

2022 OA-57

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,  
ESTABLISHING SETBACKS FOR COMMUNICATION TOWERS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 10.103(9)(b)1.b.ii. is amended to read as follows:

**10.103** Special requirements for Particular Uses.

**(9)** Communication Towers.

**(b)** New construction or substantial modification of communication towers.

**1.** Application Process. New or substantially modified communication towers require approval of a conditional use permit. In addition to materials required under s. 10.101(6), the applicant must provide, in a form acceptable to the zoning administrator, the following:

**b.** Project narrative. A signed project narrative explaining the need for a new or modified communication tower. The narrative should also include the following information:

ii. For an application to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, that addresses the requirements of section 10.103(9)(c)1. ~~below.~~ The narrative must include a sworn statement from an individual who has responsibility over the placement of the mobile service ~~facility support structure~~ attesting that collocation within the ~~applicant's mobile service provider's~~ search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. For the purposes of this ordinance, cost savings or increased profitability shall not be considered an economic burden.

ARTICLE 3. Section 10.103(9)(b)1.c. is amended to read as follows:

**c.** Search ring map. Applicants must submit a search ring map issued by the mobile service provider on letterhead of the mobile service provider ~~drawn to a measurable scale.~~ The search ring map shall showing the area in which the ~~applicant seeks to locate their equipment~~ mobile service facility and mobile service support structure should be located to meet the radio frequency engineering requirements to provide mobile service to the geographic area or areas determined by the mobile service provider to lack adequate service from the provider's existing network. The map must include a scale of miles, and ~~include~~ road names, municipal boundaries, all existing mobile service support structures ~~telecommunication facilities~~ within 1.5 miles of the center of the search ring, and any tall structure over 100' in height within the search ring. The map must document and assign an identification number to all existing towers within ~~the designated radius~~ 1.5 miles of the center of the search ring and include a brief

47 statement explaining why the tower is not viable for collocation. The zoning  
48 administrator may require that the map be accompanied by a table providing  
49 additional data for each existing tower within 1.5 miles of the search ring, including  
50 but not limited to, the following: simple description of the tower, existing and  
51 maximum design height, FCC registration number; owner's name and contact  
52 information; number of collocation spots occupied and available on the tower;  
53 present percentage of use of the tower, available aperture at the requester's  
54 preferred height, type of communication technology being used.

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56 ARTICLE 4. Section 10.103(9)(c)6. is amended to read as follows:

57 **(6)** Setbacks to property boundaries and public rights of way. (a) All  
58 communication towers and accessory structures must meet all front, side and rear  
59 setbacks provided by this ordinance and Chapter 11, ~~Dane County Code~~.

60 (b) 1. In addition to the requirements of sub (a), a communication tower on or  
61 adjacent to a parcel of land upon which single-family residential use is permitted  
62 shall be setback a distance equal to or greater than the proposed height of the  
63 tower.

64 2. The setback requirement under sub. 1 shall be measured from the lot lines of  
65 other adjacent and nonadjacent parcels for which single-family residential use is  
66 permitted.

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69 *[EXPLANATION: This amendment provides for a minimum setback distance equal*  
70 *to the height of a communication tower proposed on or adjacent to property that is*  
71 *zoned to allow single family residential as a permitted use and modifies application*  
72 *requirements.]*