

Comprehensive Revision of Dane County Zoning Ordinance

September 19, 2016
Town of Cross Plains

Topics for discussion

- Assembly and entertainment events
- Alcohol service
- Noise limits on permitted and conditional uses
- Noise exceeding normal limits

Conditional Use Permits

Standard Conditions for all CUPs

Proposed Ordinance

- a) Any conditions required for specific uses listed under s._____.
- b) Must conform to approved narrative, site plan, operational plan and phasing plan.
- c) Must obtain all other required local, county, state and federal permits.
- d) Must meet all applicable local, county, state and federal licensing requirements.
- e) New and repurposed buildings must meet applicable state and local building and fire codes.
- f) Sanitary systems must be inspected and, if necessary, improved to meet current plumbing code for proposed use.
- g) Access only at approved locations identified in the site plan and operations plan.
- h) Off-street parking must be provided, consistent with s._____.
- i) Visual screening required if adjacent to residential or rural residential zoning.
- j) Landowner bears cost of necessary intersection improvements for new use.
- k) The Zoning Administrator (or designee) may enter premises to inspect.
- l) If needed expertise is not available in –house, ZLR / town may consult with a third party to ascertain compliance with conditions, cost born by CUP holder.
- m) The owner/operator must post a copy of the conditional use permit, including the list of all conditions, on the site.
- n) Failure to comply with any imposed conditions may be grounds for revocation.

Conditional Use Permits

Committee / town *may* impose, if necessary

Proposed Ordinance

- a) Any conditions necessary to meet six standards for approval.
- b) Limits on hours, days of operation or number of events each year
- c) Limits on number of employees.
- d) Limits on square footage of buildings or outdoor areas devoted to the activity.
- e) Conditions to establish decibel noise limits (db[a]) appropriate for the particular use and location.
- f) Expiration dates on conditional use permits, (except for communication towers). Continuation or extension of an expired conditional use requires re-application and re-approval.
- g) Surety bonds or other financial guarantees, to dismantle equipment, buildings or structures that may pose a hazard or nuisance after a conditional use permit is abandoned or revoked.
- h) Periodic or occasional review of conditional use permits, to make sure imposed conditions are met and the use continues to meet the standards for approval.

Assembly and Entertainment Events (Temporary)

Agricultural Entertainment

Current Ordinance

- **Definition**

A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one (1) full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, onfarm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Proposed Ordinance

- **Definition**

- a) An agricultural accessory use, taking place on an active farm, that combines the elements and characteristics of agriculture and tourism.
- b) Examples of agricultural entertainment include, but are not limited to: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, barn weddings, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Assembly and Entertainment Events (Temporary) Agricultural Entertainment

Current Ordinance

- Permitted Use
 - Not to exceed 45 days per calendar year
 - May include incidental beverages and food.

Proposed Ordinance

- Permitted Use
 - Not to exceed 5 days per calendar year
 - May include incidental beverages and food.

Assembly and Entertainment Events (Temporary) Agricultural Entertainment

Current Ordinance

- Permitted Use (continued)
 - If over 200 persons at any one time during a day,
 - annual event plan addressing:
 - parking
 - days of operation
 - ingress and egress
 - sanitation
 - other public safety issues
 - filed 30 days in advance with
 - zoning administrator
 - town clerk
 - fire department / EMS
 - Sheriff's Department

Proposed Ordinance

- Permitted Use (continued)
 - If over 200 persons at any one time during a day,
 - annual event plan addressing:
 - number of events each year
 - maximum expected attendance at each event
 - parking, to meet standards in s. ____
 - days and hours of operation
 - ingress and egress
 - sanitation
 - trash / recycling collection and disposal
 - proposed signage
 - other public safety issues
 - filed 30 days in advance with
 - zoning administrator
 - town clerk
 - fire department / EMS
 - Sheriff's Department
 - Contact person, maximum attendance, emergency contacts, posted on site.

Assembly and Entertainment Events

Agricultural Entertainment

Current Ordinance

- Conditional Use
 - CUP required for events taking place more than 45 days in a year
 - Must meet all other requirements for permitted use

Proposed Ordinance

- Conditional Use
 - CUP required for events taking place more than 5 days in a year
 - Must meet standard conditions for all conditional use permits (including building, fire code, sanitary system inspection, other licensing, etc.)

Assembly and Entertainment Events (temporary)

Agricultural Entertainment

Current Ordinance

- Zoning Districts
 - Permitted use
 - A-1(ex), A-4, A-B, A-3 (under 45 days)
 - Conditional use
 - A-1(ex), A-4, A-B, A-3 (over 45 days)

Proposed Ordinance

- Zoning Districts
 - Permitted use
 - FP-35, FP-1, FP-B, AT-35 (under 45 days)
 - Conditional use
 - FP-35, FP-1, FP-B, AT-35 (over 45 days)

Assembly and Entertainment Events (Temporary)

Outdoor Assembly Event

Current Ordinance

- **Definition**
 - Not specifically addressed, listed by particular use, such as:

Proposed Ordinance

- **Definition**
 - a) Any organized activity of more than one hundred (100) persons, occurring 5 or more times per year, that occurs entirely or partially outdoors.
 - b) Examples of such land uses include, but are not limited to: outdoor concerts or performances, fairs, festivals, weddings, parties, banquets, circuses, sporting events, races and amusement parks.

Assembly and Entertainment Events (Temporary)

Outdoor Assembly Event

Current Ordinance

- Standards
 - Not specifically addressed, listed by particular use, such as:

Proposed Ordinance

- Permitted use:
 - Under 5 events per year
 - No specific standards
- Conditional use:
 1. CUP required for 5 or more events per year
 2. annual event plan addressing:
 - a) number of events each year
 - b) maximum expected attendance at each event
 - c) parking, to meet standards in s. ____
 - d) days and hours of operation
 - e) ingress and egress
 - f) sanitation
 - g) trash / recycling collection and disposal
 - h) proposed signage
 - i) sound amplification & lighting (if any)
 - j) other public safety issues
 3. filed 30 days in advance with
 - a) zoning administrator
 - b) town clerk
 - c) fire department / EMS
 - d) Sheriff's Department
 4. Contact person and maximum attendance posted on site.

Assembly and Entertainment Events (Temporary)

Outdoor Assembly Event

Current Ordinance

- Applicable Zoning Districts
 - Not specifically addressed, listed by particular use, such as:

Proposed Ordinance

- Applicable Zoning Districts
 - Rural Mixed Use (A-2)
 - General Commercial (C-1)
 - Heavy Commercial (C-2)
 - Recreational (RE-1)
 - Traditional Neighborhood-Mixed-Use (B-1)

Assembly and Entertainment Uses (Permanent)

Indoor Entertainment

Current Ordinance

- **Definition**
 - Not specifically addressed, listed by particular use, such as:
 - Taverns
 - Movie Theaters
 - Auditoriums
 - Adult Entertainment
 - Some uses, such as “restaurant” are not defined at all

Proposed Ordinance

- **Definition**
 - a) All land uses which provide entertainment services, 5 or more times per year, entirely within an enclosed building. Such activities often have:
 - a) operating hours which extend significantly later than other commercial land uses
 - b) Event-driven attendance of 50 or more people, who typically arrive and leave the premises as a group, and may congregate outside before and after events.
 - b) Examples of such land uses include, but are not limited to: restaurants, taverns, theaters, dance clubs, performance venues and auditoriums.

Assembly and Entertainment Uses (Permanent)

Indoor Entertainment

Current Ordinance

- Standards
 - Not specifically addressed.
 - Standards vary widely, based on particular use.

Proposed Ordinance

- Standards
 - Standards applicable to all CUPs.
 - Parking standards should be based on maximum attendance.
 - Town / committee may impose limits on maximum attendance.

Assembly and Entertainment Uses (Permanent)

Indoor Entertainment

Current Ordinance

- Zoning Districts
 - Permitted use
 - “Commercial service uses” permitted in C-1, C-2.
 - Conditional uses
 - “Taverns” in C-1, C-2

Proposed Ordinance

- Zoning Districts
 - Permitted use
 - Industrial (M-1)
 - Conditional use
 - TND-M Traditional Neighborhood Mixed Use (*B-1*)
 - GC General Commercial (*C-1*)
 - HC Heavy Commercial (*C-2*)

Assembly and Entertainment Uses (Permanent)

Outdoor Entertainment

Current Ordinance

- **Definition**
 - **Not specifically defined.**
See:
 - “Outdoor amusement parks or other entertainment activity whether on a permanent or temporary basis that is open to the general public.”
 - “Recreational facilities not lighted / lighted to operate at night”

Proposed Ordinance

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

Assembly and Entertainment Uses (Permanent)

Outdoor Entertainment

Current Ordinance

- Standards
 - Vary widely depending on particular use.

Proposed Ordinance

- Permitted Use: N/A
- Conditional Use:
 - a) All standards for CUPs shall also be met. In addition, operational plan must address:
 - a) number of events each year
 - b) maximum expected attendance at each event
 - c) sanitation
 - d) trash / recycling collection and disposal
 - e) proposed signage
 - f) sound amplification & lighting (if any)
 - g) other public safety issues
 - b) Contact person and maximum attendance posted on site.

Assembly and Entertainment Uses (Permanent)

Outdoor Commercial Entertainment

Current Ordinance

- Zoning districts
 - Permitted use
 - RE-1, B-1 (not lighted)
 - Conditional use
 - RE-1, B-1 (lighted), C-1, C-2, M-1

Proposed Ordinance

- Zoning districts
 - Permitted use: N/A
 - Conditional use:
 - Recreational
 - Traditional Neighborhood Mixed Use?
 - General Commercial
 - Heavy Commercial
 - Industrial