(f)** The committee and town board will impose limits on the total number of animals
2407 that may be present at any one time, as appropriate to the site and neighboring
2408 land uses.

2409 **(6) Animal boarding, large animal.**

2410 **(a)** Use shall be enclosed by a fence or other suitable enclosure to prevent animals
2411 from leaving the site.
2412 **(b)** Each animal shall be provided with adequate exercise space
2413 **(c)** The committee and town board will impose limits on the total number of animals
2414 that may be present at any one time, as appropriate to the site and neighboring
2415 land uses.
2416 **(d)** Operations exceeding one animal unit per acre must comply with the standards of
2417 s.10.103(7).

- 2418 (7) Animal use in excess of one animal unit per acre
2419 (a) Applicant must submit and maintain a site-specific manure management plan
2420 approved by the County Conservationist.
2421 (b) Applicant must maintain a Farm Conservation Plan, compliant with ATCP 50,
2422 Wisconsin Administrative Code, that is approved by the County Conservationist.
- 2423 (8) Campgrounds.
2424 Campgrounds must meet all current standards and permitting requirements of:
2425 (a) ATCP 79, Wisconsin Administrative Code, or its successor.
2426 (b) Chapter 11, Dane County Code. Camping units must meet all principal structure
2427 setbacks from ordinary high water marks or wetland boundaries.
2428 (c) Chapter 17, Dane County Code, including all applicable flood warning, evacuation,
2429 record-keeping and notice standards.
- 2430 (9) Communication towers.
2431 (a) Purpose. The purpose and intent of this section is to provide a uniform and
2432 comprehensive set of standards for the development and installation of
2433 telecommunication and related facilities, including broadcast radio and television
2434 facilities. The provisions of this section are intended to ensure that
2435 telecommunication facilities are located, constructed, maintained and removed in a
2436 manner that:
2437 1. Protects and promotes public health, safety, community welfare and the quality
2438 of life in Dane County as set forth within the goals, objectives and policies of the
2439 Dane County Comprehensive Plan, this ordinance, and s. 66.0404 Wis. Stats;
2440 2. Respects the rights and interests of towns, neighboring property owners, and
2441 existing land uses on adjoining properties in the decision making process;
2442 3. Recognizes the public necessity for telecommunication facilities and the
2443 numerous benefits and opportunities a robust wireless infrastructure make
2444 possible for county residents, including improved public safety, efficient
2445 production and distribution of goods and services, access to educational
2446 resources, and economic development opportunities;
2447 4. Allows appropriate levels of service to be obtained throughout the County,
2448 including expansion to rural areas seeking access to personal communications
2449 and broadband internet services;
2450 5. Minimizes the number of transmission towers throughout the County;
2451 6. Encourages the joint use of new and existing telecommunication facilities as a
2452 preferred siting option;
2453 7. Ensures that all telecommunication facilities, including towers, antennas, and
2454 ancillary facilities are located and designed to minimize the visual and
2455 environmental impact on the immediate surroundings and throughout the
2456 county; and

- 2457 8. Avoids potential damage to adjacent properties from tower failure or ice falls
2458 through sound engineering and careful siting of structures.
- 2459 9. Provides a public forum to assure a balance between public concerns and private
2460 interests in establishing commercial telecommunications and related facilities.
- 2461 **(b) New construction or substantial modification of communication towers.**
- 2462 1. Application Materials. In addition to materials required under s10.101(6), the
2463 landowner must provide, in a form acceptable to the zoning administrator, the
2464 following:
- 2465 a. **Application.** Completed communications tower permit application form, that
2466 includes, at a minimum:
- 2467 i. The name and business address of, and the contact individual for,
2468 the applicant.
- 2469 ii. The location of the proposed or affected support structure.
- 2470 iii. The location of the proposed mobile service facility.
- 2471 b. **Project narrative.** A signed project narrative explaining the need for a new
2472 or modified communication tower. The narrative should also include the
2473 following information:
- 2474 i. An explanation why the particular site was selected.
- 2475 ii. For an application to construct a new tower, an explanation as to
2476 why the applicant chose the proposed location and why the
2477 applicant did not choose collocation. The narrative must include a
2478 sworn statement from an individual who has responsibility over the
2479 placement of the mobile service support structure attesting that
2480 collocation within the applicant's search ring would not result in the
2481 same mobile service functionality, coverage, and capacity; is
2482 technically infeasible; or is economically burdensome to the mobile
2483 service provider. For the purposes of this section, "economically
2484 burdensome" means that the cost of collocation exceeds the cost of
2485 construction of a new tower by 25 percent or more.
- 2486 c. **Search ring map.** Applicants must submit a search ring map drawn to a
2487 measurable scale, showing the area in which the applicant seeks to locate
2488 their equipment. The map must show and include road names, municipal
2489 boundaries, all existing telecommunication facilities within 1 mile of the
2490 search ring, and any tall structure over 100' in height within the search
2491 ring. The map must document and assign an identification number to all
2492 existing towers within the designated radius and include a brief statement
2493 explaining why the tower is not viable for collocation. The zoning
2494 administrator may require that the map be accompanied by a table
2495 providing additional data for each existing tower within 1 mile of the
2496 search ring, including but not limited to, the following: simple description
2497 of the tower, existing and maximum design height, registration number;
2498 owner's name and contact information; present percentage of use of the

- 2499 tower, available aperture at the requester’s preferred height, type of
2500 communication technology being used.
- 2501 **d. Radio frequency propagation maps.** Two radio frequency (RF) propagation
2502 plots depicting the carrier’s current service (clearly highlighting the existing
2503 service area void), and the service to be gained by the proposed facility.
2504 These plots shall be prepared in accordance with accepted industry
2505 standards and shall be accompanied by a clear and simply written
2506 description by an RF engineer explaining the plots and how to read them.
- 2507 **e. Site plan.** In addition to all of the information required under s.10.101(3),
2508 site plans must include the following information:
- 2509 iii. Existing or proposed zoning and conditional use permit area and
2510 proposed or existing lease area
- 2511 iv. Existing and/or proposed tower compound area depicting location
2512 and layout of existing and/or proposed tower and related facilities
2513 including distances to the lease and CUP area;
- 2514 v. Existing and/or proposed residences (if any) on both the subject
2515 property and neighboring properties within .5 mile of the subject
2516 property – distances should be shown to neighboring residences
2517 located within 1,500’ per 100’ of tower height;
- 2518 **f. Preliminary Design / Construction Plans.** A description of the tower design
2519 and height. The description shall include:
- 2520 i. A preliminary scaled elevation drawing of the proposed tower
2521 showing the location and elevation (feet Above Ground Level and
2522 Above Mean Sea Level) of each potential antenna array and any
2523 anticipated lighting. The drawing should also identify the proposed
2524 color and surfacing of the tower and ancillary facilities;
- 2525 ii. A statement indicating the anticipated design capacity of the tower
2526 in terms of the number and type of collocations it is designed to
2527 accommodate;
- 2528 iii. Preliminary drawings showing the dimensions and design details for
2529 all tower facilities.
- 2530 iv. Information regarding any anticipated or proposed lighting, including
2531 types and color of lights, and whether lighting is nighttime only or
2532 both day / night and any difference between time periods.
- 2533 **g. Notification to Other Carriers.** Applicants shall provide written notification
2534 to other carriers licensed to provide wireless services in Dane County
2535 informing them of the intent to construct a new telecommunication tower.
2536 The zoning administrator shall maintain a list of licensed carriers, including
2537 contact information and a standard form that may be used to fulfill this
2538 requirement.

- 2539 **h. Notification to Nearby Airports.** The applicant shall provide written
2540 notification to all operators and owners of airports located within 5 miles
2541 of the proposed site.
- 2542 **i. Aeronautic Hazards.** The applicant shall provide copies of a determination
2543 of no hazard from the federal aviation administration, including any
2544 aeronautical study or other findings, if applicable..
- 2545 **j. Existing and Proposed Network Buildout.** Written description, map, and
2546 attribute table documenting the applicant’s existing network in Dane
2547 County. Describe and show on a map generally where gaps in service
2548 currently exist. Describe and show on a map the applicant’s future plans for
2549 placement or construction of communication towers in Dane County and
2550 one mile surrounding the County’s border in addition to the proposed
2551 tower that is the subject of the application.
- 2552 **k. Other information** – Depending upon the proposal, the county Zoning &
2553 Land Regulation Committee may request additional information from the
2554 applicant prior to acting on a Conditional Use Permit application.
- 2555 **l. Fees.** Application fees as required in Chapter 12.
- 2556 **(c) General standards.**
- 2557 **a. Height.** Height shall meet any applicable airport height limitation ordinances.
2558 No tower may be more than 195 feet in height unless a variance from this
2559 requirement is granted based on unique transmission condition problems
2560 which cannot be overcome by another location.
- 2561 **b. Setbacks.** All structures must meet all front, side and rear setbacks provided
2562 by this ordinance and Chapter 11, Dane County Code.
- 2563 **(d) Standard Conditions.** In addition to the conditions described in s. 10.08(8)(d), the
2564 town board and zoning committee must impose the following conditions on any
2565 tower constructed under this section.
- 2566 **a.** New or substantially modified towers must be designed to support, without
2567 substantial modification, at least three users (the primary user and two
2568 collocation sites) for mounting of equipment supporting International
2569 Telecommunications Union “International Mobile Telecommunications-
2570 Advanced” systems (a/k/a “LTE / Long-term evolution”).
- 2571 **b.** The holder of the Conditional Use Permit shall, upon request, make required
2572 collocation sites available for the mounting of technologically compatible
2573 antenna arrays and equipment. Rates charged for collocation must conform
2574 to the prevailing market rate in the region and upon contractual provisions
2575 which are standard in the industry.
- 2576 **c.** No lease or deed restriction on property that is proposed for the location of a
2577 mobile service support structure or mobile service facility shall preclude the
2578 owner or lessee from entering into agreements, leases, or subleases with
2579 other providers or prohibit collocation of other providers..

2580 **d. Financial surety bonds or other security instruments, as described in**
2581 **s.10.101(6)b.x., will be required.**

2582 **(10) Domestic fowl and beekeeping.**

2583 **(a) Purpose.** The purpose and intent of this section is to provide a listing of standards
2584 that shall apply to the keeping of domestic fowl and bees in residential yards. The
2585 standards are designed to ensure that the keeping of fowl and insects is done in a
2586 responsible manner that protects the public health, safety, and welfare and avoids
2587 conflicts with neighboring uses.

2588 **(b) Fowl.** The keeping of 8 domestic fowl in the yards of single family residences or
2589 duplexes located in any zoning district shall be a permitted use, if such use complies
2590 with the following:

- 2591 1. Domestic fowl shall not be slaughtered on the premises.
- 2592 2. Domestic fowl must have access to a covered enclosure.
- 2593 3. Domestic fowl shall not be allowed to roam free and must be kept in a covered
2594 enclosure or fenced enclosure at all times.
- 2595 4. Covered and fenced enclosures must be clean, dry and odor-free, and kept in a
2596 manner that will not disturb the use or enjoyment of adjacent lots

2597 **(c) Bees.** The keeping of honeybees in the yards of single family residences or duplexes
2598 located in any zoning district shall be a permitted use, if the use complies with the
2599 following:

- 2600 1. Each residential lot shall be allowed to have at least 6 hives per lot. For residential
2601 lots over 10,000 square feet, no more than one hive per 1,600 square feet of lot
2602 area is permitted.
- 2603 2. A supply of water shall be provided for all hives.
- 2604 3. A flyway barrier at least six (6) feet in height shall shield any part of a property
2605 line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of
2606 a wall, fence, dense vegetation or a combination thereof and it shall be
2607 positioned to transect both legs of a triangle extending from an apex at the hive
2608 to each end point of the part of the property line to be shielded.

2609 **(d) Location of covered and fenced enclosures and hives.**

- 2610 1. Covered and fenced enclosures or hives shall be within the rear or side yard, and
2611 must be at least three (3) feet from any property line.
- 2612 2. Covered and fenced enclosures or hives shall not be closer than 25 feet to any
2613 principal residence on an adjacent lot.
- 2614 3. Covered and fenced enclosures or hives shall not be located closer than 75 feet
2615 from the ordinary high water mark of any lake, river, or stream.

2616 **(11) Farm residences.**

2617 **(a) Application.** Applicants must provide, in a form acceptable to the zoning
2618 administrator, the following information:

- 2619 1. Written description of the farm operation. The description should include the
2620 following details:
2621 a. Location of the farm.
2622 b. Size of the farm operation in acres.
2623 c. Crops grown and/or livestock raised.
2624 d. Number of employees, if any, in addition to farm family members.
2625 e. Summary of farm income derived from the farm operation.
2626 2. Completed Internal Revenue Service form "Schedule F – Profit or Loss from
2627 Farming," or subsequent IRS form for reporting farm profit or loss, for the past 3
2628 tax years.
2629 3. Farm conservation plan obtained from the Land Conservation Division of the
2630 Dane County Land & Water Resources Department, detailing the types/location
2631 of crops grown, and any on-farm conservation measures (e.g., grass drainage
2632 swales, buffer strips, etc.).
2633 4. Map/site plan with aerial photograph showing the farm ownership boundaries.
2634 The map should clearly identify the location of the proposed new Farm Residence
2635 and driveway access.
2636 (b) Permit conditions.
2637 1. Any approved conditional use permit for a farm residence shall expire on the sale
2638 of the property to an unrelated third party. Continued use of a farm residence
2639 after sale to an unrelated third party shall require approval of a new conditional
2640 use permit.
2641 2. The Zoning Committee may revoke any Conditional Use Permit it finds in violation
2642 of this section. Continued use of residence with a revoked conditional use permit
2643 shall require approval of a rezone petition to a zoning district that allows nonfarm
2644 residential use.
2645 3. The Zoning Committee shall require the recording of a notice document with the
2646 Register of Deeds on the subject property notifying current and future owners of
2647 the provisions of paragraph (i). And (ii) of this section.
- 2648 (12) Limited family business.
2649 (c) A conditional use permit for a limited family business is designed to accommodate
2650 small family businesses without the necessity for relocation or rezoning while at the
2651 same time protecting the interests of adjacent property owners. Applicants for this
2652 conditional use permit should recognize that rezoning or relocation of the business
2653 may be necessary or may become necessary if the business is expanded. No limited
2654 family or rural business shall conflict with the purposes of the zoning district in
2655 which it is located.
2656 (d) The use shall employ no more than one or one full-time equivalent, employee who
2657 is not a member of the family residing on the premises.
2658 (e) Using applicable conditional use permit standards, the committee shall determine
2659 the percentage of the property that may be devoted to the business.

- 2660 (f) The conditional use permit holder may be restricted to a service oriented business
2661 and thus prohibited from manufacturing or assembling products or selling products
2662 on the premises or any combination thereof.
2663 (g) The conditional use permit may restrict the number and types of machinery and
2664 equipment the permit holder may be allowed to bring on the premises.
2665 (h) Structures used in the business shall be considered to be residential accessory
2666 buildings and shall meet all requirements for such buildings. The design and size of
2667 the structures is subject to conditions set forth in the conditional use permit.
2668 (i) The conditional use permit shall automatically expire on sale of the property or the
2669 business to an unrelated third party.

2670 (13) Limited farm business.

- 2671 (a) Uses are limited to those listed as permitted uses in the LC or GC zoning districts,
2672 provided the use does not conflict with the overall purposes of the applicable
2673 zoning district.
2674 (b) Area dedicated to the Limited farm business use must not exceed 10,000 square
2675 feet in indoor floor area.
2676 (c) Limited farm businesses must be contained entirely within building(s) in existence
2677 prior to April 30, 2005.
2678 (d) The landowner must maintain, restore or enhance the existing exterior character of
2679 the building(s).
2680 (e) No Limited farm business shall employ more than 4 non-family employees.
2681

- 2682 (14) Mineral extraction.
2683 (a) *Application materials.* In addition to materials required for all conditional use
2684 permits, applicants must provide, in a format acceptable to the zoning
2685 administrator, the following:
- 2686 1. A legal description of the land for which the permit is requested.
 - 2687 a. This may be a lot in a Certified Survey Map, a lot (and block, if any) in a
2688 subdivision, or an exact “metes and bounds” description.
 - 2689 b. The description must include the size of the CUP area in acres or square feet.
 - 2690 2. Tax parcel number(s) of the lot(s) or parcel(s) where the conditional use is to be
2691 located. If the area proposed for the conditional use is a part of a larger parcel,
2692 applicant must provide the tax parcel number of the larger parcel.
 - 2693 3. A written statement containing the following information:
 - 2694 a. General description of the operation.
 - 2695 b. Existing use of the land.
 - 2696 c. Existing natural features including approximate depth to groundwater.
 - 2697 d. The types and quantities of materials that would be extracted.
 - 2698 e. Proposed dates to begin extraction, end extraction and complete
2699 reclamation.
 - 2700 f. Proposed hours and days of operation.
 - 2701 g. Geologic composition and depth to the mineral deposit.
 - 2702 h. Maximum proposed pit depth.
 - 2703 i. Identify all major proposed haul routes to the nearest Class A highway or
2704 truck route. Indicate traffic flow patterns.
 - 2705 j. Proposed phasing plan, if any (recommended for larger sites).
 - 2706 k. Types, quantities, and frequency of use of equipment to extract, process, and
2707 haul.
 - 2708 l. Whether and how frequently blasting, drilling, mining, crushing, screening,
2709 washing, refueling, fuel storage, asphalt batching or concrete mixing would
2710 be performed on site.
 - 2711 m. Whether excavation will occur below the water table and, if so, how ground
2712 water quality will be protected.
 - 2713 n. Any proposed temporary or permanent structures (e.g., scales, offices).
 - 2714 o. Any special measures that will be used for spill prevention and control, dust
2715 control, transportation, or environmental protection.
 - 2716 p. Proposed use after reclamation as consistent with Chapter 74.
 - 2717 4. *Additional Site Plan Information.* In addition to the submittal requirements
2718 described in sec. , applications for a mineral extraction conditional use permit
2719 shall include a Site Plan prepared by a qualified professional, drawn to a
2720 measurable scale large enough to show detail and at least 11” by 17” in size,
2721 showing the following information:
 - 2722 a. Boundaries of the permit area and of the extraction site.
 - 2723 b. Existing contour lines (not more than 10 foot intervals).

- 2724 c. All residences within 1,000 feet of the property.
2725 d. Specific location of proposed extraction area, staging area, equipment
2726 storage.
2727 e. Proposed location and surfacing of driveways.
2728 f. Proposed phasing plan, if any (recommended for larger sites).
2729 g. Proposed fencing of property, if any, and gating of driveways.
2730 h. Proposed location of stockpiles.
2731 i. Proposed location and type of screening berms and landscaping.
2732 j. Proposed temporary and permanent structures, including scales and offices
2733 5. *Erosion control plan*. An erosion control plan, drawn to scale by a professional
2734 engineer, meeting all applicable state and county requirements.
2735 6. *Reclamation plan*. A reclamation plan prepared in accordance with this ordinance,
2736 Chapter 74, Dane County Code and Chapter NR 135, Wisconsin Administrative
2737 Code.
2738 **(b) Conditions on mineral extraction conditional use permits.** In addition to conditions
2739 required for all conditional use permits, the town board and zoning committee shall
2740 impose, at a minimum, the following conditions on any approved conditional use
2741 permit for mineral extraction.
2742 1. Topsoil or approved topsoil substitute from the area of operation shall be saved
2743 and stored on site for reclamation of the area. Topsoil or approved topsoil
2744 substitute must be returned to the top layer of fill resulting from reclamation.
2745 2. The applicant shall submit an erosion control plan under Chapter 14, Dane County
2746 Code covering the entire CUP area for the duration of operations, and receive
2747 approval of an erosion control permit prior to commencing extraction operations.
2748 3. Unless extended under a. below, operations shall cease no later than _____ years
2749 from the date of CUP approval. (NOTE: Town and Committee to insert
2750 appropriate number of years for the particular application.)
2751 a. *Extensions*. Due to uncertainty in estimating duration for mineral
2752 extraction, conditional use permit holders who have operated without
2753 violations, may have the duration of their permit extended for a period not
2754 to exceed five years, based on an administrative review by the zoning
2755 administrator, in consultation with the town board. No more than one such
2756 extension shall be granted over the lifespan of the conditional use permit,
2757 and all conditions shall remain the same as the original permit. Further
2758 extensions or any modifications of conditions shall require re-application
2759 and approval of a new conditional use permit.
2760 4. Reclamation shall meet all requirements of Chapter 74 of the Dane County Code
2761 of Ordinances. In addition, all reclamation plans must meet the following
2762 standards:
2763 a. Final land uses after reclamation must be consistent with any applicable
2764 town comprehensive plan, the Dane County Comprehensive Plan and the
2765 Dane County Farmland Preservation Plan.

- 2766 **b.** Final slopes shall not be graded more than 3:1 except in a quarry operation.
2767 **c.** The area shall be covered with topsoil and seeded to prevent erosion.
2768 **d.** The area shall be cleared of all debris and left in a workmanlike condition
2769 subject to the approval of Dane County.
- 2770 **5.** The driveway accessing the subject site shall either be paved or covered with
2771 crushed asphalt for a minimum distance of 100 feet from the public right-of-way.
2772 The operator shall maintain the driveway in a dust free manner in accordance
2773 with local, state, and federal regulations, and shall clean any dust or mud tracked
2774 onto public roads.
- 2775 **6.** The access to the driveway shall have gates securely locked when the extraction
2776 site is not in operation. The site shall be signed “no trespassing.”
- 2777 **7.** All surface and subsurface operations shall be setback a minimum of 20’ from any
2778 property line that does not abut a public right of way.
- 2779 **8.** Excavations below the grade of an abutting public street or highway shall be set
2780 back from the street or highway a distance at least equal to the distance that is
2781 required for buildings or structures under s.10.102(9).
- 2782 **9.** Hours of operation shall be from ____ a.m. to ____ p.m., Monday through Friday,
2783 and from ____ a.m. to ____ p.m. on Saturdays. No operations of any kind shall
2784 take place on Sundays or legal holidays. The committee and town board may
2785 approve limited exceptions to normal hours of operations for projects associated
2786 with Wisconsin Department of Transportation or municipal road projects
2787 requiring night work. *[Note: Town and Committee to assign hours of operation
2788 appropriate to the particular application. Typical hours of operation are from 6:00
2789 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on
2790 Saturday. If there are residences nearby, hours may be more limited (e.g., start at
2791 7:00 a.m. with no Saturday hours).]*
- 2792 **10.** There shall be a safety fence around the entire extraction area at all times. That
2793 safety fence shall be a minimum of 4 feet in height.
- 2794 **11.** Except for incidental removal associated with dust spraying or other routine
2795 operations under this permit, water shall not be pumped or otherwise removed
2796 from the site.
- 2797 **12.** The operator shall require all trucks and excavation equipment to have muffler
2798 systems that meet or exceed then current industry standards for noise
2799 abatement.
- 2800 **13.** The operator shall meet DNR standards for particulate emissions as described in
2801 NR 415.075 and NR 415.076.
- 2802 **14.** Excavation below the elevation of an abutting public street or highway shall be
2803 set back from the street or highway a distance at least equal to the distance that
2804 is required for buildings or structures under section 10.17 of the DCCO.
- 2805 **15.** Dane County and the Town of _____ *[insert relative town name]* shall be listed
2806 as additional named insureds on the *[name of operator]* liability insurance policy,
2807 which shall be for a minimum of \$1,000,000 combined single limit coverage per

- 2808 occurrence. The operator shall furnish a copy of a Certificate of Insurance as
2809 evidence of coverage before operations commence. The liability insurance policy
2810 shall remain in effect until reclamation is complete.
- 2811 **16.** At their own initiative or at the applicant's request, the town board and zoning
2812 committee may set further reasonable restrictions on a mineral extraction
2813 operation , or prohibit any mineral extraction accessory use.
- 2814 **(c) Additional conditions for particular circumstances.** Where any of the following
2815 circumstances apply, the zoning committee and town board shall also impose the
2816 following conditions on any approved conditional use permit for mineral extraction:
- 2817 **1. Blasting.**
- 2818 **a. Blasting Schedule.** Blasting shall occur between sunrise and sunset, as
2819 required by SPS 307. The zoning committee and town board may set further
2820 daily limits on hours when blasting may occur, to minimize impact on
2821 neighboring properties. Schedules for blasting need not conform to hours of
2822 operation for the overall mineral extraction project.
- 2823 **a. Notice of Blasting Events.** Prior to any blasting event, notice shall be provided
2824 to nearby residents as described in SPS 307, Wisconsin Administrative Code.
2825 In addition, operators will honor the requests of residents within 500' of the
2826 mineral extraction site to either receive or stop receiving such notices at any
2827 time.
- 2828 **b. Other standards.** All blasting on the site must conform with all requirements
2829 of SPS 307, Wisconsin Administrative Code, as amended from time to time,
2830 or its successor administrative code regulations.
- 2831 **c. Fly rock** shall be contained within the permitted mineral extraction area.
- 2832 **2. Fuel storage.** All fuel storage must comply with ATCP 93, Wisconsin
2833 Administrative Code, including provisions for secondary spill containment.
- 2834 **3. Mineral extraction at or near groundwater.** All excavation equipment, plants, and
2835 vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet
2836 above the highest water table elevation to prevent against groundwater
2837 contamination from leaks or spills.
- 2838 **(15) Manufactured home communities.**
- 2839 **(a) Other regulations.** Manufactured home communities are also subject to the
2840 provisions of chapter SPC 326, Wis. Admin. Code, or its successor. The more
2841 restrictive combination of regulations shall apply.
- 2842 **(b) Space or lot size.** Each space or lot for the accommodation of a single manufactured
2843 home shall contain not less than 3,000 square feet of area.
- 2844 **(c) Spacing between manufactured homes and other buildings.**
- 2845 **1.** Except as exempted below, there shall be at least 20 feet of spacing between
2846 manufactured homes.
- 2847 **a. Exemptions.** In manufactured home communities established on or before
2848 May 31, 1998, there shall be at least 10 feet of spacing between

- 2849 manufactured homes. Expansions of such parks after May 31, 1998, whether
2850 by increasing the land area of the park or by placing additional homes in the
2851 park, or both, shall comply with the 20 foot spacing standard.
- 2852 2. Spacing between mobile homes and accessory buildings shall not be less than five
2853 (5) feet.
- 2854 (d) *Road setbacks.* Manufactured homes must meet all road setbacks applicable to
2855 single family residences under this ordinance..
- 2856 (e) *Off-street parking.* Each space or lot shall provide off-street parking as required in s.
2857 10.102(7).
- 2858 (f) *Landscaping.* Each space lot shall be landscaped with at least one fast growing tree
2859 of at least two (2) inches in diameter at ground level and two bushes or shrubs of at
2860 least three (3) feet in height. This requirement may be waived by the committee if,
2861 at the time of the application for a conditional use permit, a landscaping plan is
2862 submitted that utilizes topography, plantings of trees or shrubs and/or decorative
2863 fencing to provide a degree of privacy between lots.
- 2864 (g) *Parks and recreation facilities.* Each manufactured home community shall provide a
2865 park and recreation area of at least ½ acre for each 50 or fraction of 50 lots in the
2866 park. The park and recreation area shall be located to provide easy access for all
2867 residents in the park. Additionally, the area shall be well drained to provide a clean
2868 and safe area for children to play and shall be equipped with a sufficient amount of
2869 playground equipment to accommodate the children living in the park.
- 2870 (h) *Interior roads and streets.*
- 2871 1. All interior roads and streets of a manufactured home community shall conform
2872 to the standards for platted roads and streets as provided for in chapter 75, Dane
2873 County Code, and shall be paved in accordance with the paving standards of the
2874 town in which the park is located.
- 2875 2. The landowner shall provide to Dane County a map drawn to scale of the park
2876 showing the location of all interior roads, adjacent or abutting roads and points of
2877 access. Lots shall be clearly delineated and numbers assigned to each lot in
2878 sequence beginning with number 1.
- 2879 (i) *Removal and replacement of manufactured homes.* Manufactured homes may be
2880 removed and replaced in a manufactured home community provided that
2881 replacement is in compliance with the regulations of this subsection applicable to
2882 the park.

- 2883 (16) Outdoor assembly events.
- 2884 (a) The landowner shall file an event plan addressing, at a minimum the following
2885 issues:
- 2886 1. the number of events proposed each year
- 2887 2. the maximum expected attendance at each event
- 2888 3. off-street parking, to meet standards in s.10.102(7)
- 2889 4. days and hours of operation

- 2890 5. ingress and egress
2891 6. sanitation
2892 7. trash / recycling collection and disposal
2893 8. proposed signage
2894 9. other public safety issues
2895 (b) Event plans must be filed with the following:
2896 1. the zoning administrator,
2897 2. town clerk,
2898 3. servicing fire department,
2899 4. emergency medical service provider,
2900 5. Dane County Sheriff's Department and
2901 6. any local law enforcement agency.
2902 (c) Event plans for such activities must be filed at least 30 days prior to the start of any
2903 agricultural entertainment activities in each calendar year.
- 2904 (17) Salvage yards or junkyards
2905 (a) Use. For purposes of this ordinance, any premises used for the storage, gathering,
2906 recycling or sale of junk, as defined in this chapter, is a salvage recycling center. A
2907 salvage recycling center need not have a commercial purpose.
2908 1. Junk, as defined under this chapter, may be stored on any premises on which a
2909 permitted business enterprise is actually conducted, provided, that all such junk is
2910 actually used in the conduct of such permitted business enterprise, and that all
2911 such junk is at all times stored in an enclosed building on the premises, thereby
2912 securing it from public view.
2913 2. Junk, as defined in this chapter, may be stored on any premises used chiefly for
2914 residential purposes, provided that it is stored solely for eventual use on the
2915 premises, and that all such junk is at all times stored in an enclosed building
2916 thereby securing it from public view.
2917 (b) Location and boundaries.
2918 1. No salvage yard or junkyard shall be located within two hundred (200) feet of the
2919 boundary of a residential district.
2920 2. No salvage yard or junkyard shall be located within the zone of contribution to a
2921 municipal well, as shown in the most current adopted version of the *Dane County*
2922 *Water Quality Plan*.
2923 (c) License.
2924 1. Before any premises may be used as a privately operated salvage yard or
2925 junkyard, it shall be licensed. Application for such license shall be made to the
2926 zoning administrator, setting forth the description of the premises, the nature of
2927 the business and the materials to be handled, the type of construction of any
2928 building to be used in connection with the business, the applicant's name or
2929 names, officers, if any, and address of each. The application shall be referred to
2930 the zoning committee which shall, within a reasonable time, hold a public

2931 hearing, notice of which shall be given by a class 2 notice under chapter 985, Wis.
2932 Stats. If, after such public hearing, the zoning committee finds that the premises
2933 are in conformity with the provisions of this ordinance, and that the site is
2934 suitable for the conduct of such business, the committee shall grant a license, and
2935 such license shall expire on July 1 of each year. Licenses may be renewed from
2936 year to year on authorization of the committee when inspection discloses that
2937 the business is being conducted in accordance with the provisions of this
2938 ordinance.

2939 2. Revocation of license. Upon the complaint of any interested person, or on its own
2940 motion or after inspection discloses that the provisions of this ordinance are
2941 being violated, the zoning committee may hold a public hearing to determine
2942 whether a privately operated salvage yard or junkyard license shall be revoked,
2943 notice of such hearing to be given to all interested parties. After public hearing,
2944 the zoning committee may order the license revoked.

2945 3. Should any town elect to license salvage yard or junkyards by adoption of an
2946 ordinance pursuant to the provisions of [s. 59.55\(5\), Wis. Stats.](#), and file a copy of
2947 such ordinance with the zoning department, then the provisions of paragraphs (a)
2948 and (b) above shall not apply, but no such license shall be issued by any town for
2949 such purpose unless the area is properly zoned and unless the zoning committee,
2950 after public hearing, determines that the site is suitable. When a salvage yard or
2951 junkyard is licensed by the town, then the responsibility of controlling such
2952 salvage yard or junkyard rests with the town.

2953 **(18)** Small-scale farming.

2954 (a) Small-scale farming is considered an accessory use to a permitted or conditional
2955 principal use and is subject to the following limitations:

2956 (b) Except for domestic pets, domestic fowl and beekeeping, animal use shall not be
2957 permitted on parcels smaller than **one** acre. For parcels one acre or larger, animals
2958 shall be limited to one animal unit per acre.

2959 (c) Accessory buildings, structures or cages housing livestock shall be at least 100 feet
2960 from any residence (R) district.

2961 **(19)** Solid waste disposal operations.

2962 Solid waste disposal operations shall not be located within the zone of contribution for
2963 municipal wells, as shown in the most current adopted version of the *Dane County*
2964 *Water Quality Plan*.

2965 **(20)** Temporary batch concrete and asphalt production.

2966 (a) The zoning committee and town board shall set daily limits on hours for concrete
2967 and asphalt production, as necessary to minimize impact on neighboring
2968 properties. Schedules for concrete or asphalt production need not conform to
2969 hours of operation for the overall mineral extraction project.

2970
2971
2972
2973
2974

- (b)** Operators of concrete or asphalt plants shall be responsible for any conditions placed on such operations.
- (c)** Asphalt production facilities must comply with all requirements, including spill containment, of Chapter ATCP 93, Wisconsin Administrative Code..

DRAFT

2975 **10.200. Zoning Districts**

2976 **(1) Purpose.**

2977 All lands located within the jurisdiction of this chapter are hereby divided into zoning
 2978 districts in order to:

- 2979 **(a)** achieve compatibility of land uses within each district
- 2980 **(b)** implement the adopted goals, objectives and policies of the Dane County
 2981 Comprehensive Plan, town comprehensive plans, and the Dane County Farmland
 2982 Preservation Plan, and
- 2983 **(c)** to achieve the other stated purposes of this chapter.

2984 **(2) Zoning Districts**

2985 **(a)** Sections 10.210 through 10.292 describe the zoning districts within the jurisdiction
 2986 of this Chapter.

2987 **(b)** In each zoning district, land uses are divided into permitted and conditional uses.

- 2988 **1.** Unless specifically exempted, no development intended to accommodate a
 2989 permitted use listed in the applicable zoning district may take place until the
 2990 Zoning Administrator, or designee, has issued a zoning permit under s.10.100(1)
- 2991 **2.** No land use listed as a conditional use in the applicable zoning district may take
 2992 place until the town board and zoning committee approve a conditional use
 2993 permit under s. 10.100(7), or the board of adjustment overturns a denial of a
 2994 conditional use permit under s. 10.100(7)(c)4.
- 2995 **3.** Land uses not listed as either permitted uses or conditional uses are considered
 2996 to be prohibited in that zoning district.

2997 **(3) Table of Land Uses by Zoning District**

2998 The following tables provide a summary of permitted and conditional uses in each
 2999 zoning district. Please refer to the specific section for each zoning district for detailed
 3000 standards and requirements.

3001
 3002

Table 2: Natural Resource and Recreational Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Undeveloped natural resources and open space areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor passive recreation	C*	P										P	P					
Outdoor active recreation (day operations)		P										P	P					
Outdoor active recreation (night operations)		C										C	C		C	C		
Outdoor assembly events		C											C		C	C		
Campgrounds		C																

3003

Comprehensive Revision of Dane County Zoning Ordinance (Ch. 10, Dane County Code)
 ORDINANCE WORKING DRAFT. This is a preliminary document, not for adoption and
 subject to periodic updates. Last updated June 12, 2017

3004
 3005
 3006

P = "Permitted" C = "Conditional" * = with limitations

Table 3: Agriculture, Agriculture Accessory and Agriculture-Related Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Agriculture		P	P	P	P	P	P							P			P	
Agriculture accessory (not listed below)			P	P	P	P	P										P	
Farm residence (primary or secondary)			C		C	C												
Rental of existing or secondary residences located on a farm			P		P	P												
Limited farm business			C	C	C	C												
Agricultural entertainment (> 10 days)			C	C	C	C	C											
Sanitary plumbing fixtures in accessory buildings			C	C	C	C	C											
Agriculture-related (not listed below)					P													
Bio-diesel and ethanol manufacturing					C													C
Biopower facilities for distribution, retail, or wholesale sales					C													C
Dead stock hauling services					C													C
Fertilizer manufacturing plants					C													C
Fertilizer mixing or blending plants					C													C
Manure processing facilities					C													C
Stock yards, livestock auction facilities					C													C

P = "Permitted" C = "Conditional" * = with limitations

3007
 3008
 3009
 3010

Table 4: Institutional, Utility & Transportation Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Governmental, institutional, religious, or nonprofit community uses							C	C	C	C	C	P	P	C	P	P	C	C
Daycare center							C	C	C	C	C	C	C		P	P		
Institutional residential									C	C	C	C	C		C			
Utility services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transportation, utility, communication, or other use (pre-empted by state of federal law)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transportation, utility, communication or other use (not pre-empted by state of federal law)	C*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Airport, landing strip or heliport			C		C	C	C								C	C		
Freight and passenger bus terminal																		
Off-site parking lot															P	P		P

P = "Permitted" C = "Conditional" * = with limitations

3011
 3012
 3013

Items highlighted in yellow indicate new language or significant changes from current ordinance or practice.

3014

Table 5: Residential & Residential Accessory Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Single family residential								P	P	P	P	P	P		C			
Two-family residential										P	P	P	P		C			
Multifamily residential											P	C	C		C			
Mixed commercial/residential use												C	P		C			
Community living arrangements for less than nine (9) persons							P	P	P	P	P	P	P					
Community living arrangements for nine (9) to fifteen (15) persons							C	C	C	C	C	C	C					
Rooming house											P	C	C					
Manufactured home communities											C		C		C			
Residential accessory (not listed below)			p*		p*	p*	P	P	P	P	P	P	P					
Accessory dwelling unit (attached)							C	C	C	P	P	P	P					
Accessory dwelling unit (detached)										C	C	C	C					
Domestic fowl and beekeeping									P	P		P	P					
Foster homes for less than five (5) children licensed under section 48.62, Wis. Stats			p*		p*	p*	P	P	P	P	P	P	P					
Home occupations			P		P	P	P	P	P	P	P	P	P	P				
Limited family business												C	C					
Small scale farming*								P										
Tourist or transient lodging							C	C	C	C	C	C	C		P			
Incidental room rental			P		P	P	P	P	P	P	P	P	P					
More than 1 animal unit per acre								C										

P = "Permitted" C = "Conditional" * = with limitations

3015
 3016
 3017

3018

Table 6: Commercial Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Adult book stores																P		P
Adult entertainment																		P*
Automotive services												C			C	P		P
Commercial Animal Boarding, Domestic Pet							C								C	C		
Commercial Animal Boarding, Large Animal			C	C	C	C	C											
Commercial Indoor Lodging												C			C	P		
Contractor operations														P		P	P	P
Distribution center															C	C		P
Indoor entertainment												C			P	P		
Indoor maintenance and repair													P	P*	P	P	P	P
Indoor sales													P		P	P		
Indoor storage														P	P	P	P	P
In-vehicle sales or service																C		
Marinas															C	C		
Office													P		P	P	P	P
Outdoor entertainment		C										C			C	C		
Outdoor sales, display, or repair.																P	P	P
Outdoor Storage														C	C	C	P	P
Personal or professional service													P		P	P		
Personal storage facility																C		P
Storage of less than 12 total vehicles and pieces of construction equipment														P		P	P	P
Veterinary clinics					P		C						P		P	P		
Caretaker's residence		C												C	C	C	C	C
Residential uses in a commercial zone															C			
Storage of more than 12 total vehicles and pieces of construction equipment														C		C		

P = "Permitted" C = "Conditional" * = with limitations

3019
 3020
 3021

3022

Table 7: Manufacturing & Industrial Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use		Rural Residential	Residential			Traditional Neighborhood Design / Hamlet		Commercial			Industrial	
	NR-C	RE	FP-35	FP-1	FP-B	AT	RM	RR	SFR	TFR	MFR	TND-R	TND-M	LC	GC	HC	RI	MI
Heavy industrial																		P
Light industrial														C	C	P		P
Manufacturing																		P
Mineral extraction			C		C	C	C*										C	C
Salvage recycling centers																	C	C
Solid waste recycling centers																	C	C
Storage of explosive materials																	C	C
Temporary asphalt and concrete production			C		C	C	C*										C	C
Demolition material disposal sites																	C	C
Dumping grounds																	C	C
Incinerator sites																	C	C
Processing or composting of organic byproducts or wastes (not ag-related)																	C	C
Sanitary landfills																	C	C

P = "Permitted" C = "Conditional" * = with limitations

3023
3024

(4) Zoning Maps

3025
3026
3027
3028
3029
3030
3031
3032
3033

(a) Base and overlay zoning districts established by this chapter are shown on the Official Zoning Map of Dane County, on file with the Zoning Administrator. Together with all explanatory materials thereon, the Official Zoning Map of Dane County is hereby made part of this chapter. Where the Official Zoning Map does not indicate a zoning district for a particular area, unless the Map is in error, that area is either within the corporate limits of a city, within an area subject to extraterritorial zoning, and/or not subject to any rules associated with a zoning district.

(5) Interpretation Of Zoning District Boundaries.

3034
3035
3036
3037
3038
3039
3040
3041
3042
3043
3044

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of Dane County:

- (a)** Zoning district boundaries shown as following or approximately following the limits of any city, town or County boundary shall be construed as following such limits.
- (b)** Zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (c)** Zoning district boundaries shown as following or approximately following platted lot lines, ordinary high water marks, or other property lines as shown on the Lincoln County parcel maps shall be construed as following such lines.

- 3045 **(d)** Zoning district boundaries shown as following or approximately following the
3046 centerlines of streams, rivers, or other continuously flowing watercourses shall be
3047 construed as following the channel centerlines of such watercourses, and, in the
3048 event of a natural change in the location of such streams, rivers, or other
3049 watercourses, the zoning district boundary shall be construed as moving with the
3050 channel centerline.
- 3051 **(e)** Zoning district boundaries shown as separated from any of the features listed in
3052 paragraphs (a) through (d) above shall be construed to be at such distances as
3053 shown on the Official Zoning Map
- 3054 **(f)** Streets, highways, roads or alleys which are shown on the zoning district maps and
3055 which heretofore have been vacated, or which may be vacated hereafter, shall be
3056 in the same zoning district as the lots, pieces or parcels abutting both sides of the
3057 street, highway, road or alley involved. If the lots, pieces or parcels abutting each
3058 side of the street, highway, road or alley were located in different zoning districts
3059 before the said street or alley was vacated, the centerline of the said vacated street
3060 or alley shall be the boundary line of the respective zoning districts..
- 3061 **(g)** Where the exact location of a zoning district boundary, as shown on the Official
3062 Zoning Map, is uncertain, the boundary location shall be determined by the Zoning
3063 Administrator.
- 3064

3065 **10.210. Natural Resource and Recreation Zoning Districts**

3066 **(1) Provisions applicable to all Natural Resource and Recreation Districts**

3067 **10.211. NR-C (Natural Resource Conservation) Zoning District**

3068 **(1) Purpose.**

3069 The purpose of the NR-C Natural Resource Conservation district is to protect, maintain,
3070 and enhance natural resource and open space areas. Limited permitted and conditional
3071 uses are offered, and regulation of these areas will serve to control erosion and
3072 promote the rural character and natural beauty of the County while seeking to assure
3073 protection of areas with significant topography, natural watersheds, ground and surface
3074 water, wildlife habitat, recreational sites, archeological sites, and other natural resource
3075 characteristics that contribute to the environmental quality of the County.

3076 **(2) Permitted uses**

3077 **(a)** Undeveloped natural resource and open space area.

3078 **(b)** Hiking, fishing, trapping, hunting, swimming and boating.

3079 **(c)** Outdoor passive recreation

3080 **(d)** Propagation and raising of game animals, fowl and fish.

3081 **(e)** The practice of silviculture, including the planting, thinning and harvesting of
3082 timber.

3083 **(f)** The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits
3084 and tree seeds, in a manner that is not injurious to the natural reproduction of such
3085 crops.

3086 **(g)** Pasturing/grazing of domestic animals, limited to one (1) animal unit per each full
3087 acre.

3088 **(h)** Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and
3089 11.08, Dane County Code. Pasturing of livestock is subject to the animal unit
3090 limitation in sub. (e), above.

3091 **(i)** Soil conservation, shoreland, wetland and ecological restoration practices under an
3092 approved permit and consistent with technical standards approved by the Director
3093 of the Land and Water Resources.

3094 **(j)** Nonresidential buildings or structures accessory to any permitted use, provided
3095 any such building or structure is not located in a floodway, shoreland-wetland, or
3096 inland-wetland district.

3097 **(3) Conditional uses**

3098 **(a)** The establishment and development of public and private parks and recreation
3099 areas, primitive campgrounds, boat access sites, natural and outdoor education

- 3100 areas, historic and scientific areas, wildlife refuges, game preserves and private
3101 wildlife habitat areas.
- 3102 **(b)** Soil conservation, shoreland, wetland and ecological restoration practices, other
3103 than those listed as permitted uses above.
- 3104 **(c)** The construction and maintenance of roads, railroads or utilities, provided that:
- 3105 1. The facilities cannot as a practical matter be located outside the NR-C district; and
- 3106 2. Any filling, excavating, ditching, draining, land disturbance or removal of
- 3107 vegetation that is to be done must be necessary for such construction or
- 3108 maintenance and must be done in a manner designed to minimize adverse
- 3109 impacts upon the natural and ecological resources of the site.
- 3110 3. Lot size requirements
- 3111 a. Minimum lot size. None.
- 3112 b. Maximum lot size. None.
- 3113 4. Setbacks and required yards
- 3114 a. **Front yard.** Any permitted structure must comply with road setbacks as
- 3115 described in s. 10.06(8). For parcels without road frontage, structures must
- 3116 be at least four feet from the lot line where primary access to the parcel is
- 3117 made.
- 3118 b. **Side yard.** Any permitted structures must be at least four feet from the side
- 3119 lot line.
- 3120 c. **Rear yard.** Any permitted structures must be at least four feet from the
- 3121 rear lot line.
- 3122 d. Lot coverage.
- 3123

3124 10.212. RE (Recreational) Zoning District

3125 (1) Purpose. The purpose of the RE Recreational District is to allow for a mix of
3126 environmental conservation and both passive and active outdoor recreation activities.
3127 Permitted uses are those typically associated with public or private parks, golf courses
3128 and similar land uses that produce limited noise, traffic, light and other potential
3129 nuisances. Conditional uses include those uses, such as lighted athletic fields, outdoor
3130 concerts and commercial uses that have the potential to generate significant noise,
3131 traffic or other impacts to neighboring properties.

3132 (2) Permitted uses

- 3133 (a) All uses permitted in the NR-C district
3134 (b) All conditional uses in the NR-C district
3135 (c) Agricultural uses
3136 (d) Outdoor active recreation, not lighted for nighttime activities
3137 (e) Outdoor passive recreation
3138 (f) Recreational accessory uses
3139 (g) Utility services associated with, and accessory to, a permitted or conditional use

3140 (3) Conditional uses

- 3141 (a) Campgrounds
3142 (b) Caretaker's residence
3143 (c) Cemeteries
3144 (d) Outdoor active recreation, lighted for nighttime activities
3145 (e) Outdoor assembly events
3146 (f) Outdoor entertainment
3147 (g) The construction and maintenance of roads, railroads, utilities, provided that:
3148 1. The facilities cannot as a practical matter be located outside the RE district; and
3149 2. Any filling, excavating, ditching, draining, land disturbance or removal of
3150 vegetation that is to be done must be necessary for such construction or
3151 maintenance and must be done in a manner designed to minimize adverse
3152 impacts upon the natural and ecological resources of the site.

3153 (4) Lot size requirements

- 3154 (a) Minimum lot size. All lots created in the RE-1 zoning district must be at least 15,000
3155 square feet in area.
3156 (b) Maximum lot size. None.

3157 (5) Setbacks and required yards.

- 3158 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
3159 in [s. 10.06\(8\)](#). For parcels without road frontage, structures must be at least four
3160 feet from the lot line where primary access to the parcel is made.

3161 **(b) Side yard.** Any permitted structures must be at least four feet from the side lot line.
3162 **(c) Rear yard.** Any permitted structures must be at least four feet from the rear lot
3163 line.

3164 **(6) Lot coverage.**
3165

DRAFT

3166 10.220. Farmland Preservation Districts

3167 (1) Provisions applicable to all Farmland Preservation Districts

3168 (a) **Conditional Use Standards in Farmland Preservation Districts.** In addition to the
3169 requirements of [s. 10.05\(7\)\(d\)](#), the zoning committee must find that the following
3170 standards are met before approving any conditional use permit in any Farmland
3171 Preservation zoning district.

- 3172 1. The use and its location in the Farmland Preservation Zoning District are
3173 consistent with the purposes of the district.
3174 2. The use and its location in the Farmland Preservation Zoning district are
3175 reasonable and appropriate, considering alternative locations, or are specifically
3176 approved under state or federal law.
3177 3. The use is reasonably designed to minimize the conversion of land, at and around
3178 the site of the use, from agricultural use or open space use.
3179 4. The use does not substantially impair or limit the current or future agricultural
3180 use of surrounding parcels of land that are zoned for or legally restricted to
3181 agricultural use.
3182 5. Construction damage to land remaining in agricultural use is minimized and
3183 repaired, to the extent feasible.

3184 (b) **Rezoning out of a Farmland Preservation Zoning District.** The county board must
3185 find that the following standards are met before approving any petition to rezone
3186 any land from a Farmland Preservation Zoning district to a non-Farmland
3187 Preservation zoning district:

- 3188 1. The land is better suited for a use not allowed in the farmland preservation
3189 zoning district.
3190 2. The rezoning is consistent with the current adopted version of the *Dane County*
3191 *Comprehensive Plan*.
3192 3. The rezoning is substantially consistent with the current state- certified *Dane*
3193 *County Farmland Preservation Plan*.
3194 4. The rezoning will not substantially impair or limit current or future agricultural
3195 use of surrounding parcels of land that are zoned for or legally restricted to
3196 agricultural use.

3197

3198 10.221. FP-1 (Small-lot Farmland Preservation) Zoning District

3199 (1) Purpose. The FP-1 district is designed to:

- 3200 (a) Provide for a modest range of agriculture and agricultural accessory uses, at scales
3201 consistent with the size of the parcel and compatible with neighboring land uses.
3202 The FP-1 district accommodates uses which are associated with production and
3203 harvesting of crops, livestock, animal products or plant materials. These uses may
3204 involve noise, dust, odors, heavy equipment, use of chemicals and long hours of
3205 operation.
- 3206 (b) Allow for incidental processing, packaging, storage, transportation, distribution or
3207 other activities intended to add value to agricultural products produced on the
3208 premises or to ready such products for market.
- 3209 (c) Preserve agricultural and open space uses on zoning lots between one (1) and
3210 thirty-five (35) acres in size.
- 3211 (d) Provide for additional economic opportunities for property owners that are
3212 generally compatible with agricultural use, such as the establishment of new small-
3213 scale farming operations, including market gardens, road-side farmstands, pick-
3214 your-own operations, or Community Support Agriculture farms.
- 3215 (e) Preserve remnant parcels of productive agricultural land following development of
3216 adjoining property.
- 3217 (f) Meet the criteria for certification as a Farmland Preservation Zoning District under
3218 [s. 91.38, Wis. Stats.](#)

3219 (2) Permitted uses. The following are permitted uses in this district:

- 3220 (a) Agricultural uses. Livestock use must comply with Chapter ATCP 50, Wisconsin
3221 Administrative Code.
- 3222 (b) Agricultural Accessory Uses, subject to the exceptions and limitations below.
- 3223 1. Exceptions.
- 3224 a. Farm residences
- 3225 b. Uses listed as conditional uses below.
- 3226 2. Limitations.
- 3227 a. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3228 exhibition of farm machinery and technology, agricultural association
3229 meetings and similar activities, must occur on five or fewer days in a calendar
3230 year.
- 3231 b. The seasonal storage of recreational equipment and motor vehicles owned
3232 by private individuals other than those residing on the premises, such
3233 storage to be in accessory farm buildings existing as of January 1, 2010. The
3234 storage of a dealer's inventory or the construction of any new buildings for
3235 storage is prohibited.
- 3236 (c) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
- 3237 (d) Undeveloped natural resource and open space areas.

- 3238 (e) Utility services associated with, and accessory to, a permitted or conditional use.
3239 (f) A transportation, utility, communication, or other use that is:
3240 1. required under state or federal law to be located in a specific place, or;
3241 2. is authorized to be located in a specific place under a state or federal law that
3242 specifically preempts the requirement of a conditional use permit.
- 3243 (3) Conditional uses.
- 3244 (a) Agricultural accessory uses. In addition to the other requirements of this ordinance,
3245 the following uses must meet the definition of an agricultural accessory use under
3246 [s. 10.04\(9\)](#).
- 3247 1. Sale of agricultural and dairy products not produced on the premises and
3248 incidental sale of non-alcoholic beverages and snacks.
3249 2. Agricultural entertainment activities.
3250 3. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3251 exhibitions of farm machinery and technology, agricultural association meetings
3252 and similar activities, occurring on more than five days in a calendar year.
3253 4. Limited farm business.
3254 5. Sanitary facilities in an agricultural accessory building.
- 3255 (b) Transportation, communications, pipeline, electric transmission, utility, or drainage
3256 uses, not listed as a permitted use above.
- 3257 (4) Lot size requirements.
- 3258 (a) Minimum lot size. All lots created in the FP-1 zoning district must be at least one
3259 acre in area, excluding public rights-of-way.
3260 (b) Maximum lot size. All lots created in the FP-1 zoning district must be smaller than
3261 35 acres in area, excluding public rights-of-way.
3262 (c) Minimum lot width. All lots created in the FP-1 zoning district must have a
3263 minimum width of 100 feet.
- 3264 (5) Setbacks and required yards.
- 3265 (a) Front yard. Any permitted structure must comply with road setbacks as described in
3266 s. 10.06(8). For parcels without road frontage, structures must be at least 50 feet
3267 from the lot line where primary access to the parcel is made.
3268 (b) Side yard.
- 3269 1. Structures housing livestock must be:
- 3270 a. At least 100 feet from the side lot line of any parcel in any of the Residential
3271 zoning districts, or
3272 b. At least 10 feet from any other side lot line.
- 3273 2. Accessory structures not housing livestock must be at least 10 feet from any side
3274 lot line.
- 3275 (c) Rear yard.
- 3276 1. Structures housing livestock must be at least:

- 3277 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
3278 districts, or
3279 b. 10 feet from any other rear lot line.
3280 2. Accessory structures not housing livestock must be at least 10 feet from any rear
3281 lot line.
- 3282 (6) Building height.
3283 (a) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 3284 (7) Lot coverage.
3285 (a) Parcels under 2 acres in area. No building together with its accessory buildings shall
3286 occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent
3287 (35%) of the area of a corner lot.
3288 (b) Parcels over 2 acres in area. No limitation on lot coverage.
- 3289 (8) Other restrictions on buildings.
3290 (a) Accessory buildings.
3291 1. There is no limitation on the number of accessory buildings in the FP-35 district.
3292 2. Accessory buildings may be constructed on property without a principal residence
3293 only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3294 3. Sanitary facilities are prohibited in agricultural accessory buildings unless
3295 specifically authorized by conditional use permit.
3296

3297 10.222. FP-35 (General Farmland Preservation) Zoning District

3298 **(1) Purpose.**

3299 The FP-35 General Farmland Preservation district is designed to:

- 3300 (a) Provide for a wide range of agriculture and agricultural accessory uses, at various
3301 scales. The FP-35 district accommodates as permitted uses all activities typically
3302 associated with the primary production and harvesting of crops, livestock, animal
3303 products or plant materials. Such uses may involve noise, dust, odors, heavy
3304 equipment, use of chemicals and long hours of operation.
- 3305 (b) Allow for incidental processing, packaging, storage, transportation, distribution or
3306 other activities intended to add value to agricultural products produced on the
3307 premises or to ready such products for market. Such uses are conditional as they
3308 may have the potential to pose conflicts with agricultural use due to: volumes or
3309 speed of vehicular traffic; residential density; proximity to incompatible uses;
3310 environmental impacts; or consumption of agriculturally productive lands.
- 3311 (c) Allow for other incidental activities, compatible with agricultural use, to
3312 supplement farm family income and support the agricultural community.
- 3313 (d) Preserve productive agricultural land for food and fiber production.
- 3314 (e) Preserve productive farms by preventing land use conflicts between incompatible
3315 uses.
- 3316 (f) Maintain a viable agricultural base to support agricultural processing and service
3317 industries.
- 3318 (g) Reduce costs for providing services to scattered non-farm uses..
- 3319 (h) Pace and shape urban growth.
- 3320 (i) Meet the criteria for certification as a Farmland Preservation Zoning District under
3321 s. 91.38, Wis. Stats.

3322 **(2) Permitted uses**

- 3323 (a) Agricultural Uses.
- 3324 (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd.(3)
3325 below, and subject to the following limitations and standards.
- 3326 1. Any residence lawfully existing as of February 20,2010, provided all of the
3327 following criteria are met:
- 3328 a. the use remains residential,
- 3329 b. the structure complies with all building height, setback, side yard and rear
3330 yard standards of this ordinance; and
- 3331 c. for replacement residences, the structure must be located within 100 feet of
3332 the original residence, unless site-specific limitations or town residential
3333 siting standards in town plans adopted by the county board require a
3334 greater distance. Proposals for a replacement residence that would exceed
3335 the 100 foot limitation must be approved by the relevant town board and
3336 county zoning committee.

- 3337 2. Rental of existing or secondary residences located on a farm, but no longer
3338 utilized in the operation of the farm.
- 3339 3. Agricultural entertainment activities under 10 days per calendar year in the
3340 aggregate, including incidental preparation and sale of beverages and food.
- 3341 4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3342 exhibitions of farm machinery and technology, agricultural association meetings
3343 and similar activities occurring on no more than five days in a calendar year.
- 3344 5. The seasonal storage of recreational equipment and motor vehicles owned by
3345 private individuals other than those residing on the premises, such storage to be
3346 in accessory farm buildings existing as of January 1, 2010. The storage of a
3347 dealer's inventory or the construction of any new buildings for storage is
3348 prohibited.
- 3349 (c) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
- 3350 (d) Undeveloped natural resource and open space areas.
- 3351 (e) Utility services associated with, and accessory to, a permitted or conditional use.
- 3352 (f) A transportation, utility, communication, or other use that is:
- 3353 1. required under state or federal law to be located in a specific place, or;
- 3354 2. is authorized to be located in a specific place under a state or federal law that
3355 specifically preempts the requirement of a conditional use permit.
- 3356 **(3) Conditional uses.** The following uses require a Conditional Use Permit in this district:
- 3357 (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance,
3358 the following uses must meet the definition of an agricultural accessory use under
3359 s. 10.04(9).
- 3360 1. Farm Residence, subject to s. 10.07(11).
- 3361 2. Secondary farm residence, subject to s. 10.07(11).
- 3362 3. Airports, landing strips or heliports for private aircraft owned by the owner or
3363 operator of a farm.
- 3364 4. Limited Farm Business.
- 3365 5. Sale of agricultural and dairy products not produced on the premises and
3366 incidental sale of non-alcoholic beverages and snacks.
- 3367 6. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3368 exhibitions of farm machinery and technology, agricultural association meetings
3369 and similar activities, occurring on more than five days in a calendar year.
- 3370 7. Agricultural entertainment activities occurring 10 days or more per calendar year,
3371 in aggregate.
- 3372 (b) Transportation, communications, pipeline, electric transmission, utility, or drainage
3373 uses, not listed as a permitted use above.
- 3374 (c) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats.,
3375 s. 10.07(14) and chapter 74.
- 3376 (d) Small scale electric generating stations, meeting the requirements of s. 91.46(4),
3377 Wis. Stats., that produce energy primarily for users off the farm.

- 3378 (4) Lot size requirements.
3379 (a) **Minimum lot size.** All lots created in the FP-35 zoning district must be at least
3380 thirty-five (35) acres in area, excluding public rights-of-way.
3381 (b) Maximum lot size. None.
3382 (c) Minimum lot width. None.
- 3383 (5) Setbacks.
3384 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
3385 in s. 10.06(8).
3386 (b) **Side yards.** Any permitted structures must be set back from side property lines as
3387 follows:
3388 1. Principal residential buildings must be at least 10 feet from any side lot line and a
3389 total of at least 25 feet from both side lot lines.
3390 2. Structures housing livestock must be:
3391 a. At least 100 feet from the side lot line of any parcel in any of the
3392 Residential zoning districts, or
3393 b. At least 10 feet from any other side lot line.
3394 3. Accessory structures not housing livestock must be at least 10 feet from any side
3395 lot line.
3396 (c) **Rear yard.** Any permitted structures must be set back from rear property lines as
3397 follows:
3398 1. Principal residential buildings must be at least 50 feet from the rear lot line.
3399 2. Uncovered decks or porches attached to a principal residence must be at least 38
3400 feet from the rear lot line.
3401 3. Structures housing livestock must be at least:
3402 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
3403 districts, or
3404 b. 10 feet from any other rear lot line.
3405 4. Accessory structures not housing livestock must be at least 10 feet from any rear
3406 lot line.
- 3407 (6) Building height.
3408 (a) *Residential buildings.*
3409 1. Principal residential buildings shall not exceed a height of two and a half stories or
3410 35 feet.
3411 2. Residential accessory buildings shall not exceed a height of 35 feet.
3412 (b) *Agricultural buildings.* There is no limitation on height for agricultural buildings.
- 3413 (7) **Lot coverage.** There is no limitation on lot coverage in the FP-35 district.
- 3414 (8) Other restrictions on buildings.

- 3415
3416
3417
3418
3419
3420
3421
3422
3423
3424
3425
1. Principal buildings. Except for secondary farm residences authorized by conditional use permit, no more than one principal building is permitted per lot.
 2. Accessory buildings.
 - a. There is no limitation on the number of accessory buildings in the FP-35 district.
 - b. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
 - c. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory buildings may not be used as living space.

DRAFT

3426 10.223. FP-B (Farmland Preservation – Business) Zoning District

3427 (1) Purpose. The FP-B Farmland Preservation-Business District is designed to:

3428 (a) Provide for a wide range of agriculture, agricultural accessory and agriculture-
3429 related uses, at various scales with the minimum lot area necessary to
3430 accommodate the use. The FP-B district accommodates uses which are commercial
3431 or industrial in nature; are associated with agricultural production; require a rural
3432 location due to extensive land area needs or proximity of agricultural resources;
3433 and do not require urban services.

3434 1. In appearance and operation permitted uses in the FP-B district are often
3435 indistinguishable from a farm.

3436 2. Conditional uses are more clearly commercial or industrial in nature, and may
3437 involve facilities or processes that require a remote location distant from
3438 incompatible uses, proximity to agricultural products or suppliers and/or access
3439 to utility services or major transportation infrastructure.

3440 3. Examples of activities in the FP-B district may include, but are not limited to,
3441 agricultural support services, value-added, or related businesses such as
3442 implement dealers; veterinary clinics; farm machinery repair shops; agricultural
3443 supply sales, marketing, storage, and distribution centers; plant and tree
3444 nurseries; and facilities for the processing of natural agricultural products or by-
3445 products, including fruits, vegetables, silage, or animal proteins. Such activities
3446 are characterized by:

3447 a. Wholesale or retail sales, and outdoor storage/display of agriculture-
3448 related equipment, inputs, and products;

3449 b. Parking areas, outdoor lighting, and signage appropriate to the scale of use;

3450 c. Small, medium, or large utilitarian structures/facilities/workshops,
3451 appropriate to the scale of use;

3452 d. Low to moderate traffic volumes;

3453 e. Noises, odors, dust, or other potential nuisances associated with
3454 agriculture-related production or processing.

3455 f. Meet the requirements for certification as a Farmland Preservation Zoning
3456 District under s. 91.38, Wis. Stats.

3457 (2) Permitted uses.

3458 (a) Agricultural uses.

3459 (b) Agricultural Accessory Uses, except those uses listed as conditional uses and subject
3460 to the limitations and standards below.

3461 1. Agricultural entertainment activities under 10 days per calendar year in the
3462 aggregate, including incidental preparation and sale of beverages and food.

3463 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3464 exhibitions of farm machinery and technology, agricultural association meetings
3465 and similar activities occurring on no more than five days in a calendar year.

- 3466 3. The seasonal storage of recreational equipment and motor vehicles owned by
3467 private individuals other than those residing on the premises, such storage to be
3468 in accessory farm buildings existing as of January 1, 2010. The storage of a
3469 dealer's inventory or the construction of any new buildings for storage is
3470 prohibited.
- 3471 (c) Agriculture-related uses, except uses listed as conditional uses below, consistent
3472 with the purpose statement for the FP-B district.
- 3473 (d) Large animal boarding that complies with ATCP 50, Wisconsin Administrative Code.
- 3474 (e) Undeveloped natural resources and open space areas
- 3475 (f) Utility services associated with a farm or a permitted agricultural accessory use.
- 3476 (g) A transportation, utility, communication, or other use that is:
- 3477 1. required under state or federal law to be located in a specific place, or;
- 3478 2. is authorized to be located in a specific place under a state or federal law that
3479 specifically preempts the requirement of a conditional use permit.

3480 **(3) Conditional uses.**

- 3481 (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance,
3482 the following uses must meet the definition of an agricultural accessory use under
3483 s. 10.04(9) .
- 3484 1. Farm Residence, subject to s. 10.07(11).
- 3485 2. Secondary farm residence, subject to s. 10.07(11).
- 3486 3. Airports, landing strips or heliports for private aircraft owned by the owner or
3487 operator of the farm or agriculture-related use on the premises.
- 3488 4. Limited farm business.
- 3489 5. Sale of agricultural and dairy products not produced on the premises and
3490 incidental sale of non-alcoholic beverages and snacks.
- 3491 6. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3492 exhibitions of farm machinery and technology, agricultural association meetings
3493 and similar activities, occurring on more than five days in a calendar year.
- 3494 7. Agricultural entertainment activities occurring 10 days or more per calendar year,
3495 in aggregate.
- 3496 (b) Agriculture-related uses: In addition to the other requirements of this ordinance,
3497 the following uses must meet the definition of an agriculture-related use under s.
3498 10.04(11).
- 3499 1. Commercial animal boarding for farm animals, and not including boarding for
3500 domestic pets.
- 3501 2. Dead stock hauling services;
- 3502 3. Stock yards, livestock auction facilities;
- 3503 4. Bio-diesel and ethanol manufacturing;
- 3504 5. Manure processing facilities;
- 3505 6. Biopower facilities for distribution, retail, or wholesale sales.
- 3506 (c) Transportation, communications, pipeline, electric transmission, utility, or drainage

- 3507 uses, not listed as a permitted use above.
- 3508 1. Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis.
- 3509 Stats., s. 10.191 and chapter 74. The application shall conform to the
- 3510 requirements of s. 10.07(14).
- 3511 2. Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis.
- 3512 Stats., for production of material to be used in construction or maintenance of
- 3513 public roads, to be limited in time to project duration.
- 3514 3. Small scale electric generating stations, meeting the requirements of s. 91.46(4),
- 3515 Wis. Stats., that produce energy primarily for users off the farm.
- 3516 (4) Lot size requirements.
- 3517 (a) Minimum lot size. All lots created in the FP-B zoning district must be at least 20,000
- 3518 square feet in area, excluding public rights-of-way.
- 3519 (b) Maximum lot size. None.
- 3520 (c) Minimum lot width. All lots created in the FP-B zoning district must have a
- 3521 minimum lot width of 100 feet.
- 3522 (5) Setbacks.
- 3523 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
- 3524 in s. 10.06(8).
- 3525 (b) **Side yards.** Any permitted structures must be set back from side property lines as
- 3526 follows:
- 3527 1. Principal residential buildings must be at least 10 feet from any side lot line and a
- 3528 total of at least 25 feet from both side lot lines.
- 3529 2. Structures housing livestock must be:
- 3530 a. At least 100 feet from the side lot line of any parcel in any of the Residential
- 3531 zoning districts, or
- 3532 b. At least 10 feet from any other side lot line.
- 3533 3. Accessory structures not housing livestock must be at least 10 feet from any side
- 3534 lot line.
- 3535 (c) **Rear yard.** Any permitted structures must be set back from rear property lines as
- 3536 follows:
- 3537 1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 3538 2. Uncovered decks or porches attached to a principal residence must be at least 38
- 3539 feet from the rear lot line.
- 3540 3. Structures housing livestock must be at least:
- 3541 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
- 3542 districts, or
- 3543 b. 10 feet from any other rear lot line.
- 3544 4. Accessory structures not housing livestock must be at least 10 feet from any rear
- 3545 lot line.

- 3546 (6) Building height.
3547 (a) Residential buildings.
3548 1. Principal residential buildings shall not exceed a height of two and a half stories or
3549 35 feet.
3550 2. Residential accessory buildings shall not exceed a height of 35 feet.
3551 (b) *Agricultural buildings*. There is no limitation on height for agricultural buildings.
- 3552 (7) **Lot coverage**. There is no limitation on lot coverage in the FP-B district.
- 3553 (8) Other restrictions on buildings.
3554 (a) Accessory buildings.
3555 1. There is no limitation on the number of accessory buildings in the FP-35 district.
3556 2. Accessory buildings may be constructed on property without a principal residence
3557 only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3558 3. Sanitary fixtures are permitted in agricultural accessory buildings, however
3559 accessory buildings may not be used as living space.
3560

DRAFT

3561 10.230. Rural Mixed-Use & Transitional Zoning Districts

3562 (1) Provisions applicable to all Rural Mixed-Use Districts

3563 10.231. AT-35 (Agriculture Transition, 35 acres) Zoning District

3564 (1) Purpose.

3565 The purpose of the AT-35 Agriculture Transition District is to preserve, for an
3566 unspecified time period in agricultural and related open-space land uses, those lands
3567 generally located in proximity to developed areas within Dane County where urban
3568 expansion is inevitable and broadly in keeping with long time plans for development. It
3569 is intended that urban development be deferred in such areas until the appropriate
3570 authorities concerned determine that it is economically and financially feasible to
3571 provide public services and facilities for uses other than those permitted in the district.
3572 It is also intended that the status of all areas in this district be reviewed by the
3573 appropriate authorities periodically in order to determine whether, in light of current
3574 land development trends, there should be a transfer of all or any part of those areas to
3575 some other appropriate use district.

3576 (2) Permitted uses

3577 (a) Agricultural Uses.

3578 (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3)
3579 below, and subject to the following limitations and standards.

- 3580 1. Agricultural entertainment activities under 10 days per calendar year in the
3581 aggregate, including incidental preparation and sale of beverages and food.
3582 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3583 exhibitions of farm machinery and technology, agricultural association meetings
3584 and similar activities occurring on no more than five days in a calendar year.
3585 3. The seasonal storage of recreational equipment and motor vehicles owned by
3586 private individuals other than those residing on the premises, such storage to be
3587 in accessory farm buildings existing as of January 1, 2010. The storage of a
3588 dealer's inventory or the construction of any new buildings for storage is
3589 prohibited.

3590 (c) Undeveloped natural resource and open space areas

3591 (d) Utility services associated with, and accessory to, a permitted or conditional use.

3592 (e) A transportation, utility, communication, or other use that is:

- 3593 1. required under state or federal law to be located in a specific place, or;
3594 2. is authorized to be located in a specific place under a state or federal law that
3595 specifically preempts the requirement of a conditional use permit.

3596 **(3) Conditional uses.**

- 3597 **(a) Agricultural Accessory Uses:** In addition to other requirements of this ordinance,
3598 the following uses must meet the definition of an agricultural accessory use under
3599 s. 10.04(9).
- 3600 1. Farm Residence, subject to s. 10.07(11).
 - 3601 2. Secondary farm residence, subject to s. 10.07(11).
 - 3602 3. Airports, landing strips or heliports for private aircraft owned by the owner or
3603 operator of a farm.
 - 3604 4. Limited Farm Business.
 - 3605 5. Sale of agricultural and dairy products not produced on the premises and
3606 incidental sale of non-alcoholic beverages and snacks.
 - 3607 6. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3608 exhibitions of farm machinery and technology, agricultural association meetings
3609 and similar activities, occurring on more than five days in a calendar year.
 - 3610 7. Agricultural entertainment activities occurring 10 days or more per calendar year,
3611 in aggregate.
- 3612 **(b) Governmental, institutional, religious, or nonprofit community uses.**
- 3613 **(c) Transportation, communications, pipeline, electric transmission, utility, or drainage**
3614 **uses, not listed as a permitted use above.**
- 3615 1. New construction of a communications tower under s. 10.07(9), as required by
3616 s.66.0404, Wis. Stats.
 - 3617 2. Substantial modification of a communications tower under s.10.07(9), as required
3618 by s. 66.0404, Wis. Stats.
- 3619 **(d) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats.,**
3620 **s. 10.07(14) and chapter 74.**
- 3621 **(e) Small scale electric generating stations, meeting the requirements of s. 91.46(4),**
3622 **Wis. Stats., that produce energy primarily for users off the farm.**

3623 **(4) Lot size requirements.**

- 3624 **(a) Minimum lot size.** All lots created in the AT-35 zoning district must be at least
3625 thirty-five (35) acres in area, excluding public rights-of-way.
- 3626 **(b) Maximum lot size.** None.
- 3627 **(c) Minimum lot width.** None.

3628 **(5) Setbacks.**

- 3629 **(a) Front yard.** Any permitted structure must comply with road setbacks as described
3630 in s. 10.06(8).
- 3631 **(b) Side yards.** Any permitted structures must be set back from side property lines as
3632 follows:
- 3633 1. Principal residential buildings must be at least 10 feet from any side lot line and a
3634 total of at least 25 feet from both side lot lines.
 - 3635 2. Structures housing livestock must be:

- 3636 3. At least 100 feet from the side lot line of any parcel in any of the Residential
3637 zoning districts, or
3638 4. At least 10 feet from any other side lot line.
3639 5. Accessory structures not housing livestock must be at least 10 feet from any side
3640 lot line.
- 3641 **(c) Rear yard.** Any permitted structures must be set back from rear property lines as
3642 follows:
3643 1. Principal residential buildings must be at least 50 feet from the rear lot line.
3644 2. Uncovered decks or porches attached to a principal residence must be at least 38
3645 feet from the rear lot line.
3646 3. Structures housing livestock must be at least:
3647 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
3648 districts, or
3649 b. 10 feet from any other rear lot line.
3650 4. Accessory structures not housing livestock must be at least 10 feet from any rear
3651 lot line.
- 3652 **(6) Building height.**
3653 **(a) Residential buildings.**
3654 1. Principal residential buildings shall not exceed a height of two and a half stories or
3655 35 feet.
3656 2. Residential accessory buildings shall not exceed a height of 35 feet.
3657 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.
- 3658 **(7) Lot coverage.** There is no limitation on lot coverage in the AT-35 district.
- 3659 **(8) Other restrictions on buildings.**
3660 **(a) Principal buildings.** Except for secondary farm residences authorized by conditional
3661 use permit, no more than one principal building is permitted per lot.
3662 **(b) Accessory buildings.**
3663 1. There is no limitation on the number of accessory buildings in the AT-35 district.
3664 2. Accessory buildings may be constructed on property without a principal residence
3665 only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3666 3. Sanitary fixtures are permitted in agricultural accessory buildings, however
3667 accessory buildings may not be used as living space.
3668

3669 10.232. AT-B (Agriculture Transition – Business) Zoning District

3670 (1) Purpose. The AT-B Agriculture Transition - Business District is designed to:

3671 (a) Accommodate, for an unspecified period of time, agricultural, agriculture accessory
3672 and agriculture-related uses in areas ultimately planned for nonfarm urban or rural
3673 development. The district applies to such existing or proposed uses on properties
3674 located outside of mapped agricultural preservation areas as shown in the Dane
3675 County Farmland Preservation Plan.

3676 (b) Provide for a wide range of agriculture, agricultural accessory and agriculture-
3677 related uses, at various scales with the minimum lot area necessary to
3678 accommodate the use. The AT-B district accommodates uses which are commercial
3679 or industrial in nature; are associated with agricultural production; require a rural
3680 location due to extensive land area needs or proximity of agricultural resources;
3681 and do not require urban services.

3682 (c) In appearance and operation permitted uses in the AT-B district are often
3683 indistinguishable from a farm.

3684 (d) Conditional uses are more clearly commercial or industrial in nature, and may
3685 involve facilities or processes that require a remote location distant from
3686 incompatible uses, proximity to agricultural products or suppliers and/or access to
3687 utility services or major transportation infrastructure.

3688 (e) Examples of activities in the AT-B district may include, but are not limited to,
3689 agricultural support services, value-added, or related businesses such as implement
3690 dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales,
3691 marketing, storage, and distribution centers; plant and tree nurseries; and facilities
3692 for the processing of natural agricultural products or by-products, including fruits,
3693 vegetables, silage, or animal proteins. Such activities are characterized by:

- 3694 1. Wholesale or retail sales, and outdoor storage/display of agriculture-related
3695 equipment, inputs, and products;
3696 2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
3697 3. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to
3698 the scale of use;
3699 4. Low to moderate traffic volumes;
3700 5. Noises, odors, dust, or other potential nuisances associated with agriculture-
3701 related production or processing.

3702 (2) Permitted uses.

3703 (a) Agricultural uses.

3704 (b) Agricultural Accessory Uses, except those uses listed as conditional uses, and
3705 subject to the limitations and standards below.

- 3706 1. Agricultural entertainment activities under 10 days per calendar year in the
3707 aggregate, including incidental preparation and sale of beverages and food.

- 3708 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3709 exhibitions of farm machinery and technology, agricultural association meetings
3710 and similar activities occurring on no more than five days in a calendar year.
3711 3. The seasonal storage of recreational equipment and motor vehicles owned by
3712 private individuals other than those residing on the premises, such storage to be
3713 in accessory farm buildings existing as of January 1, 2010. The storage of a
3714 dealer’s inventory or the construction of any new buildings for storage is
3715 prohibited.
- 3716 (c) Agriculture-related uses, except uses listed as conditional uses, consistent with the
3717 purpose statement for the A-B district.
- 3718 (d) Undeveloped natural resources and open space areas
- 3719 (e) Utility services associated with, and accessory to, a permitted or conditional use.
- 3720 (f) A transportation, utility, communication, or other use that is:
- 3721 1. required under state or federal law to be located in a specific place, or;
- 3722 2. is authorized to be located in a specific place under a state or federal law that
3723 specifically preempts the requirement of a conditional use permit.
- 3724 **(3) Conditional uses.** The following uses require a Conditional Use Permit in this district:
- 3725 (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance,
3726 the following uses must meet the definition of an agricultural accessory use under
3727 s. 10.04(9) .
- 3728 1. Farm Residence, subject to s. 10.07(11).
- 3729 2. Secondary farm residence, subject to s. 10.07(11).
- 3730 3. Airports, landing strips or heliports for private aircraft owned by the owner or
3731 operator of the farm or agriculture-related use on the premises.
- 3732 4. Limited Farm Business.
- 3733 5. Sale of agricultural and dairy products not produced on the premises and
3734 incidental sale of non-alcoholic beverages and snacks.
- 3735 6. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3736 exhibitions of farm machinery and technology, agricultural association meetings
3737 and similar activities, occurring on more than five days in a calendar year.
- 3738 7. Agricultural entertainment activities occurring 10 days or more per calendar year,
3739 in aggregate.
- 3740 (b) Agriculture-related uses: In addition to the other requirements of this ordinance,
3741 the following uses must meet the definition of an agriculture-related use under s.
3742 10.04(11).
- 3743 1. Commercial animal boarding for farm animals, and not including boarding for
3744 domestic pets.
- 3745 2. Dead stock hauling services;
- 3746 3. Stock yards, livestock auction facilities;
- 3747 4. Bio-diesel and ethanol manufacturing;
- 3748 5. Manure processing facilities;

- 3749 6. Biopower facilities for distribution, retail, or wholesale sales.
3750 (c) Governmental, institutional, religious, or nonprofit community uses.
3751 (d) Transportation, communications, pipeline, electric transmission, utility, or drainage
3752 uses, not listed as a permitted use above.
3753 (e) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats.,
3754 s. 10.191 and chapter 74. The application shall conform to the requirements of s.
3755 10.07(14).
3756 (f) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis.
3757 Stats., for production of material to be used in construction or maintenance of
3758 public roads, to be limited in time to project duration.
3759 (g) Small scale electric generating stations, meeting the requirements of s. 91.46(4),
3760 Wis. Stats., that produce energy primarily for users off the farm.
- 3761 (4) Lot size requirements.
3762 (a) **Minimum lot size.** All lots created in the AT-B zoning district must be at least
3763 20,000 square feet in area, excluding public rights-of-way.
3764 (b) Maximum lot size. None.
3765 (c) **Minimum lot width.** All lots created in the AT-B zoning district must have a
3766 minimum lot width of 100 feet.
- 3767 (5) Setbacks.
3768 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
3769 in s. 10.06(8).
3770 (b) **Side yards.** Any permitted structures must be set back from side property lines as
3771 follows:
3772 1. Principal residential buildings must be at least 10 feet from any side lot line and a
3773 total of at least 25 feet from both side lot lines.
3774 2. Structures housing livestock must be:
3775 a. At least 100 feet from the side lot line of any parcel in any of the Residential
3776 zoning districts, or
3777 b. At least 10 feet from any other side lot line.
3778 3. Accessory structures not housing livestock must be at least 10 feet from any side
3779 lot line.
3780 (c) **Rear yard.** Any permitted structures must be set back from rear property lines as
3781 follows:
3782 1. Principal residential buildings must be at least 50 feet from the rear lot line.
3783 2. Uncovered decks or porches attached to a principal residence must be at least 38
3784 feet from the rear lot line.
3785 3. Structures housing livestock must be at least:
3786 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
3787 districts, or
3788 b. 10 feet from any other rear lot line.

3789 4. Accessory structures not housing livestock must be at least 10 feet from any rear
3790 lot line.

3791 **(6) Building height.**

3792 **(a) Residential buildings.**

3793 1. Principal residential buildings shall not exceed a height of two and a half stories or
3794 35 feet.

3795 2. Residential accessory buildings shall not exceed a height of 35 feet.

3796 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.

3797 **(7) Lot coverage.** There is no limitation on lot coverage in the AT-B district.

3798 **(8) Other restrictions on buildings.**

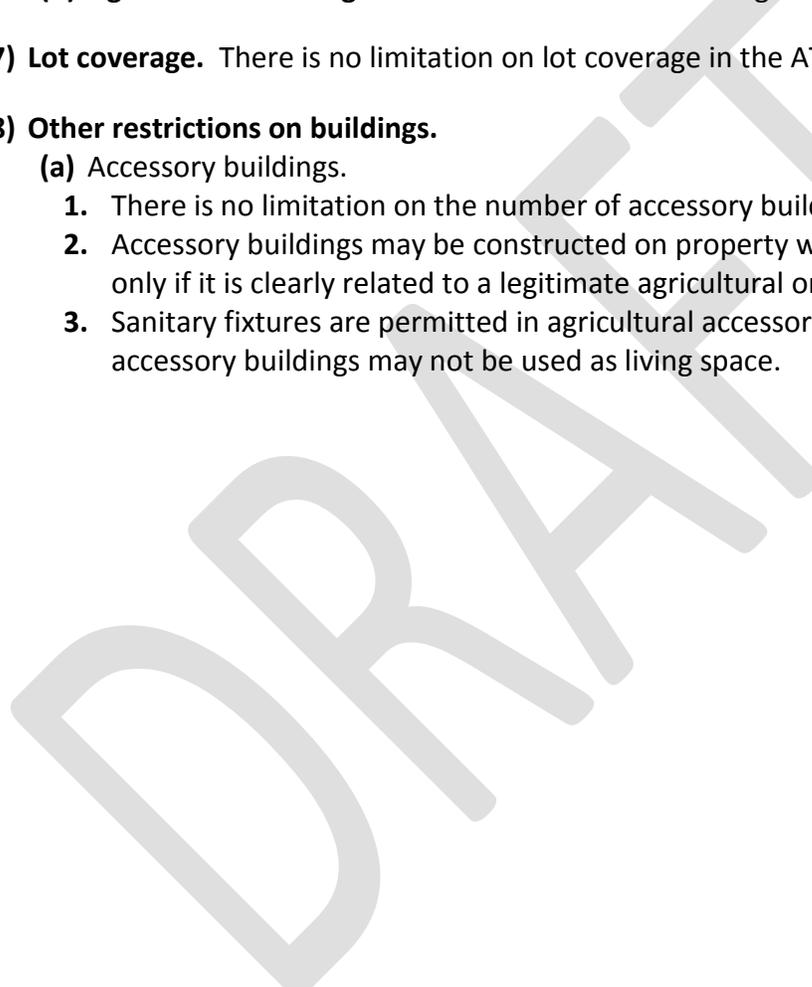
3799 **(a) Accessory buildings.**

3800 1. There is no limitation on the number of accessory buildings in the AT-B district.

3801 2. Accessory buildings may be constructed on property without a principal residence
3802 only if it is clearly related to a legitimate agricultural or agricultural accessory use.

3803 3. Sanitary fixtures are permitted in agricultural accessory buildings, however
3804 accessory buildings may not be used as living space.

3805



3806 10.233. RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District

3807 (1) Purpose. The Rural Mixed-Use 8-acre (RM-8) district is designed to:

3808 (a) Provide for a mix of agriculture, residential, utility, limited business and accessory
3809 uses consistent with and appropriate to a rural setting, on moderately sized parcels.
3810 The RM-8 district accommodates uses which are compatible with onsite and
3811 neighboring production agriculture, are typically found in a rural location and do
3812 not require urban services.

3813 (b) Such uses typically generate traffic, noise or other impacts similar to those
3814 produced by either a farm operation or a single-family residence.

3815 (2) Permitted uses.

3816 (a) Agricultural uses. Livestock use must comply with Chapter ATCP 50, Wisconsin
3817 Administrative Code.

3818 (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3)
3819 below, and subject to the following limitations and standards.

- 3820 1. Agricultural entertainment activities under 10 days per calendar year in the
3821 aggregate, including incidental preparation and sale of beverages and food.
3822 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3823 exhibitions of farm machinery and technology, agricultural association meetings
3824 and similar activities occurring on no more than five days in a calendar year.
3825 3. The seasonal storage of recreational equipment and motor vehicles owned by
3826 private individuals other than those residing on the premises, such storage to be
3827 in accessory farm buildings existing as of January 1, 2010. The storage of a
3828 dealer's inventory or the construction of any new buildings for storage is
3829 prohibited.

3830 (c) Undeveloped natural resources and open space areas

3831 (d) Single family residential

3832 (e) Residential accessory uses

3833 (f) Incidental room rental

3834 (g) Community living arrangements for fewer than 9 persons.

3835 (h) Home occupations

3836 (i) Utility services associated with, and accessory to, a permitted or conditional use

3837 (j) A transportation, utility, communication, or other use that is:

- 3838 1. required under state or federal law to be located in a specific place, or;
3839 2. is authorized to be located in a specific place under a state or federal law that
3840 specifically preempts the requirement of a conditional use permit.

3841 (3) Conditional uses.

3842 (a) Attached accessory dwelling units

3843 (b) Agricultural entertainment activities occurring 10 days or more per calendar year,
3844 in aggregate.

- 3845 (c) Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3846 exhibitions of farm machinery and technology, agricultural association meetings
3847 and similar activities, occurring on more than five days in a calendar year.
3848 (d) Community living arrangements for 9 or more persons.
3849 (e) Migrant farm labor camps certified under s. 103.92, Wis. Stats.
3850 (f) Domestic pet animal boarding
3851 (g) Large animal boarding
3852 (h) Transportation, communications, pipeline, electric transmission, utility, or drainage
3853 uses, not listed as a permitted use above.
3854 (i) Governmental, institutional, religious, or nonprofit community uses
3855 (j) Limited family business
3856 (k) Sanitary facilities in agricultural accessory buildings.
3857 (l) Tourist or transient lodging
3858 (m) Transportation, communications, pipeline, electric transmission, utility, or drainage
3859 uses, not listed as a permitted use above.
- 3860 (4) Lot size requirements.
3861 (a) Minimum lot size. All lots created in the RM-8 zoning district must be at least 8
3862 acres in area, excluding public rights-of-way.
3863 (b) Maximum lot size. All lots created in the RM-8 zoning district must be smaller than
3864 16 acres in area, excluding public rights-of-way.
3865 (c) Minimum lot width. All lots created in the RM-8 zoning district must have a
3866 minimum lot width of 100 feet.
- 3867 (5) Setbacks and required yards.
3868 (a) Front yard. Any permitted structure must comply with road setbacks as described in
3869 s.10.102(8).
3870 (b) Side yards. Any permitted structures must be set back from side property lines as
3871 follows:
3872 1. Principal residential buildings must be at least 10 feet from any side lot line and a
3873 total of at least 25 feet from both side lot lines.
3874 2. Structures housing livestock must be:
3875 a. At least 100 feet from the side lot line of any parcel in any of the Residential
3876 zoning districts, or
3877 b. At least 10 feet from any other side lot line.
3878 3. Accessory structures not housing livestock must be at least 10 feet from any side
3879 lot line.
3880 (c) Rear yard. Any permitted structures must be set back from rear property lines as
3881 follows:
3882 1. Principal residential buildings must be at least 50 feet from the rear lot line.
3883 2. Uncovered decks or porches attached to a principal residence must be at least 38
3884 feet from the rear lot line.

- 3885 **3.** Structures housing livestock must be at least:
3886 **a.** 100 feet from the rear lot line of any parcel in any of the Residential zoning
3887 districts, or
3888 **b.** 10 feet from any other rear lot line.
3889 **4.** Accessory structures not housing livestock must be at least 10 feet from any rear
3890 lot line.
- 3891 **(6)** Building height.
3892 **(a)** Residential buildings.
3893 **1.** Principal residential buildings shall not exceed a height of two and a half stories or
3894 35 feet.
3895 **2.** Residential accessory buildings shall not exceed a height of 35 feet.
3896 **(b)** Agricultural buildings. There is no limitation on height for agricultural buildings.
- 3897 **(7)** Lot coverage. The total area of all buildings and structures must not exceed 10% of the
3898 total lot area, excluding public rights-of-way.
- 3899 **(8)** Other restrictions on buildings.
3900 **(a)** Principal buildings. No more than one principal building is permitted per lot.
3901 **(b)** Accessory buildings.
3902 **1.** There is no limitation on the number of accessory buildings in the RM-8 district.
3903 **2.** Accessory buildings may not be constructed on property without a principal
3904 residence.
3905 **3.** Sanitary fixtures are not permitted in agricultural accessory buildings, unless
3906 specifically authorized by an approved conditional use permit. Accessory
3907 buildings may not be used as living space.
3908

3909 10.234. RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District

- 3910 (1) Purpose. The Rural Mixed-Use 16-acre (RM-16) district is designed to:
- 3911 (a) Provide for a mix of agriculture, residential, utility, extractive, limited business and
- 3912 accessory uses consistent with and appropriate to a rural setting, on medium-to-
- 3913 large parcels.
- 3914 (b) The RM-16 district accommodates uses which may require
- 3915 (c) larger setbacks, buffers, berms or other siting standards to minimize conflicts with
- 3916 neighboring production agriculture or residential use,
- 3917 (d) are typically found in a rural location and
- 3918 (e) do not require urban services.
- 3919 (f) Such uses may generate moderate truck traffic, noise, dust or odors.

- 3920 (2) Permitted uses
- 3921 (a) Agricultural uses. Livestock use must comply with Chapter ATCP 50, Wisconsin
- 3922 Administrative Code.
- 3923 (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3)
- 3924 below, and subject to the following limitations and standards.
- 3925 1. Agricultural entertainment activities under 10 days per calendar year in the
- 3926 aggregate, including incidental preparation and sale of beverages and food.
- 3927 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
- 3928 exhibitions of farm machinery and technology, agricultural association meetings
- 3929 and similar activities occurring on no more than five days in a calendar year.
- 3930 3. Small scale energy systems or electric generating stations, provided energy
- 3931 produced is used primarily on the farm.
- 3932 (c) Single family residential
- 3933 (d) The seasonal storage of recreational equipment and motor vehicles owned by
- 3934 private individuals other than those residing on the premises, such storage to be in
- 3935 accessory farm buildings existing as of January 1, 2010. The storage of a dealer's
- 3936 inventory or the construction of any new buildings for storage is prohibited.
- 3937 (e) Residential accessory uses
- 3938 (f) Incidental room rental
- 3939 (g) Community living arrangements for fewer than 9 persons.
- 3940 (h) Home occupations
- 3941 (i) Utility services associated with, and accessory to, a permitted or conditional use
- 3942 (j) A transportation, utility, communication, or other use that is:
- 3943 1. required under state or federal law to be located in a specific place, or;
- 3944 2. is authorized to be located in a specific place under a state or federal law that
- 3945 specifically preempts the requirement of a conditional use permit.

- 3946 (3) Conditional uses
- 3947 (a) Attached accessory dwelling units

- 3948 (b) Agricultural entertainment activities exceeding 10 days per calendar year, in
3949 aggregate.
- 3950 (c) Airports, landing strips or heliports for private aircraft owned by the landowner.
- 3951 (d) Farm related exhibitions, sales or events such as auctions, dairy breakfasts,
3952 exhibitions of farm machinery and technology, agricultural association meetings
3953 and similar activities, occurring on more than five days in a calendar year.
- 3954 (e) Community living arrangements for 9 or more persons
- 3955 (f) Domestic pet animal boarding
- 3956 (g) Large animal boarding
- 3957 (h) Transportation, communications, pipeline, electric transmission, utility, or drainage
3958 uses, not listed as a permitted use above.
- 3959 (i) Governmental, institutional, religious, or nonprofit community uses
- 3960 (j) Limited family business
- 3961 (k) Transportation, communications, pipeline, electric transmission, utility, or drainage
3962 uses, not listed as a permitted use above.
- 3963 (l) Tourist and transient lodging
- 3964 (m) Mineral extraction.
- 3965 (n) Temporary asphalt or concrete production.
- 3966 (o) Small scale electric generating stations that produce energy primarily for users off
3967 the farm.
- 3968 (4) Lot size requirements.
- 3969 (a) **Minimum lot size.** All lots created in the RM-16 zoning district must be at least 16
3970 acres in area, excluding public rights-of-way.
- 3971 (b) **Minimum lot width.** All lots created in the RM-16 zoning district must have a
3972 minimum lot width of 100 feet.
- 3973 (5) Setbacks and required yards.
- 3974 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
3975 in s.10.102(8).
- 3976 (b) **Side yards.** Any permitted structures must be set back from side property lines as
3977 follows:
- 3978 1. Principal residential buildings must be at least 10 feet from any side lot line and a
3979 total of at least 25 feet from both side lot lines.
- 3980 2. Structures housing livestock must be:
- 3981 a. At least 100 feet from the side lot line of any parcel in any of the Residential
3982 zoning districts, or
- 3983 b. At least 10 feet from any other side lot line.
- 3984 3. Accessory structures not housing livestock must be at least 10 feet from any side
3985 lot line.
- 3986 (c) **Rear yard.** Any permitted structures must be set back from rear property lines as
3987 follows:

- 3988 1. Principal residential buildings must be at least 50 feet from the rear lot line.
3989 2. Uncovered decks or porches attached to a principal residence must be at least 38
3990 feet from the rear lot line.
3991 3. Structures housing livestock must be at least:
3992 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
3993 districts, or
3994 b. 10 feet from any other rear lot line.
3995 4. Accessory structures not housing livestock must be at least 10 feet from any rear
3996 lot line.
- 3997 **(6) Building height.**
3998 **(a) Residential buildings.**
3999 1. Principal residential buildings shall not exceed a height of two and a half stories or
4000 35 feet.
4001 2. Residential accessory buildings shall not exceed a height of 35 feet.
4002 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.
- 4003 **(7) Lot coverage.** The total area of all buildings and structures must not exceed 10% of the
4004 total lot area, excluding public rights-of-way.
- 4005 **(8) Other restrictions on buildings.**
4006 **(a) Principal buildings.** No more than one principal building is permitted per lot.
4007 **(b) Accessory buildings.**
4008 1. There is no limitation on the number of accessory buildings in the RM-8 district.
4009 2. Accessory buildings may not be constructed on property without a principal
4010 residence.
4011 3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless
4012 specifically authorized by an approved conditional use permit. Accessory
4013 buildings may not be used as living space.
4014

4015 10.240. Rural Residential Zoning Districts

4016 **10.241. RR-1 (Rural Residential, 1 to 2 acres) Zoning District**

4017 **(1) Purpose.** The Rural Residential 1 district is designed to:

- 4018 (a) Provide for single-family residential principal uses and a variety of accessory or
4019 ancillary uses, including small-scale farming, appropriate to a rural setting, on
4020 relatively small parcels. The RR-1 district accommodates uses which are compatible
4021 with both residential and farming practices, are typically found in a rural location
4022 and do not require urban services.
4023 (b) Such uses typically generate traffic, noise or other impacts similar to those
4024 produced by a single-family residence.

4025 **(2) Permitted uses**

- 4026 (a) Small-scale farming.
4027 (b) Single family residential
4028 (c) Residential accessory uses
4029 (d) Home occupations
4030 (e) Incidental room rental
4031 (f) Community living arrangements for fewer than 9 persons.
4032 (g) Utility services associated with, and accessory to, a permitted or conditional use
4033 (h) A transportation, utility, communication, or other use that is:
4034 1. required under state or federal law to be located in a specific place, or;
4035 2. is authorized to be located in a specific place under a state or federal law that
4036 specifically preempts the requirement of a conditional use permit.

4037 **(3) Conditional uses.**

- 4038 (a) Attached accessory dwelling units
4039 (b) Limited family business
4040 (c) Day care centers
4041 (d) Community living arrangements for nine (9) or more persons.
4042 (e) Governmental, institutional, religious, or nonprofit community uses
4043 (f) Transient or Tourist Lodging
4044 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage
4045 uses, not listed as a permitted use above.

4046 **(4) Lot size requirements.**

- 4047 (a) **Minimum lot size.** All lots created in the RR-1 zoning district must be at least 1 acre
4048 in area, excluding public rights-of-way.
4049 (b) **Maximum lot size.** All lots created in the RR-1 zoning district must be smaller than 2
4050 acres in area, excluding public rights-of-way.
4051 (c) **Minimum lot width.** All lots created in the RR-2 zoning district must have a

4052 minimum lot width of 100 feet.

4053 **(5) Setbacks and required yards.**

4054 **(a) Front yard.** Any permitted structure must comply with road setbacks as described
4055 in s.10.102(8).

4056 **(b) Side yard.**

4057 1. Permitted residences must be at least a total of 25 feet from both side lot lines,
4058 and not less than 10 feet from any one side lot line.

4059 2. Accessory structures housing livestock must be at least:

4060 a. 100 feet from the side lot line of any parcel in any of the Residential zoning
4061 districts, or

4062 b. 50 feet from any other side lot line.

4063 3. Accessory structures not housing livestock must be at least 10 feet from any side
4064 lot line.

4065 **(c) Rear yard.**

4066 1. Permitted residences must be at least 50 feet from the rear lot line.

4067 2. Decks attached to a permitted residence must be at least 38 feet from the rear lot
4068 line.

4069 3. Accessory structures housing livestock, must be at least:

4070 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
4071 districts, or

4072 b. 50 feet from any other rear lot line.

4073 4. Accessory structures not housing livestock must be at least 50 feet from the rear
4074 lot line.

4075 **(6) Building height.**

4076 **(7) Building height.**

4077 **(a) Residential buildings.**

4078 1. Principal residential buildings shall not exceed a height of two and a half stories or
4079 35 feet.

4080 2. Residential accessory buildings shall not exceed a height of 16 feet.

4081 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.

4082 **(8) Lot coverage.** The total area of all buildings and structures must not exceed 10% of the
4083 total lot area, excluding public rights-of-way.

4084

4085 10.242. RR-2 (Rural Residential, 2 to 4 acres) Zoning District

4086 (1) Purpose. The Rural Residential 2 district is designed to:

4087 (a) Provide for single-family residential principal uses and a variety of accessory or
4088 ancillary uses, including small-scale farming, appropriate to a rural setting, on
4089 compact parcels. The RR-2 district accommodates uses which are compatible with
4090 both residential and farming practices, are typically found in a rural location and do
4091 not require urban services.

4092 (b) Such uses typically generate traffic, noise or other impacts similar to those
4093 produced by a single-family residence.

4094 (2) Permitted uses

4095 (a) Small-scale farming.

4096 (b) Single family residential

4097 (c) Residential accessory uses

4098 (d) Home occupations

4099 (e) Incidental room rental

4100 (f) Utility services associated with, and accessory to, a permitted or conditional use

4101 (g) A transportation, utility, communication, or other use that is:

4102 1. required under state or federal law to be located in a specific place, or;

4103 2. is authorized to be located in a specific place under a state or federal law that
4104 specifically preempts the requirement of a conditional use permit.

4105 (3) Conditional uses.

4106 (a) Attached accessory dwelling units

4107 (b) Animal use exceeding one animal unit per acre

4108 (c) Limited family business

4109 (d) Day Care Centers

4110 (e) Community living arrangements for nine (9) or more persons.

4111 (f) Governmental, institutional, religious, or nonprofit community uses

4112 (g) Transient or Tourist Lodging

4113 (h) Transportation, communications, pipeline, electric transmission, utility, or drainage
4114 uses, not listed as a permitted use above.

4115 (4) Lot size requirements.

4116 (a) **Minimum lot size.** All lots created in the RR-2 zoning district must be at least 2
4117 acres in area, excluding public rights-of-way.

4118 (b) **Maximum lot size.** All lots created in the RR-2 zoning district must be smaller than 4
4119 acres in area, excluding public rights-of-way.

4120 (c) **Minimum lot width.** All lots created in the RR-2 zoning district must have a
4121 minimum lot width of 100 feet.

- 4122 **(5) Setbacks and required yards.**
4123 **(a) Front yard.** Any permitted structure must comply with road setbacks as described
4124 in s.10.102(8).
4125 **(b) Side yard.**
4126 1. Permitted residences must be at least a total of 25 feet from both side lot lines,
4127 and not less than 10 feet from any one side lot line.
4128 2. Accessory structures housing livestock must be at least:
4129 a. 100 feet from the side lot line of any parcel in any of the Residential zoning
4130 districts, or
4131 b. 50 feet from any other side lot line.
4132 3. Accessory structures not housing livestock must be at least 10 feet from any side
4133 lot line.
4134 **(c) Rear yard.**
4135 1. Permitted residences must be at least 50 feet from the rear lot line.
4136 2. Decks attached to a permitted residence must be at least 38 feet from the rear lot
4137 line.
4138 3. Accessory structures housing livestock, must be at least:
4139 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
4140 districts, or
4141 b. 50 feet from any other rear lot line.
4142 4. Accessory structures not housing livestock must be at least 50 feet from the rear
4143 lot line.
- 4144 **(6) Building height.**
4145 **(a) Residential buildings.**
4146 1. Principal residential buildings shall not exceed a height of two and a half stories or
4147 35 feet.
4148 2. Residential accessory buildings shall not exceed a height of 35 feet.
4149 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.
- 4150 **(7) Lot coverage.** The total area of all buildings and structures must not exceed 10% of the
4151 total lot area, excluding public rights-of-way.
4152

4153 10.243. RR-4 (Rural Residential, 4 to 8 acres) Zoning District

4154 (1) Purpose.

4155 (2) Permitted uses

4156 (a) Small-scale farming.

4157 (b) Single family residential

4158 (c) Residential accessory uses

4159 (d) Home occupations

4160 (e) Incidental room rental

4161 (f) Utility services associated with, and accessory to, a permitted or conditional use

4162 (g) A transportation, utility, communication, or other use that is:

4163 1. required under state or federal law to be located in a specific place, or;

4164 2. is authorized to be located in a specific place under a state or federal law that
4165 specifically preempts the requirement of a conditional use permit.

4166 (3) Conditional uses.

4167 (a) Attached accessory dwelling units

4168 (b) Animal use exceeding one animal unit per acre

4169 (c) Limited family business

4170 (d) Day Care Centers

4171 (e) Community living arrangements for nine (9) or more persons.

4172 (f) Governmental, institutional, religious, or nonprofit community uses

4173 (g) Transient or Tourist Lodging

4174 (h) Transportation, communications, pipeline, electric transmission, utility, or drainage
4175 uses, not listed as a permitted use above.

4176 (4) Lot size requirements.

4177 (a) **Minimum lot size.** All lots created in the RR-4 zoning district must be at least 4
4178 acres in area, excluding public rights-of-way.

4179 (b) **Maximum lot size.** All lots created in the RR-2 zoning district must be smaller than 8
4180 acres in area, excluding public rights-of-way.

4181 (c) **Minimum lot width.** All lots created in the RR-2 zoning district must have a
4182 minimum lot width of 100 feet.

4183 (5) Setbacks and required yards.

4184 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
4185 in s.10.102(8).

4186 (b) Side yard.

4187 1. Permitted residences must be at least a total of 25 feet from both side lot lines,
4188 and not less than 10 feet from any one side lot line.

4189 2. Accessory structures housing livestock must be at least:

- 4190 a. 100 feet from the side lot line of any parcel in any of the Residential zoning
4191 districts, or
4192 b. 50 feet from any other side lot line.
4193 3. Accessory structures not housing livestock must be at least 10 feet from any side
4194 lot line.
4195 (c) Rear yard.
4196 1. Permitted residences must be at least 50 feet from the rear lot line.
4197 2. Decks attached to a permitted residence must be at least 38 feet from the rear lot
4198 line.
4199 3. Accessory structures housing livestock, must be at least:
4200 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
4201 districts, or
4202 b. 50 feet from any other rear lot line.
4203 4. Accessory structures not housing livestock must be at least 50 feet from the rear
4204 lot line.
- 4205 **(6) Building height.**
4206 (a) Residential buildings.
4207 1. Principal residential buildings shall not exceed a height of two and a half stories or
4208 35 feet.
4209 2. Residential accessory buildings shall not exceed a height of 35 feet.
4210 (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4211 **(7) Lot coverage.** The total area of all buildings and structures must not exceed 10% of the
4212 total lot area, excluding public rights-of-way.
4213

4214 10.244. RR-8 (Rural Residential, 8 to 16 acres) Zoning District

4215 (1) Purpose.

4216 (2) Permitted uses

4217 (a) Small-scale farming.

4218 (b) Single family residential

4219 (c) Residential accessory uses

4220 (d) Home occupations

4221 (e) Incidental room rental

4222 (f) Utility services associated with, and accessory to, a permitted or conditional use

4223 (g) A transportation, utility, communication, or other use that is:

4224 1. required under state or federal law to be located in a specific place, or;

4225 2. is authorized to be located in a specific place under a state or federal law that
4226 specifically preempts the requirement of a conditional use permit.

4227 (3) Conditional uses.

4228 (a) Attached accessory dwelling units

4229 (b) Animal use exceeding one animal unit per acre

4230 (c) Limited family business

4231 (d) Day Care Centers

4232 (e) Community living arrangements for nine (9) or more persons.

4233 (f) Governmental, institutional, religious, or nonprofit community uses

4234 (g) Transient or Tourist Lodging

4235 (h) Transportation, communications, pipeline, electric transmission, utility, or drainage
4236 uses, not listed as a permitted use above.

4237 (4) Lot size requirements.

4238 (a) **Minimum lot size.** All lots created in the RR-8 zoning district must be at least 8
4239 acres in area, excluding public rights-of-way.

4240 (b) **Maximum lot size.** All lots created in the RR-8 zoning district must be smaller than
4241 16 acres in area, excluding public rights-of-way.

4242 (c) **Minimum lot width.** All lots created in the RR-8 zoning district must have a
4243 minimum lot width of 100 feet.

4244 (5) Setbacks and required yards.

4245 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
4246 in s.10.102(8).

4247 (b) **Side yard.**

4248 1. Permitted residences must be at least a total of 25 feet from both side lot lines,
4249 and not less than 10 feet from any one side lot line.

4250 2. Accessory structures housing livestock must be at least:

- 4251 a. 100 feet from the side lot line of any parcel in any of the Residential zoning
4252 districts, or
4253 b. 50 feet from any other side lot line.
4254 3. Accessory structures not housing livestock must be at least 10 feet from any side
4255 lot line.
4256 **(c) Rear yard.**
4257 1. Permitted residences must be at least 50 feet from the rear lot line.
4258 2. Decks attached to a permitted residence must be at least 38 feet from the rear lot
4259 line.
4260 3. Accessory structures housing livestock, must be at least:
4261 a. 100 feet from the rear lot line of any parcel in any of the Residential zoning
4262 districts, or
4263 b. 50 feet from any other rear lot line.
4264 4. Accessory structures not housing livestock must be at least 50 feet from the rear
4265 lot line.
- 4266 **(6) Building height.**
4267 **(a) Residential buildings.**
4268 1. Principal residential buildings shall not exceed a height of two and a half stories or
4269 35 feet.
4270 2. Residential accessory buildings shall not exceed a height of 35 feet.
4271 **(b) Agricultural buildings.** There is no limitation on height for agricultural buildings.
- 4272 **(7) Lot coverage.** The total area of all buildings and structures must not exceed 10% of the
4273 total lot area, excluding public rights-of-way.
4274

4275 10.250. Residential Zoning Districts

4276 10.251. SFR-08 (Single-Family Residential, small lots) Zoning District

4277 (1) Purpose.

4278 The Single Family Residential 08 district is designed to:

- 4279 (a) Provide for single-family residential principal uses, compatible home occupations,
4280 and residential accessory uses, appropriate to a compact neighborhood setting, on
4281 relatively small parcels. The SFR-08 district accommodates uses which are
4282 compatible with residential uses, are typically found in a suburban or residential
4283 neighborhood and may or may not be on public sewer.
4284 (b) Such uses typically generate traffic, noise or other impacts similar to those
4285 produced by a single-family residence.

4286 (2) Permitted uses

- 4287 (a) Single family residential
4288 (b) Residential accessory uses
4289 (c) Domestic fowl and beekeeping
4290 (d) Community living arrangements for fewer than 9 persons.
4291 (e) Home occupations
4292 (f) Incidental room rental
4293 (g) Undeveloped natural resource and open space use.
4294 (h) Utility services associated with, and accessory to, a permitted or conditional use
4295 (i) A transportation, utility, communication, or other use that is:
4296 1. required under state or federal law to be located in a specific place, or;
4297 2. is authorized to be located in a specific place under a state or federal law that
4298 specifically preempts the requirement of a conditional use permit.

4299 (3) Conditional uses.

- 4300 (a) Attached accessory dwelling units
4301 (b) Accessory buildings between 12 and 16 feet in height.
4302 (c) Day Care Centers
4303 (d) Community living arrangements for nine (9) or more persons.
4304 (e) Governmental, institutional, religious, or nonprofit community uses
4305 (f) Transient or tourist lodging
4306 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage
4307 uses, not listed as a permitted use above.

4308 (4) Lot dimensions.

- 4309 (a) Lots on public sewer.

- 4310 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding
4311 public rights-of-way.
4312 2. Maximum lot size. All lots must be smaller than 16,000 square feet in area,
4313 excluding public rights of way.
4314 3. Minimum lot width. All lots must be at least 60 feet wide.
4315 (b) Lots not on public sewer.
4316 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding
4317 public rights-of-way.
4318 2. Maximum lot size. All lots must be smaller than 40,000 square feet in area,
4319 excluding public rights-of-way.
4320 3. Minimum lot width. All lots must be at least 100 feet wide.
- 4321 (5) Setbacks and required yards.
4322 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
4323 in s.10.102(8).
4324 (b) **Side yard.** All principal and accessory structures must be at least 10 feet from any
4325 one side lot line.
4326 (c) **Rear yard.**
4327 1. Permitted residences must be at least 25 feet from the rear lot line.
4328 2. Decks attached to a permitted residence must be at least 13 feet from the rear lot
4329 line.
- 4330 (6) Building height.
4331 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or
4332 35 feet in height.
4333 (b) Accessory buildings. Unless under an approved conditional use permit under s.
4334 10.251(3)(b), accessory buildings shall not exceed 12 feet in height.
- 4335 (7) Lot coverage.
4336 The total area of all buildings and structures must not exceed:
4337 (a) Interior lots: 35% of the total lot area, excluding public rights-of-way.
4338 (b) Corner lots: 40% of the total lot area, excluding public rights-of-way.
4339

4340 10.252. SFR-1 (Single-Family Residential, 1 to 2 acres) Zoning District

4341 (1) Purpose.

4342 The Single Family Residential 1 district is designed to:

- 4343 (a) Provide for single-family residential principal uses, compatible home occupations,
4344 and residential accessory uses, appropriate to a suburban or rural subdivision
4345 setting, on lot sizes of one to two acres. The SFR-1 district accommodates uses
4346 which are compatible with residential uses, are typically found in a suburban
4347 neighborhood and are served by private onsite wastewater treatment systems.
4348 (b) Such uses typically generate traffic, noise or other impacts similar to those
4349 produced by a single-family residence.

4350 (2) Permitted uses.

- 4351 (a) Single family residential
4352 (b) Residential accessory uses
4353 (c) Domestic fowl and beekeeping
4354 (d) Home occupations
4355 (e) Incidental room rental
4356 (f) Utility services associated with, and accessory to, a permitted or conditional use
4357 (g) A transportation, utility, communication, or other use that is:
4358 1. required under state or federal law to be located in a specific place, or;
4359 2. is authorized to be located in a specific place under a state or federal law that
4360 specifically preempts the requirement of a conditional use permit.

4361 (3) Conditional uses.

- 4362 (a) Attached accessory dwelling units
4363 (b) Accessory buildings between 12 and 16 feet in height.
4364 (c) Day Care Centers
4365 (d) Community living arrangements for nine (9) or more persons.
4366 (e) Governmental, institutional, religious, or nonprofit community uses
4367 (f) Transient or Tourist Lodging
4368 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage
4369 uses, not listed as a permitted use above.

4370 (4) Lot dimensions.

- 4371 (a) Minimum lot size. All lots must be at least one acre in area, excluding public rights-
4372 of-way.
4373 (b) Maximum lot size. All lots must be smaller than two acres in area, excluding public
4374 rights-of-way.
4375 (c) Minimum lot width. All lots must be at least 100 feet wide.

4376 (5) Setbacks and required yards.

- 4377 **(a) Front yard.** Any permitted structure must comply with road setbacks as described
4378 in s.10.102(8).
4379 **(b) Side yard.** All principal and accessory structures must be at least 10 feet from any
4380 one side lot line.
4381 **(c) Rear yard.**
4382 1. Permitted residences must be at least 25 feet from the rear lot line.
4383 2. Decks attached to a permitted residence must be at least 13 feet from the rear lot
4384 line.
- 4385 **(6) Building height.**
4386 **(d) Principal buildings.** Residential buildings shall not exceed two and a half stories or
4387 35 feet in height.
4388 **(e) Accessory buildings.** Accessory buildings shall not exceed 16 feet in height.
- 4389 **(7) Lot coverage.**
4390 The total area of all buildings and structures must not exceed:
4391 **(a) Interior lots:** 35% of the total lot area, excluding public rights-of-way.
4392 **(b) Corner lots:** 40% of the total lot area, excluding public rights-of-way.

4393 10.253. TFR-08 (Two-Family Residential) Zoning District

4394 (1) Purpose.

4395 The Two Family Residential 08 district is designed to:

- 4396 (a) Provide for single-family or duplex residential principal uses, compatible home
4397 occupations, and residential accessory uses, appropriate to a compact
4398 neighborhood setting, on relatively small parcels. The TFR-08 district
4399 accommodates uses which are compatible with residential uses, are typically found
4400 in a suburban or residential neighborhood and may or may not be on public sewer.
4401 (b) Such uses typically generate traffic, noise or other impacts similar to those
4402 produced by a single-family residence.

4403 (2) Permitted uses.

- 4404 (a) Single family residential
4405 (b) Duplexes
4406 (c) Attached accessory dwelling units
4407 (d) Residential accessory uses
4408 (e) Domestic fowl and beekeeping
4409 (f) Home occupations
4410 (g) Incidental room rental
4411 (h) Utility services associated with, and accessory to, a permitted or conditional use
4412 (i) A transportation, utility, communication, or other use that is:
4413 1. required under state or federal law to be located in a specific place, or;
4414 2. is authorized to be located in a specific place under a state or federal law that
4415 specifically preempts the requirement of a conditional use permit.

4416 (3) Conditional uses.

- 4417 (a) Accessory buildings between 12 and 16 feet in height.
4418 (b) Detached accessory dwelling units
4419 (c) Day Care Centers
4420 (d) Community living arrangements for nine (9) or more persons.
4421 (e) Governmental, institutional, religious, or nonprofit community uses
4422 (f) Transient or Tourist Lodging
4423 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage
4424 uses, not listed as a permitted use above.

4425 (4) Lot dimensions.

- 4426 (a) Lots on public sewer.
4427 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding
4428 public rights-of-way.
4429 2. Maximum lot size. All lots must be smaller than 16,000 square feet in area,
4430 excluding public rights of way.

- 4431 3. Minimum lot width. All lots must be at least 60 feet wide.
4432 (a) Lots not on public sewer.
4433 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding
4434 public rights-of-way.
4435 2. Maximum lot size. All lots must be smaller than 40,000 square feet in area,
4436 excluding public rights-of-way.
4437 3. Minimum lot width. All lots must be at least 100 feet wide.
- 4438 (5) Setbacks and required yards.
4439 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
4440 in s.10.102(8).
4441 (b) **Side yard.** All principal and accessory structures must be at least 10 feet from any
4442 one side lot line.
4443 (c) **Rear yard.**
4444 1. Permitted residences must be at least 25 feet from the rear lot line.
4445 2. Decks attached to a permitted residence must be at least 13 feet from the rear lot
4446 line.
- 4447 (6) Building height.
4448 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or
4449 35 feet in height.
4450 (b) Accessory buildings. Unless under an approved conditional use permit under s.
4451 10.253(3)(b), accessory buildings shall not exceed 12 feet in height.
- 4452 (7) Lot coverage.
4453 The total area of all buildings and structures must not exceed:
4454 (a) Interior lots: 35% of the total lot area, excluding public rights-of-way.
4455 (b) Corner lots: 40% of the total lot area, excluding public rights-of-way.
4456
4457

4458 10.254. MFR-08 (Multi-Family Residential) Zoning District

4459 **(1) Purpose.**

4460 The Two Family Residential 08 district is designed to:

- 4461 (a) Provide for single-family, duplex or multifamily residential principal uses,
4462 compatible home occupations, and residential accessory uses, appropriate to a
4463 compact neighborhood setting, on relatively small parcels. The TFR-08 district
4464 accommodates uses which are compatible with residential uses, are typically found
4465 in a relatively dense neighborhood and may or may not be on public sewer.
4466 (b) Such uses typically generate traffic, noise or other impacts similar to those
4467 produced by a multi-family residence.

4468 **(2) Permitted uses**

- 4469 (a) Single family residential
4470 (b) Attached or detached accessory dwelling units
4471 (c) Duplexes
4472 (d) Multiple family dwellings and condominiums
4473 (e) Residential accessory uses
4474 (f) Incidental room rental
4475 (g) Transient or Tourist Lodging
4476 (h) Home occupations
4477 (i) Utility services associated with, and accessory to, a permitted or conditional use
4478 (j) A transportation, utility, communication, or other use that is:
4479 1. required under state or federal law to be located in a specific place, or;
4480 2. is authorized to be located in a specific place under a state or federal law that
4481 specifically preempts the requirement of a conditional use permit.

4482 **(3) Conditional uses.**

- 4483 (a) Day Care Centers
4484 (b) Accessory buildings between 12 and 16 feet in height.
4485 (c) Community living arrangements for nine (9) or more persons.
4486 (d) Governmental, institutional, religious, or nonprofit community uses
4487 (e) Manufactured home communities
4488 (f) Transportation, communications, pipeline, electric transmission, utility, or drainage
4489 uses, not listed as a permitted use above.

4490 **(4) Lot dimensions.**

- 4491 (a) Lots on public sewer.
4492 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding
4493 public rights-of-way.
4494 2. Maximum lot size. All lots must be smaller than 16,000 square feet in area,
4495 excluding public rights of way.

- 4496 3. Minimum lot width. All lots must be at least 60 feet wide.
4497 (b) Lots not on public sewer.
4498 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding
4499 public rights-of-way.
4500 2. Maximum lot size. All lots must be smaller than 40,000 square feet in area,
4501 excluding public rights-of-way.
4502 3. Minimum lot width. All lots must be at least 100 feet wide.
- 4503 **(5) Setbacks and required yards.**
4504 (a) **Front yard.** Any permitted structure must comply with road setbacks as described
4505 in s.10.102(8).
4506 (b) **Side yard.** All principal and accessory structures must be at least 10 feet from any
4507 one side lot line.
4508 (c) **Rear yard.**
4509 1. Permitted residences must be at least 25 feet from the rear lot line.
4510 2. Decks attached to a permitted residence must be at least 13 feet from the rear lot
4511 line.
- 4512 **(6) Building height.**
4513 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or
4514 35 feet in height.
4515 (b) Accessory buildings. Unless under an approved conditional use permit under s.
4516 10.254(3)(b), accessory buildings shall not exceed 12 feet in height.
- 4517 **(7) Lot coverage.**
4518 The total area of all buildings and structures must not exceed:
4519 (a) Interior lots: 35% of the total lot area, excluding public rights-of-way.
4520 (b) Corner lots: 40% of the total lot area, excluding public rights-of-way.
4521
4522

4523 10.260. Hamlet Zoning Districts

4524 **(1) Principles of Traditional Neighborhood Design.**

4525 The Hamlet Design zoning districts are intended to accommodate existing or new
4526 developments, or redevelopments that have the following characteristics:

4527 **(a) Compact and walkable.** Neighborhoods should be compact enough to encourage
4528 development of pedestrian connections and destinations without excluding
4529 automobiles.

4530 **(b) A hierarchy of interconnected streets.** Streets and roads function as a connected
4531 network, dispersing traffic and offering a variety of pedestrian and vehicular routes
4532 to any destination while connecting and integrating the neighborhood with
4533 surrounding communities.

4534 **(c) An identifiable neighborhood/community center and edges.** A center that includes
4535 public spaces—such as a square, green or important street intersection—and public
4536 buildings—such as a library, church or community center, transit stop and retail
4537 businesses—provides a civic focus and informal place of gathering; and edges that
4538 promote neighborhood identity.

4539 **(d) A variety of housing choices within the same neighborhood.** The neighborhood
4540 includes a variety of dwelling types so that younger and older people, singles and
4541 families, of varying income levels may find places to live.

4542 **(e) A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.)**
4543 **occur in proximity.** Many activities of daily living should occur within walking
4544 distance, allowing independence to those who do not drive and adding to
4545 neighborhood vitality.

4546 **(f) A range of transportation options.** Streets are designed to promote the safe and
4547 efficient use by walkers, bikers, drivers and transit rider

4548 **(g) Pedestrian-friendly.** Features such as safe, attractive and comfortable streets and
4549 public spaces promote walking as a viable option to auto trips.

4550 **(h) Open spaces, greens, parks, accessible and convenient to all.** Significant cultural
4551 and environmental features are incorporated into the design of the development
4552 for the use, benefit, and enjoyment of the entire community. A range of parks, from
4553 tot-lots and village greens to ballfields and community gardens, are distributed
4554 within neighborhoods.

4555

4556 **10.261. HAM-R (Hamlet Residential) Zoning District**

4557 **(1) Purpose.** The HAM-R district is intended to accommodate new or existing development,
4558 or redevelopment, on relatively small lots, with buildings close to the street. It includes
4559 a mix of single-family, two-family and multifamily residential and civic uses in compact
4560 blocks laid out in a traditional grid pattern. Many older residential neighborhoods typify
4561 the characteristics of a HAM-R district.

4562 **(2) Permitted uses.**

- 4563 (a) Single family residential
- 4564 (b) Duplexes
- 4565 (c) Attached accessory dwelling units
- 4566 (d) Residential accessory uses
- 4567 (e) Foster homes for less than five children licensed under s. 48.62, Wis. Stats..
- 4568 (f) Home occupations
- 4569 (g) Domestic fowl and beekeeping
- 4570 (h) Incidental room rental.
- 4571 (i) Community living arrangements for less than nine persons.
- 4572 (j) Governmental, institutional, religious, or nonprofit community uses
- 4573 (k) Utility services associated with, and accessory to, a permitted or conditional use
- 4574 (l) Outdoor active or passive recreation
- 4575 (m) Undeveloped natural resource and open space areas.
- 4576 (n) A transportation, utility, communication, or other use that is:
 - 4577 1. required under state or federal law to be located in a specific place, or;
 - 4578 2. is authorized to be located in a specific place under a state or federal law that
 - 4579 specifically preempts the requirement of a conditional use permit.

4580 **(3) Conditional uses.**

- 4581 (a) Detached accessory dwelling units.
- 4582 (b) Multiple family dwellings and condominiums
- 4583 (c) Day care centers
- 4584 (d) Community living arrangements for more than nine persons..
- 4585 (e) Institutional residential
- 4586 (f) Principal buildings more than two and a half stories tall
- 4587 (g) Accessory buildings between 12 and 16 feet in height.
- 4588 (h) Limited family businesses
- 4589 (i) Reduction of side lot setback to less than 10 feet total.
- 4590 (j) Transportation, communications, pipeline, electric transmission, utility, or drainage
- 4591 uses, not listed as a permitted use above.

4592 **(4) Lot dimensions.**

- 4593 (a) Lots on public sewer.

- 4594 1. Minimum lot size. All new lots must be at least 5,000 square feet in area,
4595 excluding public rights-of-way.
4596 2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area,
4597 excluding public rights of way.
4598 3. Minimum lot width. All new lots must be at least 50 feet wide.
4599 (b) Lots not on public sewer.
4600 1. Minimum lot size. All new lots must be at least 20,000 square feet in area,
4601 excluding public rights-of-way.
4602 2. Maximum lot size. All new lots must be smaller than 40,000 square feet in area,
4603 excluding public rights-of-way.
4604 3. Minimum lot width. All new lots must be at least 100 feet wide.
- 4605 **(5) Setbacks and required yards.**
4606 (a) Front yard.
4607 1. For newly created lots, or existing lots lacking an existing pattern of
4608 development as described in 2., below, all new structures must be at least 20
4609 feet from the right-of-way line.
4610 2. In lots or platted subdivisions created before (insert date) where a building line
4611 shall have been established by the construction of buildings on 30 percent of
4612 the lots in any one(1) block, such established setback line shall be the setback
4613 for that block, but in no event shall such setback be less than 5 feet.
4614 (b) Side yard. Unless exempted by conditional use permit:
4615 1. All structures must be at least a total of 10 feet from both side lot lines.
4616 2. Structures may be built at a zero setback from one side lot line, provided the
4617 setback from the opposite side lot line is at least 10 feet.
4618 (c) Rear yard.
4619 1. Permitted residences must be at least 16 feet from the rear lot line.
4620 2. Decks attached to a permitted residence must be at least 8 feet from the rear lot
4621 line.
4622 3. Accessory structures must be at least 6 feet from any rear lot line.
- 4623 **(6) Building height.**
4624 (a) Principal buildings. Unless authorized by conditional use permit, principal buildings
4625 shall not exceed 35 feet in height or two and one-half (2-1/2) stories, whichever is
4626 less.
4627 (b) Accessory buildings. Unless authorized by conditional use permit, accessory
4628 buildings shall not exceed 12 feet in height.
- 4629 **(7) Lot coverage.**
4630 The total building footprint of residential buildings and residential accessory buildings
4631 shall not exceed 35 percent of the lot area.
4632

4633 10.262. HAM-M (Hamlet – Mixed-Use) Zoning District

4634 **(1) Purpose.** The HAM-M Hamlet-Mixed-Use District accommodates a variety of
4635 commercial activities in conjunction with civic open spaces and buildings. It is a denser,
4636 fully-mixed use part of a community. Within the HAM-M district, the predominant land
4637 and building use is commercial, but may include residential and workplace uses in
4638 deference to the purpose and character of local commercial activities. It is typically
4639 located along an important street. Many older traditional downtown or neighborhood
4640 commercial districts typify the characteristics of a HAM-M district.

4641 **(2) Permitted uses**

- 4642 (a) Single family residential
- 4643 (b) Duplexes
- 4644 (c) Attached accessory dwelling units
- 4645 (d) Residential accessory uses
- 4646 (e) Home occupations
- 4647 (f) Indoor Sales.
- 4648 (g) Incidental room rental
- 4649 (h) Personal or Professional Service
- 4650 (i) Office uses.
- 4651 (j) Governmental, institutional, religious, or nonprofit community uses.
- 4652 (k) Utility services associated with, and accessory to, a permitted or conditional use
- 4653 (l) Indoor maintenance and repair
- 4654 (m) Transient or Tourist Lodging
- 4655 (n) Active or passive recreational uses.
- 4656 (o) A transportation, utility, communication, or other use that is:
 - 4657 1. required under state or federal law to be located in a specific place, or;
 - 4658 2. is authorized to be located in a specific place under a state or federal law that
 - 4659 specifically preempts the requirement of a conditional use permit.

4660 **(3) Conditional Uses.**

- 4661 (a) Detached accessory dwelling units.
- 4662 (b) Multiple family dwellings and condominiums
- 4663 (c) Institutional Residential
- 4664 (d) Automotive services.
- 4665 (e) Indoor entertainment
- 4666 (f) Outdoor entertainment
- 4667 (g) Limited family business
- 4668 (h) Principal commercial buildings which have more than four (4) stories, or more than
- 4669 10,000 square feet of interior floor space devoted to business or commercial use.
- 4670 (i) Residential accessory buildings between 12 and 16 feet in height.
- 4671 (j) Commercial Indoor Lodging.

- 4672 (k) Outdoor sales events
4673 (l) Day care centers
4674 (m) Community living arrangements for nine (9) or more persons.
4675 (n) Transportation, communications, pipeline, electric transmission, utility, or drainage
4676 uses, not listed as a permitted use above.

4677 **(4) Lot dimensions.**

- 4678 (a) Lots on public sewer.
4679 1. Minimum lot size. All new lots must be at least 5,000 square feet in area,
4680 excluding public rights-of-way.
4681 2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area,
4682 excluding public rights of way.
4683 3. Minimum lot width. All new lots must be at least 50 feet wide.
4684 (b) Lots not on public sewer.
4685 4. Minimum lot size. All new lots must be at least 20,000 square feet in area,
4686 excluding public rights-of-way.
4687 5. Maximum lot size. All new lots must be smaller than 40,000 square feet in area,
4688 excluding public rights-of-way.
4689 6. Minimum lot width. All new lots must be at least 100 feet wide.

4690 **(5) Setbacks and required yards.**

- 4691 (a) **Front yard.**
4692 1. For newly created lots, or existing lots lacking an existing pattern of development
4693 as described in 2., below, all new structures must be at least 20 feet from the
4694 right-of-way line.
4695 2. In lots or platted subdivisions created before (insert date) where a building line
4696 shall have been established by the construction of buildings on 30 percent of the
4697 lots in any one(1) block, such established setback line shall be the setback for that
4698 block, but in no event shall such setback be less than 5 feet.
4699 (b) **Side yard.** Unless exempted by conditional use permit:
4700 1. All structures must be at least a total of 10 feet from both side lot lines.
4701 2. Structures may be built at a zero setback from one side lot line, provided the
4702 setback from the opposite side lot line is at least 10 feet.
4703 (c) **Rear yard.**
4704 1. Buildings with 2 or less stories: 10 feet minimum
4705 2. 3 stories or more w/o windows: 10 feet minimum
4706 3. 3 stories or more w/ windows: 10 ft & 5 ft per story over second story minimum
4707 4. Accessory structures must be at least 6 feet from any rear lot line.

4708 **(6) Building height and area limitations.**

4709 **(a) Commercial buildings.** Commercial buildings shall not exceed 10,000 square feet in
4710 total floor area and shall not exceed 70 feet in height or four and one-half (4 ½)
4711 stories, whichever is less, unless authorized by conditional use permit.

4712 **(b) Residential buildings.**

4713 **1.** Principal buildings. Principal residential buildings shall not exceed 35 feet in
4714 height or two and one-half (2-1/2) stories, whichever is less.

4715 **2.** Accessory residential buildings. Unless authorized by conditional use permit,
4716 residential accessory buildings shall not exceed 12 feet in height.

4717 **(7) Lot coverage.**

4718 The total building footprint of commercial buildings, residential buildings and residential
4719 accessory buildings shall not exceed 35 percent of the lot area.

DRAFT

4720 **10.270. Commercial Zoning Districts**

4721 **(1) Provisions applicable to all Commercial Districts**

- 4722 (a) Site plan. All petitions to rezone to any Commercial zoning district, and any
4723 application for a zoning permit or conditional use permit within an existing
4724 Commercial zoning district must be accompanied by an approved site plan as
4725 described in s. 10.100(4).
4726 (b) Off-street parking. Off-street parking shall be provided as required in s.10.102(7).
4727 (c) Screening. For commercial uses within 100 feet of any residence, screening must be
4728 provided as required in s.10.102(11).
4729 (d) Stormwater. The Zoning Administrator may not issue a zoning permit for any
4730 development in any commercial district until the Department of Land and Water
4731 Resources issues a Stormwater Management permit for the project under Chapter
4732 14, Dane County Code.

4733 **10.271. LC (Limited Commercial) Zoning District**

4734 **(1) Purpose.**

- 4735 (a) The Limited Commercial Zoning District is intended for small commercial uses that
4736 may need to locate in predominantly rural areas due to their often large service
4737 areas and their need for larger lot sizes. In appearance and operation, such uses are
4738 often similar to agricultural uses and are therefore more suitable to a rural area.
4739 (b) Such uses include, but are not limited to, contractor, transportation, building
4740 trades and landscaping operations, which may have
4741 1. Outdoor stockpiles of materials;
4742 2. Storage and maintenance of large construction or transportation equipment;
4743 3. Early morning activity, and;
4744 4. Large, utilitarian buildings.
4745 (c) Limited commercial uses:
4746 1. Have no retail sales;
4747 2. Do not create high traffic volume, and;
4748 3. Have limited outdoor lighting and signage.

4749 **(2) Permitted Uses.**

- 4750 (a) Office uses, the number on site employees is limited to no more than six (6).
4751 (b) Agricultural uses.
4752 (c) Contractor operations
4753 (d) Indoor Storage.
4754 (e) Incidental Indoor Maintenance.
4755 (f) Incidental Parking for employees, consistent with s. 10.06(7).
4756 (g) Utility services associated with, and accessory to, a permitted or conditional use.
4757 (h) Storage of no more than 12 total vehicles and pieces of construction equipment.

- 4758 (i) A transportation, utility, communication, or other use that is:
4759 1. required under state or federal law to be located in a specific place, or;
4760 2. is authorized to be located in a specific place under a state or federal law that
4761 specifically preempts the requirement of a conditional use permit.

4762 **(3) Conditional Uses.**

- 4763 (a) Outdoor Storage.
4764 (b) Caretaker's residence.
4765 (c) Light Industrial.
4766 (d) Governmental, institutional, religious, or nonprofit community uses
4767 (e) Storage of more than 12 total vehicles and pieces of construction equipment.
4768 (f) Transportation, communications, pipeline, electric transmission, utility, or drainage
4769 uses, not listed as a permitted use above.

4770 **(4) Building area limitations.**

4771 Commercial buildings shall not exceed 10,000 square feet in total floor area.

4772 **(5) Lot dimensions.**

- 4773 (a) Minimum lot area. Lots shall be not less than 20,000 square feet of lot area.
4774 (b) Maximum lot area. Lots shall not exceed 5 acres in area.
4775 (c) Minimum lot width. Lots must be at least 100 feet wide.

4776 **(6) Setbacks and required yards.**

- 4777 (a) Front yards. Construction equipment, vehicles, or material shall not be stored
4778 between the building setback line and the front lot line of any lot.
4779 (b) Side yards. The minimum width for any side yard shall not be less than 10 feet for
4780 any building.
4781 (c) Rear yards.
4782 1. For buildings used for commercial purposes and residential accessory buildings
4783 the minimum rear yard shall be not less than 10 feet.
4784 2. For residential buildings the minimum rear yard shall be not less than 25 feet.

4785 **(7) Building height.**

4786 Buildings shall not exceed 35 feet in height or two and one-half stories, whichever is
4787 less.

4788 **(8) Lot coverage.**

4789 The total building footprint of commercial buildings, residential buildings and residential
4790 accessory buildings shall not exceed 35 percent of the lot area.

4791

4792 10.272. GC (General Commercial) Zoning District

4793 (1) Purpose.

- 4794 (a) The General Commercial Zoning District is intended to accommodate retail, sales,
4795 service, lodging, and office uses, where: primary commercial activity occurs
4796 indoors; commercial uses are of moderate scale and intensity, and; uses are
4797 appropriate to a developed area.
- 4798 (b) Permitted uses are typically characterized by moderate traffic and parking
4799 requirements, with low or moderate noise, odors, vibrations, fumes or other
4800 potential direct external nuisances.
- 4801 (c) Conditional uses include compatible commercial uses that have a somewhat higher
4802 amount of outdoor activity, operate outside of normal business hours, or taller or
4803 more massive buildings. As a district primarily devoted to commercial uses,
4804 residential uses are listed as conditional uses to make sure residential areas are
4805 designed for compatibility with nearby commercial areas, including provisions or
4806 designs, such as visual screening, or safe pedestrian access, to protect residents'
4807 safety and welfare.

4808 (2) Permitted Uses.

- 4809 (a) Office uses
4810 (b) Day care centers
4811 (c) Indoor entertainment
4812 (d) Indoor sales
4813 (e) Indoor storage.
4814 (f) Indoor maintenance.
4815 (g) Governmental, institutional, religious, or nonprofit community uses.
4816 (h) Off-site parking
4817 (i) Personal or professional service
4818 (j) Transient or tourist lodging
4819 (k) Utility services associated with, and accessory to, a permitted or conditional use.
4820 (l) Veterinary clinics.
4821 (m) A transportation, utility, communication, or other use that is:
4822 1. required under state or federal law to be located in a specific place, or;
4823 2. is authorized to be located in a specific place under a state or federal law that
4824 specifically preempts the requirement of a conditional use permit.

4825 (3) Conditional Uses.

- 4826 (a) Residential and associated accessory uses.
4827 1. Any residential use in the GC district must meet all of the following criteria:
4828 (a) Comply with residential density standards of any applicable town
4829 comprehensive plan and the *Dane County Comprehensive Plan*
4830 (b) Have visual screening from adjacent commercial areas

- 4831 (c) Must provide appropriate parking, and internal pedestrian access for
4832 residents.
- 4833 **2.** Residential uses may include:
- 4834 (a) Single family residential
- 4835 (b) Two family residential
- 4836 (c) Multifamily residential
- 4837 (d) Mixed residential and commercial developments
- 4838 (e) Institutional Residential
- 4839 (f) Manufactured home communities, subject to s. 10.102(15).
- 4840 **(b)** Automobile service
- 4841 **(c)** Airport, landing strip or heliport.
- 4842 **(d)** Commercial Indoor Lodging.
- 4843 **(e)** Animal boarding, domestic pets
- 4844 **(f)** In-vehicle sales or service
- 4845 **(g)** Light industrial
- 4846 **(h)** Outdoor entertainment
- 4847 **(i)** Outdoor Storage.
- 4848 **(j)** Transportation, communications, pipeline, electric transmission, utility, or drainage
4849 uses, not listed as a permitted use above.
- 4850 **(4)** Building size and area limitations.
- 4851 **(a)** Business buildings: 4 stories maximum
- 4852 **(b)** Residential dwelling: 2 stories or 35 feet maximum.
- 4853 **(5)** Lot dimensions.
- 4854 **(a)** Minimum lot area.
- 4855 **(b)** Maximum lot area.
- 4856 **(c)** Minimum lot width.
- 4857 **(6)** Setbacks and required yards.
- 4858 **(a)** Side yards: 10 feet minimum
- 4859 **(b)** Rear yards.
- 4860 **1.** Exclusive business use: 10 Feet minimum
- 4861 **2.** Residential or combined use: 25 feet minimum
- 4862 **(7) Lot coverage.**
- 4863 The total area of all buildings and structures must not exceed 60% of the total lot area,
4864 excluding public rights-of-way.
- 4865

4866 **10.273. HC (Heavy Commercial) Zoning District**

4867 **(1) Purpose.**

4868 **(a)** The Heavy Commercial Zoning District is intended to accommodate retail, service,
4869 light industrial lodging, and office uses, where: primary commercial activity may
4870 occur either or indoors; commercial uses are of relatively large scale and intensity,
4871 and; uses are appropriate to a highly developed area.

4872 **(b)** Permitted uses are typically characterized by relatively high traffic volumes and
4873 substantial parking requirements, with some potential for noise, odors, vibrations,
4874 fumes or other potential direct external nuisances.

4875 **(c)** Conditional uses include commercial uses that have a somewhat higher amount of
4876 outdoor activity, or operate outside of normal business hours.

4877 **(2) Permitted Uses.**

4878 **(a)** Office uses

4879 **(b)** Automobile service

4880 **(c)** Day care centers

4881 **(d)** Indoor entertainment

4882 **(e)** Indoor sales

4883 **(f)** Indoor storage.

4884 **(g)** Indoor maintenance.

4885 **(h)** Governmental, institutional, religious, or nonprofit community uses.

4886 **(i)** Light industrial

4887 **(j)** Off-site parking

4888 **(k)** Outdoor sales, display or repair

4889 **(l)** Personal or professional service

4890 **(m)** Transient or tourist lodging

4891 **(n)** Adult book stores, subject to s.10.103(2).

4892 **(o)** Utility services.

4893 **(p)** Veterinary clinics.

4894 **(q)** A transportation, utility, communication, or other use that is:

4895 **1.** required under state or federal law to be located in a specific place, or;

4896 **2.** is authorized to be located in a specific place under a state or federal law that
4897 specifically preempts the requirement of a conditional use permit.

4898 **(3) Conditional Uses.**

4899 **(a)** Commercial indoor lodging.

4900 **(b)** In-vehicle sales or service

4901 **(c)** Marinas

4902 **(d)** Outdoor entertainment

4903 **(e)** Passenger transportation terminals.

4904 **(f)** Outdoor storage

- 4905 (g) Personal storage facilities
4906 (h) Warehousing and distribution facilities.
4907 (i) Transportation, communications, pipeline, electric transmission, utility, or drainage
4908 uses, not listed as a permitted use above.
- 4909 (4) Building size and area limitations.
4910 (a) Building height. Buildings shall not exceed a height of 50 feet, excluding tanks,
4911 storage bins, silos and towers..
- 4912 (5) Lot dimensions.
4913 (a) Minimum lot area.
4914 (b) Maximum lot area
4915 (c) Minimum lot width.
- 4916 (6) Setbacks and yards.
4917 (a) Side yards: 10 feet minimum
4918 (b) Rear yard: 10 Feet minimum
- 4919 (7) **Lot coverage.**
4920 The total area of all buildings and structures must not exceed 60% of the total lot area,
4921 excluding public rights-of-way.
4922

4923 **10.280. Processing, Manufacturing and Industrial Zoning Districts**

- 4924 **(1)** Provisions applicable to all Processing, Manufacturing and Industrial Districts
4925 **(a)** Off-street parking. Off-street parking shall be provided as required in s.10.102(7).
4926 **(b)** Screening. For commercial uses adjacent to any Residential, Rural Residential or
4927 Rural Mixed-Use district, screening must be provided as required in s.10.102(11).
4928 **(c)** Stormwater. The Zoning Administrator may not issue a zoning permit for any
4929 development in any commercial district until the Department of Land and Water
4930 Resources issues a Stormwater Management permit for the project under Chapter
4931 14, Dane County Code.

- 4932 **(2)** Rezones to Processing, Manufacturing and Industrial Zoning Districts.
4933 The county board may not approve a petition to rezone to the RI or MI zoning districts
4934 on lands that are wholly or partially within the zone of contribution to a municipal well,
4935 as shown in the most current adopted version of the *Dane County Water Quality Plan*.

4936 **10.281. RI (Rural Industry) Zoning District**

- 4937 **(1)** Purpose.
4938 **(a)** The Rural Industry Zoning District is intended to accommodate industrial,
4939 processing and extractive uses, where:
4940 1. primary activity often occurs outdoors;
4941 2. uses require large land areas and separation from residential uses;
4942 3. uses do not require full urban services or create intensive electrical, water or
4943 other utility demand, and;
4944 4. uses are appropriate to a rural area.
4945 **(b)** Permitted uses are similar to those in the Limited Commercial district, and do not
4946 require special conditions or approvals to mitigate impacts to surrounding
4947 properties.
4948 **(c)** Conditional uses have significant potential for runoff, pollution, noise, dust, odors,
4949 vibration, heavy vehicle traffic and other potential nuisances, and typically require
4950 conditions tailored to the particular use and setting to protect public safety or to
4951 mitigate impacts to the environment or to surrounding properties.

- 4952 **(2)** Permitted Uses
4953 **(a)** Agricultural uses
4954 **(b)** Agricultural accessory uses, except farm residences
4955 **(c)** Undeveloped natural resource and open space uses
4956 **(d)** Office uses
4957 **(e)** Indoor storage.
4958 **(f)** Outdoor storage.

- 4959 (g) Incidental indoor maintenance.
- 4960 (h) Incidental parking for employees, consistent with s. 10.06(7).
- 4961 (i) Light industrial
- 4962 (j) Utility services.
- 4963 (k) A transportation, utility, communication, or other use that is:
- 4964 1. required under state or federal law to be located in a specific place, or;
- 4965 2. is authorized to be located in a specific place under a state or federal law that
- 4966 specifically preempts the requirement of a conditional use permit.
- 4967 (3) Conditional Uses
- 4968 (a) Mineral extraction operations
- 4969 (b) Asphalt and concrete production
- 4970 (c) Caretaker's residence
- 4971 (d) Communication towers
- 4972 (e) Commercial processing or composting of organic by-products or wastes that does
- 4973 not meet the definition of an agriculture-related use.
- 4974 (f) Dumping grounds
- 4975 (g) Demolition material disposal sites
- 4976 (h) Incinerator sites
- 4977 (i) Outdoor sales, display, or repair.
- 4978 (j) Salvage yard or junkyards.
- 4979 (k) Solid waste disposal or recycling operations
- 4980 (l) Storage of explosive materials.
- 4981 (m) Transportation, communications, pipeline, electric transmission, utility, or drainage
- 4982 uses, not listed as a permitted use above
- 4983 (n) Wastewater treatment facilities.
- 4984 (4) Building height and area limitations
- 4985 (5) Lot area
- 4986 Minimum lot area: 5 acres
- 4987 (6) Setbacks and yards.
- 4988

4989 10.282. MI (Manufacturing and Industrial) Zoning District

4990 **(1) Purpose.**

4991 **(a)** The Manufacturing and Industrial Zoning District is intended to accommodate
4992 industrial, processing and extractive uses, where:

- 4993 1. primary activity occurs either indoors or outdoors;
4994 2. uses are intensive, and at relatively high densities and may produce a high volume
4995 of employee and freight traffic
4996 3. uses require separation from residential uses;
4997 4. uses may require full urban services or create intensive electrical, water or other
4998 utility demand, and;
4999 5. uses are appropriate to an urbanized or industrial area.

5000 **(b)** Permitted uses occur primarily indoors.

5001 **(c)** Conditional uses often occur outdoors, and have unusual potential for runoff,
5002 pollution, noise, dust, odors, vibration, heavy vehicle traffic and other potential
5003 nuisances, and typically require conditions tailored to the particular use and setting
5004 to protect public safety or to mitigate impacts to the environment or to
5005 surrounding properties.

5006 **(2) Permitted Uses**

- 5007 **(a)** Office uses.
5008 **(b)** Indoor maintenance and repair
5009 **(c)** Indoor storage
5010 **(d)** Outdoor storage
5011 **(e)** Personal storage facility
5012 **(f)** Automotive services.
5013 **(g)** Light industrial uses.
5014 **(h)** Heavy industrial uses.
5015 **(i)** Off-site parking lot or garage
5016 **(j)** Adult book stores, subject to s.10.103(2)
5017 **(k)** Adult entertainment, subject to the provisions of the Adult Entertainment Overlay
5018 District (AED).
5019 **(l)** Utility services.
5020 **(m)** A transportation, utility, communication, or other use that is:
5021 1. required under state or federal law to be located in a specific place, or;
5022 2. is authorized to be located in a specific place under a state or federal law that
5023 specifically preempts the requirement of a conditional use permit.

5024 **(3) Conditional Uses**

- 5025 **(a)** Mineral extraction operations
5026 **(b)** Asphalt and concrete production
5027 **(c)** Caretaker's residence

- 5028 (d) Communication towers
- 5029 (e) Commercial processing or composting of organic by-products or wastes.
- 5030 (f) Indoor entertainment
- 5031 (g) Dumping grounds
- 5032 (h) Solid waste disposal operation
- 5033 (i) Demolition material disposal sites
- 5034 (j) Incinerator sites
- 5035 (k) Salvage recycling operations
- 5036 (l) Solid waste disposal or recycling operations
- 5037 (m) Storage of explosive materials.
- 5038 (n) Transportation, communications, pipeline, electric transmission, utility, or drainage
- 5039 uses, not listed as a permitted use above.

5040 (4) Building height and area limitations

5041 (5) Lot area

5042 (1) Purpose.

5043 The UTR Utility, Transportation and Right-of-Way district is intended to provide for
5044 parcels intended for purely utilitarian, nonresidential uses with no principal structure.
5045 The UTR district is intended for parcels that due to their size, width, location, proximity
5046 to a roadway, division by municipal boundaries or other circumstance are unsuitable for
5047 most forms of residential, commercial or other structural development, yet lack
5048 significant natural resource features.

5049 (2) Setbacks and yards.

5050

5051 10.290. Special Use Zoning Districts

5052 10.291. PUD (Planned Unit Development) Zoning District

5053 (1) **Purpose.** The purpose of the PUD Planned Unit Development district is to promote
5054 improved development design by allowing greater flexibility and imagination in urban
5055 and rural development while ensuring substantial compliance with the intent of the
5056 zoning ordinance and adopted plans. The district allows variations in uses, structures,
5057 densities, setbacks and yard requirements, building heights, landscaping and other
5058 provisions for developments which are cohesively planned and implemented. In
5059 exchange for such flexibility, the project (hereinafter referred to as Planned Unit
5060 Development or PUD) must provide a higher level of design and functionality than
5061 normally required for other developments.

5062 (2) **Permitted uses.** The only uses permitted within each mapped PUD district shall be those
5063 lawful use(s) in place at the time of PUD district mapping plus those uses explicitly listed,
5064 depicted and described as permitted uses within that particular PUD district.

5065 (3) Building height limit, Area, frontage and population density regulations; Lot coverage;
5066 Number of principal buildings per lot; Setback from road and front property line and
5067 front yard requirements; Side and rear yard requirements; Off-street parking; Screening
5068 and landscaping provisions; Sign regulations. Zoning limitations on or requirements for
5069 building height, lot area, lot frontage/width, housing unit or population density, number
5070 of buildings per lot, lot coverage, setbacks, yard areas, off-street parking and loading,
5071 screening or landscaping, and signage shall be specified for each particular PUD district.
5072 Such requirements shall be generally described as part of an approved General
5073 Development Plan (GDP) for each PUD and explicitly specified as part of an approved
5074 Specific Implementation Plan (SIP). Where they provide sufficient detail, such
5075 specifications shall supersede similar specifications found elsewhere in the zoning
5076 ordinance.

5077 (4) **Criteria for approval of PUDs.** Planned unit developments shall meet all of the following
5078 criteria to be approved:

5079 (a) The development shall be consistent with a town comprehensive plan approved by
5080 both the town and county.

5081 (b) The uses and their intensity, appearance, design and arrangement shall be
5082 compatible with the physical nature of the site and area, and shall not have a
5083 significant adverse impact on the natural environment.

5084 (c) The uses and their intensity, appearance, design and arrangement shall in no
5085 foreseeable manner diminish or impede the uses, values and normal and orderly
5086 development of surrounding properties.

5087 (d) The uses and their intensity, appearance, design and arrangement shall not create

- 5088 access issues, traffic or parking demand inconsistent with existing or anticipated
5089 transportation facilities.
- 5090 (e) The development shall include adequate provision for the continued preservation,
5091 maintenance and improvement of natural areas and open space.
- 5092 (f) The applicant shall provide evidence of financial feasibility and assurances that each
5093 phase can be completed in a manner which would not result in an adverse effect
5094 upon the community as a result of termination at that point.
- 5095 (g) The development shall comply with all other applicable ordinances.

5096 **(5) Planned unit development approval process.** There is a two step review and approval
5097 process for establishing a PUD district. The first step consists of submittal of a General
5098 Development Plan (GDP) that outlines the nature of the Planned Unit Development and
5099 provides information necessary for consideration and decision-making by the town and
5100 county. The second step involves submittal of a Specific Implementation Plan (SIP)
5101 which documents the detailed actions the applicant will take to implement the General
5102 Development Plan. No PUD zoning district can be established without an approved GDP
5103 and corresponding SIP(s). If approved by the zoning administrator, the applicant may
5104 combine steps for simple PUDs involving a small tract of land or proceed with both steps
5105 concurrently.

- 5106 (a) General Development Plan (GDP).
- 5107 1. Prior to submitting a formal application, the prospective applicant shall present
5108 the concept of the proposed PUD to, and consult with, representatives from the
5109 affected town, staff from the planning and development department, and the
5110 zoning committee regarding the project, required application materials, and the
5111 PUD review process. These representatives may comment on the concept, but
5112 their comments are not binding on the representatives nor indicative of their
5113 position on a formal application. The review by the town and the zoning
5114 committee may take place at a joint meeting.
- 5115 2. The applicant shall submit to the zoning administrator a formal application for
5116 GDP review and approval, along with required application materials. The zoning
5117 administrator shall process such applications under the standard zoning map
5118 amendment procedure, plus additional procedures established herein. The
5119 applicant shall include twenty-five (25) copies of all required materials, along with
5120 the applicable fee provided for in chapter 12.
- 5121 3. The zoning administrator shall determine whether the GDP submittal is complete
5122 in reference to the following required application materials:
- 5123 a. Name of the applicant, agent, property owner(s) and entity which intends to
5124 develop the land.
- 5125 b. A complete written legal description of the subject property.
- 5126 c. A map(s) of the subject property showing all lands for which the PUD is
5127 proposed, and all other lands within 1,000 feet of the subject property.
5128 Said map shall clearly indicate the current property owners and zoning of

- 5129 the subject property and all lands with 500 feet, the boundaries of all
5130 political jurisdiction(s) in the area and all lot dimensions of the subject
5131 property. The map shall be at a scale not less than one inch equals 800
5132 feet.
- 5133 **d.** A general written description of the proposed PUD, including:
- 5134 i. general project themes, images and design concepts;
 - 5135 ii. general mix of dwelling unit types and land uses;
 - 5136 iii. approximate development densities;
 - 5137 iv. general treatment of natural features and provisions for open space
5138 preservation;
 - 5139 v. general relationship to nearby properties and existing and planned
5140 streets, highways and other transportation improvements;
 - 5141 vi. general relationship to the approved town land use plan; and
 - 5142 vii. a general plan for phasing, including a planned timeline for submittal
5143 of one or more SIPs.
- 5144 **e.** A description of why the applicant wishes to develop the project using PUD
5145 zoning. This description shall include justification for the proposed PUD,
5146 and shall indicate how the criteria in sub. 10.153(4) will be met.
- 5147 **f.** A list of standard zoning provisions which will be met by the proposed
5148 PUD, standards which will not be met by the proposed PUD, standards
5149 which will be more than met by the proposed PUD, and the location(s) in
5150 which they apply. This list shall be organized in the following manner:
- 5151 i. land use types and mix (list range of permitted uses);
 - 5152 ii. density and intensity of land uses (list range of dwelling units per
5153 acre, lot sizes, lot frontages/widths, setbacks and yard requirements,
5154 lot coverage, building heights, lot dimensions, number of units, and
5155 floor area ratios for non-residential uses);
 - 5156 iii. landscaping and screening;
 - 5157 iv. off-street parking and loading;
 - 5158 v. signage; and
 - 5159 vi. other applicable standards.
- 5160 **g.** GDP map(s) at a minimum scale of 1 inch equals 100 feet (11" x 17"
5161 reduction shall also be provided) of the proposed project showing at least
5162 the following information:
- 5163 i. land use layout and the location of major public streets and/or
5164 private drives;
 - 5165 ii. location of recreational and open space areas and facilities; and
 - 5166 iii. statistical data on lot sizes in the development, the approximate
5167 areas of large development lots and pads, and density/intensity of
5168 various parts of the development.
 - 5169 iv. A conceptual landscaping plan, noting approximate locations and
5170 types of existing and planned landscaping, screening and fencing.

- 5171 v. A general signage plan, including approximate locations, types,
5172 heights, lighting and sign face areas.
5173 vi. Evidence of financial capability pertaining to construction,
5174 maintenance and operation of all public and private improvements
5175 associated with the proposed development.
5176 vii. Other maps or information requested by the town or county.
5177 viii. In the case of a rural PUD, the GDP shall identify any areas proposed
5178 to be subject to conservancy easements, the nature of the
5179 conservancy easements to be imposed, and other features designed
5180 to protect the rural character of the area in which the PUD is
5181 proposed.
5182 ix. After the GDP submittal is complete, the zoning administrator shall
5183 forward two copies of the submittal to the town clerk of the affected
5184 town and schedule the petition for zoning committee public hearing.
5185 x. The affected town shall review and act on the proposed GDP. The
5186 town may approve the GDP with conditions that identify specific
5187 limits or elements the town requires to be included in the SIP.
5188 xi. The zoning committee, after a public hearing and after receiving
5189 comments from the affected town, shall forward its
5190 recommendation on the proposed GDP to the county board. The
5191 GDP may be approved with conditions that identify specific limits or
5192 elements the county requires be included in the SIP. If the town
5193 board approves the GDP subject to conditions and such conditions
5194 are amended or deleted by the county, the GDP as approved by the
5195 county shall be submitted to the town board for approval of the
5196 county's conditions or denial of the GDP.
5197 xii. The county board shall act on the GDP and, if the GDP is approved,
5198 shall establish through its approval a delayed effective date (DED)
5199 totaling at least 12 months within which one or more SIPs must be
5200 filed in order to effectuate the rezoning and establish the PUD on the
5201 zoning district map. Such timeframe may later be extended through
5202 an amendment to the approved GDP, which shall follow the same
5203 process as GDP approval. Failure to file an SIP(s) within the delayed
5204 effective date, or to extend said date, shall cause the rezoning to
5205 become null and void.
5206 xiii. Approval of the GDP shall establish the basic right of use for the
5207 subject property in conformity with the approved plan, but approval
5208 of such plan shall not make permissible in any area of the PUD those
5209 uses proposed until an SIP is approved for that area. No
5210 development may occur within a PUD district which is inconsistent
5211 with an approved GDP.

(b) Specific Implementation Plan (SIP).

- 5213
5214
5215
5216
5217
5218
5219
5220
5221
5222
5223
5224
5225
5226
5227
5228
5229
5230
5231
5232
5233
5234
5235
5236
5237
5238
5239
5240
5241
5242
5243
5244
5245
5246
5247
5248
5249
5250
5251
5252
5253
5254
1. The applicant may submit to the zoning administrator an application for one or more SIPs along with required application materials within the delayed effective date period as established through county board approval of the rezoning to PUD (GDP approval). If such SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP shall be null and void for those portions of the subject property not yet covered by an approved SIP, and the zoning administrator shall approve no further SIPs for the property under the previously approved GDP. In the event all or part of a GDP is rendered null and void, the zoning on the property shall revert to the zoning category existing prior to the PUD rezoning.
 2. The zoning administrator shall determine whether the SIP submittal is complete in reference to the following required application materials
 3. Name of the applicant, agent, property owner(s) and entity which intend to develop the land.
 4. A complete written legal description of the SIP area.
 5. A map showing the relationship of the SIP area to the approved GDP area.
 6. A written description of the proposed SIP area within the PUD, including:
 - a. specific project themes, images and design features;
 - b. a specific list of permitted dwelling unit types and land uses;
 - c. specific development densities by dwelling units per acre, lot sizes, lot frontages/widths, setbacks and yard requirements, lot coverage, building heights, lot dimensions, number of units, and floor area ratios for non-residential uses;
 - d. specific treatment of natural features and provisions for open space preservation;
 - e. specific relationship to the remainder of the PUD included in the approved GDP, nearby properties and existing and planned streets, highways and other transportation improvements; and
 - f. a development schedule indicating project stages.
 - g. A written description demonstrating the consistency of the proposed SIP with the approved GDP and the criteria in s. 10.08(11)(a)4., and identifying any and all deviations between the approved GDP and the proposed SIP.
 - h. An SIP map at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall also be provided) of the proposed project showing at least the following information:
 - i. locations, sizes, dimensions and permitted uses of all lots and building sites (detailed lot layout/conceptual subdivision plan required for SIPs with multiple lots);
 - ii. locations, sizes and dimensions of all structures (minimum setbacks and yard areas);
 - iii. delineations of all water bodies, wetlands, floodplains, steep slopes and other sensitive environmental areas;
 - iv. locations, dimensions and surface type of all driveways, walkways,

- 5255 trails, parking and loading areas and roads;
5256 v. detailed off-street parking lot and stall design;
5257 vi. location of all public and private utilities;
5258 vii. location, type and intensity of outdoor lighting;
5259 viii. location of recreational and open space areas and facilities,
5260 specifically describing those that are to be reserved or dedicated for
5261 public use; and
5262 ix. statistical data on lot sizes in the development, the exact areas of all
5263 development lots and pads, density/intensity of various parts of the
5264 development, floor area ratios, and lot coverage percentages.
5265 i. A detailed landscaping plan for the area included in the SIP, specifying the
5266 location, species, and installed and mature size of all existing and proposed
5267 trees, shrubs and fencing.
5268 j. A signage plan for the project, including the type, location, height,
5269 dimensions, lighting and sign face area of all proposed signs.
5270 k. An erosion control, drainage and stormwater management plan.
5271 l. Building elevations for all buildings, including building heights and
5272 materials.
- 5273 7. After the SIP submittal is complete, it shall be forwarded to the town clerk of the
5274 affected town. The town may then forward any comments and recommendations
5275 on the proposed SIP to the zoning administrator within 60 days. Alternatively, at
5276 the sole discretion of the affected town, the town may forward its comments and
5277 recommendations to the zoning administrator prior to the zoning administrator's
5278 determination of SIP submittal completeness, in which case the 60 day review
5279 period is not required.
- 5280 8. The planning and development director and zoning administrator shall review the
5281 submitted SIP with reference to the GDP approval, the evaluation criteria in s.
5282 10.153(4), and town comments and recommendations. Within 50 days of receipt
5283 of a complete submittal (of within 10 days of such receipt in the event that the
5284 town offers comments and recommendations before the zoning administrator's
5285 determination of completeness is made), the director and zoning administrator
5286 shall determine whether the SIP is consistent with the approved GDP.
5287 Inconsistencies shall require an amendment to the GDP according to the
5288 procedure in sub. 10.153(5)(a). If generally consistent with the approved GDP and
5289 the evaluation criteria, the director and zoning administrator shall, within such
5290 timeframe, approve the SIP as submitted or with modifications necessary to
5291 achieve full consistency. If approved with modifications, the applicant shall
5292 submit modified SIP materials consistent with the approval before the issuance of
5293 zoning permits.
- 5294 9. The approved SIP shall provide the basis for the issuance of all subsequent
5295 permits including, but not limited to, zoning permits, to allow development with
5296 the SIP area. Any portion of an approved SIP for which a zoning permit is not

5297
5298
5299
5300
5301
5302
5303
5304
5305
5306

issued within three years of SIP approval shall expire, and a new SIP must be submitted and approved for that area before any development may occur.

- 10.** As an alternative to SIP technical review by the zoning administrator, planning and development director and affected town, approval of the GDP may include detailed restrictive covenants specific to the PUD that establish a design review committee and design review process to review SIP submittals so as to ensure compliance with the GDP. All other requirements for the SIP per para. (b) above shall remain in effect if this option is approved by the town and county as part of the GDP.

DRAFT

5307 **10.292. UTR (Utility, Transportation and Right-of-Way) Zoning**
5308 **District**

5309 **(6) Permitted uses.**

- 5310 **(a) Undeveloped natural resource use.**
- 5311 **(b) Small-scale agriculture**
- 5312 **(c) Public or private roadways**
- 5313 **(d) Bicycle or hiking trails**
- 5314 **(e) Private driveways or onsite parking**
- 5315 **(f) Railroad, utility or access easements or rights-of-way**
- 5316 **(g) Stormwater facilities**
- 5317 **(h) Utility services.**
- 5318 **(i) A transportation, utility, communication, or other use that is:**
 - 5319 **1. required under state or federal law to be located in a specific place, or;**
 - 5320 **2. is authorized to be located in a specific place under a state or federal law that**
 - 5321 **specifically preempts the requirement of a conditional use permit.**

5322 **(7) Conditional uses**

- 5323 **(a) Transportation, communications, pipeline, electric transmission, utility, or drainage**
- 5324 **uses, not listed as a permitted use above.**
- 5325 **(b) Storage structures, not to exceed 250 square feet.**
- 5326 **(c) Airport, landing strip or heliports.**

5327 **(8) Setback, lot coverage and area requirements.**

5328

5329 10.300. Overlay Zoning Districts

5330 10.301. AED (Adult Entertainment) Overlay Zoning District

5331 (1) Statement of Purpose.

5332 It is the purpose of this district to establish reasonable and uniform regulations of the
5333 use of property for adult entertainment establishments in order to prevent the adverse
5334 secondary effects associated with these businesses and thereby promote the health,
5335 safety, morals, and general welfare of the citizens of Dane County. It is not the intent or
5336 effect of this ordinance to restrict or deny access by adults to sexually oriented
5337 entertainment protected by the First Amendment, or to deny access by the exhibitors of
5338 sexually oriented entertainment to their intended market.

5339 (2) Findings.

5340 While the County Board recognizes that freedom of speech is among our most precious
5341 and highly protected rights, and wishes to act consistently with full protection of those
5342 rights, based on evidence concerning the adverse secondary effects of adult
5343 entertainment establishments on the community presented in hearings and in reports
5344 made available to the Board, and on findings incorporated in the cases of City of Los
5345 Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); Renton v. Playtime Theaters, Inc.,
5346 475 U.S. 41 (1986); Thirteen Mile Rd. Inc. v. Warren, 626 F. Supp. 803, (E.D. Mich. 1985);
5347 Alexander v. Minneapolis, 713 F. Supp. 1296 (DC Minn. 1989); 7250 Corp. v. Board of
5348 County Comrs., 799 P.2d 917 (Col. 1990); Chicago v. Scandia Books, Inc., 102 Ill App. 3d
5349 292 (1st Dist. 1981); Islip v. Caviglia, 540 N.E.2d 215 (N.Y. 1989); Dumas v. Dallas, 648 F.
5350 Supp. 1061 (N.D. Tex. 1986); International Eateries of America, Inc. v. Broward County,
5351 726 F. Supp. 1568 (S.D. Fla. 1989); Walnut Properties, Inc. v. City Council of Long
5352 Beach, 100 Cal. App. 3d 1018 (2d Dist. 1980); S&GNews, Inc. v. Southgate, 638 F. Supp.
5353 1060 (E.D. Mich. 1986); U.S. Partners Financial Corp. v. Kansas City, 707 F. Supp. 1090
5354 (W.D. Mo. 1989); City of Vallejo v. Adult Books, 167 Cal. App. 3d xxx (1st Dist. 1985);
5355 County of Cook v. Renaissance Arcade & Bookstore, 122 Ill 2d 123 (1988); Derusso v. City
5356 of Albany, NY, 205 F. Supp. 2d 16 (N.D. N.Y. 2002); Mom N Pops, Inc. v. City of Charlotte,
5357 979 F. Supp. 372 (W.D. N.C. 1997); Venture I, Inc. v. Orange County, Tex., 947 F. Supp.
5358 271 (E.D. Tex. 1996); Community Visual Communications, Inc. v. City of San Antonio, 148
5359 F. Supp. 2d 764 (W.D. Tex. 2000); Bronco's Entertainment, Ltd. v. Charter Tp. Of Van
5360 Buren, 421 F.3d 440 (6th Cir. 2005); Brandywine, Inc. v. City of Richmond, Kentucky, 359
5361 F.3d 830 (6th Cir. 2004); Holmberg v. City of Ramsey, 12 F.3d 1413 (8th Cir. 1994);
5362 Woosterv. Entertainment One, Inc., 158 Ohio App. 3d 161 (2004); Grand Brittain, Inc. v.

5363 City of Amarillo, Tex., 27 F.3d 1068 (5th Cir. 1994); Tollis, Inc. v. City of County of San
5364 Diego, 505 F.3d 935 (9th Cir. 2007); as well as finding from papers, articles, studies and
5365 information from other communities including, but not limited to, Fort Worth & Dallas,
5366 Texas; Palm Beach County, Florida; Garden Grove, California; Austin, Texas; Phoenix,
5367 Arizona; Indianapolis, Indiana; and Los Angeles, California, the County of Dane, relying
5368 upon the experience of other local governments in this state and throughout the
5369 country, finds as follows:

- 5370 (a) That adult entertainment establishments may have an adverse secondary effect on
5371 the surrounding community because the sexual nature of the business may,
5372 regardless of the intentions of the proprietors, attract persons seeking prostitution
5373 or unlawful drugs, or who are inclined to be disorderly or disruptive;
- 5374 (b) Adult entertainment establishments are an intense commercial use which create a
5375 large volume of foot and automobile traffic in the vicinity of the establishment,
5376 which may require police and other municipal services which may not be readily
5377 available in towns, and which may conflict with the preservation of farmland by
5378 encouraging scattered commercial development;
- 5379 (c) Adult entertainment establishments have their peak activity at hours and days
5380 which are incompatible with residential uses, and have a larger customer volume
5381 than other entertainment establishments;
- 5382 (d) Because of the potential for negative impacts on property values, the peace and
5383 good order of the community and the welfare of individuals affected by adult
5384 entertainment establishments, it is necessary to minimize the secondary effects of
5385 adult entertainment;
- 5386 (e) It is the intent of this section to protect the health, safety and welfare of the
5387 citizens of Dane County and to further preserve the quality of life and to preserve
5388 the urban and rural characteristics of its neighborhoods. The intent of the Adult
5389 Entertainment Overlay District is to regulate the location of such establishments.

5390 (3) Nothing in this section shall be construed to permit the regulation of any activities
5391 conducted in adult entertainment establishments which are entitled to protection under
5392 the First Amendment of the United States Constitution, including:

- 5393 (a) plays, operas, musicals or other dramatic works that are not obscene;
- 5394 (b) classes, seminars, or lectures which are held for a serious scientific or educational
5395 purpose and that are not obscene.
- 5396 (c) rental or sale of video cassettes, DVD videodiscs, or other electronic media for
5397 private viewing off the premises.

5398 (4) Whether or not an activity is obscene shall be judged by consideration of the following
5399 factors:

- 5400 (a) whether the average person, applying contemporary community standards, would
5401 find that the activity taken as a whole appeals to prurient interest in sex;

- 5402 **(b)** whether the activity depicts or describes sexual conduct in a patently offensive
5403 way, as measured against community standards; and
5404 **(c)** whether the activity taken as a whole lacks serious literary, artistic, political or
5405 scientific value.
- 5406 **(5)** The overlay district shall apply only to lands zoned M-1 Industrial.
- 5407 **(6)** An adult entertainment establishment shall be a permitted use within the overlay
5408 district.
- 5409 **(7)** Standards for siting of adult entertainment establishments. Adult entertainment
5410 establishments shall meet all of the following requirements:
- 5411 **(a)** Location of any particular adult entertainment establishment must be not less than
5412 1,000 feet from any church, synagogue, temple, mosque or any other place of
5413 worship, any residentially zoned district, park, school, playground, day care center,
5414 public library and any other adult book store or adult entertainment establishment.
- 5415 **1.** Measurement shall be made in a straight line, without regard to intervening
5416 structures or objects, from the nearest portion of the building or structure used
5417 as the part of the premises where adult entertainment is conducted, to the
5418 nearest property line of the premises of a use listed in sub (a). Presence of a City,
5419 County or other municipal boundary shall not affect the calculation and
5420 application of the distance requirements of sub (a).
- 5421 **(b)** There shall be no display windows on the premises;
- 5422 **(c)** The business may have only one (1) non-flashing business sign, and which shall be
5423 not larger than 4 feet by 4 feet;
- 5424 **(d)** A one square foot sign shall be placed on each public entrance which shall state
5425 “Admittance to adults only” and may include other pertinent business information;
- 5426 **(e)** The owner and operator of an adult entertainment establishment shall agree to
5427 comply with all Federal, State and Local laws and ordinances, including those
5428 regulating obscenity and alcoholic beverages, and shall further insure that minors
5429 are not allowed on the premises. Solicitation for purposes of prostitution shall be
5430 strictly prohibited; and
- 5431 **(f)** There shall be no areas in the adult entertainment establishment in which
5432 entertainment is provided which are not fully visible from the main area of the
5433 establishment. No entertainment may occur in areas of thee stablishment which
5434 are set off by doors, curtains, screens, barriers, café or saloon doors or other
5435 obstructions.
- 5436 **(8)** The provisions of this ordinance shall be severable. The County Board finds that it would
5437 have enacted all the provisions of this ordinance on the basis of any one of the findings
5438 in section (1).

5439 **10.302. — GWP (Groundwater Protection) Overlay Zoning District**

5440 **(1) Purpose.**

5441 The residents of Dane County, whether served by private wells or municipal supplies,
5442 depend upon groundwater for a safe drinking water supply. Certain land use practices
5443 and activities can seriously threaten or degrade groundwater quality. The purpose of
5444 this Groundwater Protection Overlay District is to institute land use regulations to
5445 protect the municipal water supplies, and may impose greater restrictions than Wis.
5446 Admin. Code ATCP 31 to promote the public health, safety, and general welfare of the
5447 residents of Dane County.

5448 **(2) Areas regulated.**

5449 **(a)** Areas identified as contribution zones to municipal wells for drinking water, as
5450 shown in the current adopted *Dane County Water Quality Plan*.

5451 **(3) Prohibited uses**

- 5452 **(a)** Wastewater lagoons and infiltration ponds
- 5453 **(b)** Land application of biosolids or septage
- 5454 **(c)** Wastewater irrigation and landspreading
- 5455 **(d)** Manure storage facilities
- 5456 **(e)** Salvage yards.
- 5457 **(f)** Solid waste disposal operations.

5459 **(4) Permitted and conditional uses.**

5460 All permitted and conditional uses in the underlying zoning district, not listed as
5461 prohibited uses in (3) above, and provided all groundwater protection standards of
5462 ATCP 31, Wisconsin Administrative Code are met.

5463

5464 10.303. HD (Historic) Overlay Zoning District

5465 (1) Statement of purpose.

5466 The purpose of the historic overlay district is to effect and accomplish the protection,
5467 enhancement and perpetuation of such sites and structures which represent or reflect
5468 elements of the county's cultural history, and to safeguard the county's historic and
5469 cultural heritage as embodied in such sites and structures, expanding upon such
5470 protection as is afforded by chapter 157, 1987 Wis. Stats.

5471 (2) Designation.

5472 No site may be designated which is not cataloged and no structure may be designated
5473 without the owner's written consent. The County of Dane is hereby deemed to have
5474 consented to the designation of all county-owned sites and structures which may
5475 hereafter be designated by the park commission with the approval of the county board.

5476 (3) Indication.

5477 Sites and structures which are designated shall be indicated by attaching the suffix "HD"
5478 to the zoning district in which the site or structure is located.

5479 (4) Protection of historic sites.

5480 No building or structure, whether or not a permit therefore is required under this
5481 ordinance, shall be erected on, and no use which involves soils disturbance shall be
5482 made of, any historic site except that with consent of the committee, an owner may
5483 remove, replace or add vegetation designed to preserve the site. There shall be a clear
5484 area extending 25 feet in all directions from any historic site except that on substandard
5485 lots where the clear area distance of 25 feet cannot reasonably be maintained, the clear
5486 area distance shall be reduced to a distance equal to twice the depth of any excavation
5487 intended to be constructed on the lot or 10 feet, whichever is greater, unless a more
5488 restrictive minimum distance is imposed by state statute in which case the statutory
5489 minimum shall apply.

5490 (a) The committee is empowered to grant a waiver from the clear zone requirements
5491 above for any lot provided that the committee finds that the owner cannot
5492 otherwise make reasonable use of the lot for the zoning classification it bears and
5493 that the site is preserved intact. The committee shall seek the advice of the park
5494 commission when considering any waiver application.

5495 (b) In no event shall a waiver under this section allow a structure to be located closer
5496 to an historic site than a distance equal to twice the depth of any excavation
5497 intended to be used for that part of the structure closest to the historic site, and in
5498 any event not closer than is permitted by statute.

- 5499 **(c)** Replacement private onsite sewage treatment systems, and existing roads,
5500 including repairs thereto, may be located in clear areas.
- 5501 **(d)** Where the designation of a particular parcel of land as an historic site under this
5502 ordinance results in a property owner being deprived of all, or substantially all, of
5503 the beneficial use of the property, compensation shall be paid as provided for by
5504 law.
- 5505 **(5)** Protection of historic structures.
5506 Historic structures may be modified, altered or changed only when necessary to protect
5507 the continued existence of the structure or, for other purposes, when done according to
5508 the standards outlined by the department of the interior for the restoration,
5509 rehabilitation and adaptive reuse of historic structures. The owner of an historic
5510 structure who or which has opened the structure to the public may erect and maintain
5511 supporting structures, including lighting, protective fences and fire protection systems,
5512 as may be necessary for the maintenance or ease of use of the site.
- 5513

5514 **10.304. NR-I (Natural Resource Identification) Overlay Zoning District**

5515 **(1) Purpose**

5516 The Natural Resource Buffer Overlay District (NR-I) is intended to:

5517 **(a)** Minimize impacts to sensitive environmental features.

5518 **(b)** Provide more detailed information about potential natural resources or other
5519 environmental features to aid in appropriate design and siting of development.

5520 **(c)** Provide for appropriate review in areas of special concern as identified in adopted
5521 town and county comprehensive plans.

5522 **(d)** Provide buffers and minimize ecological fragmentation of core resources in the NR-
5523 C (Conservation) Zoning district.

5524 **(2) Permitted and conditional uses**

5525 All permitted and conditional uses in the underlying district, provided development
5526 conforms to the performance standards described in (4) below.

5527 **(3) Additional application information.**

5528 Within the NR-I Natural Resources Identification Overlay District, any application for any
5529 zoning or conditional use permit must be accompanied by the following:

5530 **(a)** A site plan meeting all the requirements of [s. 10.100\(4\)](#).

5531 **(b)** If determined necessary by the zoning administrator, a Preliminary Review Letter
5532 from the Dane County Department of Land and Water Resources confirming that
5533 erosion control and stormwater management standards under Chapter 14 and/or
5534 Chapter 11, Dane County Code can be readily met.

5535 **(c)** Identification, by location and type, of any significant areas of remnant or restored
5536 vegetation native to Dane County.

5537 **(4) Performance standards.**

5538 Prior to issuing a zoning permit for any development activity within the Natural
5539 Resource Buffer Overlay District, the zoning administrator, or his or her designee, must
5540 confirm that any development conforms to the approved site plan for the project

5541

5542 **10.305. RD (Rural Density) Overlay Zoning District**

5543 **(1) Purpose.**

5544 The Rural Density Overlay district is intended to:

5545 (a) Facilitate implementation of caps on residential densities described in adopted
5546 town comprehensive plans, the *Dane County Comprehensive Plan* and the *Dane*
5547 *County Farmland Preservation Plan*.

5548 (b) Protect areas for planned for long-term agricultural use.

5549 (c) Protect open space, natural resources and rural character, consistent with adopted
5550 town comprehensive plans and the *Dane County Comprehensive Plan*.

5551 (d) Provide public notice and consumer protection to potential buyers and future
5552 landowners of limits on development potential for properties under town and
5553 county comprehensive plan policies.

5554 **(2) Areas affected.**

5555 The Rural Density Overlay district may apply to any of the following:

5556 (a) Properties that have exhausted potential development opportunities under density
5557 caps in the applicable adopted town comprehensive plan.

5558 (b) Properties where the landowner has voluntarily sold, transferred or donated all
5559 remaining potential development sites to a conservation entity through a recorded
5560 deed or conservation easement. Such transactions may include, but are not limited
5561 to participation in a transfer of development rights, purchase of development
5562 rights, purchase of agricultural conservation easements, or land acquisition and
5563 conservation program.

5564 **(3) Rezones into the RD Overlay district.**

5565 (a) Landowners may submit requests to rezone all or portions of their property into the
5566 RD Overlay zoning district as either a separate petition, or as part of a petition to
5567 rezone for development or transfer of development rights.

5568 (b) The town board or zoning committee may recommend to the county board that
5569 particular parcels be added into the RD Overlay zoning district upon finding that all
5570 development potential under the applicable town comprehensive plan on the
5571 affected property has been exhausted.

5572 **(4) Rezones out of the RD Overlay District.**

5573 The county board may approve petitions to rezone property out of the RD Overlay
5574 District if it finds that any of the following have taken place:

5575 (a) The affected town has amended its comprehensive plan to increase the allowable
5576 density of residential or nonfarm use for the affected property.

5577 (b) Conservation easements extinguishing development rights on the property have
5578 been relinquished by all holders of the easement, or;

5579 ~~(c) Conservation easements or rezones to allow development are voided by a court of~~
5580 ~~competent jurisdiction.~~

5581 ~~(5) Permitted and conditional uses.~~
5582 ~~All permitted and conditional uses in the underlying district, provided that no uses~~
5583 ~~increase the number of principal residential or nonfarm buildings or dwelling units on~~
5584 ~~the property.~~

5585 ~~(6) Prohibited uses.~~
5586 ~~Land divisions or rezones that would allow for any increase in the number of principal~~
5587 ~~residential or nonfarm buildings or dwelling units on the property.~~

5588

DRAFT

5589 10.306. TDR-S (Transfer of Development Rights Sending Area)
5590 Overlay Zoning District

5591 (1) *Statement of purpose.* The purposes of the TDR-S overlay district are to:

5592 (a) Support Transfer of Development Rights, as follows:

- 5593 1. establish a county-wide framework which allows a participating municipality to
5594 transfer development rights within or outside its jurisdiction;
5595 2. reduce spot development of rural land;
5596 3. encourage efficient transportation planning by reducing truly scattered
5597 development;
5598 4. encourage environmental preservation by enhancing open space;
5599 5. preserve and enhance property rights;
5600 6. provide support and input into the agricultural community by encouraging the
5601 preservation of large intact agricultural areas in some locations and individual
5602 farms in other areas;
5603 7. direct development in rural areas away from areas planned for long-term
5604 agricultural use;
5605 8. provide a potential for compensation for individuals who do not want to develop
5606 their property or who live in communities which wish to restrict development;
5607 9. help Dane County and participating communities achieve the goals and objectives
5608 contained in adopted plans;
5609 10. facilitate purchase of development rights programs to protect high-priority
5610 natural or agricultural resources; and
5611 11. allow for towns, villages and cities to serve as a clearinghouse for development
5612 rights in accordance with adopted land use and comprehensive plans.

5613 (b) *Protect property rights.* Nothing in this section is intended to restrict, curtail or
5614 abridge the rights of property owners to use their property as currently permitted
5615 under ordinance, to petition the county board to rezone property or to apply for
5616 conditional use permits under ss. 59.69, 91.46 or 91.48, Wis. Stats., or this
5617 ordinance. A development proposal which is consistent with adopted plans is not
5618 objectionable on the grounds that it is not being undertaken with transferred
5619 development rights.

5620 (2) *Areas affected.* This district is generally intended to apply to lands identified in adopted
5621 town and county comprehensive plans as suitable for:

- 5622 (a) long-term or permanent agricultural, conservation or natural resource use;
5623 (b) limited or no non-farm development; and
5624 (c) sending areas for a transfer or purchase of development rights program.

5625 (3) *Applicable zoning districts.* The TDR-S Overlay district shall only apply in the FP-35 and
5626 NR-C zoning districts

- 5627 (4) Permitted uses.
- 5628 (a) All permitted uses in the underlying zoning district.
- 5629 (b) Transfer of development rights consistent with, and at a ratio determined by, an
- 5630 adopted town and county comprehensive plan.
- 5631 1. Any transferred development rights must be accompanied by a recorded TDR
- 5632 agricultural conservation easement placed on the sending property.
- 5633 2. The recorded easement must include a legal description of the sending property
- 5634 in accordance with adopted town and county comprehensive plan guidelines,
- 5635 must detail the number of rights transferred or sold, and must describe any
- 5636 receiving property or properties.
- 5637 3. TDR agricultural conservation easements must list, at a minimum, the county and
- 5638 the town as parties with enforcement rights and must require, at a minimum, the
- 5639 county, the town and the landowner to agree to any amendment of the
- 5640 agricultural conservation easement in writing and after at least one public hearing
- 5641 held by the zoning committee. All such amendments shall be recorded.
- 5642 4. No third parties with enforcement rights may be added without approval of the
- 5643 Town and the County.
- 5644 (5) Conditional uses. All conditional uses in the underlying zoning district.
- 5645 (6) Area regulations. All lots in the TDR-S overlay district must meet the minimum lot size of
- 5646 the underlying zoning district
- 5647

5648 10.307. TDR-R (Transfer of Development Rights Receiving Area)
5649 Overlay Zoning District

- 5650 (1) *Statement of purpose.* The purposes of the TDR-R overlay district are to:
- 5651 (a) establish a county-wide framework which allows a participating municipality to
5652 transfer development rights within or outside its jurisdiction;
- 5653 (b) encourage the clustering of rural development;
- 5654 (c) encourage the efficient provision of services by clustering residential units;
- 5655 (d) encourage efficient transportation planning by encouraging compact development;
- 5656 (e) support planning of development in areas which have less impact on key sources;
- 5657 (f) preserve and enhance property rights;
- 5658 (g) encourage rural housing that is adequate and affordable for persons from a range
5659 of incomes;
- 5660 (h) facilitate development in rural areas of towns already experiencing or seeking
5661 development;
- 5662 (i) encourage the efficient use of land that has no history of, or is no longer suitable
5663 for, agriculture; and
- 5664 (j) help Dane County and participating communities achieve the goals and objectives
5665 contained in adopted plans
- 5666 (2) *Areas affected.* This district is generally intended to apply to lands identified in adopted
5667 town and county comprehensive plans as suitable for:
- 5668 (a) residential development at a density exceeding one dwelling unit per 35 acres; and
5669 (b) receiving areas for a transfer of development rights program
- 5670 (3) *Applicable zoning districts.* The TDR-R Overlay district shall only apply in the Rural
5671 Mixed-Use, Rural Residential, Residential and Hamlet zoning districts.
- 5672 (4) *Applicability near incorporated municipalities.*
- 5673 (a) The county board may not rezone to the TDR-R overlay district any parcel wholly or
5674 partially within the extraterritorial plat review jurisdiction of an incorporated
5675 municipality, as defined in s. 236.02(5), Wis. Stats., unless consistent with an
5676 adopted town and county comprehensive plan.
- 5677 (b) If there are inconsistencies between the comprehensive plans of the town and the
5678 incorporated municipality with extraterritorial jurisdiction, prior to county board
5679 action the town and municipal governments must resolve the inconsistencies,
5680 following the dispute resolution process set forth in their respective comprehensive
5681 plans as required by s. 66.1001(2)(g), Wis. Stats.
- 5682 (5) *Permitted uses.* All permitted uses in the underlying zoning district, provided all of the
5683 following criteria are met:
- 5684 (a) Each new dwelling unit is accompanied by transferred development rights from a

- 5685 parcel or parcels in the TDR-S overlay district consistent with, and at a ratio
5686 determined by, an adopted town and county comprehensive plan.
- 5687 **(b)** All transferred development rights in (a) above are from TDR-S overlay districts
5688 within the same town as the proposed dwelling unit, unless inter-town transfers
5689 are expressly authorized in adopted town and county comprehensive plans for both
5690 the sending and receiving towns.
- 5691 **(c)** The landowner records a notice document for each new dwelling unit that details
5692 the number of development rights transferred, describes the sending property or
5693 properties, and references the recorded document number of the TDR agricultural
5694 conservation easement required under s. 10.306(4)(b).
- 5695 **(d)** Copies of any recorded notices and copies of recorded TDR agricultural
5696 conservation easements on the sending parcel or parcels in the TDR-S district, must
5697 be provided to the zoning administrator before zoning permits will be issued.
- 5698 **(6) Conditional uses.** All conditional uses in the underlying zoning district, provided all of the
5699 following criteria are met:
- 5700 **(a)** Any application for a conditional use permit in the TDR-R overlay district that would
5701 increase the number of permanent dwelling units, except for those uses listed in
5702 paragraph (b) below, is accompanied by transferred development rights from a
5703 parcel or parcels in the TDR-S overlay district consistent with, and at a ratio
5704 determined by, an adopted town and county comprehensive plan
- 5705 **(b)** Exceptions. The following conditional uses are not considered an increase in the
5706 number of permanent dwelling units and do not require a transferred development
5707 right:
- 5708 1. community living arrangements;
5709 2. attached accessory dwelling units;
5710 3. extended care facilities; and
5711 4. nursing homes.
5712

5713 **10.400. Changes and Amendments**

5714 The Dane County Board of Supervisors may from time to time alter, supplement or
5715 change by ordinance the boundaries or classification of districts designated in this
5716 ordinance, or any of the provisions of regulations imposed by this ordinance, as
5717 provided in [s. 59.69\(5\)\(e\), Wis. Stats.](#)

5718 **10.500. Roles, Responsibilities and Duties**

5719 **(1) Zoning Administrator**

5720 **(a) Authority**

5721 The position of the zoning administrator shall have all authority, powers and duties
5722 as described in Chapters 33, 59, 87, 88, 236, 281 and 295, Wisconsin Statutes, and
5723 in Chapters 10, 11, 12, 13, 14, 17, 74 and 75, Dane County Code.

5724 **(b) Appointment.**

5725 The zoning administrator shall hold his or her office under civil service, and
5726 vacancies in such office shall be filled by procedures established by the Dane
5727 County Civil Service Ordinance. The county executive shall be the appointing
5728 authority for the position of zoning administrator.

5729 **(c) Powers and Duties.**

5730 The zoning administrator, or his or her designee, shall have the following powers
5731 and duties:

- 5732 1. Receive applications, conduct inspections, and approve zoning permits under s.
5733 10.101(1).
- 5734 2. Provide accommodations for disabled persons under s. 10.101(2).
- 5735 3. Require and review location surveys under s. 10.101(3).
- 5736 4. Require, specify standards for, review and approve site plans under s.10.101(4).
- 5737 5. Conduct inspections to determine compliance with any provisions of this
5738 ordinance, other ordinances cited in (a) above, any permit standards or
5739 conditions and to investigate violations. The zoning administrator, or his or her
5740 designee, shall have the right to enter upon premises affected by this ordinance
5741 at reasonable hours for the purpose of inspection.
- 5742 6. Issue certificates of compliance under s. 10.101(6).
- 5743 7. Receive and review applications for conditional use permits under s. 10.101(7).
- 5744 8. Receive and review petitions to rezone under s.10.101(8)
- 5745 9. Investigate any violation of this ordinance or any of the ordinances cited in (a)
5746 above, and to use enforcement measures authorized under s. 10.101(11) as
5747 necessary to ensure compliance.
- 5748 10. Maintain permanent and current records of this chapter, including but not limited
5749 to all maps, amendments, conditional use permits, zoning permits, site plans,

- 5750 variances, appeals, inspections, interpretations, applications and other official
5751 actions.
- 5752 **11.** Advise applicants for development approvals on the provisions of this chapter
5753 and assist applicants, to the extent practical, in preparing required permit
5754 applications.
- 5755 **12.** Receive, file and forward all applications for all procedures governed by this
5756 chapter to the designated official review and approval bodies, along with all
5757 appropriate technical information and/or reports to assist such bodies in making
5758 their decisions.
- 5759 **13.** Make interpretations regarding the provisions of this chapter in a manner that is
5760 consistent with the purpose of this chapter, the applicable chapter section(s), and
5761 the comprehensive plan. An interpretation may be requested by the owner(s) of a
5762 property, the Zoning and Land Regulations Committee, the County Board, or an
5763 interpretation may be initiated by the Zoning Administrator. All interpretations
5764 are subject to appeal to the Zoning Board of Adjustment per the procedures in
5765 s.10.101(9).
- 5766 **14.** Provide primary staff support to the Zoning and Land Regulations Committee and
5767 the Zoning Board of Adjustment, including the scheduling of public hearings and
5768 other meetings and site visits and the recording of the actions, recommendations,
5769 and minutes of such bodies.
- 5770 **15.** Perform all duties related to shoreland and wetland zoning assigned to the zoning
5771 administrator, under Chapter 11, Dane County Code, NR 115, Wis. Admin. Code
5772 and s. 59.692, Wis. Stats.
- 5773 **16.** Perform all duties related to floodplain zoning assigned to the zoning
5774 administrator under Chapter 17, Dane County Code, NR 117, Wis. Admin. Code
5775 and ss. 59, 59.692, 59.694 and 87.30, Wis. Stats.
- 5776 **17.** Perform all duties related to land division and condominium plat review and
5777 approval as specified in Chapter 75, Dane County Code.
- 5778 **18.** Perform all duties related to mineral extraction reclamation plans assigned to the
5779 zoning administrator under Chapter 74, Dane County Code.

5780 **(2) Zoning and Land Regulations Committee**

- 5781 **(a) Authority.**
5782 The zoning and land regulations committee shall have all authority, powers and
5783 duties as described in Chapters 33, 59, 87, 88, 236, 281 and 295, Wisconsin
5784 Statutes, and in Chapters 7, 10, 11, 13, 14, 17, 74 and 75, Dane County Code.
- 5785 **(b) Appointment.**
5786 The county board chair shall appoint zoning and land regulations committee
5787 members pursuant to s. 7.12, Dane County Code.
- 5788 **(c) Powers and Duties**
5789 The zoning committee shall have the following powers and duties:

- 5790 1. All powers and duties described in s.7.12, Dane County Code.
5791 2. Conduct public hearings in accordance with s.59.69(2)(e), Chapter 985, Wis. Stats.
5792 and Chapter 7, Dane County Code.
5793 3. Review and decide on requests for conditional use permits, including associated
5794 site plans where required, following the procedures in s.10.101(7).
5795 4. Advise the County Board on appropriate amendments to the text of this chapter
5796 or to the Official Zoning Map, following procedures established under §59.69, wis.
5797 Stats., and in ss. 10.101(8) and 10.400.
5798 5. Establish rules and procedures for committee meetings and public hearings under
5799 Chapter 7, Dane County Code.
5800 6. Perform all duties, related to land division review, including approval of
5801 subdivision plats assigned to the zoning committee under Chapter 75, Dane
5802 County Code.
5803 7. Review and approve waivers for landscaping standards for manufactured home
5804 communities under s.10.102(15)(f)
5805 8. Review and issue annual licenses for salvage yards and junkyards under s.
5806 10.102(7)(d).
5807 9. Review and approve Planned Unit Development applications under s. 10.291.
5808 10. Review and approve replacement of vegetation or clear zone waivers in the
5809 Historic Overlay district under s. 10.303(4).

5810 **(3) Town Government**

5811 **(a) Authority.**

5812 Town boards of supervisors generally have powers as described in Chapter 60, ss.
5813 59.69(5) and 59.69(5m), Wis. Stats.

5814 **(b) Powers and Duties**

5815 Town boards shall have the following powers and duties related to this ordinance:

- 5816 1. Adoption of the county zoning ordinance under s. 59.69(5), Wis. Stats.
5817 2. Withdrawal from county zoning under s. 59.69(5m), Wis. Stats..
5818 3. Review, approval and denial of conditional use permits under s.10.101(7)(c).
5819 4. Review, objection and comment on rezoning petitions and ordinance
5820 amendments under s. 59.69(5), Wis. Stats.
5821 5. Adoption of town comprehensive plans under ss. 66.1001, 60.23(33) and 62.23,
5822 Wis. Stats. and Chapter 82, Dane County code.
5823 6. Receipt of agricultural entertainment, tourism or assembly plans under
5824 s.10.102(3).
5825 7. Receipt of outdoor assembly event plans under s.10.102(16).
5826 8. Licensing of salvage yards or junkyards under s. 10.102(17)(c).
5827 9. Planned Unit Development review under s.10.291.

5828 **(4) County Board of Supervisors**

5829 **(a) Authority.**

5830 The Dane County Board of Supervisors generally has all powers and duties as described
5831 in Chapter 59, Wis. Stats. and Chapters 6 and 7, Dane County Code.

5832 **(b) Powers and Duties**

5833 The county board of supervisors has the following specific powers and duties related to
5834 this ordinance.

- 5835 1. The chair of the county board of supervisors appoints the Zoning and Land
5836 Regulations Committee, subject to Chapter 7, Dane County Code.
- 5837 2. Review, approval or denial of rezone petitions and ordinance amendments
5838 under s.59.69(5), Wis. Stats. and s.10.400.
- 5839 3. Adoption, review and amendment of the Dane County Comprehensive Plan
5840 under s. 66.1001, Wis. Stats. and Chapter 82, Dane County Code.
- 5841 4. Adoption, review and amendment of the Dane County Farmland Preservation
5842 Plan under Chapter 91, Wis. Stats. ad Chapter 82, Dane County Code.
- 5843 5. Adoption of town comprehensive plans under s.10.004(7) and Chapter 82, Dane
5844 County Code.
- 5845 6. Approval of Planned Unit Development General Development and Specific
5846 Implementation Plans under s. 10.291(5).

5847 **(5) County Executive**

5848 **(a) Authority**

5849 The Dane County Executive generally has all powers and duties as described in [s. 59.17,](#)
5850 [Wis. Stats.](#)

5851 **(b) Powers and Duties**

5852 The county executive has the following specific powers and duties related to this
5853 ordinance:

- 5854 1. Approval or veto of rezone petitions and ordinance amendments under ss.
5855 [10.101\(7\), 10.400](#) and [s. 59.17\(6\), Wis. Stats.](#)
- 5856 2. Appointment of zoning administrator and other administrative staff.

5857 **(6) Board of Adjustment**

5858 **(a) Authority**

5859 The Board of Adjustment generally has all powers and duties as described in ss. [59.694,](#)
5860 [Wis. Stats.](#)

5861 **(b) Powers and Duties**

5862 The Board of Adjustment has the following specific powers and duties related to this
5863 ordinance, and other land use ordinances of Dane County.

- 5864 1. Hearing and deciding appeals of conditional use permit decisions under s.
5865 [10.101\(7\)\(c\)4.](#)
- 5866 2. Hearing and deciding appeals of administrative decisions under s. [10.101\(9\)](#) and
5867 Chapters 11 and 14, Dane County Code.

5868
5869

3. Hearing and deciding variances under s. [10.101\(10\)](#) and Chapters 11 and 14, Dane County Code.

DRAFT