



DANE COUNTY PLANNING & DEVELOPMENT

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**TO: Dane County Board of Supervisors
Town Clerks, Supervisors & Planning Commissioners**

Planning
(608)266-4251, Rm. 116

FROM: Majid Allan, Senior Planner

Records & Support
(608)266-4251, Rm. 116

DATE: January 12, 2023

Zoning
(608)266-4266, Rm. 116

RE: Ordinance Amendment 2002 OA-57, regarding application requirements and setbacks for communication towers

**CC: Dane County Board of Supervisors
County Executive Joe Parisi
Renee Lauber, Executive Director, Dane County Towns Association**

Ordinance Amendment 2022 OA-57, regarding application requirements and setbacks for communication towers has been introduced by the County Board. To assist town and county officials in decision making, Planning and Development staff prepare written descriptions of each proposed amendment to land use and development related ordinances. The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on OA-57 on January 24, 2022 at 6:30 pm. Instructions for attending the hybrid meeting are included on the attached public notice.

While town action is not required, if it is taken, it must be submitted within 30 days of the ZLR public hearing. Any town action on OA-57 is due by Thursday February 23, 2023. Please direct any questions to Majid Allan at 608-267-2536, or allan@countyofdane.com.

I. Summary

The proposed ordinance amendment clarifies certain application requirements for new communication towers and also establishes a minimum setback requirement for towers that are proposed on or adjacent to land where single family residences are permitted.

[State law](#) places certain limitations on local regulation of tower siting, including the enforcement of setbacks greater than those that would apply to any other commercial structure. However, the state law also provides that local zoning codes can establish a greater setback requirement for towers proposed on or adjacent to property where single family residences are a permitted use. The current ordinance does not specify setback requirements beyond those that apply to other structures.

Ordinance amendment #57 would incorporate the state allowance and establish a minimum setback from property lines equal to or greater than the height of a proposed tower. The amendment also makes some clarifications to the existing application requirements for communication towers.

The Executive Board of the Dane County Towns Association voted to support the proposed changes at their meeting on November 29, 2022.

II. Background and description

The [county ordinance](#) acknowledges the value of a robust wireless communication infrastructure, protecting the rights and interests of neighboring property owners, and requires the shared use of facilities (“collocation”) when feasible in order to minimize the proliferation of communication towers. The ordinance requires approval of a Conditional Use Permit (CUP) for any new tower and includes a rigorous application procedure.

To date, the vast majority of new communication towers have been proposed in locations that pose minimal conflict with neighboring land uses. While greater setbacks could currently be imposed if deemed necessary to meet one or more standards for approval of a CUP, incorporating a greater setback into the ordinance for towers proposed on/adjacent to land where single family residences are a permitted use is nonetheless a prudent measure.

OA #57 makes other modest changes to the application requirements to better align the ordinance with terminology used in the state statute.

III. Timeline for Town action

Town action on the proposed ordinance amendment must be provided to the County within 30 days of the County public hearing on the amendment. While it is good practice for towns to take action on text amendments to Chapter 10, it is not required.

Town officials, please review the enclosed ordinance amendment text and submit a Town Board action report by February 23, 2023. You may complete the enclosed form and submit it by mail or fax, or you may utilize the online reporting tool available on our website at <https://danecountyplanning.com/Town-Information-Page>.

Please note that while the attached public notice indicates written comments on the amendment are due by January 17, the ZLR Committee will accept written comments at any time prior to February 23, 2023.

Enclosures:

[2022 OA-57 Public Notice](#)

[2022 OA-57 Ordinance Text](#)

Town Board Action form