

# Comprehensive Revision of Dane County Zoning Ordinance

September 19, 2016  
Town of Cross Plains

# Wisconsin Acts Requiring Dane County Zoning Ordinance Changes

- [2015 Act 391](#)
  - Supermajority for downzoning
- [2015 Act 178](#)
  - Dane County Town opt-out
- [2013 Act 20](#)
  - Communication towers
- [2011 Act 170](#)
  - Nonconforming uses
- [2003 Act 235](#)
  - Livestock facility siting



# 2015 WI Act 391

## Down Zoning

### Current Ordinance

- None

### Proposed Ordinance

- ***Definition:***
  - An ordinance amendment that:
    - Decreases the development density OR
    - Reduces the permitted uses
- ***Process:***
  - Must be approved by 2/3 majority of county board
  - Rezone petitions submitted, or agreed to, by the affected landowner(s) may be approved by simple majority.

# 2015 Act 178 (Town Opt-Out)

## Statutory authority and applicability

### Current Ordinance

- None

### Proposed Ordinance

- Statutory authority
  - a) This ordinance is adopted under s. 59.69, Wisconsin Statutes.
- Applicability
  - a) Unincorporated areas. This ordinance applies in the unincorporated areas of the following towns, except for areas under city or village extraterritorial zoning under s.62.23, Wis. Stats.:
    1. (List)

# 2003 Act 235 (Livestock Siting) Small-Scale Farming

## Current Ordinance

- None

## Proposed Ordinance

- Definition
  - Any agricultural use operated for recreational, hobby or supplementary income purposes on a site with a non-agricultural principal use.
- Permitted use in Rural Residential (RH) districts
  - Small-scale farming is considered an accessory use to a permitted or conditional principal use and is subject to the following limitations:
    - Except for domestic pets, domestic fowl and beekeeping, animal use shall not be permitted on parcels smaller than two acres. For parcels larger than two acres, animals shall be limited to one animal unit per acre.
    - Mechanical application of manure, fertilizer, herbicides or pesticides is prohibited.
    - Accessory buildings, structures, cages, or hives housing animals or insects shall be at least 100 feet from any residential (R) district.

# 2003 Act 235 (Livestock Siting) Small-Scale Farming

## **Current Ordinance**

- None

## **Proposed Ordinance**

- Conditional use in Rural Residential (RH) Districts
  - More than 1 animal unit per acre for parcels over 2 acres in size.

# 2013 Act 20 (Communication Towers)

## Permitted and Conditional Uses

### Current Ordinance

- Permitted use in A-1ex, A-4, A-B, A-2, RE-1, CO-1, C-2, M-1 zoning districts
  - Co-location on an existing tower (in A-2, A-1ex,
- Conditional use in A-1ex, A-4, A-B, A-2, RE-1, CO-1, C-2, M-1 zoning districts
  - New towers

### Proposed Ordinance

- “Mobile Service Facility”
  - Permitted Use in all districts (required by s. 66.0404, Wis. Stats.
    - Co-location on an existing tower that does not involve “substantial modification.”
  - Conditional use in all districts (required by s. 66.0404, Wis. Stats.
    - New towers
    - “Substantial modification”
- “Radio Broadcast Service Facility”
  - Permitted use in all districts
    - Co-location on an existing tower that does not involve “substantial modification.”
  - Conditional use in Rural Mixed-Use, Heavy Commercial, Industrial
    - New towers
    - “Substantial modification”

# 2013 Act 20 (Communication Towers)

## Standards for all towers

### Current Ordinance

- New towers or substantially modified towers
  - Applicant must provide “credible evidence” that collocation is not feasible because no existing tower:
    - Is within the service area
    - Is of sufficient height
    - Has sufficient structural strength for additional equipment
    - Would be properly shielded from electromagnetic interference
    - Has reasonable lease rates
  - Design of new towers must accommodate co-location of at least two additional antenna arrays
  - Operator of tower agrees to make co-location sites available at industry-standard rates

### Proposed Ordinance

- New towers or substantially modified towers
  - Sworn statement that collocation within the applicant'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. (“Economically burdensome” defined as cost of collocation exceeds the cost of construction of a new tower by 25 percent or more.)
  - Design of new towers must accommodate co-location of at least two additional antenna arrays
  - Operator of tower agrees to make co-location sites available at industry-standard rates