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*10.000(1) General Provisions*

10.000. General Provisions

10.001. Title, Purpose and Statutory Authorization

(1) Title.

This ordinance is known as the “Dane County Zoning Ordinance.”

(2) Purpose.

The purpose of this chapter is to:

- (a)** promote the public health, safety, convenience and general welfare;
- (b)** encourage planned and orderly land use development;
- (c)** protect property values and the property tax base;
- (d)** permit the careful planning and efficient maintenance of highway systems;
- (e)** ensure adequate highway, utility, health, educational and recreational facilities;
- (f)** recognize the needs of agriculture, forestry, industry and business in future growth;
- (g)** encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (h)** provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (i)** encourage the protection of groundwater resources;
- (j)** preserve wetlands;
- (k)** conserve soil, water and forest resources;
- (l)** protect the beauty and amenities of landscape and man-made developments;
- (m)** provide healthy surroundings for family life; and
- (n)** promote the efficient and economical use of public funds.
- (o)** to promote creation of employment opportunities;
- (p)** to support the continued existence of strong and economically viable towns as vital communities of Dane County.

(3) Statutory Authority.

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

*10.002(1) Reenactment And Repeal*

**10.002. Reenactment And Repeal**

(1) Rights and liabilities under previous code.

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

(2) Prior ordinance temporarily in effect.

As provided in [s. 59.69\(5\)\(d\), Wis. Stats.](#), the previous code known as "Chapter 10, Dane County Zoning Ordinance" shall remain in effect for up to one year from [clerk to insert effective date] in all towns, or until the town board adopts this ordinance, whichever comes first.

(3) Repeal of provisions not reenacted.

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

(4) Violations under previous code.

The adoption of this chapter shall not adversely affect the County's right to prosecute any violation of the predecessor Chapter 10, provided that such violation occurred while that chapter was in effect. Declarations of rights and injunctions abating violations shall not be invalidated by the repeal and recreation of Chapter 10.

*10.003(1) Jurisdiction, Effective Date and Interpretation*

**10.003. Jurisdiction, Effective Date and Interpretation**

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

**(a) Unincorporated areas.**

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

**1. (List)**

**(b) Incorporated areas.**

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

- 1.** Whenever an area which has been subject to a county zoning ordinance petitions to become part of a city or village, the regulations imposed by the county zoning ordinance shall continue in effect, without change, and shall be enforced by the city or village until the regulations have been changed by official action of the governing body of the city or village.
- 2.** In the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

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

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits for projects occurring within this chapter's jurisdiction. State agencies are required to comply when [s. 13.48\(13\), Wis. Stats.](#), applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when permits under [s. 30.12, Wis. Stats.](#), are issued. Siting and construction of electric generating facilities are exempt when the Wisconsin Public Service Commission has issues a certificate of necessity and convenience under [s. 196.491, Wis. Stats.](#)

**(2) Severability.**

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



*10.003(3) Jurisdiction, Effective Date and Interpretation*

(3) Abrogations and other restrictions.

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

(4) Interpretation and Application.

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

10.004(1) Definitions

10.004. Definitions

(1) Abandoned or discontinued use.

- (a) Except as described in (b) below, when the nonconforming use of a property has ceased for twelve months or longer, a use shall be considered abandoned and discontinued.
- (b) Mineral extraction uses shall be considered abandoned or discontinued if the use ceases for twelve months or longer, unless the landowner or operator complies with all of the following:
  - 1. Within twelve months of the effective date of this ordinance has submitted a reclamation plan under Chapter 74, Dane County Code;
  - 2. By January 31 of each year after submitting a reclamation plan, submits an annual report that meets all the requirements of s. 74.251, Dane County Code and indicates the site was active during the previous year.
  - 3. Within twelve months of the receipt of notice under s. 10.102(7)(b)2., records a deed notice document, that:
    - (a) indicates the presence of a nonconforming mineral extraction site;
    - (b) describes the boundaries of the nonconforming mineral extraction site, and;
    - (c) is signed by the landowner and the zoning administrator.
  - 4. By January 31 of each year after submitting a reclamation plan, provide to the zoning administrator evidence, subject to inspection, that all of the following conditions are met:
    - (a) Verification of property ownership or an active mineral lease, as recorded with the Dane County Register of Deeds, between the landowner and a mineral extraction operator.
    - (b) The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way.
    - (c) There shall be a safety fence around the entire extraction area at all times.
    - (d) Driveway access points to the site shall be gated. All gates shall be signed "no trespassing."
    - (e) The operator shall post clearly visible signage indicating the presence of mineral extraction activity.

(2) Accessory building.

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

(3) Accessory dwelling unit - attached.

- (a) A second dwelling unit, limited in size, which is physically attached to an existing principal dwelling.
- (b) Accessory dwelling units have their own entrance, and do not share a main entrance with the principal residence on the lot.

10.004(4) Definitions

(4) Accessory dwelling unit - detached.

(a) A second dwelling unit, limited in size, which is in a freestanding accessory building, located on the same lot as a principal dwelling.

(b) This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

(5) Accessory structure.

A structure associated with an accessory use.

(6) Accessory use.

A land use incidental to, and customarily associated with, a specific principal use. Accessory uses must be located on the same lot or parcel and in the same zoning district as the principal use.

(7) Active recreation.

(a) Non-motorized leisure and athletic activities, usually performed with others, often requiring equipment and taking place at prescribed, developed sites, fields, courts, courses or facilities. Active recreational uses may involve relatively large numbers of participants or spectators.

(b) Examples of such land uses include, but are not limited to: baseball or softball diamonds, field sports, gymnasiums, ice rinks or arenas, tennis courts, golf courses, swimming pools, velodromes and similar land uses.

(c) Active recreation does not include indoor entertainment and assembly or outdoor entertainment, as defined in this ordinance.

(8) Adult book store.

An establishment which is used for selling or renting, for monetary consideration, the following materials, when such activity constitutes a significant part of the business conducted therein:

(a) Any picture, photograph, drawing, motion picture film or similar visual representation or image of a person or portion of human body which depicts sexual conduct, sadomasochistic conduct or nudity in the context of sexual activity, whether or not the same is intended to be viewed on or off the premises; or

(b) Any book, pamphlet, magazine, printed matter, however reproduced, or any sound recording which contains any matter enumerated in para. (a) above or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse.

(c) As used in paragraphs (a) and (b), sexual conduct has the meaning set forth in [s. 944.21 \(2\)\(e\), Wis. Stats.](#), and as used in this subsection, significant part of the business means dedication or use of more than 10% of the available floor space to the sale or rental of the subject matter referenced herein, including space devoted to viewing of videotapes or films.

(d) Material, however distributed, which is published by a medical products manufacturer, a

*10.004(9) Definitions*

- 196 medical or health association, an insurance company, or by a consumer education  
197 organization shall not be considered part of the business of operating an adult book store.
- 198 (9) Adult entertainment establishment.
- 199 (a) Any establishment which regularly features for monetary consideration performances or  
200 presentations which are distinguished or characterized by an emphasis on exposure to  
201 view of less than completely or opaquely covered human genitals, pubic area, anus, vulva,  
202 female breasts below a point immediately above the top of the areola; or male genitals in a  
203 discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the  
204 fondling of another person's genitals, pubic region, anus, or female breasts, sexual  
205 intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic  
206 abuse, fellatio, cunnilingus, or any sexual conduct as defined by [s. 944.21\(2\)\(e\), Wisconsin](#)  
207 [Statutes](#).
- 208 (b) The term regularly features as used in this subsection means giving special prominence at  
209 uniform, orderly intervals on a permanent basis, or always features.
- 210 (10) Adopted town and county comprehensive plan.
- 211 A town comprehensive plan adopted by both the affected town board and the Dane County  
212 Board of Supervisors under [s. 66.1001, Wis. Stats.](#), and [Chapter 82, Dane County Code](#).
- 213 (11) Agricultural use.
- 214 Means any of the following activities conducted for the purpose of producing an income or  
215 livelihood:
- 216 (a) Crop or forage production.
- 217 (b) Keeping livestock.
- 218 (c) Beekeeping.
- 219 (d) Nursery, sod, or Christmas tree production.
- 220 (e) Floriculture.
- 221 (f) Aquaculture.
- 222 (g) Fur farming.
- 223 (h) Forest management.
- 224 (i) Enrolling land in a federal agricultural commodity payment program or a federal or state  
225 agricultural land conservation payment program.
- 226 (12) Agricultural accessory building.
- 227 A building or buildings used in the operation of a farm.
- 228 (13) Agricultural accessory use.
- 229 Any of the following land uses on a farm:
- 230 (a) A building, structure, or improvement that is an integral part of, or incidental to, an  
231 agricultural use.
- 232 (b) An activity or business operation that is an integral part of, or incidental to, an agriculture

*10.004(14) Definitions*

- 233 use.
- 234 **(c)** Farm residence.
- 235 **(d)** A business, activity, or enterprise, whether or not associated with an agricultural use,
- 236 which is conducted by the owner or operator of a farm, that requires no buildings,
- 237 structures, or improvements other than those described in par. (a) or (c), that employs no
- 238 more than 4 full-time employees annually, and that does not impair or limit the current or
- 239 future agricultural use of the farm or of other protected farmland.
- 240 (14) Agricultural entertainment.
- 241 **(a)** An agricultural accessory use, taking place on a farm, that combines the elements and
- 242 characteristics of agriculture and tourism.
- 243 **(b)** Examples of agricultural entertainment include, but are not limited to: corn mazes, pick-
- 244 your-own operations, hay rides, sleigh rides, petting farms, on-farm tours, agricultural
- 245 related museums, demonstrations of farming practices, techniques and methods,
- 246 educational activities about farm animals and camps centered around interaction with
- 247 farm animals, fee based fishing and hunting, horseback riding, nature trails, haunted barns,
- 248 farm breakfasts and luncheons, and similar activities which are related to agriculture.
- 249 (15) Agriculture-related use.
- 250 A facility, whether or not located on a farm, that has at least one of the following as a primary,
- 251 and not merely incidental, purpose:
- 252 **(a)** Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural
- 253 services directly to farms, including farms in the farmland preservation zoning district.
- 254 **(b)** Storing, processing or handling raw agricultural commodities obtained directly from farms,
- 255 including farms in the farmland preservation zoning district.
- 256 **(c)** Processing agricultural by-products or wastes received directly from farms, including farms
- 257 in the farmland preservation district.
- 258 (16) *Airport, landing strip or heliport.*
- 259 *A transportation facility that provides takeoff, landing, servicing, storage and other services to*
- 260 *any type of air transportation.*
- 261 **(a)** *Seaplane operation below the ordinary highwater mark of a navigable water is not included*
- 262 *in this definition, but such use may be regulated under Chapter 72, Dane County Code.*
- 263 **(b)** *Except for emergency and rescue operations, the operation of any type of air vehicle*
- 264 *requiring Federal Aviation Administration pilot certification shall occur only in conjunction*
- 265 *with an approved airport, landing strip, or heliport.*
- 266 (17) Amusement park.
- 267 An outdoor entertainment use, publicly or privately owned, containing amusement and
- 268 recreational facilities and devices, whether operated for profit or not.

10.004(18) Definitions

(18) *Animal boarding, domestic pet.*

Any premises that accommodates six or more domestic pets during the daytime hours or overnight, including both indoor and outdoor facilities. May also include accessory retail sales of pet food, pet supplies and related items, limited to 250 square feet of floor space.

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

(b) Domestic pet animal boarding does not include:

1. the keeping of six or more domesticated songbirds, aquarium fish or reptiles, kept indoors and owned by a resident of the property;
2. temporary foster care not to exceed a residence of six weeks per animal;
3. overnight or observational care for patients of a veterinary clinic;
4. large animal boarding, domestic fowl or beekeeping, colony houses, small-scale farming or agricultural livestock operations.

(19) *Animal boarding, large animal.*

Any premises that accommodates six or more of any animals, not owned by the owner of the property, not including domestic pets, domestic fowl or domestic bees. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(a) Examples of these land uses include commercial stables, livestock boarding, wildlife rehabilitation centers and game farms.

(b) Large animal boarding does not include: temporary foster care not to exceed a residence of six weeks per animal, overnight or observational care for patients of a veterinary clinic, domestic pet boarding, domestic fowl or beekeeping, colony houses, small-scale farming or agricultural livestock operations.

(20) *Animal unit.*

One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination thereof. The WI DNR Animal Unit Worksheet shall be used to determine animal unit if not defined above.

(21) *Apartment.*

A room, or a suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family or individual, and located in either:

- (a) a building containing two or more such rooms or suites or;
- (b) a building devoted primarily to nonresidential use.

(22) *Apartment building.*

A building containing accommodations for more than two (2) families living independently of each other.

*10.004(23) Definitions*

- 305 (23) Bed and breakfast. (See Transient or tourist lodging.)
- 306 (24) Boathouse.
- 307 A permanent accessory structure used solely for the personal storage of
- 308 watercraft and associated materials.
- 309 (25) Boat slip.
- 310 A mooring accommodation for the in-water storage of a boat or other water craft which is
- 311 owned by other than a resident or owner of the premises.
- 312 (26) Building.
- 313 (a) Any structure having a roof supported by posts, columns or walls and its appendages
- 314 including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys.
- 315 (b) For permit and locational purposes, the following are also considered buildings: swimming
- 316 pools, both above and below ground, permanent hunting blinds with a foundation, and
- 317 towers, including communication towers.
- 318 (c) The following are not considered buildings: poles, towers and posts for lines carrying
- 319 telephone messages or electricity and recreational structures of open construction and
- 320 without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter
- 321 totters.
- 322 (27) Building envelope.
- 323 The three dimensional space within which a building is constructed.
- 324 (28) Building footprint.
- 325 The entire area of ground covered by a structure, expressed in square feet, including
- 326 appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces, and
- 327 chimneys.
- 328 (29) Building height.
- 329 (a) The vertical distance, measured from the mean elevation of the finished grade along the
- 330 front of the building to the highest point on the roof for flat roofs; to the mean height level
- 331 between the highest ridge and its associated eave for gable and hip roofs; to the deck line
- 332 for mansard roofs.
- 333 (b) The front of the building shall be the side directly facing the public or private thoroughfare
- 334 which affords primary means of access to the property, excluding the driveway.
- 335 (30) Building line.
- 336 (a) The building line shall be the point at which the building wall or any appendage of the
- 337 building such as steps, chimneys, decks, porches or covered patios meet the ground.
- 338 (b) For earth sheltered homes, the building line is a line where the exterior walls of the
- 339 building if extended vertically would be located on the lot or zoning parcel.



*10.004(31) Definitions*

(31) Building setback line.

(a) A line that is parallel to the front or street lot line and is located at a distance from either the center line of the adjacent highway or the front lot line as provided for in [s. 10.102\(9\)](#) of this ordinance.

(b) For triangular or gored lots that do not have the required lot width at the required building setback line, the building setback line shall be a line that is parallel to the front lot line or if the front lot line is a curve it shall be parallel to the chord of the arc of the curve of the front lot line and located at the point on the lot where the length of the line meets the lot width requirements of the zoning district in which it is located.

(32) Bus terminal.

A building or facility where passengers may board or leave intercity buses, also facilities for baggage handling, bus package services and ticket sales.

(33) Campground.

Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 2 or more camping units, or which is advertised or represented as a camping area. Campgrounds may include buildings to provide services to the patrons, such as restrooms, bathing, laundry and commissary facilities.

(34) *Campground, primitive.*

*Any campground which is accessible only by hiking, boating or canoeing.*

(35) *Camping unit.*

(a) *Any portable device, no more than 400 square feet in area, used as a temporary shelter for a period not exceeding 180 days within any calendar year.*

(b) *Camping units include, but are not limited to, a tent, camping trailer, motor home, bus, van, or pickup truck that is fully licensed, if required, and ready for highway use.*

(36) Caretaker's residence.

A dwelling on a nonresidential property occupied by the person who oversees the nonresidential property 24 hours a day, and his or her family.

(37) Cemetery.

(a) Any land, that is used, or intended to be used, for the burial of human remains.

(b) Examples of cemeteries include, but are not limited to, cemeteries, mausoleums, columbarians and burial chapels.

(38) Clear area.

An area adjacent to and completely surrounding each and every physical structure comprising part or all of an historic site. No building or structure of any kind, whether or not a permit therefor is required under this chapter, shall be erected in the clear area and no obstacle of any



10.004(39) Definitions

kind, whether attached to an allowed structure or not, shall be placed in the airspace above the clear area, and no soil disturbance shall occur in the clear area.

(39) Colony house.

A building for the breeding and raising of experimental and laboratory animals, such as white mice and rats, guinea pigs and the like, and for the storage of feed and accessory materials.

(40) Committee.

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

(41) Communications tower.

(a) Except as exempted below, any of the following:

1. A mobile service support structure, as defined in s.66.0404(1)(n), Wisconsin Statutes.
2. A radio broadcast service facility as defined in s. 66.0406(1), Wisconsin Statutes.
3. Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas.
4. Communications towers may include, but are not limited to: self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, or cellular telephone towers.

(b) Exemptions.

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

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

10.004(42) Definitions

4. Towers erected on municipally owned property, or on private property as part of a municipally sponsored project, for the primary purpose of providing wireless internet services to town residents, so long as all the following conditions are met:
- a. The tower is under 100' in height;
  - b. The tower does not require nighttime lighting per Federal Aviation Administration standards;
  - c. Is located a minimum distance of 300' from any principal residential structure located on neighboring property; and
  - d. The town board has submitted a resolution in support of the proposal.

- (42) Communications tower, substantial modification.
- The modification of a communications tower, including the mounting of an antenna on such a structure, that does any of the following:
- (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
  - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
  - (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
  - (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

- (43) Community living arrangements.
- (a) Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services:
    - 1. a community living arrangement for adults, as defined in [s. 46.03 \(22\), Wis. Stats.](#) and [s. 50.01\(1g\), Wis. Stats.](#)
    - 2. a community living arrangement for children, as defined in [s. 48.743 \(1\), Wis. Stats.](#)
    - 3. a foster home, as defined in [s. 48.02 \(6\), Wis. Stats.](#), or
    - 4. or an adult family home, as defined in [s. 50.01 \(1\), Wis. Stats.](#)
  - (b) Community living arrangements do not include:
    - 1. day care centers,
    - 2. nursing homes,
    - 3. hospitals,
    - 4. prisons or jails.

- (44) Community garden.
- A private or public facility for cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

10.004(45) Definitions

(45) *Composting facility.*

*A commercial or public solid waste processing facility where yard, kitchen or garden waste is transformed into soil conditioner or fertilizer by biological decomposition.*

(46) Condominium.

Individual ownership of a structure, a unit in a multi-unit structure, or a piece of real property located on a commonly held parcel of land organized under [Chapter 703, Wisconsin Statutes](#). Buildings in a condominium shall meet the density and locational requirements of the zoning district in which they are located.

(47) *Consistent with.*

*Furtherers or does not contradict:*

- (a) The purposes and standards of this ordinance, or*
- (b) the policies contained in relevant town comprehensive plans, the Dane County Comprehensive Plan or the Dane County Farmland Preservation Plan.*

(48) Construction equipment.

- (a) A type of commercial vehicle that is primarily designed and used for commercial, construction, or industrial operations or activities.
- (b) Construction equipment includes, but is not limited to, front end loaders, dumpster haulers, forklifts, augers, tractor-trailers, dump trucks, wreckers, bulldozers, cranes, bobcats, trenchers, stump grinders, backhoes, and cement mixers tractors, both wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back hoes, drag lines, trucks, including dump, stake body or semi-trailer lowboys of more than two and one-half (2-½) ton capacity, "cherry picker" vehicles and air compressors.
- (c) Equipment used in connection with a farm operation and not leased or contracted for use on any other property shall not be considered construction equipment.

(49) Contiguous.

Lots or parcels that share a common boundary for a distance of at least 66 feet.

(50) Day care centers.

A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in [s. 48.65](#) of the Wisconsin Statutes.

(51) Development.

Any activity requiring any of the following:

- (a) a zoning permit, conditional use permit or certificate of compliance under this ordinance;
- (b) a shoreland zoning permit under [Chapter 11](#), Dane County Code
- (c) a floodplain zoning permit under [Chapter 17](#), Dane County Code
- (d) an erosion control permit or stormwater management permit under [Chapter 14](#), Dane County Code

*10.004(52) Definitions*

487           **(e)** a sanitary permit under Chapter 46, Dane County Code.

488           (52)       Development plan.

489           A scale drawing of the premises which accurately depicts:

- 490           **(a)** the shape and dimensions of the lot, zoning parcel, tax parcels, or condominium units, as  
491           appropriate;  
492           **(b)** the location and dimensions of all existing and proposed buildings and other structures;  
493           **(c)** the location and dimensions of all parking areas, loading areas, circulation areas, and  
494           access drives;  
495           **(d)** the distance in feet between all structures, and between all structures and parking areas,  
496           abutting streets and highway rights-of-way or easements and side and rear lot lines, and;  
497           **(e)** any other information as the zoning administrator deems necessary to determine the  
498           nature of the development.

499           (53)       Development right.

- 500           **(a)** A potential new residential building site available under the policies of an adopted town  
501           and county comprehensive plan, subject to the standards of this ordinance and chapters  
502           11, 17 and 75.  
503           **(b)** For purposes of participating in a transfer of development rights program, a development  
504           right exists on a particular property if adopted town and county comprehensive plans  
505           would support a rezone petition to allow residential development on the property.

506           (54)       *Divided highway*

507           *A highway with 2 or more roadways separated by spaces not intended for the use of vehicular*  
508           *traffic.*

509           (55)       *Domestic beekeeping.*

510           *The keeping of honeybees in a residential zoning district.*

511           (56)       Domestic fowl.

512           Female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered domestic  
513           fowl for the purposes of this ordinance.

514           (57)       *Domestic pets.*

515           **(a)** *Any animal that:*

- 516           1. *has been bred or raised to live in or near the habitations of humans,*  
517           2. *is not kept for slaughter, milk, eggs or the harvesting of fur, wool or plumage, and;*  
518           3. *is dependent on humans for food and shelter.*

519           **(b)** *Domestic pets include, but are not limited to: dogs, cats and domestic ferrets.*

520           **(c)** *Domestic pets do not include: horses, sheep, any animal equivalent to one-half animal unit*  
521           *or larger, endangered species, wildlife, livestock, domestic fowl or bees.*

*10.004(58) Definitions*

- 522 (58) Drive-in establishment.  
523 (a) An establishment which accommodates motor vehicles from which the occupants may  
524 obtain or receive a service or product which may be used or consumed in the vehicle on  
525 the same premises, or  
526 (b) An establishment which accommodates motor vehicles for the purpose of fueling or  
527 providing minor motor vehicle services.
- 528 (59) Duplex.  
529 A dwelling designed or intended to be occupied by two families.
- 530 (60) Dwelling.  
531 A building, or part of a building, containing living, sleeping, housekeeping accommodations and  
532 sanitary facilities for occupancy by one or more families.
- 533 (61) *Electric generating facility.*  
534 *Any equipment together with associated structures, buildings, grounds and other facilities*  
535 *intended to produce electricity consumed primarily off the premises.*
- 536 (62) Explosive materials.  
537 (a) Any chemical compound, mixture or device, the primary or common purpose of which is to  
538 function by explosion, except as exempted below.  
539 (b) Explosive materials include, but are not limited to, dynamite and other high explosives,  
540 slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating  
541 explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.  
542 (c) Exemptions.  
543 (d) For the purposes of this ordinance, the following are not considered explosive materials:  
544 1. Fireworks, as defined in [s.167.10, Wis. Stats.](#)  
545 2. Fuel or a lubricant.  
546 3. A firearm cartridge or shotgun shell.  
547 4. A flare used or possessed or sold for use as a signal in an emergency or in the operation  
548 of a railway, aircraft, watercraft or motor vehicle.  
549 5. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.  
550 6. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used  
551 or possessed or sold for use in a device which prevents direct bodily contact with a cap  
552 when it is in place for explosion.  
553 7. A toy snake which contains no mercury.  
554 8. A model rocket engine.  
555 9. Tobacco and a tobacco product.  
556 10. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to  
557 produce audible or visible effects or to produce audible and visible effects.  
558 11. A device designed to spray out paper confetti or streamers and which contains less than  
559 one-quarter grain of explosive mixture.

*10.004(63) Definitions*

- 560           **12.** A fuseless device that is designed to produce audible or visible effects or audible and  
561           visible effects, and that contains less than one-quarter grain of explosive mixture.  
562           **13.** A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a  
563           controlled rate, and that produces audible or visible effects, or audible and visible  
564           effects.  
565           **14.** A cylindrical fountain that consists of one or more tubes and that is classified by the  
566           federal department of transportation as a Division 1.4 explosive, as defined in [49 CFR](#)  
567           [173.50](#).  
568           **15.** A cone fountain that is classified by the federal department of transportation as a  
569           Division 1.4 explosive, as defined in [49 CFR 173.50](#).  
570           **16.** A novelty device that spins or moves on the ground  
571           **17.** Propellants for airbags in a motor vehicle.

572       (63)       Family.

573       A single housekeeping unit, living together on the premises, comprised of either:

- 574       **(a)** Any number of individuals related by blood, adoption, foster care, domestic partnership or  
575       marriage, or  
576       **(b)** No more than five unrelated individuals.

577       (64)       Farm.

578       All land under common ownership that is primarily devoted to agricultural use. For the  
579       purposes of this ordinance, “primarily devoted” means that a majority of the land is in  
580       agricultural use.

581       (65)       Farm operator.

582       A person who, or a family at least one member of which, earns substantial farm income from  
583       farm operations on the farm.

584       (66)       Farm residence.

585       Any of the following structures that is located on a farm:

- 586       **(a)** A single-family residence that is occupied by any of the following:  
587       **1.** A person who is both the owner and farm operator of the farm.  
588       **2.** A parent or child of the owner and farm operator of the farm.  
589       **3.** An individual who earns more than 50 percent of his or her gross income from the farm.  
590       **(b)** A migrant labor camp that is certified under [s. 103.92, Wis. Stats.](#)

591       (67)       *Governmental, institutional, religious, or nonprofit community uses.*

592       *A facility, land or premises that provides a public service and is operated by a:*

- 593       **(a)** *federal, state, county, city, village, town or tribal government,*  
594       **(b)** *public or private utility, commission or authority,*  
595       **(c)** *public or private school, university, college or school district,*  
596       **(d)** *church or religious institution*

10.004(68) Definitions

- 597 (e) public or quasi-public agency, or  
598 (f) tax-exempt organization.

599 (68) Gross floor area.

- 600 (a) The aggregate area of all horizontal levels of a building, expressed in square feet, not  
601 including any horizontal level where the average floor to ceiling height is less than 6 feet.  
602 (b) When used as a basis of measurement for off-street parking and loading spaces for any  
603 use, gross floor area shall be the sum of the areas of the several floors of the buildings  
604 devoted to such use, including all areas devoted to restrooms, storage, utilities and  
605 circulation.

606 (69) Gross income.

607 Wisconsin Adjusted Gross Income, as defined in [s. 71.01, Wis. Stats.](#)

608 (70) Gross vehicle weight.

609 The weight of any truck or road tractor and its semitrailer plus the load that the vehicle is rated  
610 to haul.

611 (71) Heavy industrial.

612 (a) A processing, manufacturing or assembly use engaged in the basic processing and  
613 manufacturing of materials or products predominately from extracted or raw materials, or  
614 any other processing, manufacturing or assembly use where any of the following conditions  
615 apply:

- 616 1. operations are conducted wholly or partially outdoors;  
617 2. operations are potentially associated with significant nuisances such as odor, noise, heat,  
618 vibration, pollution or radiation which are detectable at the property line;  
619 3. operations may pose a significant safety hazard (such as danger of fire, toxic spills or  
620 explosion).

621 (b) Heavy industrial uses include, but are not limited to: paper, pulp or paperboard producers;  
622 chemical and allied product producers including poison or fertilizer producers but not  
623 including drug producers; petroleum and coal product producers; permanent asphalt,  
624 concrete or cement producers; tanneries; stone, clay or glass product producers; primary  
625 metal producers; heavy machinery producers; electrical distribution equipment producers;  
626 electrical industrial apparatus producers; transportation vehicle producers; commercial  
627 sanitary sewage treatment plants; power production facilities; railroad switching yards;  
628 and commercial recycling facilities not involving the on-site storage of salvage materials.

629 (c) Heavy industrial uses do not include agriculture, agriculture-related, small-scale domestic  
630 energy generation, utility services, or light industrial uses.



*10.004(72) Definitions*

(72) Home occupation.

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

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

(73) *Incidental room rental.*

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

- (a) *All rooms offered for rent are within the landowner's principal residence*
- (b) *No room has its own kitchen facility*
- (c) *No more than two rooms are offered for rent*
- (d) *One off-street parking space is provided for each rental room.*

(74) *Indoor commercial lodging.*

(a) *A building or premises that provides lodging to transient or tourist guests, that meets at least one of the following criteria:*

- 1. *Provides more than eight rooms available for transient guests;*
- 2. *Provides accommodations for more than twenty transient or tourist guests at a time; or*
- 3. *Is located in a building that is not on the same zoning parcel as the landowner's principal residence.*

(b) *Indoor commercial lodging may include, but is not limited to: hotels, motels, inns or resorts.*

(c) *Indoor commercial lodging does not include: incidental room rental, transient or tourist lodging, campgrounds, rooming houses, duplexes or multifamily residences.*



10.004(75) Definitions

(75) *Indoor entertainment or assembly.*

(a) *All land uses which provide entertainment services, 10 or more days per calendar year, entirely within an enclosed building. Such activities often have:*

- 1. operating hours which extend significantly later than other commercial land uses and;*
- 2. 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, music or performance venues and auditoriums.*

(76) *Indoor sales.*

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

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

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

(77) *Indoor storage and repair.*

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

(78) *Institutional residential.*

(a) *A congregate residential use that provides some level of human, health or social service to non-transient residents, in addition to basic housing.*

(b) *Institutional residential uses include, but are not limited to: group homes, convents, monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted living facilities, congregate care facilities and retirement communities.*

(c) *Institutional residential uses do not include: community living arrangements, day care centers, duplexes, multifamily residences, rooming houses, adult family homes, foster homes or treatment foster homes.*

(79) *Junk.*

*Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.*

(80) *Junkyard. (See Salvage yard.)*

(81) *Kennel. (see Animal boarding, domestic pet)*

*10.004(82) Definitions*

- 704 (82) Land disturbing activity.  
705 Any alteration or disturbance that may result in soil erosion, sedimentation or change in runoff  
706 including, but not limited to, removal of ground cover, grading, excavating or filling of land.
- 707 (83) Light industrial.  
708 (a) The processing, manufacturing, compounding, assembly, packaging, treatment or  
709 fabrication of materials and products, from previously processed or previously  
710 manufactured materials. All operations (with the exception of loading operations):  
711 1. are conducted entirely within an enclosed building;  
712 2. are not potentially associated with nuisances such as odor, noise, heat, vibration, and  
713 radiation which are detectable at the property line;  
714 3. do not pose a significant safety hazard (such as danger of explosion); and  
715 4. include no retail sales.  
716 (b) Light industrial uses do not include agriculture-related, limited family businesses, Limited  
717 farm businesses, small workshops accessory to a permitted use, or heavy industrial uses.
- 718 (84) Limited family business.  
719 A small family-run commercial operation, accessory to a permitted principle use, that takes  
720 place entirely within an accessory building. All employees, except up to one or one full-time  
721 equivalent, must be a member of the family residing on the premises.
- 722 (85) Limited farm business.  
723 An agricultural accessory use that meets all of the following criteria:  
724 (a) Consists of a business, activity, or enterprise, whether or not associated with an  
725 agricultural use, that is conducted by the owner or operator of a farm,  
726 (b) Requires no buildings, structures, or improvements other than existing agricultural  
727 buildings or a farm residence  
728 (c) Employs no more than 4 full-time equivalent employees annually, who are not members of  
729 the family residing on the farm, and;  
730 (d) Does not impair or limit the current or future agricultural use of the farm or of other  
731 protected farmland.
- 732 (86) Livestock.  
733 (a) Except as listed below, bovine animals, equine animals, goats, poultry, sheep, swine, farm-  
734 raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.  
735 (b) For the purposes of this ordinance, the following are not considered livestock:  
736 1. Five or fewer equine animals on a premises in the Rural Mixed-Use Districts;  
737 2. Domestic fowl;  
738 3. Domestic pets;  
739 4. Domestic beekeeping.

*10.004(87) Definitions*

- 740 (87) Location survey.  
741 Survey information prepared by a licensed surveyor indicating the location of property lines and  
742 building location distances from those property lines for the specific portions of the building  
743 indicated in this ordinance.  
744 (a) Such surveys need not provide all the parcel information set forth by Wisconsin  
745 Administrative Code Chapter A-E 7.02 Minimum Standards for Property Surveys item A-E  
746 7.01(2), but may exclude unnecessary information as permitted in A-E 7.01(2).  
747 (b) All location surveys must comply with the accuracy standard required by A-E 7.06  
748 Measurements.
- 749 (88) *Long-term care facility.*  
750 *Any of the following:*  
751 (a) *A nursing home, as defined in s. 50.01 (3), Wis. Stats.*  
752 (b) *A community-based residential facility, as defined in s. 50.01 (1g), Wis. Stats.*  
753 (c) *A facility, as defined in s. 647.01 (4), Wis. Stats.*  
754 (d) *A swing bed in an acute care facility or extended care facility, as specified under 42 USC*  
755 *1395tt.*  
756 (e) *A hospice, as defined in s. 50.90 (1) (c), Wis. Stats.*  
757 (f) *An adult family home, as defined in s. 50.01 (1), Wis. Stats.*  
758 (g) *A residential care apartment complex, as defined in s. 50.01 (6d), Wis. Stats.*
- 759 (89) Lot.  
760 A parcel of land occupied or intended to be occupied by one principal building and its accessory  
761 buildings or uses, except for commercial zoning districts. A parcel or tract of land that is defined  
762 by metes and bounds, certified survey, recorded subdivision plat, or other means of description  
763 recorded with the Register of Deeds and legally separated from other lots by such description.  
764 No land included in any public road, street, highway or railroad right-of-way shall be included  
765 when computing lot area. Also referred to as a "lot of record."
- 766 (90) Lot depth.  
767 The lot depth is the mean horizontal distance between the front lot line and the rear lot line  
768 measured within the lot boundaries.
- 769 (91) Lot width.  
770 (a) The distance between the side lot lines measured along a line that is parallel to the front  
771 lot line at the required building setback line.  
772 (b) On triangular or gored lots, the lot width shall be measured along a line that is parallel to  
773 the chord of the arc of the front lot line at the required building setback line. The lot width  
774 at this point shall not be less than that required by the zoning district in which the lot is  
775 located.

*10.004(92) Definitions*

- 776 (92) Lot line, front.  
777 The lot line adjoining, and parallel to, the right-of-way that provides primary vehicular access to  
778 the lot.
- 779 (93) Lot line, rear.  
780 (a) The rear lot line shall mean that lot line which is opposite and most distant from the front  
781 lot line.  
782 (b) In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length  
783 entirely within the lot, parallel to and most distant from the front lot line shall be  
784 considered to be the rear lot line for the purpose of determining depth of rear yard.  
785 (c) In cases where none of these definitions is applicable, the zoning administrator shall  
786 designate the rear lot line.
- 787 (94) Lot line, side.  
788 Any lot line other than a front or rear lot line
- 789 (95) *Manufactured home.*  
790 (a) A residential dwelling for one family as is defined in *s. 101.91(2), Wis. Stats.*, that:  
791 1. Is fabricated in an off-site facility for installation or assembly at the building site,  
792 2. bears a HUD label or insignia certifying that it is built in compliance with the Federal  
793 Manufactured Housing Construction Standards under 42 U.S.C. ss. 5401 to 5425, and  
794 3. was built after June 14, 1976.  
795 (b) A manufactured home is considered a single-family dwelling for the purposes of this  
796 chapter.
- 797 (96) *Manufactured home communities.*  
798 (a) Any plot or plots of ground upon which two (2) or more manufactured dwellings, occupied  
799 for dwelling or sleeping purposes, are located.  
800 (b) Exceptions. Manufactured home communities do not include manufactured homes used for  
801 any of the following uses, with an approved conditional use permit:  
802 1. Accessory dwelling units  
803 2. Secondary farm residences.
- 804 (97) Marina.  
805 (a) A commercial shoreside facility that provides accommodation and service for multiple  
806 boats.  
807 (b) Marinas may include, but are not limited to, docks; boat slips; inside or outside storage of  
808 boats, boat trailers, storage cradles and other related marina items; sale of boats, boating  
809 equipment, fuel and supplies.  
810 (c) Marinas do not include noncommercial boathouses, docks, or piers intended for watercraft  
811 owned by the landowner and accessory to a permitted principal use.

10.004(98) Definitions

- 812 (98) Mineral extraction.
- 813 (a) Quarrying, excavation or removal of sand, gravel, limestone, earth, soil or other mineral
- 814 resources.
- 815 (b) Mineral extraction does not include:
- 816 1. Site preparation for residential or commercial plats,
- 817 2. Construction or landscaping projects,
- 818 3. Soil conservation practices
- 819 4. Stream, lake or shoreline protection projects
- 820 5. Agricultural land leveling projects conducted in accordance with NR 151, Subchapter II,
- 821 Wisconsin Administrative Code, provided materials are not removed from the site.
- 822 6. *Composting, storage or processing of materials that meet the definition of an agriculture-*
- 823 *related use.*
- 824 7. Solid waste disposal operations.
- 825 (99) Mineral extraction accessory uses.
- 826 (a) When conducted entirely within the boundaries of an approved Conditional Use Permit for
- 827 a mineral extraction site, the following are considered permitted accessory uses:
- 828 1. washing, crushing, screening and other processing of extracted mineral materials,
- 829 2. stockpiling and processing concrete and asphalt pavements for the purpose of recycling
- 830 for reuse in asphalt or concrete mixtures or base course products
- 831 3. importing and dumping of clean fill materials
- 832 4. the erection of structures and the installation or storage, or both, of the necessary
- 833 machinery and equipment used in the mineral extraction operation
- 834 5. soil blending for production of bioretention products
- 835 6. activities associated with an approved erosion control or stormwater management plan
- 836 under Chapter 14, Dane County Code.
- 837 7. activities associated with site reclamation under an approved reclamation plan under
- 838 Chapter 74, Dane County Code.
- 839 (b) At their own initiative or at the applicant's request, town boards and the committee may
- 840 further limit or prohibit any of the above accessory uses on a particular mineral extraction
- 841 site, as part of the conditions on an individual Conditional Use Permit.
- 842 (100) Mini-warehouse. (See Personal storage facility.)
- 843 (101) *Mobile home.*
- 844 (a) *A transportable factory built structure as is defined in s. 101.91(10), Wis. Stats., designed*
- 845 *for long-term occupancy by one family and either:*
- 846 1. *was built prior to June 15, 1976, or*
- 847 2. *does not comply with the Federal Manufactured Housing Construction and Safety*
- 848 *Standards Act.*
- 849 (b) *A mobile home is not considered to be a type of single-family dwelling for the purposes of*
- 850 *this chapter.*

*10.004(102) Definitions*

- 851 (102) Motel. (See Indoor commercial lodging.)
- 852 (103) Motor vehicle.
- 853 Cars, trucks, buses, semi-tractors and semi-trailers which may be used to transport goods,
- 854 materials, freight or passengers
- 855 (104) Multiple family dwelling.
- 856 A dwelling designed or intended to be occupied by more than two families.
- 857 (105) Native wildlife rehabilitator.
- 858 A facility operated under a rehabilitator license approved by the Wisconsin Department of
- 859 Natural Resources, the U.S. Fish and Wildlife Service or the U.S. Department of the Interior
- 860 under [s.169.24, Wis. Stats.](#) and [Chapter NR 19, Subchapter II, Wisconsin Administrative Code.](#)
- 861 (106) Nursing home. (See also Institutional residential.)
- 862 (a) An institutional residential facility for the aged, chronically ill or incurable person in which
- 863 three (3) or more persons not of the immediate family are received, kept or provided with
- 864 food and shelter or care for compensation.
- 865 (b) Nursing homes do not include any of the following:
- 866 1. A convent or facility owned or operated exclusively by and for members of a religious
- 867 order that provides reception and care or treatment of an individual.
- 868 2. A hospice, as defined in [s. 50.90 \(1\), Wis. Stats.](#), that directly provides inpatient care.
- 869 3. A residential care apartment complex
- 870 4. Hospitals, clinics or similar institutions devoted primarily to the diagnosis and
- 871 treatment of the sick or injured .
- 872 (107) Nonconforming parcel.
- 873 A lot or zoning parcel lawfully created prior to the time this ordinance or relevant amendments
- 874 took affect, and which does not conform to current area or lot width standards of this
- 875 ordinance. Also known as a “substandard parcel.”
- 876 (108) Nonconforming structure.
- 877 A structure lawfully erected prior to the time this ordinance or relevant amendments took
- 878 effect, and which does not conform to the setback, side yard, rear yard, lot coverage, height or
- 879 other dimensional requirements of this ordinance.
- 880 (109) Nonconforming use.
- 881 A lawfully created use that existed prior to the time this ordinance or relevant amendments
- 882 took effect, and which does not conform to the current standards of this ordinance.

*10.004(110) Definitions*

(110) Notice document.

A recorded instrument to notify future landowners and others of unusual features, policies, regulations or other characteristics that may affect future development potential or other speculative use of a specific property. All notice document instruments must meet the minimum recording standards of the Dane County Register of Deeds.

(111) Occupiable floor area.

- (a) When used as a basis of measurement for off-street parking spaces, the sum of the areas of the several floors of the buildings designed or intended to be used for service to the public as customers, patrons, clients, patients or members.
- (b) Occupiable floor area includes areas occupied by fixtures and equipment used for the sale of merchandise, or in the case of office uses those areas occupied or used by employees.
- (c) Occupiable floor area does not include areas used principally for non-public purposes such as restrooms, locker rooms, storage, utilities and areas behind counters.

(112) Office.

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

(113) *Outdoor assembly event.*

- (a) *Any organized activity, not including agricultural entertainment events, of more than one hundred (100) persons, occurring 10 or more days per calendar 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.*

(114) *Outdoor entertainment.*

- (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: shooting ranges, outdoor swimming pools, driving ranges, miniature golf facilities, volleyball courts, amusement parks, drive-in theaters, go-cart tracks and racetracks.*



10.004(115) Definitions

(115) Outdoor passive recreation.

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

(116) Outdoor sales, display, or repair.

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

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

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

(117) Outdoor storage.

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

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

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

(118) Person.

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

(119) Personal and professional services.

(a) All exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis.

(b) Examples of such land uses include, but are not limited to: professional services, insurance services, realty offices, financial services, repair and maintenance of small items conducted indoors; medical offices and clinics, veterinary clinics, barbershops, beauty shops, and related land uses.

(c) Personal and professional services do not include adult entertainment or vehicle repair and maintenance services.



10.004(120) Definitions

- 954 (120) *Personal storage facility.*  
955 *A facility that provides indoor storage of personal items entirely within partitioned buildings*  
956 *having an individual access to each partitioned area. Also known as "mini-warehouses."*
- 957 (121) Planned unit development.  
958 (d) A form of land development, conceived and implemented as a cohesive, unified project  
959 and permitted only after following the procedures for creating a planned unit development  
960 district as provided in [s. 10.291](#) of this ordinance.  
961 (e) Within a planned unit development, regulations on permitted or conditional land uses,  
962 setbacks, lot or zoning parcel sizes or other development standards may vary to suit the  
963 proposed use and the site, as determined in the General Development Plan and Specific  
964 Improvement Plan approved by the County Board specifically for that project.
- 965 (122) *Principal building.*  
966 *A building within which a majority of the principal use of a premises or lot is conducted.*
- 967 (123) *Principal use.*  
968 *The primary use of a premises.*
- 969 (124) *Property maintenance shed.*  
970 *A small utility structure, no larger than 600 square feet, used exclusively for storage of*  
971 *materials or equipment in conjunction with the maintenance of the property. Property*  
972 *maintenance sheds may be allowed on properties without a principal residence. Property*  
973 *maintenance sheds have no plumbing fixtures and cannot be used for living or sleeping*  
974 *purposes.*
- 975 (125) *Racetrack.*  
976 *An outdoor entertainment activity consisting of any location hosting a gathering of more than*  
977 *three people for the purpose of repetitive motor vehicular activity over a fixed course or area,*  
978 *which persists for periods in excess of 30 minutes in any one 24 hour period.*
- 979 (126) Recorded.  
980 Recorded with the Dane County Register of Deeds.
- 981 (127) Recreational equipment.  
982 Boats, canoes, watercraft, snowmobiles or camping and luggage carrying trailers intended to be  
983 towed by an automobile or truck or a camper unit to be mounted on a truck. Any motor driven  
984 camper or motor home shall be considered as recreational equipment
- 985 (128) *Recreational racetrack.*  
986 *A defined or fixed course for the driving of a motorcycle, automobile, ATV, snowmobile, go-cart,*  
987 *or any other similar motorized craft used for personal use.*

*10.004(129) Definitions*

(129) Refuse. (See also Solid waste.)

Combustible and noncombustible rubbish including, but not limited to, paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes and lumber, concrete and other debris resulting from the construction or demolition of structures.

(130) Rendering plant.

A plant for the reduction of dead animals or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue and soap, and for the storage of such by-products

(131) *Renewable energy.*

*Electricity, heat, steam, gas or other power derived from any of the following:*

*(a) A fuel cell that uses, as determined by the Wisconsin Public Service Commission under s.196.378, Wis. Stats., a renewable fuel.*

*(b) Tidal or wave action.*

*(c) Solar thermal electric or photovoltaic energy.*

*(d) Wind power.*

*(e) Geothermal technology.*

*(f) Biomass.*

*(g) Synthetic gas created by the plasma gasification of waste.*

*(h) Densified fuel pellets made from waste material that does not include garbage, as defined in s. 289.01(9), Wis. Stats., and that contains no more than 30 percent fixed carbon.*

*(i) Fuel produced by pyrolysis of organic or waste material.*

(132) Roadside stand.

A structure having a ground area of not over 200 square feet, not permanent by being attached to the ground, readily removable in its entirety and to be used solely for the sale of farm and garden products produced on the premises. Such structures may be located within the setback lines of roads but shall not interfere with visibility along the highway.

(133) *Rooming house.*

*A building or premises, with a common, shared kitchen area, that rents three or more rooms:*

*(a) For definite, extended periods of time, typically 180 days or more*

*(b) To no more than twenty unrelated individuals, and*

*(c) Is not open to transients, tourists or to the general public*

(134) School (See also Governmental, institutional, religious or nonprofit community use).

*(d) Any private, public or religious educational institution.*

*(e) Schools do not include either truck driving schools or construction equipment operator schools, unless expressly stated otherwise in this chapter.*

*10.004(135) Definitions*

- 1023 (135) Salvage yard.  
1024 An area where junk, waste or scrap materials are bought, sold, exchanged, stored, recycled,  
1025 baled, packed, disassembled or handled.  
1026 (f) For the purposes of this definition, waste or scrap materials may include, but are not  
1027 limited to: garbage, waste, refuse, trash, any used motor vehicle upon which no current  
1028 license plate is displayed, any inoperable motor vehicle, any used tire or used motor  
1029 vehicle part, and any scrap material such as metal, paper, rags, cans or bottles  
1030 (g) A salvage or junk yard may include a motor vehicle wrecking or dismantling yard  
1031 (h) A salvage or junk yard does not include a solid waste recycling center, composting facilities  
1032 or processing operations meeting the definition of an agriculture-related use.
- 1033 (136) Sanitary fixture.  
1034 Any plumbing fixture that requires discharge to a private onsite wastewater treatment system  
1035 or public sanitary sewer system pursuant to state or county plumbing code.
- 1036 (137) Setback.  
1037 The minimum horizontal distance from the front line or from the center of the highway,  
1038 measured parallel to the highway or front lot line, to the front of the building.
- 1039 (138) Single family residential.  
1040 Land use characterized by individual, standalone dwellings designed for and occupied for a  
1041 period of more than 30 days, exclusively by one family.
- 1042 (139) Slaughterhouse.  
1043 Any building or premises used commercially for the killing or dressing of cattle, sheep, swine,  
1044 goats or horses, for human consumption and the storage, freezing and curing of meat and the  
1045 preparation of meat products.
- 1046 (140) *Small-scale farming.*  
1047 *Any agricultural use operated for recreational, hobby or supplementary income purposes on a*  
1048 *site with a non-agricultural principal use. Animal use is limited to one animal unit per acre.*
- 1049 (141) Solid waste.  
1050 Garbage, refuse and all other discarded or salvageable solid materials, including solid waste  
1051 materials resulting from industrial, commercial, operations and other domestic use and public  
1052 service activities. Solid waste does not include solids or dissolved material in waste water  
1053 effluents or other common water pollutants.

*10.004(142) Definitions*

- 1054 (142) Solid waste disposal operation.  
1055 A site or facility for the collection, storage, utilization, processing or final disposal of solid waste.  
1056 (a) Solid waste disposal operations include, but are not limited to: sanitary landfills, land  
1057 disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding,  
1058 compression, processing and salvage.  
1059 (b) Solid waste disposal operations do not include: agriculture-related uses or in-house re-use  
1060 of the imperfect finished products to make a merchantable finished product.
- 1061 (143) Solid waste recycling center. (See also Salvage yard.)  
1062 A solid waste disposal operation at which temporary storage and processes such as baling of  
1063 paper, grinding of glass and flattening of cans, are conducted on segregated solid waste to  
1064 facilitate reuse of the segregated solid waste as raw material.
- 1065 (144) Stormwater runoff.  
1066 Waters derived from rains falling, snowmelt or icemelt occurring within the drainage area,  
1067 flowing over the surface of the ground and collected in channels, watercourses or conduits.
- 1068 (145) Story.  
1069 The vertical distance of a building included between the surface of any floor, except the  
1070 basement, and the floor next above it. For top stories, the story is the space between the floor  
1071 and the ceiling.
- 1072 (146) Story, half.  
1073 A story under a gable or hip or mansard roof, where the wall plates of which on at least two (2)  
1074 sides are not more than two (2) feet above the floor of that story for at least 70% of the wall  
1075 line.
- 1076 (147) Street.  
1077 A public or private thoroughfare, not including driveways, which affords primary means of  
1078 access to abutting property.
- 1079 (148) Street line.  
1080 The dividing line between the street and the lot.
- 1081 (149) *Structure.*  
1082 (a) *Any human-made object with form, shape and utility, either permanently or temporarily*  
1083 *attached to, placed upon or set into the ground, stream bed or lake bed.*  
1084 (b) *Structures include, but are not limited to, any building, dwelling, manufactured building,*  
1085 *manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat*  
1086 *shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other*  
1087 *improvements or any part of such structure.*  
1088 (c) *A structure includes any permanent or temporary attachments, including but not limited to*  
1089 *awnings, extensions, porches or decks.*

*10.004(150) Definitions*

- 1090 (150) Structural alteration.  
1091 Any change in the dimensions of a structure or in the interior layout or floor plan of a structure.
- 1092 (151) Substantial farm income.  
1093 A minimum of \$10,400 gross farm income/year for the past three (3) years currently derived  
1094 from the farming operation on the farm where the residential use is proposed. Rental income  
1095 may not be used to meet the income requirement.
- 1096 (152) *Tax parcel.*  
1097 *A parcel of land identified by a Parcel Identification Number assigned by the Dane County*  
1098 *Property Listing Division for the purpose of assessing real property taxes. The boundaries of a*  
1099 *tax parcel may or may not coincide with a lot, lot of record or zoning parcel.*
- 1100 (153) TDR agricultural conservation easement.  
1101 (a) A holder's non-possessory interest in real property imposing any limitation or affirmative  
1102 obligation, the purpose of which may include any or all of the following:  
1103 1. retaining or protecting natural, scenic or open space values of real property;  
1104 2. assuring the availability of real property for agricultural, forest, recreational or open  
1105 space use;  
1106 3. protecting natural resources;  
1107 4. maintaining or enhancing air or water quality;  
1108 5. preserving a burial site, as defined in [s.157.70\(1\)\(b\), Wis. Stats.](#); or,  
1109 6. preserving the historical, architectural, archaeological or cultural aspects of real  
1110 property.  
1111 (b) TDR agricultural conservation easements need not include any requirements for public  
1112 access or restrictions on agricultural or forestry practices.
- 1113 (154) Temporary batch asphalt or concrete production.  
1114 Production of asphalt or concrete, using portable equipment, for a period not to exceed six  
1115 months per calendar year and associated with time-limited, specific projects identified by  
1116 project number.
- 1117 (155) Temporary or portable building.  
1118 (a) A building or structure that is not attached to the ground by anchors, bolts, footings,  
1119 foundation piers, pilings, posts or other means of attaching permanently to the ground.  
1120 (b) Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed  
1121 32 square feet of floor area on a lot in a residential district.
- 1122 (156) Temporary outdoor display and sales.  
1123 Outdoor sales events limited to two (2) events per year. For purposes of this paragraph, a single  
1124 event is one which is held on consecutive days of not more than ten (10) days in duration.

*10.004(157) Definitions*

- 1125 (157) Topography.  
1126 The configuration of the ground surface and relations among human-made and natural features  
1127 that may determine ground slope and the direction of runoff flow.
- 1128 (158) Transfer of development rights (TDR).  
1129 (a) The conveyance of development rights by TDR agricultural conservation easement from  
1130 one parcel of land to another and the recording of that conveyance with the Dane County  
1131 Register of Deeds and other land records of Dane County.  
1132 (b) Any individual transfer of development rights transaction may, at the discretion of the  
1133 parties involved, also include the conveyance of additional rights not enumerated in this  
1134 ordinance.
- 1135 (159) *Transient or tourist.*  
1136 (a) *A person who travels to a location away from his or her permanent or legal address for a*  
1137 *short period of time, not to exceed thirty days, for vacation, pleasure, recreation, culture,*  
1138 *business or employment.*  
1139 (b) *For the purposes of this ordinance, transients or tourists do not include:*  
1140 1. *Nonpaying guests of the family occupying a dwelling unit;*  
1141 2. *Patients, clients or residents of permitted indoor institutional, institutional residential, or*  
1142 *community living arrangement land uses ;*  
1143 3. *Employees who receive room and/or board as part of their salary or compensation.*
- 1144 (160) *Transient or tourist lodging.*  
1145 (a) *A residence or accessory dwelling unit that rents more than two, but not more than eight,*  
1146 *rooms to transient guests or tourists, where all of the following apply:*  
1147 1. *Buildings housing rental rooms are either within, or on the same zoning parcel as, the*  
1148 *landowner's principal residence.*  
1149 2. *Rooms are rented to no more than a total of 20 individuals who are not members of the*  
1150 *landowner's family.*  
1151 3. *Length of stay does not exceed thirty (30) consecutive days for each registered guest.*  
1152 4. *Rooms do not include their own kitchen facilities.*  
1153 (b) *Transient lodging houses may include, but are not limited to: bed and breakfasts, hostels*  
1154 *and recreational cabins.*  
1155 (c) *Transient lodging does not include: incidental room rental, campgrounds, duplexes,*  
1156 *multifamily housing, institutional residential, indoor institutional, community living*  
1157 *arrangements, rooming houses or indoor commercial lodging .*
- 1158 (161) Truck terminal.  
1159 Buildings or land which is used for the storage or distribution of freight or goods by a common  
1160 carrier.

*10.004(162) Definitions*

- 1161 (162) Urban service area.  
1162 Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor  
1163 agency designated by the State of Wisconsin in accordance with the federal Clean Water Act,  
1164 that are planned for urban development and capable of being provided with a full range of  
1165 services.
- 1166 (163) Use, conditional.  
1167 A land use, which because of the potential for unusual or site-specific impacts, may be lawfully  
1168 established only with an approved conditional use permit and subject to specific limitations or  
1169 conditions.
- 1170 (164) Use, permitted.  
1171 A land use which may be lawfully established and that conforms with all requirements and  
1172 standards of this ordinance and the zoning district in which the use is located.
- 1173 (165) Use, principal.  
1174 The main or primary use of land or buildings, as distinguished from a subordinate or accessory  
1175 use.
- 1176 (166) *Utility services.*  
1177 Transmission, distribution and small-scale renewable generation facilities both above and  
1178 below ground which carry electricity, liquid or gaseous fuel, steam, water, data, heat, sewage,  
1179 telephone messages, television or radio signals, or other similar services.  
1180 *(a) Utility services Include, but are not limited to:*  
1181 *1. Services necessary to support development within the immediate vicinity, and that involve*  
1182 *only minor structures, as necessary to operate transmission and distribution lines such as*  
1183 *substations, transformer installations, repeater stations, and pumping stations.*  
1184 *2. Renewable energy systems, such as solar, wind, geothermal or other systems intended*  
1185 *primarily for generation of energy, fuel or heat consumed on the premises. Incidental or*  
1186 *occasional provision of energy to a utility company or electric grid is included within this*  
1187 *definition.*  
1188 *3. Public sewer systems and private onsite wastewater treatment systems.*  
1189 *4. Collocation of an antenna array on an existing communication tower, provided there is no*  
1190 *substantial modification of the tower.*  
1191 *(b) Utility services do not include offices, garages, manually operated exchanges, terminal*  
1192 *distribution facilities, new or substantially modified communication towers, electric*  
1193 *generating facilities, heat generating plants or sewage disposal plants.*
- 1194 (167) Variance.  
1195 *Permission, as granted by the Board of Adjustments under s. 10.101(10), to depart from the*  
1196 *dimensional standards of this ordinance.*



*10.004(168) Definitions*

- 1197 (168) Vehicle, farm or off-road.  
1198 An operational motor vehicle that is used only on private property and is not licensed for use on  
1199 a public right-of-way.
- 1200 (169) *Vehicle repair or maintenance service.*  
1201 *Includes all principal land uses that perform repair, maintenance, or painting services to*  
1202 *motorized vehicles.*
- 1203 (170) Veterinary clinic.  
1204 An establishment for the medical or surgical treatment of animals. Boarding and care is limited  
1205 only to animals undergoing active treatment or observation.  
1206 (a) Veterinary clinics include, but are not limited to: animal hospitals and clinics for the  
1207 treatment of domestic pets or livestock and wildlife rehabilitation centers.  
1208 (b) Veterinary clinics do not include: animal boarding facilities, breeding operations, colony  
1209 houses, domestic fowl or beekeeping, small-scale farming or agricultural livestock  
1210 operations.
- 1211 (171) Warehousing and distribution facilities.  
1212 Any land use oriented to the short-term indoor storage, shipment, and possible repackaging of  
1213 commercial materials of a single user.
- 1214 (172) Vision clearance triangle.  
1215 The area in each quadrant of an intersection which is bounded by the right-of-way lines of the  
1216 highways or streets and a vision clearance setback line connecting points on each right-of-way  
1217 line which are located a distance back from the intersection equal to the setback required on  
1218 the road or highway.
- 1219 (173) Yard.  
1220 An open space on a zoning parcel which is unoccupied or unobstructed from its lowest level to  
1221 the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends  
1222 along a zoning parcel line to a depth or width specified in the yard regulations.
- 1223 (174) Yard, front.  
1224 A yard paralleling the full length of the front zoning parcel line between the side lot lines.
- 1225 (175) Yard, rear.  
1226 A rear yard is a yard paralleling the full length of the rear zoning parcel line between the side lot  
1227 lines.
- 1228 (176) Yard, side.  
1229 A yard paralleling along a side zoning parcel line from the front yard to the rear yard.



*10.004(177) Definitions*

- 1230 (177) Zoning lot.
- 1231 (a) A parcel of land under single ownership and in a single zoning district, occupied or
- 1232 intended to be occupied by:
- 1233 1. One principal building or principal use;
- 1234 2. Buildings and uses customarily accessory or incidental to the principal use; and
- 1235 3. Open spaces, yards or setback areas normally associated with the principal use or as
- 1236 required by this ordinance.
- 1237 (b) The boundaries of a zoning parcel may or may not coincide with a lot of record or tax
- 1238 parcel.
- 1239

*10.100(1) Standards and Requirements for All Land Uses*

1240 10.100. Standards and Requirements for All Land Uses

1241 10.101. Administration, Enforcement and Penalties

1242 (1) **Zoning Permits**

1243 (a) *Zoning permits required.* Unless specifically exempted below, the following activities may  
1244 not occur until the zoning administrator, or his or her designee, issues a zoning permit  
1245 specific to the use and premises:

- 1246 1. Erection or construction of any new building
- 1247 2. The addition to, or structural alteration or expansion, horizontally or vertically of, any  
1248 existing building.
- 1249 3. Change of land use for any building, structure or premises
- 1250 4. The erection, replacement, or reconstruction of a sign.
- 1251 5. Erection of covered enclosures for domestic fowl. Notwithstanding the exemption set  
1252 forth in section 10.101(1)(b), zoning permits shall be required prior to the erection,  
1253 placement or construction of covered enclosures for domestic fowl, regardless of size.

1254 (b) *Exceptions.* Zoning Permits under this chapter are not required for accessory buildings  
1255 equal to or less than 120 square feet on non-permanent foundations, provided they meet  
1256 all setback, height, and lot coverage requirements.

1257 (c) *Unresolved violations or arrears.* The Zoning Administrator may not issue a zoning permit  
1258 for any property upon which there are:

- 1259 1. *Unresolved violations of this ordinance, or Chapters 11, 17, 14, 74, 75 or 46, Dane County*  
1260 *Code, or*
- 1261 2. *Delinquent real estate taxes.*

1262 (d) *Application materials.* An application for a zoning permit shall be filed with the zoning  
1263 administrator on a form prescribed by the zoning administrator. Only complete  
1264 applications will be accepted. At a minimum, applications for a zoning permit must include  
1265 the following:

- 1266 1. Name and address of the owner of the property; Contractor name; Legal description of  
1267 the property; project description; and cost of construction.
- 1268 2. A scaled site plan of the property showing the location all existing buildings, proposed  
1269 buildings, and location of the well and septic system, as applicable. The plan shall show  
1270 an accurate dimension of the proposed building's location in relation to the property  
1271 lines, floodplain, lake, stream, or wetland.
- 1272 3. Floor plans of the proposed building. The plan shall identify each room and the proposed  
1273 use.
- 1274 4. Elevation drawings of the building. The elevation drawing shall show the vertical  
1275 dimension from the roof eave and peak to the finish ground elevation. The height of the  
1276 building is based on the elevation which faces the public or private thoroughfare which  
1277 affords primary means of access to the property, excluding the driveway.

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5. Evidence of compliance with other applicable regulations, including, but not limited to County Sanitary Code, land division regulations, stormwater and erosion control regulations, floodplain regulations, wetland/shoreland regulations, access to State/County/Town highways, or site approval by Town.
6. Any other information, as determined by the zoning administrator or designee, necessary to determine compliance of the proposed use with the standards or purposes of this ordinance.
7. Appropriate application fees as noted in Chapter 12, Zoning Fees.

**(e) Application review.**

*The application shall be reviewed to determine if the proposed use of the building and location meets the applicable ordinance requirements and applicable regulations. If the proposal does not meet the requirements or regulations, the application shall be denied and information shall be provided to the applicant identifying the reasons for the denial.*

**(f) Permit posting.**

1. Once a zoning permit is issued, the zoning administrator or designee shall prepare a placard that identifies the permit number and construction and premises covered by the permit.
2. The applicant shall post the permit placard in a conspicuous place on the premises prior to the start of, and for the entire duration of, any construction associated with the project. No construction shall begin until the permit placard is posted.
3. For purposes of this section, start of construction shall be when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings or foundations. Earth disturbing activity for the purpose of soil evaluation or testing shall not be considered the start of construction.

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

1. Any permit obtained through material misrepresentation shall be null and void.
2. Zoning permits shall expire one year from the date of issuance if construction has not started or two years from the date of construction.
3. Any project which has an expired or revoked permit shall not continue unless a new zoning permit is issued.

**(2) Location Surveys**

**(a) Location survey required.** Unless waived by the zoning administrator under (c) below, applicants must submit a location survey for any development located within ten (10) feet of any of the following:

1. Road setback lines under [s. 10.102\(9\)](#).
1. Side and rear yard setback lines required in the applicable zoning district
2. Navigable water setback, wetland setback or vegetative buffer lines required under [Chapter 11, Dane County Code](#).

**(b) Timing of survey.** The survey shall be done at the time when foundations or basement walls are completed. Such survey shall be submitted to the zoning office prior to the continuation of work on the project.

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- (c) *Waivers from location survey requirements.* At his or her discretion, the zoning administrator may waive the requirement for a location survey for accessory buildings under 120 square feet in gross floor area not located on a foundation, concrete slab, pilings, or footings. If a location survey is waived, the owner shall demonstrate, at the zoning administrator's request, compliance with all setback requirements.

(3) **Inspection**

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

(4) Violations and Penalties

- (a) Continuing violations.
1. Each day a non-permitted structure, building, addition, alteration or activity or any other violation of this ordinance exists shall constitute a separate offense.
  2. A non-permitted structure, building, addition, alteration or activity is one which requires the issuance of a permit under this ordinance but which permit has not been issued by the zoning administrator.
- (b) Stop work order.
1. Whenever the zoning administrator, or designee, finds that any development activity does not comply with the provisions of this ordinance or Chapters 11, 17 or 75, Dane County Code, the zoning administrator or designee shall post a stop work order in a conspicuous place on the premises. Once a stop work order is issued, all development activities on the premises must cease until all construction is in compliance.
  2. The stop work order card shall provide the following information: date of issuance, town and section number, reason for posting, a description of rights to appeal to the Board of Adjustment under [s. 10.101\(9\)](#) and the signature of the inspector posting the card.
  3. It shall be a violation of this ordinance for anyone to remove a stop work-order card from the premises without specific authorization from the zoning administrator or designee.
- (c) Citation authority.

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The zoning administrator and any of his or her designees may enforce violations of this chapter, [Chapter 11](#), [Chapter 17](#), [Chapter 75](#), and [Chapter 78](#), Dane County Code by citation as described in [Chapter 2, Dane County Code](#) and [s. 66.0113, Wis. Stats.](#)

**(d)** Forfeitures.

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

**(e)** Court injunction.

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

**(f)** Jail.

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

*10.101(5) Administration, Enforcement and Penalties*

(5) Certificates of Compliance

- (a) No building or addition thereto, constructed after the effective date of this ordinance and no addition to a previously existing building shall be occupied, except accessory buildings used exclusively for farming or agricultural purposes and no vacant land, except that used exclusively for farming or agricultural purposes on the effective day of this ordinance, shall be used for any purposes until a certificate of compliance has been issued by the county zoning administrator. Every certificate of compliance shall state the use and occupancy and the location of the building or buildings and indicate that the use of land complies with all of the provisions of this ordinance.
- (b) Every application for a zoning permit shall be an application for a certificate of compliance.
- (c) An application for a certificate of compliance for a new use or a change in use of land or a building shall be made directly to the zoning administrator.
- (d) No certificate of compliance for a building or addition thereto, constructed after the effective date of this ordinance shall be issued until construction has been substantially completed and the premises inspected and certified by the zoning administrator to be in conformity with the specifications on which the permit was issued.
- (e) The zoning administrator may establish rules by which a temporary certificate of compliance may be issued for a part of a building.

(6) **Site Plans**

- (a) *Site plans required.* Applicants must submit site plans with any of the following applications:
  - 1. Any Zoning Permit application within the CO-1, NR-I or UTR zoning districts
  - 2. Any Conditional Use Permit application.
  - 3. Any rezone petition to the HAM-R, HAM-M, LC, GC, HC, RI or MI zoning districts.
  - 4. Any rezone petition within the NR-I overlay zoning district, except for petitions to rezone to the FP-35, FP-1 or NR-C districts.
- (b) *Information included.* Site plans must be drawn to a scale large enough to show sufficient detail on 11" by 17" paper, that includes, at a minimum the following information, as applicable:
  - 1. A small vicinity map that clearly identifies the site's location within Dane County
  - 2. Location of subject property, tax parcel number(s), and any relevant certified survey (CSM) or plat information related to the identification of the property.
  - 3. Scale and north arrow;
  - 4. Date the site plan was created and/or last revised;
  - 5. Existing subject property lot lines and dimensions;.
  - 6. Existing and proposed wastewater treatment systems and wells;
  - 7. All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer. Existing and proposed uses must be clearly labeled.
  - 8. All dimensions and required setbacks, side yards and rear yards.

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- 1417           **9.** Location and width of all existing and proposed driveway entrances onto public and  
1418           private roadways, and of all interior roads or driveways. Traffic flow patterns must be  
1419           indicated.
- 1420           **10.** Location and dimensions of any existing utilities, easements or rights-of-way.
- 1421           **11.** Parking lot layout in compliance with [s. 10.102\(8\)](#).
- 1422           **12.** Proposed loading/unloading areas.
- 1423           **13.** Zoning district boundaries in the immediate area. All districts on the property and on all  
1424           neighboring properties must be clearly labeled.
- 1425           **14.** All relevant natural features, including but not limited to:
  - 1426               **a.** Navigable waters, including ordinary highwater marks and shoreland setbacks  
1427               required under [Chapter 11](#), Dane County Code, for all lakes, ponds, rivers, streams  
1428               (including intermittent streams) and springs within 300 feet of the property.
  - 1429               **b.** Non-navigable water features, including drainage ditches, culverts and stormwater  
1430               conveyances
  - 1431               **c.** Floodplain boundaries and field-verified elevations, including floodfringe,  
1432               floodway, flood storage and general floodplain districts as described in Chapter 17,  
1433               Dane County Code
  - 1434               **d.** Delineated wetland areas , including wetland setbacks required under Chapter 11,  
1435               Dane County Code
  - 1436               **e.** Natural drainage patterns
  - 1437               **f.** Archaeological features and
  - 1438               **g.** Slopes over 12% grade.
- 1439           **15.** If required by [s. 10.102\(12\)](#), location and type of proposed screening, landscaping, berms  
1440           or buffer areas.
- 1441           **16.** The Zoning Administrator may require, at his or her discretion, site plans to show  
1442           additional detail, including, but not limited to contours, drainage, screening, fences,  
1443           landscaping, lighting, signs, refuse dumpsters, and possible future expansion areas.  
1444



*10.101(7) Administration, Enforcement and Penalties*

(7) **Conditional Use Permits**

- (a) Purpose. The development and execution of this ordinance is based upon the division of the county into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. Certain uses, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. With appropriate limitations on siting, development and operation, such uses may be compatible with other uses in a particular zoning district. Such uses are classified as conditional uses and are subject to the following provisions.
- (b) Application Requirements. An application for a conditional use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. Only complete applications will be accepted. The application shall be accompanied by such plans and other information as required by this section, by requirements for particular uses or as prescribed by the zoning administrator, and shall include, at a minimum, the following:
1. Statement. The applicant shall provide a written statement and adequate evidence demonstrating that the proposed conditional use conforms to the standards for approval described in s. 10.101(7)(d), and to any additional standards required in the applicable zoning district.
  2. Site plan. All applications for a conditional use permit must be accompanied by a site plan, meeting all the standards described in s. 10.101(6).
  3. Operational plan. All applications for a conditional use permit must be accompanied by an operational plan that describes, at a detail acceptable to the Zoning Administrator, the following characteristics of the operation, as applicable:
    - a. Hours of operation.
    - b. Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
    - c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
    - d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
    - e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.
    - f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
    - g. Facilities for managing and removal of trash, solid waste and recyclable materials.
    - h. Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.



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- 1486                   i. A listing of hazardous, toxic or explosive materials stored on site, and any spill  
1487                   containment, safety or pollution prevention measures taken.
- 1488                   j. Outdoor lighting and measures taken to mitigate light-pollution impacts to  
1489                   neighboring properties.
- 1490                   k. Signage, consistent with ss. 10.800....
- 1491           **4. *Third Party Consultation. If necessary expertise is not available from county staff, public***  
1492           ***academic institutions or from appropriate regional, state or federal agencies, the***  
1493           ***committee may consult with a third party to effectively evaluate a conditional use permit***  
1494           ***application. The zoning administrator, or his or her designee, will select the consultant.***  
1495           ***The applicant for the conditional use permit shall bear all reasonable costs and expenses***  
1496           ***associated with such consultation. Applicants retain the right to withdraw a pending***  
1497           ***conditional use permit application if they choose not to pay consultant fees.***
- 1498           **5. Property Owner Consent.** If the applicant for any conditional use permit is not the owner  
1499           of the property, the applicant must provide a signature(s) of the property owner(s) on  
1500           the application form or a written statement from the property owner(s) granting  
1501           authorization to proceed with the conditional use permit application.
- 1502   **(c) Approval process.**
- 1503           **1. Hearing on application.**
- 1504                   a. Upon receipt of a complete and acceptable application , statement, site plan and  
1505                   operational plan , the zoning committee shall hold a public hearing on each  
1506                   application for conditional use. The zoning committee shall establish, by rule, a  
1507                   regular schedule and location for public hearings. The zoning committee may  
1508                   prescribe or amend rules for the conduct of the hearing and preserving a publicly-  
1509                   accessible recording of the proceedings.
- 1510                   b. The Department of Planning Development will publish a Class 2 notice of each  
1511                   public hearing , as provided in [chapter 985](#) of the Wisconsin Statutes. The  
1512                   Department will also provide direct notice to the Town Clerk of any towns affected  
1513                   by the proposed conditional use. The zoning committee shall establish policies  
1514                   governing notice to other parties of interest.
- 1515           **2. Zoning Committee Action.**
- 1516                   a. The zoning committee is authorized by s. [59.69\(2\)\(bm\)](#), Wis. Stats. to grant  
1517                   conditional use permits.
- 1518                   b. The zoning committee, after a public hearing, shall, within a reasonable time,  
1519                   grant, grant with conditions or deny any application for conditional use.
- 1520                   c. The zoning committee shall not take action on the application for conditional use  
1521                   until it receives action from the town board or the time period for action by the  
1522                   town board described in [s. 10.101\(7\)\(c\)3](#). has expired.
- 1523                           i. If the town board denies the conditional use permit within the timeframes  
1524                           described in s. 10.101(7)(c)3 , the zoning committee need take no further  
1525                           action.
- 1526                           ii. The zoning committee may approve or deny a conditional use permit  
1527                           without town action if the town board fails to act within the time period set

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forth in s. 10.101(7)(c)3 below.

**d.** *The zoning committee may postpone action on any conditional use permit until any unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the property brought into full compliance with applicable standards.*

**e.** Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- i. General standards for approval of a conditional use under [s. 10.101\(7\)\(d\)](#);
- ii. Any prescribed standards specific to the applicable zoning district.
- iii. Any prescribed standards specific to the particular use under [s. 10.103](#).

**f.** The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met.

**g.** The zoning committee must approve a conditional use permit if it finds that the standards for approval are met.

**3. Town Board Action.**

**a.** The Department of Planning and Development shall provide direct notice to the town clerk of the town where a conditional use is proposed.

**b.** The town board may, at a properly noticed public meeting, grant, grant with conditions or deny any application for conditional use.

i. The town board shall communicate its position in writing on the conditional use application within sixty (60) days of the date of the county zoning committee public hearing.

ii. The town board may request an extension of the review period of up to forty (40) days by submitting a written request to the zoning committee.

**c.** Prior to granting or denying a conditional use, the town board shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- i. General standards for approval of a conditional use under [s. 10.101\(7\)\(d\)](#);
- ii. Any prescribed standards specific to the applicable zoning district.
- iii. Any prescribed standards specific to the particular use under [s. 10.103](#).

**d.** The town board must deny a conditional use permit if it finds that the standards for approval are not met.

**e.** The town board must approve a conditional use permit if it finds that the standards for approval are met.

**4. Appeals to Board of Adjustment.**

**a.** Any person aggrieved by the grant or denial of a conditional use permit may appeal the decision of the town board or zoning committee to the Dane County Board of Adjustment.

**b.** Aggrieved parties must file their appeal with the zoning administrator within 30 days of the final action.

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(d) Requirements and standards for conditional use permits

1. *Standards for approval.* Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met:
  - a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
  - b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
  - c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
  - g. *That the conditional use is consistent with the adopted town and county comprehensive plans.*
  - h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in [s. 10.220\(1\)](#).
2. *Conditions*
  - a. *Standard conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit:*
    - i. *Any conditions required for specific uses listed under [s. 10.103](#).*
    - ii. *The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.*
    - iii. *New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.*
    - iv. *The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.*
    - v. *Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.*

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- vi. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
  - vii. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
  - viii. Off-street parking must be provided, consistent with s. 10.102(8).
  - ix. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
  - x. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
  - xi. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
  - xii. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
  - xiii. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- b. Other conditions. In addition to the standard conditions listed above, the town board and zoning committee may, at their discretion, impose any other conditions as necessary to meet the standards for approval described in s. 10.101(7)(d)1. above, including but not limited to:
- i. Expiration dates on conditional use permits, except for permits for communication towers under s. 10.103(9). Continuation or extension of an expired conditional use requires re-application and approval by the town board and zoning committee.
  - ii. Limits on hours or days of operation, or number of events each year.

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- 1654                   iii.   Limits on numbers of employees.
- 1655                   iv.   Limits on numbers of total people, vehicles or animals on the premises at
- 1656                         any one time.
- 1657                   v.   Limits on total quantity or volume of product on the premises at any one
- 1658                         time.
- 1659                   vi.   Limits on square footage of buildings or outdoor areas devoted to the
- 1660                         proposed use.
- 1661                   vii.   Requirements for screening, berms or minimum setbacks as necessary to
- 1662                         minimize disturbance to neighboring properties.
- 1663                   viii.   Noise limits, set to a decibel [db(a)] level appropriate for the particular use
- 1664                         and location, as provided in [s. 10.102\(6\)](#).
- 1665                   ix.   Controls, limits or setbacks to control odor or fumes.
- 1666                   x.   *Surety bonds or other financial guarantees, to dismantle equipment,*
- 1667                         *buildings or structures that may pose a hazard or nuisance after a*
- 1668                         *conditional use permit is abandoned or revoked. Unless otherwise required*
- 1669                         *under applicable state statute or administrative code:*
- 1670                         • *Any bond or other financial instrument shall expressly state that it will*
- 1671                         *remain in full force and effect for a period of at least six months after the*
- 1672                         *surety provides Dane County written notification of expiration or*
- 1673                         *termination of the surety's obligation under the bond.*
- 1674                         • *Applicant shall remove any equipment or structure placed or erected*
- 1675                         *pursuant to the conditional use permit no less than 30 days prior to the*
- 1676                         *termination or expiration of the guarantee.*
- 1677                         • *Bonds or other financial instruments shall not exceed \$20,000 unless it is*
- 1678                         *conclusively demonstrated that a higher amount is necessary to protect*
- 1679                         *the public health, safety and welfare.*
- 1680

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(8) **Petitions to Rezone (Zoning Map Amendments)**

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

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

(b) *Petition requirements.*

1. *Town consultation.* Prior to submitting a rezone petition, applicants must consult with the affected town clerk, town plan commission or town board, as determined by the town.
2. *Application form.* Zoning petitions must be submitted in a form approved by the zoning administrator, and must include, at a minimum, the following:
  - a. The name, address and other contact information for the owner(s) of all properties affected by the rezone;
  - b. The name, address and other contact information for anyone acting as the owner's agent on the application;
  - c. A written legal description accurately describing the area to be rezoned;
  - d. A scaled drawing of the proposed rezone area, including area in acres or square feet;
  - e. The town(s) in which the proposed rezone is located;
  - f. Parcel ID numbers affected by the proposed rezone;
  - g. A written narrative describing the proposed use;
3. *Site plan.* For rezones to the HAM-R, HAM-M, LC, LC, HC, RI or MI zoning districts, the applicant must provide site plans as described in [s. 10.101\(6\)](#) ;
4. *Land division application.* If required under Chapter 75, Dane County Code, the applicant must provide draft certified survey maps, preliminary plats, land division applications and any associated fees;
5. *Fees.* The applicant must provide payment of all applicable fees as described in Chapter 12, Dane County Code.
6. *Other information.* Any other information the zoning administrator, or designee, determines necessary to evaluate the nature, location or intensity of the proposed use or consistency with the *Dane County Comprehensive Plan* or the *Dane County Farmland Preservation Plan*.
7. Incomplete applications will not be accepted.

(c) *Approval process.*

1. Zoning committee, town board and county board action.
  - (a) The zoning committee, town board and county board shall follow the process for public hearing, recommendations, amendment, approval, denial and re-referral of petitions to rezone as described in [s. 59.69\(5\)\(e\), Wis. Stats.](#)



10.101(8) Administration, Enforcement and Penalties

(b) The zoning committee may postpone action on any rezone petition until any unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the property brought into full compliance with applicable standards.

(c) The zoning committee or county board may adopt additional rules and procedures for petitions to rezone under the authority of Chapter 7, Dane County Code.

2. County executive action. The county executive shall, within a reasonable time of county board action, take action on the proposed rezone petition. The county executive may sign, refuse to sign or veto the rezone petition within the timelines described in s. 59.17(6), Wis. Stats.

(d) Conditions on rezone petitions.

1. The zoning committee may recommend and the county board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within a specified number of months of the date of county board approval of the amendment when the first on-site inspection for building location is made and approved for the project sought to be established, and in the event such approved inspection has not occurred by the end of the specified time period, the possibility of making effective the rezoning will then be terminated.
2. The zoning committee may recommend and the county board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within a specified number of months of the date of county board approval of the amendment when a restrictive covenant has been recorded binding the property to conditions specified in the amending ordinance, and in the event such covenant is not recorded by the end of the specified time period, the possibility of making effective the rezoning will then be terminated.
3. Conditions specified to be in such required covenants shall be related to the purposes of the Dane County Code of Ordinances and consistency with adopted town and county comprehensive plans. They may include, as specific cases warrant, limits of permissible uses to less than the full range of uses otherwise allowable in the district into which the land is being placed. The covenant controls shall be amendable or repealable upon petition of the owner of the lands subject to the controls and approval by the county board after a hearing similar to a rezoning hearing. A rezoning of the lands to a different zoning district shall also act to repeal the covenant controls. Except as provided above, the covenants shall run with the land.
4. Other similar controls appropriate to handling by covenant provisions may also be imposed.

*10.101(9) Administration, Enforcement and Penalties*

(9) Appeals of administrative decisions.

- (a) *Who may appeal.*** Any person aggrieved or any officer, department, board or bureau of the municipality affected by any decision of the zoning administrator or other administrative officer, may appeal that decision to the board of adjustment.
- (b) *Application process.*** Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (c) *Stays.*** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board of adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
- (d) *Hearing appeals.*** The board of adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appeal in person or by agent or attorney.
- (e) *Board of Adjustment Action.*** The board of adjustment may, by majority vote, affirm, reverse, reverse partly or modify the order, requirement, decision or determination that is the subject of the appeal. The board may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- (f) *Effect of denial.*** If the Board of Adjustment denies an appeal, the same, or substantially similar appeal cannot be resubmitted for a period of one year from the date of denial. The Board may waive this requirement if it finds there is valid new evidence or proof of change of conditions.



10.101(10) Administration, Enforcement and Penalties

(10) Variances

- (a) Application.** Landowners may apply, on a form approved by the zoning administrator, for a variance from the standards of this ordinance.
- (b) Hearing on application.** Upon receipt of a complete and acceptable petition and accompanying materials, the board of adjustment shall hold a public hearing on each variance appeal. The board of adjustment shall establish, by rule, a regular schedule and location for public hearings. The board of adjustment may prescribe or amend rules for the conduct of the hearing and preserve a publicly-accessible recording of the proceedings.
- (c) Decision.** The Board of Adjustment may approve, conditionally approve, or deny a variance after a public hearing.
- (d) Majority vote.** The concurring vote of a majority of the five-member Board of Adjustment is required to grant a variance.
- (e) Findings of fact.** The decision of the Board of Adjustment shall include findings of fact, related to conditions on the site, the standards for approval of a variance and any impacts on the purposes of this ordinance.
- (f) Conditions on variances.** The Board of Adjustment may impose conditions on the use, development or activities subject to the variance. The Board of Adjustment may require the conditions in order to comply with the standards in this section, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this ordinance.
- (g) Standards for approval of a variance.** The Board of Adjustment shall not grant a variance unless it finds that all of the following standards are met:
  - 1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
  - 2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.
  - 3. For a variance from area, setback or dimensional standards in the ordinance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
  - 4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
  - 5. The proposed variance shall not create substantial detriment to adjacent property.
  - 6. The proposed variance shall be compatible with the character of the immediate neighborhood.
- (h) Effect of denial.** If the Board of Adjustment denies a variance, the same or substantially similar variance cannot be resubmitted for a period of one year from the date of denial. The Board may waive this requirement if it finds there is valid new evidence or proof of change of conditions.
- (i) Time limits on construction.**
  - 1. The landowner must obtain zoning permits for any construction authorized by variance within one year from the date the Board of Adjustment approved the variance.

*10.101(10) Administration, Enforcement and Penalties*

- 1832           **2.** Failure to obtain appropriate permits within one year shall render the variance null and  
1833           void.  
1834           **3.** The board of adjustment may, upon request, extend the timeframe for a specific period,  
1835           without another public hearing.  
1836

*10.102(1) General Provisions Applicable to All Uses in All Zoning Districts*

**10.102. General Provisions Applicable to All Uses in All Zoning Districts**

**(1) Accommodations for disabled persons.**

- (a)** Where strict interpretation of this chapter would effectively deny disabled persons equal housing opportunity, and where the property does not meet the criteria for a variance under [s. 10.101\(10\)](#), the Zoning Administrator may grant a waiver to the dimensional standards of this chapter in order to provide reasonable accommodations as required by the Federal Americans with Disabilities Act, the Federal Housing Act and the Wisconsin Fair Housing Act. The permit shall be subject to the following conditions:
- 1.** Only the minimum relaxation of dimensional standards needed to provide reasonable accommodation shall be approved.
  - 2.** No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purpose of this chapter.
  - 3.** Where practicable, the improvement authorized by this provision shall be removed when the premises are no longer occupied or frequented by a disabled person.
- (b)** If the zoning administrator denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Board of Adjustment pursuant to [s. 10.101\(9\)](#).

**(2) Buildings and structures**

**(a) Accessory Buildings.**

- 1.** Zoning Permit fees do not apply to agricultural accessory buildings on farms of 35 acres or larger.
- 2.** Except for agricultural accessory buildings, or for property management sheds specifically authorized by conditional use permit, a principal building must exist or be under construction prior to the construction of an accessory building.
- 3.** Except for accessory dwelling units, accessory buildings may not be used for living spaces. No guesthouses or apartments are allowed.
- 4.** Except for accessory dwelling units or as specifically permitted by conditional use permit, plumbing fixtures are prohibited in accessory buildings.
- 5.** All accessory buildings must meet size, height and lot coverage restrictions of the general provisions and applicable zoning district.

**(b) Accessory buildings must meet required setbacks from roads and the locational requirements of the Shoreland, Wetland, and Floodplain Districts**

**(c) Modifications to existing buildings.**

- 1.** Nothing herein contained shall require any change in the plans, construction or intended use of a building 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.

10.102(3) General Provisions Applicable to All Uses in All Zoning Districts

- 1874 (3) Compliance with other laws, regulations and codes.  
1875 All buildings and structures must comply with any other applicable state or federal laws,  
1876 administrative code or local ordinances governing design, location, construction or use.
- 1877 (4) Junk and refuse.  
1878 Except for salvage yards, solid waste disposal operations or solid waste recycling centers under  
1879 an approved conditional use permit, all properties shall be maintained to be free of accumulated  
1880 junk or refuse.
- 1881 (5) Lighting.  
1882 Except for lighting of the United States flag, any outdoor lighting associated with any permitted  
1883 or conditional use shall be directed downward and away from adjacent properties and public  
1884 rights-of-way, and shall be designed to minimize ambient light spill.
- 1885 (6) Noise Reduction.  
1886 (a) Town boards and the zoning committee may, as necessary, set decibel limits appropriate to  
1887 the use and location as a condition on a Conditional Use Permit or on a conditional rezone  
1888 petition.  
1889 (b) Town boards and the zoning committee may, as necessary, recommend decibel limits  
1890 appropriate to the use and location as a condition on rezones to General Commercial,  
1891 Heavy Commercial, Limited Commercial or Hamlet Mixed-Use districts.  
1892 (c) Noise abatement on blasting sites shall not conflict with or exceed the requirements of SPS  
1893 307, Wisconsin Administrative Code, as amended from time to time, or its successor  
1894 administrative code regulations.  
1895 (d) Noise levels shall be set to the db(a) decibel scale and should be appropriate to the  
1896 background noise level of the surrounding area, and to the nature, duration and repetition  
1897 of the proposed use. Table 1 describes common uses by typical decibel level, as a reference  
1898 guide for town board and zoning committee action.  
1899

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
Passenger Plane at 1,500 feet	85
Diesel truck at 50 feet at 40 mph	84
Noisy urban area in daytime.	80
Car at 25 feet at 65 mph	77
Vacuum cleaner at 10 feet	70
Heavy traffic at 300 feet	60

10.102(7) General Provisions Applicable to All Uses in All Zoning Districts

Dishwasher next room	50
Quiet suburban area, nighttime	40
Library	35
Threshold of hearing	0

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1901

(7) **Nonconforming Uses and Structures**

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(a) Certificate of Compliance for Nonconforming Uses and Structures

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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.

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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.

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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.

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(b) Nonconforming Uses.

1913

1. Continuation of a Legal, Nonconforming Use.

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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.

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2. **Notification of Nonconformity.**

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*Within 30 days of the effective date of this ordinance in any town, the zoning administrator will send a notice via certified mail, return receipt requested, to all legally established, nonconforming mineral extraction operations which existed prior to 1969, and were registered with and approved by the Dane County Zoning Administrator at the time. The notice shall inform the landowner that registered nonconforming mineral extraction sites are subject to the provisions of this section.*

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3. Abandonment or Discontinuation of a Nonconforming Use.

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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.

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b. 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.

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4. Expansion of building or structure housing a nonconforming use.

1931

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.

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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

1935

1936

*10.102(7) General Provisions Applicable to All Uses in All Zoning Districts*

- 1937                    that the value of the structure is not increased by more than 50%, compared with  
1938                    the assessed value of the structure at the time it became nonconforming.
- 1939    **(c) Nonconforming structures.**
- 1940        **1. Continued use of nonconforming structures.**
- 1941            **a.** Except as exempted below, any nonconforming structure may be continued in use.
- 1942            **b.** Exceptions. Nothing herein contained shall require any change in the plans,  
1943            construction or intended use of a structure or premises for which plans have been  
1944            prepared heretofore, and the construction of which shall have been diligently  
1945            pursued within three (3) months after the effective date of this ordinance.
- 1946        **2. Demolition or destruction of a nonconforming structures.**
- 1947            **a.** Except as exempted in d. below, a structure is considered to be demolished and  
1948            nonexistent if more than 50% of the pre-existing structure is removed or must be  
1949            replaced to maintain structural integrity.
- 1950            **b.** Any variance that may have been issued for said building or structure shall be null  
1951            and void and any zoning permits shall be rescinded pending verification of  
1952            compliance.
- 1953            **c.** A structure subject to subs. a and c shall comply with the provisions of this  
1954            ordinance.
- 1955            **d. Exceptions.** Nothing contained in this section shall prevent the restoration of a  
1956            nonconforming structure damaged or destroyed by wind, vandalism, fire, flood,  
1957            ice, snow, mold, or infestation, if the structure is restored to the size, location, and  
1958            use that it had immediately before the damage or destruction occurred. Such  
1959            restoration shall occur within 2 years of the damage or destruction.
- 1960                **i.** A structure to which sub. d. applies may be larger than the size it was  
1961                immediately before the damage or destruction if necessary to comply with  
1962                applicable state or federal requirements, but no larger than necessary to  
1963                comply with said requirements.
- 1964        **3. Repair, maintenance and renovation of nonconforming structures.**
- 1965            **a.** A nonconforming principal structure may be maintained and repaired within its  
1966            existing building envelope.
- 1967            **b.** Maintenance and repair also includes such activities as interior remodeling,  
1968            exterior remodeling, and the replacement or enhancement of plumbing or  
1969            electrical systems, insulation, windows, doors, siding, or roof within the existing  
1970            building envelope.
- 1971        **4. Additions or alterations to nonconforming structures.** Any future additions to, or any  
1972        other alterations that expand the building envelope of, a nonconforming structure shall  
1973        conform to the provisions of this ordinance.

*10.102(8) General Provisions Applicable to All Uses in All Zoning Districts*

(8) Parking and loading areas.

**(a) Purpose.**

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

**(b) Applicability.**

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

**(c) General provisions.**

1. A scaled and dimensioned parking, loading and circulation plan shall be included within a development plan submitted to and approved by the zoning administrator prior to issuance of a zoning permit for construction or expansion of any use. When a use requires a conditional use permit, such plan shall be submitted with the application for the conditional use.
2. No areas designated for parking, loading or circulation may be used for any other purposes. Required parking spaces shall be used solely for the parking of licensed automobiles of occupants, patrons and employees and licensed service vehicles.
3. All parking spaces required to serve buildings erected or uses established shall be located on the same zoning lot as the building or use served, except that parking may be located off-site on another zoning lot provided all of the following criteria are satisfied:
4. Off-site parking shall be located only in the LC, HC, MI and PUD districts.
  - a. The zoning lots including the principal use and off-site parking shall be located no farther than 500 feet from one another;
  - b. Adequate pedestrian connection and directional signage between the sites exists or shall be provided;
  - c. The continued availability of such off-site parking areas, necessary to meet the requirements of this section, shall be ensured by an agreement among all involved property owners describing the rights and limitations of all property owners and businesses. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the zoning administrator before being recorded with the register of deeds.
  - d. Off-site parking areas shall be subject to the same design standards as on-site parking areas.
5. The parking or storage of motor vehicles provided for in [s. 10.102\(8\)\(g\)](#) shall not occur within parking spaces otherwise required by this section.

**(d) Design standards.**



*10.102(8) General Provisions Applicable to All Uses in All Zoning Districts*

1. Access. Adequate ingress and egress to parking and loading areas by means of clearly limited and defined drives shall be provided. Access drives shall be perpendicular to the public right-of-way wherever possible. Access drives shall be spaced a safe distance from street intersections and each other, shall not be located within vision corners, and may be limited in number and location according to applicable local, county, state and federal standards.
2. Surfacing. Within urban service areas, except for single family residences, duplexes and manufactured homes: all parking areas, loading areas, driveways and circulation areas shall be paved with a hard, all-weather surface such as asphalt, concrete, Portland cement or brick. Outside of urban service areas and for single family residences, duplexes and manufactured homes: gravel surfacing is also permitted unless otherwise restricted by town ordinance, and grass surfacing may be permitted for seasonal parking only. Seasonal means limited to a period no longer than six months in a twelve month period, or related to a unique or annually occurring event or condition of limited duration. All parking areas shall be maintained in a smooth and dust free condition.
3. Dimensions of parking spaces. Perpendicular (90-degree) parking is encouraged. Each required off-street parking space shall have a stall width of at least 8 feet for 90-degree and parallel parking and 9 feet for angle parking, and a stall length of at least 17 feet for 90-degree and angle parking and 23 feet for parallel parking. Parking for people with disabilities shall be provided at a size, number, location and with signage as specified by state and federal regulations, in addition to those spaces required in [s. 10.102\(8\)\(e\)](#). All spaces on hard-surfaced lots shall be striped.
4. Circulation. Minimum width of internal aisles providing two-way traffic access to parking spaces shall be 24 feet. Minimum width of internal aisles providing one-way traffic access to spaces shall be as follows: 10 feet for parallel (0-degree) to 45-degree parking, 16 feet for 46 degree to 60 degree parking, and 20 feet for 61 to 90 degree parking. Two-way traffic aisles shall not be permitted to serve angle parking. Directional marking or signage, or both, shall be provided where required to facilitate safe, efficient circulation. Uses with drive-through facilities shall provide sufficient space on-site for all vehicles queuing to be served by or otherwise waiting to do business at the facility. Such queuing space shall not interfere with the use or operation of parking spaces, circulation aisles, access drives, entrances or public roads.
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.



*10.102(8) General Provisions Applicable to All Uses in All Zoning Districts*

- 2057           7. Lighting. Any lighting used to illuminate off-street parking areas shall be directed  
2058           downward and away from adjacent properties and public rights-of-way.
- 2059           8. Setbacks. Parking, loading and circulation areas may be provided within required front  
2060           setbacks and side and rear yards. Areas for parking, loading and circulation shall be a  
2061           minimum of three feet from all property lines, except where this requirement prohibits a  
2062           proposed joint driveway or proposed shared parking.
- 2063           9. Screening and landscaping. Screening shall be provided in accordance with specifications  
2064           in [s. 10.102\(12\)](#). All hard-surfaced and graveled parking, loading and circulation areas  
2065           with 10 or more spaces shall be provided with accessory landscape areas totaling not less  
2066           than five percent of the surfaced area. Such landscaping shall consist primarily of trees,  
2067           bushes and shrubs. Landscaping may be planted internal to the parking area itself within  
2068           islands or around the immediate perimeter and shall be reasonably distributed.  
2069           Landscaping shall be protected from damage by vehicles and shall be replaced if  
2070           damaged or killed.

2071 **(e) Required off-street parking spaces.**

2072 Minimum off-street parking spaces serving uses hereinafter designated shall be provided as  
2073 follows:

- 2074           1. Accessory dwelling unit (attached): 1 per unit.
- 2075           2. Accessory dwelling unit (detached): 1 per unit.
- 2076           3. Adult book stores: 1 per 1.3 employees, plus 1 per 250 square feet.
- 2077           4. Adult entertainment: 1 per 1.3 employees, plus 1 per every 6 occupants at capacity.
- 2078           5. Agricultural accessory use: 1 per 1.3 employees.
- 2079           6. Agricultural entertainment and special events: 1 per every 2 expected attendees
- 2080           7. Agriculture uses: 1 per 1.3 employees.
- 2081           8. Agriculture-related uses: 1 per 1.3 employees.
- 2082           9. Airport, landing strip or heliport: 1 per 1.3 employees, 1 per vehicle stored on site, 1 per  
2083           200 square feet of lobby area.
- 2084           10. Animal Boarding, Domestic Pet: 1 per 1.3 employees, plus 1 per 1,000 square feet, not  
2085           including outdoor kennels or exercise areas.
- 2086           11. Animal Boarding, Large Animal: 1 per 1.3 employees, plus 1 per each 4 animal stalls or  
2087           bays.
- 2088           12. Bio-diesel and ethanol manufacturing: 1 per 1.3 employees, plus 1 space for every vehicle  
2089           to be stored or stopped simultaneously on premises.
- 2090           13. Biopower facilities for distribution, retail, or wholesale sales: 1 per 1.3 employees, plus 1  
2091           space for every vehicle to be stored or stopped simultaneously on premises.
- 2092           14. Buildings which have more than 2.5 stories: Based on building use.
- 2093           15. Buildings which have more than 4 stories: Based on building use.
- 2094           16. Bus terminals: 1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of  
2095           lobby area.
- 2096           17. Campgrounds: 1 per campsite, 1 per 1.3 employees, 1 per vehicle stored on site, 1 visitor  
2097           space per each 10 campsites.
- 2098           18. Caretaker's residence: 1 per residence.

10.102(8) General Provisions Applicable to All Uses in All Zoning Districts

- 2099 19. Commercial Indoor Lodging: 1 per 1.3 employees, plus 1 per rooming unit.
- 2100 20. Community living arrangements for less than nine (9) persons: 1 per resident with a
- 2101 driver's license.
- 2102 21. Community living arrangements for nine (9) to fifteen (15) persons: 1 per resident with a
- 2103 driver's license.
- 2104 22. Contractor, landscaping or building trade operations 1 per 1.3 employees, plus 1 per
- 2105 vehicle stored on site
- 2106 23. Daycare center: 1 per 1.3 employees, plus 1 per each 10 children.
- 2107 24. Dead stock hauling services: 1 per 1.3 employees, plus 1 per vehicle stored on site.
- 2108 25. Demolition material disposal sites: 1 per 1.3 employees, plus 1 space for every vehicle to
- 2109 be stored or stopped simultaneously on premises.
- 2110 26. Distribution center: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or
- 2111 stopped simultaneously on premises.
- 2112 27. Drive-in establishment: 1 per 1.3 employees, 1 per each service area, fuel dispenser or
- 2113 drive-through window, plus required spaces for associated uses.
- 2114 28. Dumping grounds: 1 per 1.3 employees.
- 2115 29. Farm residence (primary or secondary): See single-family or two-family residence.
- 2116 30. Fertilizer manufacturing plants: 1 per 1.3 employees, plus 1 space for every vehicle to be
- 2117 stored or stopped simultaneously on premises.
- 2118 31. Fertilizer mixing or blending plants: 1 per 1.3 employees, plus 1 space for every vehicle to
- 2119 be stored or stopped simultaneously on premises.
- 2120 32. Freight and passenger bus terminal: 1 per 1.3 employees, 1 per vehicle stored on site, 1
- 2121 per 200 square feet of lobby area.
- 2122 33. Governmental, institutional, religious, or nonprofit community uses: For office or service
- 2123 uses, 1 per each 1.3 employees, 1 per each vehicle stored on site, plus 1 per 300 square
- 2124 feet. For assembly halls, churches, convention centers and similar gathering spaces, 1 per
- 2125 every 6 occupants at capacity.
- 2126 34. Heavy industrial: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or
- 2127 stopped simultaneously on premises.
- 2128 35. Home occupations: 1 space for an employee, if any, plus adequate space to
- 2129 accommodate all customers on the site at peak periods.
- 2130 36. Incidental room rental: 1 space per rented room.
- 2131 37. Incinerator sites: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or
- 2132 stopped simultaneously on premises.
- 2133 38. Indoor entertainment or assembly: 1 per 1.3 employees, plus 1 per every 6 occupants at
- 2134 capacity.
- 2135 39. Indoor sales: 1 per 1.3 employees, 1 per 300 square feet of indoor occupiable floor area.
- 2136 40. Indoor storage and repair: 1 per 2,000 square feet of gross floor area.
- 2137 41. Institutional residential: 1 per 1.3 employees, plus 1 per every 4 residents.
- 2138 42. Light industrial: 1 per 500 square feet of gross floor area.
- 2139 43. Limited family business: 1 per 1.3 employees, plus 1 per anticipated customer at peak.
- 2140 44. Limited farm business: 1 per 1.3 employees, plus 1 per anticipated customer at peak.

10.102(8) General Provisions Applicable to All Uses in All Zoning Districts

- 2141 45. Manufactured home communities: 1 per 1.3 employees, 2 per residential unit (tandem  
2142 parking permitted), plus 1 visitor space per every 4 units.  
2143 46. Manufacturing: 1 per 600 square feet of gross floor area.  
2144 47. Manure processing facilities: 1 per 1.3 employees, plus 1 space for every vehicle to be  
2145 stored or stopped simultaneously on premises.  
2146 48. Marinas: 0.6 per boat slip  
2147 49. Mineral extraction: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or  
2148 stopped simultaneously on premises.  
2149 50. Mixed use developments: For uses with no overlap in hours of operation, the largest  
2150 number of spaces required for each individual use. For uses with overlap in hours of  
2151 operation, 75% of the total required for all individual uses.  
2152 51. Multifamily residential: 1.5 per dwelling unit.  
2153 52. Office: 1 per 300 square feet of occupiable floor area.  
2154 53. Off-site parking lot: Based on associated use.  
2155 54. Outdoor active recreation: 1 per 1.3 employees, plus 1 per every 4 spectators and  
2156 participants at capacity.  
2157 55. Outdoor assembly events: 1 per every 2 expected attendees.  
2158 56. Outdoor entertainment: 1 per every 1.3 employees, plus 1 per every 2 customers at  
2159 capacity.  
2160 57. Outdoor passive recreation: 1 per every 1.3 employees, plus additional parking as  
2161 determined by the zoning administrator based on anticipated site use.  
2162 58. Outdoor sales, display, or repair: 1 per every 2,000 square feet of area devoted to  
2163 outdoors sales, display or repair.  
2164 59. Outdoor Storage: 1 per 20,000 square feet devoted to outdoor storage.  
2165 60. Personal or professional service: 1 per 1.3 employees, 1 per 300 square feet of indoor  
2166 occupiable floor area.  
2167 61. Personal storage facility: 1 per storage unit, which may be directly in front of unit  
2168 entrance.  
2169 62. Processing or composting of organic byproducts or wastes: 1 per 1.3 employees, plus 1  
2170 space for every vehicle to be stored or stopped simultaneously on premises.  
2171 63. Residential uses in a commercial zone: 1.5 per dwelling unit.  
2172 64. Rooming house: 1 per bed.  
2173 65. Salvage recycling centers: 1 per 1.3 employees, 1 for each operational vehicle stored on  
2174 site, plus 3 visitor spaces.  
2175 66. Sanitary landfills: 1 per 1.3 employees, plus 1 per vehicle stored on site.  
2176 67. Single family residential: 1 per dwelling unit.  
2177 68. Solid waste recycling centers and disposal: 1 per 1.3 employees, plus 1 per recycling  
2178 dropoff container.  
2179 69. Stock yards, livestock auction facilities: 10 per 1,000 square feet of gross floor area.  
2180 70. Storage of explosive materials: 1 per 1.3 employees, plus 1 per each truck or other vehicle  
2181 at premises at peak.  
2182 71. Storage of vehicles and pieces of construction equipment: 1 per stored vehicle.

*10.102(8) General Provisions Applicable to All Uses in All Zoning Districts*

**72. Storage of recreational equipment and motor vehicles not owned by resident: 1 per stored vehicle.**

**73. Temporary asphalt and concrete production: 1 per 1.3 employees at peak shift, plus 1 for every truck, or vehicle on site at peak.**

**74. Tourist or transient lodging: 1 per 1.3 employees, 1 per resident family plus 1 per guest room.**

**75. Transportation, utility, communication or similar use: 1 per 1.3 employees if working on site, 1 per maximum number of vehicles anticipated to be onsite at any time.**

**76. Two-family residential: 1 per dwelling unit.**

**77. Vehicle repair or maintenance: 1 at each fuel dispenser, 3 per service bay, 1 per vehicle stored on premises, 1 per 1.3 employees.**

**78. Veterinary clinics: 1 per 1.3 employees, plus 3 per examination or treatment room.**

**(f) Potential reductions in required spaces.**

The zoning administrator may decrease the required number of off-street parking spaces by up to 25 percent of the requirement based on one or more of the following criteria:

1. Technical documentation supplied by the applicant indicates, to the satisfaction of the zoning administrator, that actual parking demand for that particular development is less than the standard would suggest;
2. Bicycle parking facilities will be provided through racks, lockers or equivalent structures located convenient to the proposed use;
3. A public transportation route is located within 1,000 feet of the property;
4. Shared parking for more than one use will be implemented, provided that the applicant(s) demonstrate that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses. The continued availability of such shared parking areas shall be ensured by an agreement among all involved property owners describing the rights and limitations of all property owners and businesses, and providing that if any of the uses sharing the parking changes, the agreement shall become null and void. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the zoning administrator before being recorded with the register of deeds.
5. Reserve area. In the event the number of required spaces is reduced as allowed by s. 10.102(8)(f), the zoning administrator may also require that sufficient area be held in reserve for potential future development of parking to meet the requirements under s. 10.102(8)(e). If required, such reserve area shall be shown and noted on the development plan, maintained in open space use and developed with parking spaces when the zoning administrator determines that such development is necessary due to parking demand which exceeds original expectations, the loss of bicycle or public transit access or facilities, or the dissolution of a shared parking agreement.

**(g) Parking and storage of trucks, buses and special vehicles.**

1. In the Residential and Rural Residential districts, and on any lot in the Rural Mixed Use districts where the principal use is residential, motor vehicles used for personal transportation and recreational vehicles and trailers owned by a person residing on the

*10.102(8) General Provisions Applicable to All Uses in All Zoning Districts*

- 2225 premises may be parked or stored within an accessory building, provided that the gross  
2226 vehicle weight shall not exceed 12,000 pounds.
- 2227 2. In the Residential, Rural Residential, Recreational, Farmland Preservation-Business,  
2228 Hamlet Mixed-Use and General Commercial districts, only motor vehicles that are  
2229 accessory to a permitted and principal use on any lot may be stored or parked.
- 2230 3. Any automobile licensed as an antique or special interest vehicle under [s. 341.266, Wis.](#)  
2231 [Stats.](#), or parts cars therefore, can be stored on a lot in any district provided that such  
2232 vehicle is stored in such a manner that it does not constitute a health hazard and is  
2233 screened from ordinary public view by means of a fence, rapidly growing trees,  
2234 shrubbery or other appropriate means, as required by [s. 341.266\(4\), Wis. Stats.](#)
- 2235 4. Farm trucks or trailers licensed under ss. [341.26\(3\)](#) or [341.30](#), Wis. Stats., may be parked  
2236 on lots in agriculture districts.
- 2237 5. Trucks with gross vehicle weight exceeding 12,000 pounds may be stored or parked only  
2238 in the LC, HC, RI and MI districts, except that parking or storage of one truck and one  
2239 road tractor and its trailer in excess of 12,000 pounds gross vehicle weight shall be  
2240 permitted in the residence, rural homes and agricultural districts, subject to the following  
2241 conditions:
- 2242 a. The vehicle shall be owned and operated by a person residing on the premises.
- 2243 b. In the residence districts, the lot area shall be not less than one acre.
- 2244 c. The vehicle shall not be parked or stored within the required highway or road  
2245 setback area.
- 2246 d. The vehicle shall not be parked closer than 100 feet to another residence.
- 2247 e. New accessory buildings may be constructed to house the vehicle, provided such  
2248 buildings comply with all applicable setback, lot coverage and building height  
2249 limitations for that zoning district.
- 2250 f. Before the vehicle may be parked or stored on the property, a certificate of  
2251 compliance shall be issued by the zoning administrator.
- 2252 6. One racing vehicle and spare parts for such vehicle may be stored in the residence and  
2253 rural homes districts, provided that such vehicle and spare parts are screened from  
2254 public view in an enclosed building.
- 2255 7. Storage of no more than two racing vehicles and spare parts for such vehicles is  
2256 permitted in any district except the residence and rural homes districts, provided that  
2257 such vehicles and spare parts are screened from public view in an enclosed building.
- 2258 8. In any district, one school bus driven by a person residing on the premises may be parked  
2259 provided that in residence districts the minimum lot area for bus parking is one acre.
- 2260 9. Except as provided in [s. 341.266\(4\), Wis. Stats.](#), a motor vehicle that is inoperable or  
2261 unlicensed is considered salvage or junk and shall only be stored in a licensed salvage  
2262 recycling center. Trucks licensed on a monthly or quarterly basis shall be considered  
2263 currently licensed if they have been licensed for at least one period during the previous  
2264 year.

10.102(9) General Provisions Applicable to All Uses in All Zoning Districts

(9) Road setbacks / required front yards.

(a) Except as indicated in (a)1.c. and (b) below, or as permitted by variance, all structures shall be set back from public roads as follows:

1. Divided highways.

a. Except as exempted in c. below, all principal residential buildings must be at least 200 feet from the right-of-way line.

b. Accessory buildings must meet the setbacks described for undivided highways below.

c. Exceptions. Principal dwellings meeting either of the following criteria must meet the setbacks for undivided highways in 2. below:

i. Principal dwellings on lands originally zoned for residential use prior to May 1, 1992.

ii. Lands where noise control barriers effectively reduce the noise level from traffic to 67 decibels [db(a)] or less.

2. Undivided highways.

a. State and Federal Highways. All structures must be at least 100 feet from the centerline, or 42 feet from the right-of-way line, whichever is greater.

b. County Trunk Highways. All structures must be at least 75 feet from the centerline, or 42 feet from the right-of-way line, whichever is greater.

c. Town Roads. All structures must be at least 63 feet from the centerline, or 30 feet from the right-of-way line, whichever is greater.

d. Service or Other Roads. All structures must be at least 30 feet from the right-of-way line.

(b) Exceptions.

1. In lots or platted subdivisions created before (insert date) where a building line shall have been established by the construction of buildings on 30 percent of the lots in any one (1) block, such established setback line shall be the setback for that block, but in no event shall such setback be less than 20 feet.

2. For lots in the HAM-M or HAM-R zoning districts, setbacks shall be as described in ss. 10.261(5) and 10.262(5)

(c) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.



*10.102(10) General Provisions Applicable to All Uses in All Zoning Districts*

- 2298 (10) Setback measurements and exceptions.
- 2299 (a) For purposes of entry to buildings, steps, stoops, decks or ramps may be constructed in
- 2300 such a manner that they intrude into required front yard or road setback or areas provided
- 2301 that all of the following limitations and conditions are satisfied:
- 2302 1. Height shall not exceed 5 feet aboveground level, not including railings.
- 2303 2. Width shall not exceed 12 feet side to side.
- 2304 3. Structure shall extend no farther than 10 feet from the front of the building to which it is
- 2305 attached or up to the front property line, whichever is less.
- 2306 4. Structure shall not be enclosed. Railings which do not exceed 3 1/2 feet in height and
- 2307 which are of open architecture and not solid in appearance are permitted.
- 2308 5. Structure shall not interfere with existing or planned roads, sidewalks, gas and electrical
- 2309 lines, sewers, drainageways, and other utilities or public improvements. The zoning
- 2310 administrator may require written verification from appropriate agencies before issuing a
- 2311 zoning permit.
- 2312 6. No part of the structure shall extend into any required vision clearance triangle.
- 2313 (b) For single family residences or duplexes, single story bay windows may be constructed in
- 2314 such a manner that they project three (3) feet or less into a required yard or setback area
- 2315 provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of
- 2316 the wall of the building.
- 2317 (c) Roof overhangs, soffits and awnings that are not supported to the ground may extend into
- 2318 any required setback or yard by not more than three (3) feet.
- 2319 (d) More restrictive setback requirements may be required under Chapters 11 or 17, Dane
- 2320 County Code.
- 2321 (e) Corner lots
- 2322 1. When the long side of a corner lot is formed by a federal, state, county or town highway
- 2323 the side yard on that street shall conform to the setback requirements for such highway.
- 2324 2. When the long side of a corner lot is formed by a road other than a federal, state,
- 2325 county, or town road not included within the boundaries of a recorded subdivision or
- 2326 plat, the setback from the lot line of the long side shall not be less than one-fifth (1/5) of
- 2327 the lot depth measured from the long side except on lots of less than 60 feet, then the
- 2328 setback shall not be less than 12 feet. For buildings with attached garages facing the long
- 2329 side and having access to the long side of the lot, the minimum setback of the garage
- 2330 from the lot line shall be not less than 20 feet.
- 2331 (f) On waterfront lots, accessory buildings may be located in the front yards subject to the
- 2332 reduced side yard setbacks described in the district it is located in, provided, however, that
- 2333 the setback requirements are met.
- 2334 (g) On interior lots less than 60 feet in width no accessory building shall be erected, moved, or
- 2335 added to so as to be nearer than two and one-half (2 1/2) feet to a side or rear lot line,
- 2336 provided, however, if the front building line of any accessory building is located closer than
- 2337 109 feet from the rear building line of a residence, the same side and rear yards as
- 2338 required for a principal or residential building shall be maintained.
- 2339 (h) Uncovered swimming pools both above and below ground may be located no closer than

*10.102(11) General Provisions Applicable to All Uses in All Zoning Districts*

2340 10 feet from any side or rear lot line.

2341 (11) Topography Near Property Lines.

2342 (a) Purpose.

2343 The purpose of this subsection is to set forth the minimum requirements for preserving  
2344 existing topography near property lines whenever development is planned, and to promote  
2345 and protect the public health, safety, convenience and general welfare. This sub-section is  
2346 intended to regulate development:

- 2347 1. to protect adjacent property owners from possible damage due to changes to the  
2348 existing topography of adjoining lands;  
2349 2. to retain stormwater runoff on each property undergoing development; and  
2350 3. to preserve the general character of neighborhoods.

2351 (b) Standards.

- 2352 1. Except as authorized in sub. (c), the topography, including both surface and subsurface  
2353 structure, within five (5) feet of any property line at the commencement of any  
2354 development shall remain unchanged.  
2355 2. When land disturbing activities associated with development occur within five (5) feet of  
2356 any property line, finished grades in that area shall be restored to the topography in  
2357 existence before the land disturbing activity began.  
2358 3. The established grade of the adjoining property shall determine the finished grade at the  
2359 property line for any development. The owner of the property under development bears  
2360 the burden of proof as to the established grade at the property line and the topography  
2361 within five (5) feet of the property line. The Zoning Administrator may require detailed  
2362 site grading plans of existing and proposed conditions prior to commencement of land  
2363 disturbing activities.  
2364 4. Natural watercourses along property lines shall be maintained. Existing drainage ways  
2365 and drainage easements along property lines including, but not limited to, stormwater  
2366 management areas shown on subdivision plats and certified survey maps, shall be  
2367 maintained.

2368 (c) Exceptions.

- 2369 1. A positive slope of one-half (1/2) inch vertical per one (1) foot horizontal within five (5)  
2370 feet of the property line is allowed to provide proper drainage away from a one or two  
2371 family residence.  
2372 2. Development in Floodplain Districts requiring fill to comply with chapter 17 is exempt  
2373 from this section.  
2374 3. Upon written application, the Zoning Administrator may authorize exceptions resulting in  
2375 changes to the existing topography at and within five (5) feet of any property line that  
2376 would promote the purposes stated in this ordinance, only if the results do not direct  
2377 additional stormwater runoff toward adjacent properties. Proposed exceptions may  
2378 include, but are not limited to, retaining walls, berms and other structures, and other  
2379 changes to existing grade at and within five (5) feet of a property line. The Zoning  
2380 Administrator may require the submittal of detailed site grading plans of existing and



10.102(12) General Provisions Applicable to All Uses in All Zoning Districts

2381 proposed conditions including, but not limited to, detailed topographical information of  
2382 the subject and adjoining properties, before land disturbing activities commence.

2383 (12) Visual Screening

2384 (a) Purpose.

2385 Visual screening is intended to protect enjoyment and use of neighboring properties by reducing  
2386 the visual impact of utilitarian, commercial facilities near residential areas.

2387 (b) Applicability.

2388 1. Screening is required along the interior boundary of any lot in the Limited Commercial  
2389 (LC), General Commercial (LC), Heavy Commercial (HC) and Manufacturing/Industrial (MI)  
2390 districts that are adjacent to land in the Single Family Residential (SFR), Two Family  
2391 Residential (TFR), Multi Family Residential (MFR), Rural Residential (RR) or Rural Mixed-  
2392 Use (RM) Districts.

2393 2. At the town board and zoning committee's discretion, screening may also be required as  
2394 a condition on any conditional use permit, where appropriate to minimize visual impact  
2395 to neighboring properties.

2396 (c) When a use requires a vegetative screening, the requirements of this section shall apply. A  
2397 vegetative screening plan shall be submitted at the time of permit application, and no  
2398 permit shall be issued until an acceptable vegetative screening plan has been approved.  
2399 The plan shall provide for a minimum of 15 feet in depth, parallel to any area used for  
2400 vehicles or buildings. The vegetative screening area shall not be used for any purpose other  
2401 than screening, except at designated points of ingress and egress delineated in the plan.  
2402 Vegetative screens that are within 1,000 feet of the ordinary high water mark of a lake,  
2403 pond or flowage, or 300 feet of the ordinary high water mark of a navigable river or  
2404 stream, must comply with applicable portions pursuant to Chapter 11, Dane County Code.

2405 (d) Dimensions and design.

2406 1. Vegetative screening. Within the screening area, vegetation shall consist of:

2407 a. A minimum of 2 parallel rows of trees, with all rows planted 10 feet apart.

2408 b. Within any given row, there shall be a minimum of one tree every 12 feet.

2409 c. Vegetative screening densities along the front of the property adjacent to the road  
2410 right-of-way may be reduced to not less than one tree every 20 feet.

2411 d. Not less than 75% of the trees shall be evergreens.

2412 e. A minimum of 2 different species of evergreens shall be utilized.

2413 f. Non-native species which have the potential to be invasive shall not be utilized as  
2414 part of the screening.

2415 g. Deciduous trees shall be either single stem or multi-stem trees, with the smallest  
2416 trunk measured at a minimum of a one-inch diameter at the time of planting. The  
2417 trunk shall be measured 6 inches above the ground.

2418 h. Evergreen trees shall be a minimum of 4 feet tall at the time of planting.

2419 i. There shall be a ground cover of either native grasses and flowers, or lawn grasses.

2420 2. Vegetative screens shall not interfere with applicable vision triangle requirements.

*10.102(12) General Provisions Applicable to All Uses in All Zoning Districts*

- 2421           **3. Within the screening area, vegetation shall be maintained in viable growing conditions.**  
2422           **Maintenance of the ground cover shall be completed in a manner so as to maintain the**  
2423           **shape or appearance of trees within the buffer area.**  
2424           **4. Screens shall be maintained along the interior boundaries of the lot to a point 15 feet**  
2425           **from the street right-of-way.**  
2426

10.103(1) *Special Requirements for Particular Uses*

10.103. Special Requirements for Particular Uses

(1) *Accessory dwelling units.*

- (a) *On lots zoned for single-family residential use, no more than one accessory dwelling unit may be created per lot.*
- (b) *Multiple accessory dwelling units per lot may be created only in the Multi-Family Residential (MFR) , Hamlet Residential (HAM-R) or Hamlet Mixed-Use (HAM-M) districts, or within a manufactured home community permitted under s. 10.103(14).*
- (c) *A detached accessory dwelling unit may be included in either an existing or new dwelling unit.*
- (d) *Lots accommodating an accessory dwelling unit must meet the minimum lot size for the applicable zoning district.*
- (e) *In no case shall an accessory dwelling unit exceed 800 square feet of occupiable floor area.*
- (f) *No accessory dwelling unit shall have more than two bedrooms.*
- (g) *Accessory dwelling units shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.*
- (h) *A lot or parcel of land containing an accessory dwelling unit shall be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.*
- (i) *The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings. The town board and zoning committee may, as necessary, require screening, consistent with s. 10.102(12) between a property containing an ADU and adjacent properties.*
- (j) *Off-street parking shall be provided consistent with s. 10.102(8).*
- (k) *Accessory dwelling units must meet applicable residential building codes and sanitary codes.*

(2) *Adult book stores.*

- (a) *The County of Dane, relying upon the experience of other local governments in this state and throughout the country, finds that adult book stores have an adverse secondary effect on the surrounding community and that regulations are necessary to minimize this secondary effect. The experience of other cities are summarized in the case of Northend Cinema, Inc. v. Seattle, 585 P. 2d 1153 (1978).*
- (b) *This ordinance does not regulate the content of materials held for sale or rent in adult book stores.*
- (c) *Adult book stores shall meet all of the following requirements:*
  - 1. *Location of any particular adult book store must be not less than 1,000 feet from any church, synagogue, temple, mosque or any other place of worship, any residentially zoned district, park, school, playground, day care center, public library and any other adult book store;*
  - 2. *Exterior windows shall not be covered or made opaque in any way;*

*10.103(3) Special Requirements for Particular Uses*

- 2466           3. No material referenced in paragraphs (a), (b) or (c) of [s. 10.004\(7\)](#) shall be placed in any  
2467           exterior window, provided that material which is not so referenced may be placed in a  
2468           window;  
2469           4. The business may have only one (1) nonflashing business sign which sign may only  
2470           indicate the name of the business and identify it as an adult book store and which shall  
2471           be not larger than 4 feet by 4 feet;  
2472           5. A one square foot sign shall be placed on each public entrance which shall state  
2473           "Admittance to adults only" and may include other pertinent business information; and  
2474           6. There shall be no doors on any viewing booths and each booth must be lighted by a  
2475           source emitting at least 10 candlepower at all times.

2476           (3) Agricultural entertainment, special events, tourism or assembly.

- 2477           (a) For any such activities planned or anticipated to have attendance of more than 200  
2478           persons at any one time during a day, the landowner shall file an event plan, approved by  
2479           the zoning administrator, addressing, at a minimum the following issues:  
2480           1. the number of events proposed each year  
2481           2. the maximum expected attendance at each event  
2482           3. off-street parking, to meet standards in [s. 10.102\(8\)](#)  
2483           4. days and hours of operation  
2484           5. ingress and egress  
2485           6. sanitation  
2486           7. trash / recycling collection and disposal  
2487           8. proposed signage  
2488           9. other public safety issues  
2489           (b) Event plans must be filed with the following:  
2490           1. the zoning administrator,  
2491           2. town clerk,  
2492           3. servicing fire department,  
2493           4. emergency medical service provider,  
2494           5. Dane County Sheriff's Department and  
2495           6. any local law enforcement agency.  
2496           (c) Event plans for such activities must be filed at least 30 days prior to the start of any  
2497           activities in each calendar year.

2498           (4) *Airport, landing strip or heliport.*

- 2499           (a) *All buildings, structures, outdoor airplane or helicopter storage areas shall conform to the*  
2500           *setbacks, maximum building height and lot coverage requirements for agricultural or*  
2501           *commercial accessory buildings in the underlying zoning district.*  
2502           (b) *Runways shall be located a minimum of 100 feet from all lot lines.*  
2503           (c) *Runways must be laid out to provide sufficient clear space, either within the property*  
2504           *boundaries, or through the use of a recorded avigation easement for safe takeoff and*  
2505           *landing. Clear space must meet current WISDOT Bureau of Aeronautics distance-to-height*

*10.103(5) Special Requirements for Particular Uses*

- 2506 ratios appropriate to the speed of the proposed aircraft.
- 2507 (d) All proposed airports, landing strips or heliports must meet all current requirements of
- 2508 Chapter 114, Wisconsin Statutes, TRANS 57, Wisconsin Administrative Code, or its successor
- 2509 and any applicable standards from the Federal Aeronautics Administration.
- 2510 (e) Applicants must submit, with their conditional use permit application, copies of Wisconsin
- 2511 Department of Transportation airport review applications or approved certificates.
- 2512 (f) The committee and town board may require visual screening, per the standards in s.
- 2513 10.102(12), provided that such screening will not interfere with airport operations.

2514 (5) Animal boarding, domestic pets.

- 2515 (a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving
- 2516 the site.
- 2517 (b) Each animal shall be provided with an indoor containment area if the use is located within
- 2518 500 feet of an existing residence or any lot in the Single Family Residential, Two-Family
- 2519 Residential, Multi-Family Residential, Rural Residential or Hamlet districts.
- 2520 (c) Each animal shall be provided with adequate exercise space
- 2521 (d) Applicant shall submit a manure management plan.
- 2522 (e) At their discretion, and where necessary to minimize impacts to neighboring properties, the
- 2523 town board and zoning committee may:
- 2524 1. impose noise limits under s. 10.102(6),
- 2525 2. require visual screening, consistent with s. 10.102(12), and/or;
- 2526 3. establish hours where animals must be kept indoors.
- 2527 (f) The committee and town board will impose limits on the total number of animals that may
- 2528 be present at any one time, as appropriate to the site and neighboring land uses.

2529 (6) Animal boarding, large animal.

- 2530 (a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving
- 2531 the site.
- 2532 (b) Each animal shall be provided with adequate exercise space
- 2533 (c) The committee and town board will impose limits on the total number of animals that may
- 2534 be present at any one time, as appropriate to the site and neighboring land uses.
- 2535 (d) Operations exceeding one animal unit per acre must comply with the standards of s.
- 2536 10.103(7).

2537 (7) Animal use in excess of one animal unit per acre

- 2538 (a) Applicant must submit and maintain a site-specific manure management plan.
- 2539 (b) Applicant must maintain a Farm Conservation Plan, compliant with NR 151, Subchapter II,
- 2540 Wisconsin Administrative Code, that is approved by the County Conservationist.

*10.103(8) Special Requirements for Particular Uses*

- 2541 (8) Campgrounds.
- 2542 Campgrounds must meet all current standards and permitting requirements of:
- 2543 (a) ATCP 79, Wisconsin Administrative Code, or its successor.
- 2544 (b) Chapter 11, Dane County Code. Camping units must meet all principal structure setbacks
- 2545 from ordinary high water marks or wetland boundaries.
- 2546 (c) Chapter 17, Dane County Code, including all applicable flood warning, evacuation, record-
- 2547 keeping and notice standards.
- 2548 (9) Communication towers.
- 2549 (a) Purpose. The purpose and intent of this section is to provide a uniform and comprehensive
- 2550 set of standards for the development and installation of telecommunication and related
- 2551 facilities, including broadcast radio and television facilities. The provisions of this section
- 2552 are intended to ensure that telecommunication facilities are located, constructed,
- 2553 maintained and removed in a manner that:
- 2554 1. Protects and promotes public health, safety, community welfare and the quality of life
- 2555 in Dane County as set forth within the goals, objectives and policies of the Dane County
- 2556 Comprehensive Plan, this ordinance, and [s. 66.0404 Wis. Stats](#);
- 2557 2. Respects the rights and interests of towns, neighboring property owners, and existing
- 2558 land uses on adjoining properties in the decision making process;
- 2559 3. Recognizes the public necessity for telecommunication facilities and the numerous
- 2560 benefits and opportunities a robust wireless infrastructure make possible for county
- 2561 residents, including improved public safety, efficient production and distribution of
- 2562 goods and services, access to educational resources, and economic development
- 2563 opportunities;
- 2564 4. Allows appropriate levels of service to be obtained throughout the County, including
- 2565 expansion to rural areas seeking access to personal communications and broadband
- 2566 internet services;
- 2567 5. Minimizes the number of transmission towers throughout the County;
- 2568 6. Encourages the joint use of new and existing telecommunication facilities as a preferred
- 2569 siting option;
- 2570 7. Ensures that all telecommunication facilities, including towers, antennas, and ancillary
- 2571 facilities are located and designed to minimize the visual and environmental impact on
- 2572 the immediate surroundings and throughout the county; and
- 2573 8. Avoids potential damage to adjacent properties from tower failure or ice falls through
- 2574 sound engineering and careful siting of structures.
- 2575 9. Provides a public forum to assure a balance between public concerns and private
- 2576 interests in establishing commercial telecommunications and related facilities.
- 2577 (b) New construction or substantial modification of communication towers.
- 2578 1. Application Materials. In addition to materials required under s10.101(6), the
- 2579 landowner must provide, in a form acceptable to the zoning administrator, the
- 2580 following:

*10.103(9) Special Requirements for Particular Uses*

- a. Application. Completed communications tower permit application form, that includes, at a minimum:
- i. The name and business address of, and the contact individual for, the applicant.
  - ii. The location of the proposed or affected support structure.
  - iii. The location of the proposed mobile service facility.
- 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:
- i. An explanation why the particular site was selected.
  - 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. The narrative must include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting 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. For the purposes of this section, "economically burdensome" means that the cost of collocation exceeds the cost of construction of a new tower by 25 percent or more.
- c. Search ring map. Applicants must submit a search ring map drawn to a measurable scale, showing the area in which the applicant seeks to locate their equipment. The map must show and include road names, municipal boundaries, all existing telecommunication facilities within 1 mile 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 and include a brief statement explaining why the tower is not viable for collocation. The zoning administrator may require that the map be accompanied by a table providing additional data for each existing tower within 1 mile of the search ring, including but not limited to, the following: simple description of the tower, existing and maximum design height, registration number; owner's name and contact information; present percentage of use of the tower, available aperture at the requester's preferred height, type of communication technology being used.
- d. Radio frequency propagation maps. Two radio frequency (RF) propagation plots depicting the carrier's current service (clearly highlighting the existing service area void), and the service to be gained by the proposed facility. These plots shall be prepared in accordance with accepted industry standards and shall be accompanied by a clear and simply written description by an RF engineer explaining the plots and how to read them.
- e. Site plan. In addition to all of the information required under [s. 10.101\(6\)](#), site plans must include the following information:
- i. Existing or proposed zoning and conditional use permit area and proposed



*10.103(9) Special Requirements for Particular Uses*

- 2623 or existing lease area
- 2624 ii. Existing and/or proposed tower compound area depicting location and
- 2625 layout of existing and/or proposed tower and related facilities including
- 2626 distances to the lease and CUP area;
- 2627 iii. Existing and/or proposed residences (if any) on both the subject property
- 2628 and neighboring properties within .5 mile of the subject property –
- 2629 distances should be shown to neighboring residences located within 1,500’
- 2630 per 100’ of tower height;
- 2631 f. Preliminary Design / Construction Plans. A description of the tower design and
- 2632 height. The description shall include:
- 2633 i. A preliminary scaled elevation drawing of the proposed tower showing the
- 2634 location and elevation (feet Above Ground Level and Above Mean Sea Level)
- 2635 of each potential antenna array and any anticipated lighting. The drawing
- 2636 should also identify the proposed color and surfacing of the tower and
- 2637 ancillary facilities;
- 2638 ii. A statement indicating the anticipated design capacity of the tower in terms
- 2639 of the number and type of collocations it is designed to accommodate;
- 2640 iii. Preliminary drawings showing the dimensions and design details for all
- 2641 tower facilities.
- 2642 iv. Information regarding any anticipated or proposed lighting, including types
- 2643 and color of lights, and whether lighting is nighttime only or both day / night
- 2644 and any difference between time periods.
- 2645 g. Notification to Other Carriers. Applicants shall provide written notification to other
- 2646 carriers licensed to provide wireless services in Dane County informing them of the
- 2647 intent to construct a new telecommunication tower. The zoning administrator
- 2648 shall maintain a list of licensed carriers, including contact information and a
- 2649 standard form that may be used to fulfill this requirement.
- 2650 h. Notification to Nearby Airports. The applicant shall provide written notification to
- 2651 all operators and owners of airports located within 5 miles of the proposed site.
- 2652 i. Aeronautic Hazards. The applicant shall provide copies of a determination of no
- 2653 hazard from the federal aviation administration, including any aeronautical study
- 2654 or other findings, if applicable.
- 2655 j. Existing and Proposed Network Buildout. Written description, map, and attribute
- 2656 table documenting the applicant’s existing network in Dane County. Describe and
- 2657 show on a map generally where gaps in service currently exist. Describe and show
- 2658 on a map the applicant’s future plans for placement or construction of
- 2659 communication towers in Dane County and one mile surrounding the County’s
- 2660 border in addition to the proposed tower that is the subject of the application.
- 2661 k. Other information – Depending upon the proposal, the county Zoning & Land
- 2662 Regulation Committee may request additional information from the applicant
- 2663 prior to acting on a Conditional Use Permit application.
- 2664 l. Fees. Application fees as required in Chapter 12.



*10.103(10) Special Requirements for Particular Uses*

**(c) General standards.**

- a. Height.** Height shall meet any applicable airport height limitation ordinances. No tower may be more than 195 feet in height unless a variance from this requirement is granted based on unique transmission condition problems which cannot be overcome by another location.
- b. Setbacks.** All structures must meet all front, side and rear setbacks provided by this ordinance and Chapter 11, Dane County Code.

**(d) Standard Conditions.** *In addition to the conditions described in s. 10.101(7)(d), the town board and zoning committee must impose the following conditions on any tower constructed under this section.*

- a.** *New or substantially modified towers must be designed to support, without substantial modification, at least three users (the primary user and two collocation sites) for mounting of equipment supporting International Telecommunications Union "International Mobile Telecommunications-Advanced" systems (a/k/a "LTE / Long-term evolution").*
- b.** *The holder of the Conditional Use Permit shall, upon request, make required collocation sites available for the mounting of technologically compatible antenna arrays and equipment. Rates charged for collocation must conform to the prevailing market rate in the region and upon contractual provisions which are standard in the industry.*
- c.** *No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.*
- d.** *Financial surety bonds or other security instruments, as described in s. 10.101(7)(d)2.b.x., will be required.*

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

- (a) Purpose.** The purpose and intent of this section is to provide a listing of standards that shall apply to the keeping of domestic fowl and bees in residential yards. The standards are designed to ensure that the keeping of fowl and insects is done in a responsible manner that protects the public health, safety, and welfare and avoids conflicts with neighboring uses.
- (b) Fowl.** The keeping of 8 domestic fowl in the yards of single family residences or duplexes located in any zoning district shall be a permitted use, if such use complies with the following:
  - 1.** Domestic fowl shall not be slaughtered on the premises.
  - 2.** Domestic fowl must have access to a covered enclosure.
  - 3.** Domestic fowl shall not be allowed to roam free and must be kept in a covered enclosure or fenced enclosure at all times.
  - 4.** Covered and fenced enclosures must be clean, dry and odor-free, and kept in a manner that will not disturb the use or enjoyment of adjacent lots.

10.103(11) *Special Requirements for Particular Uses*

- 2706        **5. Roosters are prohibited.**
- 2707        **(c) Bees. The keeping of honeybees in the yards of single family residences or duplexes located**
- 2708            **in any zoning district shall be a permitted use, if the use complies with the following:**
- 2709            **1. Each residential lot shall be allowed to have at least 6 hives per lot. For residential lots**
- 2710            **over 10,000 square feet, no more than one hive per 1,600 square feet of lot area is**
- 2711            **permitted.**
- 2712            **2. A supply of water shall be provided for all hives.**
- 2713            **3. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is**
- 2714            **within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence,**
- 2715            **dense vegetation or a combination thereof and it shall be positioned to transect both legs**
- 2716            **of a triangle extending from an apex at the hive to each end point of the part of the**
- 2717            **property line to be shielded.**
- 2718        **(d) Location of covered and fenced enclosures and hives.**
- 2719            **1. Covered and fenced enclosures or hives shall be within the rear or side yard, and must be**
- 2720            **at least four (4) feet from any property line.**
- 2721            **2. Covered and fenced enclosures or hives shall not be closer than 25 feet to any principal**
- 2722            **residence on an adjacent lot.**
- 2723            **3. Covered and fenced enclosures or hives shall comply with setback requirements of**
- 2724            **Chapter 11.**
- 2725            **4. All chicken enclosures, regardless of size, require a zoning permit.**
- 2726        (11)        Farm residences.
- 2727        **(a) Application.** Applicants must provide, in a form acceptable to the zoning administrator, the
- 2728            following information:
- 2729            **1. Written description of the farm operation. The description should include the following**
- 2730            **details:**
- 2731                **a. Location of the farm.**
- 2732                **b. Size of the farm operation in acres.**
- 2733                **c. Crops grown and/or livestock raised.**
- 2734                **d. Number of employees, if any, in addition to farm family members.**
- 2735                **e. Summary of farm income derived from the farm operation.**
- 2736            **2. Completed Internal Revenue Service form "Schedule F – Profit or Loss from Farming," or**
- 2737            **subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.**
- 2738            **3. Farm conservation plan obtained from the Land Conservation Division of the Dane**
- 2739            **County Land & Water Resources Department, detailing the types/location of crops**
- 2740            **grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer**
- 2741            **strips, etc.).**
- 2742            **4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map**
- 2743            **should clearly identify the location of the proposed new Farm Residence and driveway**
- 2744            **access.**
- 2745        **(b) Permit conditions.**

*10.103(12) Special Requirements for Particular Uses*

- 2746           1. Any approved conditional use permit for a farm residence shall expire on the sale of the  
2747           property to an unrelated third party. Continued use of a farm residence after sale to an  
2748           unrelated third party shall require approval of a new conditional use permit.  
2749           2. The Zoning Committee may revoke any Conditional Use Permit it finds in violation of this  
2750           section. Continued use of residence with a revoked conditional use permit shall require  
2751           approval of a rezone petition to a zoning district that allows nonfarm residential use.  
2752           3. The Zoning Committee shall require the recording of a notice document with the  
2753           Register of Deeds on the subject property notifying current and future owners of the  
2754           provisions of paragraph 1. And 2. of this section.
- 2755       (12)       Limited family business.
- 2756           (a) A conditional use permit for a limited family business is designed to accommodate small  
2757           family businesses without the necessity for relocation or rezoning while at the same time  
2758           protecting the interests of adjacent property owners. Applicants for this conditional use  
2759           permit should recognize that rezoning or relocation of the business may be necessary or  
2760           may become necessary if the business is expanded. No limited family or rural business shall  
2761           conflict with the purposes of the zoning district in which it is located.  
2762           (b) The use shall employ no more than one or one full-time equivalent, employee who is not a  
2763           member of the family residing on the premises.  
2764           (c) Using applicable conditional use permit standards, the committee shall determine the  
2765           percentage of the property that may be devoted to the business.  
2766           (d) The conditional use permit holder may be restricted to a service oriented business and  
2767           thus prohibited from manufacturing or assembling products or selling products on the  
2768           premises or any combination thereof.  
2769           (e) The conditional use permit may restrict the number and types of machinery and  
2770           equipment the permit holder may be allowed to bring on the premises.  
2771           (f) Structures used in the business shall be considered to be residential accessory buildings  
2772           and shall meet all requirements for such buildings. The design and size of the structures is  
2773           subject to conditions set forth in the conditional use permit.  
2774           (g) Sanitary fixtures to serve the limited family business use may be installed, but must be  
2775           removed upon expiration of the conditional use permit or abandonment of the limited  
2776           family business.  
2777           (h) The conditional use permit shall automatically expire on sale of the property or the  
2778           business to an unrelated third party.
- 2779       (13)       Limited farm business.
- 2780           (a) Uses are limited to those listed as permitted uses in the LC or GC zoning districts, provided  
2781           the use does not conflict with the overall purposes of the applicable zoning district.  
2782           (b) Area dedicated to the Limited farm business use must not exceed 10,000 square feet in  
2783           indoor floor area.  
2784           (c) Limited farm businesses must be contained entirely within building(s) in existence prior to  
2785           April 30, 2005.

*10.103(14) Special Requirements for Particular Uses*

- 2786           **(d)** The landowner must maintain, restore or enhance the existing exterior character of the  
2787                           building(s).  
2788           **(e)** No Limited farm business shall employ more than 4 non-family employees.
- 2789       (14)       Manufactured home communities.
- 2790           **(a)** *Other regulations.* Manufactured home communities are also subject to the provisions of  
2791                           chapter SPC 326, Wis. Admin. Code, or its successor. The more restrictive combination of  
2792                           regulations shall apply.
- 2793           **(b)** *Space size.* Each space for the accommodation of a single manufactured home shall contain  
2794                           not less than 3,000 square feet of area.
- 2795           **(c)** Spacing between manufactured homes and other buildings.
- 2796               1. Except as exempted below, there shall be at least 20 feet of spacing between  
2797                           manufactured homes.
- 2798                    **a.** Exemptions. In manufactured home communities established on or before May 31,  
2799                           1998, there shall be at least 10 feet of spacing between manufactured homes.  
2800                           Expansions of such communities after May 31, 1998, whether by increasing the land  
2801                           area of the community or by placing additional homes in the community, or both,  
2802                           shall comply with the 20 foot spacing standard.
- 2803               2. Spacing between other manufactured homes and accessory buildings and structures shall  
2804                           not be less than five (5) feet.
- 2805           **(d)** *Road setbacks.* Manufactured homes must meet all road setbacks described in [s. 10.102\(9\)](#).
- 2806           **(e)** *Off-street parking.* Each space shall provide off-street parking as required in [s. 10.102\(8\)](#).
- 2807           **(f)** *Landscaping.* Each space shall be landscaped with at least one fast growing tree of at least  
2808                           two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3)  
2809                           feet in height. This requirement may be waived by the committee if, at the time of the  
2810                           application for a conditional use permit, a landscaping plan is submitted that utilizes  
2811                           topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of  
2812                           privacy between spaces.
- 2813           **(g)** *Parks and recreation facilities.* Each manufactured home community shall provide a park  
2814                           and recreation area of at least ½ acre for each 50 or fraction of 50 spaces in the  
2815                           community. The park and recreation area shall be located to provide easy access for all  
2816                           residents in the community. Additionally, the area shall be well drained to provide a clean  
2817                           and safe area for children to play and shall be equipped with a sufficient amount of  
2818                           playground equipment to accommodate the children living in the community.
- 2819           **(h)** Interior roads and streets.
- 2820               1. All interior roads and streets of a manufactured home community shall be paved in  
2821                           accordance with the paving standards of the town in which the community is located.
- 2822               2. The landowner shall provide to Dane County a map drawn to scale of the community  
2823                           showing the location of all interior roads, adjacent or abutting roads and points of access.  
2824                           Spaces shall be clearly delineated and numbers assigned to each space in sequence  
2825                           beginning with number 1.
- 2826           **(i)** *Removal and replacement of manufactured homes.* Manufactured homes may be removed

*10.103(15) Special Requirements for Particular Uses*

2827 and replaced in a manufactured home community provided that replacement is in  
2828 compliance with the regulations of this Chapter and subsection applicable to the  
2829 community.

2830 (15) Mineral extraction.

- 2831 (a) *Application materials.* In addition to materials required for all conditional use permits,  
2832 applicants must provide, in a format acceptable to the zoning administrator, the following:  
2833 1. A legal description of the land for which the permit is requested.  
2834 a. This may be a lot in a Certified Survey Map, a lot (and block, if any) in a subdivision,  
2835 or an exact “metes and bounds” description.  
2836 b. The description must include the size of the CUP area in acres or square feet.  
2837 2. Tax parcel number(s) of the lot(s) or parcel(s) where the conditional use is to be located.  
2838 If the area proposed for the conditional use is a part of a larger parcel, applicant must  
2839 provide the tax parcel number of the larger parcel.  
2840 3. A written statement containing the following information:  
2841 a. General description of the operation.  
2842 b. Existing use of the land.  
2843 c. Existing natural features including approximate depth to groundwater.  
2844 d. The types and quantities of materials that would be extracted.  
2845 e. Proposed dates to begin extraction, end extraction and complete reclamation.  
2846 f. Proposed hours and days of operation.  
2847 g. Geologic composition and depth to the mineral deposit.  
2848 h. Maximum proposed pit depth.  
2849 i. Identify all major proposed haul routes to the nearest Class A highway or truck  
2850 route. Indicate traffic flow patterns.  
2851 j. Proposed phasing plan, if any (recommended for larger sites).  
2852 k. Types, quantities, and frequency of use of equipment to extract, process, and haul.  
2853 l. Whether and how frequently blasting, drilling, mining, crushing, screening, washing,  
2854 refueling, fuel storage, asphalt batching or concrete mixing would be performed on  
2855 site.  
2856 m. Whether excavation will occur below the water table and, if so, how ground water  
2857 quality will be protected.  
2858 n. Any proposed temporary or permanent structures (e.g., scales, offices).  
2859 o. Any special measures that will be used for spill prevention and control, dust control,  
2860 transportation, or environmental protection.  
2861 p. Proposed use after reclamation as consistent with Chapter 74.  
2862 4. *Additional Site Plan Information.* In addition to the submittal requirements described in [s. 10.101\(7\)\(b\)](#),  
2863 applications for a mineral extraction conditional use permit shall include a  
2864 Site Plan prepared by a qualified professional, drawn to a measurable scale large enough  
2865 to show detail and at least 11” by 17” in size, showing the following information:  
2866 a. Boundaries of the permit area and of the extraction site.  
2867 b. Existing contour lines (not more than 10 foot intervals).

*10.103(15) Special Requirements for Particular Uses*

- 2868                   c. All residences within 1,000 feet of the property.
- 2869                   d. Specific location of proposed extraction area, staging area, equipment storage.
- 2870                   e. Proposed location and surfacing of driveways.
- 2871                   f. Proposed phasing plan, if any (recommended for larger sites).
- 2872                   g. Proposed fencing of property, if any, and gating of driveways.
- 2873                   h. Proposed location of stockpiles.
- 2874                   i. Proposed location and type of screening berms and landscaping.
- 2875                   j. Proposed temporary and permanent structures, including scales and offices.
- 2876           5. *Erosion control plan.* An erosion control plan, drawn to scale by a professional engineer,
- 2877                   meeting all applicable state and county requirements.
- 2878           6. *Reclamation plan.* A reclamation plan prepared in accordance with this ordinance,
- 2879                   Chapter 74, Dane County Code and Chapter NR 135, Wisconsin Administrative Code.
- 2880   **(b) *Conditions on mineral extraction conditional use permits. In addition to conditions required***
- 2881   ***for all conditional use permits, the town board and zoning committee shall impose, at a***
- 2882   ***minimum, the following conditions on any approved conditional use permit for mineral***
- 2883   ***extraction.***
- 2884           1. *Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under*
- 2885                   *Chapter 74, Dane County Code, from the area of operation shall be saved and stored on*
- 2886                   *site for reclamation of the area. Topsoil or approved topsoil substitute must be returned*
- 2887                   *to the top layer of fill resulting from reclamation.*
- 2888           2. *The applicant shall submit an erosion control plan under Chapter 14, Dane County Code*
- 2889                   *covering the entire CUP area for the duration of operations, and receive approval of an*
- 2890                   *erosion control permit prior to commencing extraction operations.*
- 2891           3. *The Town and Committee will set an expiration date for the conditional use permit based*
- 2892                   *on the quantity of material to be removed and the expected duration of mineral*
- 2893                   *extraction activities.*
- 2894                   a. *Extensions. Due to uncertainty in estimating duration for mineral extraction,*
- 2895                           *conditional use permit holders who have operated without violations, may have*
- 2896                           *the duration of their permit extended for a period not to exceed five years, based*
- 2897                           *on an administrative review by the zoning administrator, in consultation with the*
- 2898                           *town board. No more than one such extension shall be granted over the lifespan of*
- 2899                           *the conditional use permit, and all conditions shall remain the same as the original*
- 2900                           *permit. Further extensions or any modifications of conditions shall require re-*
- 2901                           *application and approval of a new conditional use permit.*
- 2902           4. *Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of*
- 2903                   *Ordinances. In addition, all reclamation plans must meet the following standards:*
- 2904                   a. *Final land uses after reclamation must be consistent with any applicable town*
- 2905                           *comprehensive plan, the Dane County Comprehensive Plan and the Dane County*
- 2906                           *Farmland Preservation Plan.*
- 2907                   b. *Final slopes shall not be graded more than 3:1 except in a quarry operation.*
- 2908                   c. *The area shall be covered with topsoil and seeded to prevent erosion.*



10.103(15) Special Requirements for Particular Uses

- d. The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County.
- e. Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
5. The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
6. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
7. All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.
8. Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under [s. 10.102\(9\)](#). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for consistency with Chapters 11, 14, 17 or 74, Dane County Code.
9. The Town and Committee will assign hours of operation appropriate to the particular application. No operations of any kind shall take place on Sundays or legal holidays. The committee and town board may approve limited exceptions to normal hours of operations for projects associated with Wisconsin Department of Transportation or municipal road projects requiring night work. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours).]
10. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
11. Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
12. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions as described in [NR 415.075](#) and [NR 415.076](#), Wisconsin Administrative Code.
14. Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
15. At their own initiative or at the applicant's request, the town board and zoning committee may set further reasonable restrictions on a mineral extraction operation , or prohibit any mineral extraction accessory use.
- (c) Additional conditions for particular circumstances. Where any of the following

10.103(16) *Special Requirements for Particular Uses*

circumstances apply, the zoning committee and town board shall also impose the following conditions on any approved conditional use permit for mineral extraction:

1. *Blasting.*
  - a. *Blasting Schedule.* Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur, to minimize impact on neighboring properties. Schedules for blasting need not conform to hours of operation for the overall mineral extraction project.
  - a. *Notice of Blasting Events.* Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time.
  - b. *Other standards.* All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.
  - c. *Fly rock* shall be contained within the permitted mineral extraction area.
2. *Fuel storage.* All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
3. *Mineral extraction at or near groundwater.* All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
4. *In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.*

(16) *Outdoor assembly events [as defined in s. 10.004(113)]*

- (a) *The landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:*
  1. *the number of events proposed each year*
  2. *the maximum expected attendance at each event*
  3. *off-street parking, to meet standards in s. 10.102(8)*
  4. *days and hours of operation*
  5. *ingress and egress*
  6. *sanitation*
  7. *trash / recycling collection and disposal*
  8. *proposed signage*
  9. *other public safety issues*
- (b) *Event plans must be filed with the following:*
  1. *the zoning administrator,*
  2. *town clerk,*



*10.103(17) Special Requirements for Particular Uses*

- 2992           3. *servicing fire department,*  
2993           4. *emergency medical service provider,*  
2994           5. *Dane County Sheriff's Department and*  
2995           6. *any local law enforcement agency.*  
2996       (c) *Event plans for recurring or annual activities must be filed at least 30 days prior to the start*  
2997           *of any activities in each calendar year.*

2998       (17)       Salvage yards or junkyards

2999       (a) Use. For purposes of this ordinance, any premises used for the storage, gathering, recycling  
3000           or sale of junk, as defined in this chapter, is a salvage recycling center. A salvage recycling  
3001           center need not have a commercial purpose.

3002           1. Junk, as defined under this chapter, may be stored on any premises on which a permitted  
3003           business enterprise is actually conducted, provided, that all such junk is actually used in  
3004           the conduct of such permitted business enterprise, and that all such junk is at all times  
3005           stored in an enclosed building on the premises, thereby securing it from public view.

3006           2. Junk, as defined in this chapter, may be stored on any premises used chiefly for  
3007           residential purposes, provided that it is stored solely for eventual use on the premises,  
3008           and that all such junk is at all times stored in an enclosed building thereby securing it  
3009           from public view.

3010       (b) Location and boundaries.

3011           1. *No salvage yard or junkyard shall be located within one hundred (100) feet of the*  
3012           *boundary of any residential district.*

3013           2. *No salvage yard or junkyard with outdoor operations shall be located within the zone of*  
3014           *contribution to a municipal well, as shown in the most current adopted version of the*  
3015           *Dane County Water Quality Plan.*

3016       (c) License.

3017           1. Before any premises may be used as a privately operated salvage yard or junkyard, it  
3018           shall be licensed. Application for such license shall be made to the zoning administrator,  
3019           setting forth the description of the premises, the nature of the business and the  
3020           materials to be handled, the type of construction of any building to be used in  
3021           connection with the business, the applicant's name or names, officers, if any, and  
3022           address of each. The application shall be referred to the zoning committee which shall,  
3023           within a reasonable time, hold a public hearing, notice of which shall be given by a class 2  
3024           notice under chapter 985, Wis. Stats. If, after such public hearing, the zoning committee  
3025           finds that the premises are in conformity with the provisions of this ordinance, and that  
3026           the site is suitable for the conduct of such business, the committee shall grant a license,  
3027           and such license shall expire on July 1 of each year. Licenses may be renewed from year  
3028           to year on authorization of the committee when inspection discloses that the business is  
3029           being conducted in accordance with the provisions of this ordinance.

3030           2. Revocation of license. Upon the complaint of any interested person, or on its own motion  
3031           or after inspection discloses that the provisions of this ordinance are being violated, the  
3032           zoning committee may hold a public hearing to determine whether a privately operated

*10.103(18) Special Requirements for Particular Uses*

3033 salvage yard or junkyard license shall be revoked, notice of such hearing to be given to all  
3034 interested parties. After public hearing, the zoning committee may order the license  
3035 revoked.

3036 3. Should any town elect to license salvage yard or junkyards by adoption of an ordinance  
3037 pursuant to the provisions of [s. 59.55\(5\), Wis. Stats.](#), and file a copy of such ordinance with  
3038 the zoning department, then the provisions of paragraphs (a) and (b) above shall not  
3039 apply, but no such license shall be issued by any town for such purpose unless the area is  
3040 properly zoned and unless the zoning committee, after public hearing, determines that  
3041 the site is suitable. When a salvage yard or junkyard is licensed by the town, then the  
3042 responsibility of controlling such salvage yard or junkyard rests with the town.

3043 (18) Small-scale farming.

3044 (a) Small-scale farming is considered an accessory use to a permitted or conditional principal  
3045 use and is subject to the following limitations:

3046 (b) Except for domestic pets, domestic fowl and beekeeping, animal use shall not be permitted  
3047 on parcels smaller than **one** acre. For parcels one acre or larger, animals shall be limited to  
3048 one animal unit per acre.

3049 (c) Accessory buildings, structures or cages housing livestock shall be at least 100 feet from  
3050 any of the Residential, Rural Residential or Hamlet zoning districts.

3051 (19) *Solid waste disposal operations.*

3052 *Solid waste disposal operations shall not be located within the zone of contribution for*  
3053 *municipal wells, as shown in the most current adopted version of the Dane County Water*  
3054 *Quality Plan.*

3055 (20) Temporary batch concrete and asphalt production.

3056 (a) The zoning committee and town board shall set daily limits on hours for concrete and  
3057 asphalt production, as necessary to minimize impact on neighboring properties. Schedules  
3058 for concrete or asphalt production need not conform to hours of operation for the overall  
3059 mineral extraction project.

3060 (b) Operators of concrete or asphalt plants shall be responsible for any conditions placed on  
3061 such operations.

3062 (c) Asphalt production facilities must comply with all requirements, including spill  
3063 containment, of Chapter ATCP 93, Wisconsin Administrative Code.

3064

*10.200(1) Zoning Districts*

3065     **10.200.     Zoning Districts**

3066             (1) Purpose.

3067             All lands located within the jurisdiction of this chapter are hereby divided into zoning districts in  
3068             order to:

3069             **(a)** achieve compatibility of land uses within each district

3070             **(b)** implement the adopted goals, objectives and policies of the Dane County Comprehensive  
3071             Plan, town comprehensive plans, and the Dane County Farmland Preservation Plan, and

3072             **(c)** to achieve the other stated purposes of this chapter.

3073             (2) Zoning Districts

3074             **(a)** Sections 10.210 through 10.292 describe the zoning districts within the jurisdiction of this  
3075             Chapter.

3076             **(b)** In each zoning district, land uses are divided into permitted and conditional uses.

3077                 1. Unless specifically exempted, no development intended to accommodate a permitted  
3078                 use listed in the applicable zoning district may take place until the Zoning Administrator,  
3079                 or designee, has issued a zoning permit under [s. 10.101\(1\)](#).

3080                 2. No land use listed as a conditional use in the applicable zoning district may take place  
3081                 until the town board and zoning committee approve a conditional use permit under [s.](#)  
3082                 [10.101\(7\)](#), or the board of adjustment overturns a denial of a conditional use permit  
3083                 under [s. 10.101\(7\)\(c\)4](#).

3084                 3. Land uses not listed as either permitted uses or conditional uses are considered to be  
3085                 prohibited in that zoning district.

3086             (3) ***Table of Land Uses by Zoning District***

3087             The following tables provide a summary of permitted and conditional uses in each zoning  
3088             district. Please refer to the specific section for each zoning district for detailed standards and  
3089             requirements.

3090

Table 2: Land Uses by Zoning District

	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use					Rural Residential	Residential			Hamlet		Commercial			Processing, Manufacturing & Industrial		Minimum off-street parking spaces required.	Special requirements
Land use	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Accessory dwelling unit (attached)			C <sup>2</sup>		C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C	C	C	C	C	P	P	P	P		C				1 per unit	s. 10.103(1)
Accessory dwelling unit (detached)													C	C	C	C		C				1 per unit	s. 10.103(1)
Adult book stores																			P		P	1 per 1.3 employees, plus 1 per 250 square feet	s. 10.103(2)
Adult entertainment																					P <sup>1</sup>	1 per 1.3 employees, plus 1 per every 6 occupants at capacity	s. 10.301
Agricultural accessory			P	P	P	P	P	P <sup>1</sup>	P	P							P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	1 per 1.3 employees	
Agricultural entertainment and special events ( < 10 days)			P	P	P	P	P	P <sup>1</sup>	P	P													
Agricultural entertainment and special events ( > 10 days)			C	C	C	C	C	C <sup>1</sup>	C	C												1 per every 2 expected attendees	s. 10.103(3)
Agriculture		P	P	P	P	P	P	P <sup>1</sup>	P	P							P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	1 per 1.3 employees	
Agriculture-related					P		P															1 per 1.3 employees	
Airport, landing strip or heliport			C		C	C	C	C <sup>1</sup>	C	C								C	C			1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of lobby area	s. 10.103(4)
Animal Boarding, Domestic Pet								C <sup>1</sup>	C	C								C	C		P	1 per 1.3 employees, plus 1 per 1,000 square feet, not including outdoor kennels or exercise areas.	s. 10.103(5)
Animal Boarding, Large Animal			P	P	P	P	P	P <sup>1</sup>	C	C									C		P	1 per 1.3 employees, plus 1 per each 4 animal stalls or bays.	s. 10.103(6)
Animals in small-scale farming (up to one animal unit per acre)	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P	P <sup>1</sup>	P	P	P												
Animals (more than one animal unit per acre -- manure management may apply).			P	P	P	P	P	P <sup>1</sup>	P	P	C											NA	s. 10.103(7)

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Table 2: Land Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use					Rural Residential	Residential			Hamlet		Commercial			Processing, Manufacturing & Industrial		Minimum off-street parking spaces required.	Special requirements
	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Bio-diesel and ethanol manufacturing					C		C														C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Biopower facilities for distribution, retail, or wholesale sales					C		C														C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Buildings which have more than 2.5 stories															C	P						Based on building use.	
Buildings which have more than 4 stories																C		C	C			Based on building use.	
Campgrounds		C																				1 per campsite, 1 per 1.3 employees, 1 per vehicle stored on site, 1 visitor space per each 10 campsites.	s. 10.103(8)
Caretaker's residence		C															C	C	C	C		1 per residence.	
Cemeteries		C						C	C	C	C	C	C	C	P	P	C	C	P				
Colony house					C		C												P			1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Commercial Indoor Lodging																C		C	C			1 per 1.3 employees, plus 1 per rooming unit	
Communication tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Community garden		P																					
Community living arrangements for less than nine (9) persons								P	P	P	P	P	P	P	P	P						1 per resident with a driver's license	
Community living arrangements for nine (9) to fifteen (15) persons								C	C	C	C	C	C	C	C	C						1 per resident with a driver's license	
Contractor, landscaping or building trade operations																	P	P	P	P	P	1 per 1.3 employees, plus 1 per vehicle stored on site	
Daycare center								C	C	C	C	C	C	C	C	C		P	P			1 per 1.3 employees, plus 1 per each 10 children	
Dead stock hauling services					C		C														C	1 per 1.3 employees, plus 1 per vehicle stored on site	

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	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Demolition material disposal sites																				C	C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Domestic fowl and beekeeping.			P	P	P	P	P		P	P	P	P	P		P	P						NA	s. 10.103(10)
Drive-in establishment																		C	C		P	1 per 1.3 employees, 1 per each service area, fuel dispenser or drive-through window, plus required spaces for associated uses	
Dumping grounds																				C	C	1 per 1.3 employees	
Electrical generating facilities (100% renewable energy)			C	C	C	C	C		C	C									C	C	P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Electrical generating facilities (non-renewable energy)																					P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Existing use, agricultural			P	P	P	P	P		P	P		P <sup>1</sup>											
Existing use, residential			P <sup>1</sup>						P	P	P	P	P	P	P	P							
Farm residence (primary or secondary)			C		C	C	C		P	P												See single-family or two-family residence.	s. 10.103(11)
Fertilizer manufacturing plants					C		C														P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Fertilizer mixing or blending plants					C		C														P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Foster homes for less than five (5) children licensed under section 48.62, Wis. Stats			P <sup>2</sup>		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P	P	P	P	P	P <sup>2</sup>	P <sup>2</sup>				NA	
Freight and passenger bus terminal																			P		P	1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of lobby area	

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Land use	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Governmental, institutional, religious, or nonprofit community uses								C	C	C	C	C	C	C	P	P	C	P	P	C	P	For office or service uses, 1 per each 1.3 employees, 1 per each vehicle stored on site, plus 1 per 300 square feet. For assembly halls, churches, convention centers and similar gathering spaces, 1 per every 6 occupants at capacity.	
Heavy industrial																					P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Home occupations		P <sup>2</sup>	P <sup>2</sup>		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P	P	P	P	P	P <sup>2</sup>	P <sup>2</sup>				1 space for an employee, if any, plus adequate space to accommodate all customers on the site at peak periods.	
Incidental room rental		P <sup>2</sup>	P <sup>2</sup>		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P	P	P	P	P	P <sup>2</sup>	P <sup>2</sup>				1 space per rented room.	
Incinerator sites																				C	C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Indoor entertainment or assembly																C		P	P		p	1 per 1.3 employees, plus 1 per every 6 occupants at capacity	
Indoor sales																P		P	P		P	1 per 1.3 employees, 1 per 300 square feet of indoor occupiable floor area	
Indoor storage																	P	P	P	P	P	1 per 2,000 square feet of gross floor area	
Institutional residential														C	C	C		C	P			1 per 1.3 employees, plus 1 per every 4 residents	
Light industrial																	C	P	P	P	P	1 per 500 square feet of gross floor area	
Limited family business								C <sup>1</sup>	C	C	C				C	C						1 per 1.3 employees, plus 1 per anticipated customer at peak	s. 10.103(12)
Limited farm business			C	C	C	C	C	C <sup>1</sup>														1 per 1.3 employees, plus 1 per anticipated customer at peak	s. 10.103(13)
Manufactured home communities														C		C		C				1 per 1.3 employees, 2 per residential unit (tandem parking permitted), plus 1 visitor space per every 4 units	s. 10.103(14)

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	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use					Rural Residential	Residential			Hamlet		Commercial			Processing, Manufacturing & Industrial		Minimum off-street parking spaces required.	Special requirements
Land use	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Manufacturing																					P	1 per 600 square feet of gross floor area	
Manure processing facilities					C		C														C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped	
Marinas																		C	C		P	.6 per boat slip	
Mineral extraction			C		C	C	C	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>										C	C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	s. 10.103(15)
Mixed use developments																P		C				For uses with no overlap in hours of operation, the largest number of spaces required for each individual use. For uses with overlap in hours of operation, 75% of the total required for all individual uses.	
Multifamily residential														P	C	C		C				1.5 per dwelling unit	
Native wildlife rehabilitation facilities								C															
Office																P	P <sup>1</sup>	P	P	P <sup>1</sup>	P	1 per 300 square feet of occupiable floor area	
Off-site parking lot																		C	P		P	Based on associated use.	
Outdoor active recreation (day operations)		P													P	P		C	C		P	1 per 1.3 employees, plus 1 per every 4 spectators and participants at capacity.	
Outdoor active recreation (night operations)		C													C	C		C	C		P	1 per 1.3 employees, plus 1 per every 4 spectators and participants at capacity.	
Outdoor assembly events		C														C		C	C			1 per every 2 expected attendees	s. 10.103(16)
Outdoor entertainment		C														C		C	C		P	1 per every 1.3 employees, plus 1 per every 2 customers at capacity	
Outdoor passive recreation	P <sup>1</sup>	P	P	P	P	P	P		P	P	P	P	P	P	P	P						1 per every 1.3 employees, plus additional parking as determined by the zoning administrator based on anticipated site use.	

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	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Outdoor sales, display, or repair.																			P	C	P	1 per every 2,000 square feet of area devoted to outdoors sales, display or repair.	
Outdoor Storage																	C	C	P	P	P	1 per 20,000 square feet devoted to outdoor storage	
Personal or professional service																P		P	P		P	1 per 1.3 employees, 1 per 300 square feet of indoor occupiable floor area	
Personal storage facility																			P		P	1 per storage unit, which may be directly in front of unit entrance.	
Processing or composting of organic byproducts or wastes.					C <sup>1</sup>		C <sup>1</sup>													C	C	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Property maintenance shed.									C	C													
Reduction of side yard setback to less than 10 feet															C	C						NA	
Rental of existing or secondary residences located on a farm			P <sup>2</sup>		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>															NA	
Residential accessory structures			P <sup>2</sup>		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P	P	P	P	P						NA	
Residential uses in a commercial zone																P		C				1.5 per dwelling unit	
Rooming house														P	C	C		C				1 per bed	
Salvage yard or junkyard																				C	C	1 per 1.3 employees, 1 for each operational vehicle stored on site, plus 3 visitor spaces	s. 10.103(17)
Sanitary landfills																				C	C	1 per 1.3 employees	
Sanitary plumbing fixtures in accessory buildings (see also accessory dwelling units)			C	C	C	C	C	C <sup>1</sup>	C	C												NA	
Single family residential								P	P	P	P	P	P	P	P	P		C				1 per dwelling unit	
Small scale farming			P	P	P	P	P		P	P	P											NA	s. 10.103(18)

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	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Solid waste recycling centers and disposal																				C	C	1 per 1.3 employees, plus 1 per recycling dropoff container	s. 10.103(19)
Stock yards, livestock auction facilities					C		C													C	C	10 per 1,000 square feet of gross floor area	
Storage of explosive materials																				C	C	1 per 1.3 employees, plus 1 per each truck or other vehicle at premises at peak	
Storage of less than 12 total vehicles and pieces of construction equipment																	P		P	P	P	1 per stored vehicle	
Storage of more than 12 total vehicles and pieces of construction equipment																	C		C	C	C	1 per stored vehicle	
Storage of recreational equipment and motor vehicles not owned by resident.			P	P	P	P	P	P <sup>1</sup>	P	P							P	P	P	P	P	1 per stored vehicle	
Temporary asphalt and concrete production			C		C	C	C	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>										C	C	1 per 1.3 employees at peak shift, plus 1 for every truck, or vehicle on site at peak	s. 10.103(20)
Transient or tourist lodging								C	C	C	C	C	C	C	C	C		P	P			1 per 1.3 employees, 1 per resident family plus 1 per guest room.	
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	C	C	C	1 per 1.3 employees if working on site, 1 per maximum number of vehicles anticipated to be onsite at any time.	
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	P	P	P	P	1 per 1.3 employees if working on site, 1 per maximum number of vehicles anticipated to be onsite at any time.	
Two-family residential													P	P	P	P		C				1 per dwelling unit	
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	P	P	P	NA	
Utility services		P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Vehicle repair or maintenance																C		C	P		P	1 at each fuel dispenser, 3 per service bay, 1 per vehicle stored on premises, 1 per 1.3 employees.	

P = Permitted  
C = Conditional  
blank = Prohibited  
<sup>1</sup> = with limitations  
<sup>2</sup> = if associated with a residence otherwise permitted.

Table 2: Land Uses by Zoning District

Land use	Natural Resource & Recreation		Farmland Preservation			Transitional / Rural Mixed Use					Rural Residential	Residential			Hamlet		Commercial			Processing, Manufacturing & Industrial		Minimum off-street parking spaces required.	Special requirements
	NR-C	RE	FP-35	FP-1	FP-B	AT-35	AT-B	AT-5	RM-8	RM-16	RR (all)	SFR	TFR	MFR	HAM-R	HAM-M	LC	GC	HC	RI	MI		
Veterinary clinics					P		P		C	C						P		P	P		P	1 per 1.3 employees, plus 3 per examination or treatment room	
Warehousing and distribution facilities																		C	P		P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	
Wastewater treatment facilities																				P	P	1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises	

P = Permitted  
C = Conditional (CUP required)  
blank = Not Permitted

<sup>1</sup> With limitations  
<sup>2</sup> If associated with a permitted existing, farm or caretaker's residence or with residential use in a commercial district under CUP.

*10.200(4) Zoning Districts*

3092 (4) Zoning Maps

3093       **(a)** Base and overlay zoning districts established by this chapter are shown on the Official  
3094       Zoning Map of Dane County, on file with the Zoning Administrator. Together with all  
3095       explanatory materials thereon, the Official Zoning Map of Dane County is hereby made  
3096       part of this chapter. Where the Official Zoning Map does not indicate a zoning district for a  
3097       particular area, unless the Map is in error, that area is either within the corporate limits of  
3098       a city or village, within an area subject to extraterritorial zoning, and/or not subject to any  
3099       rules associated with a zoning district.

3100 (5) Interpretation Of Zoning District Boundaries.

3101       The following rules shall be used to determine the precise location of any zoning district  
3102       boundary shown on the Official Zoning Map of Dane County:

- 3103       **(a)** Zoning district boundaries shown as following or approximately following the limits of any  
3104       city, village, town or County boundary shall be construed as following such limits.
- 3105       **(b)** Zoning district boundaries shown as following or approximately following public streets or  
3106       railroad lines shall be construed as following the centerline of such streets or railroad lines.
- 3107       **(c)** Zoning district boundaries shown as following or approximately following platted lot lines,  
3108       ordinary high water marks, or other property lines as shown on the Dane County parcel  
3109       maps shall be construed as following such lines.
- 3110       **(d)** Zoning district boundaries shown as following or approximately following the centerlines of  
3111       streams, rivers, or other continuously flowing watercourses shall be construed as following  
3112       the channel centerlines of such watercourses, and, in the event of a natural change in the  
3113       location of such streams, rivers, or other watercourses, the zoning district boundary shall  
3114       be construed as moving with the channel centerline.
- 3115       **(e)** Zoning district boundaries shown as separated from any of the features listed in  
3116       paragraphs (a) through (d) above shall be construed to be at such distances as shown on  
3117       the Official Zoning Map
- 3118       **(f)** Streets, highways, roads or alleys which are shown on the zoning district maps and which  
3119       heretofore have been vacated, or which may be vacated hereafter, shall be in the same  
3120       zoning district as the lots, pieces or parcels abutting both sides of the street, highway, road  
3121       or alley involved. If the lots, pieces or parcels abutting each side of the street, highway,  
3122       road or alley were located in different zoning districts before the said street or alley was  
3123       vacated, the centerline of the said vacated street or alley shall be the boundary line of the  
3124       respective zoning districts.
- 3125       **(g)** Where the exact location of a zoning district boundary, as shown on the Official Zoning  
3126       Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.
- 3127       **(h)** The zoning administrator may determine the zoning of unzoned vacated lands, based on  
3128       the zoning of lands to which the vacated lands are attached.

3129

*10.210(1) Natural Resource and Recreation Zoning Districts*

3130     **10.210.     Natural Resource and Recreation Zoning Districts**

3131     **10.211.     NR-C (Natural Resource Conservation) Zoning District**

3132         (1) Purpose.

3133             The purpose of the NR-C Natural Resource Conservation district is to protect, maintain, and  
3134             enhance natural resource and open space areas. Limited permitted and conditional uses are  
3135             offered, and regulation of these areas will serve to control erosion and promote the rural  
3136             character and natural beauty of the County while seeking to assure protection of areas with  
3137             significant topography, natural watersheds, ground and surface water, wildlife habitat,  
3138             recreational sites, archeological sites, and other natural resource characteristics that contribute  
3139             to the environmental quality of the County.

3140         (2) Permitted uses

- 3141             **(a)** Undeveloped natural resource and open space area.  
3142             **(b)** Hiking, fishing, trapping, hunting, swimming and boating.  
3143             **(c)** Outdoor passive recreation  
3144             **(d)** Propagation and raising of game animals, fowl and fish.  
3145             **(e)** The practice of silviculture, including the planting, thinning and harvesting of timber.  
3146             **(f)** The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and  
3147             tree seeds, in a manner that is not injurious to the natural reproduction of such crops.  
3148             **(g)** Pasturing/grazing of livestock, limited to one (1) animal unit per each full acre.  
3149             **(h)** Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and 11.08,  
3150             Dane County Code.  
3151             **(i)** Soil conservation, shoreland, wetland and ecological restoration practices under an  
3152             approved permit and consistent with technical standards approved by the Director of the  
3153             Land and Water Resources.  
3154             **(j)** Nonresidential buildings or structures accessory to any permitted use, provided any such  
3155             building or structure is not located in a floodway, shoreland-wetland, or inland-wetland  
3156             district.  
3157             **(k)** Invasive species control, when conducted according to best practices approved by the  
3158             Director of Land and Water Resources or the Natural Resources Conservation Service.

3159         (3) Conditional uses

- 3160             **(a)** The establishment and development of public and private parks and recreation areas,  
3161             primitive campgrounds, boat access sites, natural and outdoor education areas, historic  
3162             and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.  
3163             **(b)** Soil conservation, shoreland, wetland and ecological restoration practices, other than  
3164             those listed as permitted uses above.  
3165             **(c)** The construction and maintenance of roads, railroads or utilities, provided that:  
3166                 **1.** The facilities cannot as a practical matter be located outside the NR-C district; and

*10.211(4) NR-C (Natural Resource Conservation) Zoning District*

3167           **2.** Any filling, excavating, ditching, draining, land disturbance or removal of vegetation that  
3168           is to be done must be necessary for such construction or maintenance and must be done  
3169           in a manner designed to minimize adverse impacts upon the natural and ecological  
3170           resources of the site.

3171       (4) Lot size requirements

3172           **(a)** Minimum lot size. None.

3173           **(b)** Maximum lot size. None.

3174       (5) Setbacks and required yards

3175           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in [s.](#)

3176           [10.102\(9\)](#). For parcels without road frontage, structures must be at least four feet from the  
3177           lot line where primary access to the parcel is made.

3178           **(b)** Side yard. Any permitted structures must be at least four feet from the side lot line.

3179           **(c)** Rear yard. Any permitted structures must be at least four feet from the rear lot line.

3180       **(6) Lot coverage.**

3181       No building together with its accessory buildings shall occupy in excess of 10 percent (10%) of  
3182       the area of a lot in the NR-C district.

3183

10.212(1) RE (Recreational) Zoning District

10.212. RE (Recreational) Zoning District

(1) Purpose.

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

(2) Permitted uses

- (a) Undeveloped natural resource and open space area.
- (b) Hiking, fishing, trapping, hunting, swimming and boating.
- (c) Outdoor passive recreation
- (d) Propagation and raising of game animals, fowl and fish.
- (e) The practice of silviculture, including the planting, thinning and harvesting of timber.
- (f) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (g) Pasturing/grazing of domestic animals, limited to one (1) animal unit per each full acre.
- (h) Uses permitted within a shoreland or inland – wetland district under ss. 11.07 and 11.08, Dane County Code. Pasturing of livestock is subject to the animal unit limitation in sub. (e), above.
- (i) Soil conservation, shoreland, wetland and ecological restoration practices.
- (j) Nonresidential buildings or structures accessory to any permitted use, provided any such building or structure is not located in a floodway, shoreland-wetland, or inland-wetland district.
- (k) The establishment and development of public and private parks and recreation areas, primitive campgrounds, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.
- (l) Agricultural uses
- (m) Community gardens
- (n) Outdoor active recreation, not lighted for nighttime activities
- (o) Outdoor passive recreation
- (p) Recreational accessory uses
- (q) Utility services associated with, and accessory to, a permitted or conditional use
- (r) The construction and maintenance of roads, railroads, utilities, provided that:
  - 1. The facilities cannot as a practical matter be located outside the RE district; and
  - 2. Any filling, excavating, ditching, draining, land disturbance or removal of vegetation that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize adverse impacts upon the natural and ecological resources of the site.

*10.212(3) RE (Recreational) Zoning District*

- 3223 **(3) Conditional uses**
- 3224     **(a)** Campgrounds
- 3225     **(b)** Caretaker's residence
- 3226     **(c) Cemeteries**
- 3227     **(d)** Indoor active recreation
- 3228     **(e)** Outdoor active recreation, lighted for nighttime activities
- 3229     **(f)** Outdoor assembly events
- 3230     **(g)** Outdoor entertainment
- 3231 **(4) Lot size requirements**
- 3232     **(a)** Minimum lot size. All lots created in the RE-1 zoning district must be at least 15,000 square
- 3233         feet in area.
- 3234     **(b)** Maximum lot size. None.
- 3235 **(5) Setbacks and required yards.**
- 3236     **(a)** Front yard. Any permitted structure must comply with road setbacks as described in [s. 10.102\(9\)](#). For parcels without road frontage, structures must be at least four feet from the
- 3237         lot line where primary access to the parcel is made.
- 3238     **(b)** Side yard. Any permitted structures must be at least four feet from the side lot line.
- 3239     **(c)** Rear yard. Any permitted structures must be at least four feet from the rear lot line.
- 3240
- 3241 **(6) Lot coverage.**
- 3242     No building together with its accessory buildings shall occupy in excess of 15 percent (15%) of
- 3243     the area of a lot in the RE district.
- 3244



*10.220(1) Farmland Preservation Districts*

**10.220. Farmland Preservation Districts**

(1) Provisions applicable to all Farmland Preservation Districts

**(a)** Conditional Use Standards in Farmland Preservation Districts. In addition to the requirements of [s. 10.101\(7\)\(d\)](#), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation zoning district.

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

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

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

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

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

**(1) Purpose.**

The FP-1 district is designed to:

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

**(2) Permitted uses.**

The following are permitted uses in this district:

- (a)** Agricultural uses.
- (b)** Agricultural Accessory Uses, subject to the exceptions and limitations below.
  - 1.** Exceptions.
    - a.** Farm residences are not permitted in the FP-1 zoning district.
    - b.** Uses listed as conditional uses below.
  - 2.** Limitations.
    - a.** Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities, must occur on ten or fewer days in a calendar year.
    - b.** The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
    - c.** Sales of agricultural products produced on the farm.
    - d.** Large animal boarding.
- (c)** Undeveloped natural resource and open space areas.
- (d)** Utility services associated with, and accessory to, a permitted or conditional use.

*10.221(3) FP-1 (Small-lot Farmland Preservation) Zoning District*

- 3314 (e) A transportation, utility, communication, or other use that is:  
3315 1. required under state or federal law to be located in a specific place, or;  
3316 2. is authorized to be located in a specific place under a state or federal law that specifically  
3317 preempts the requirement of a conditional use permit.

3318 (3) **Conditional uses.**

- 3319 (a) Agricultural accessory uses. In addition to the other requirements of this ordinance, the  
3320 following uses must meet the definition of an agricultural accessory use under [s. 10.004\(12\)](#).  
3321 1. Agricultural entertainment activities or special events.  
3322 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of  
3323 farm machinery and technology, agricultural association meetings and similar activities,  
3324 occurring on more than ten days in a calendar year.  
3325 3. Limited farm business.  
3326 4. Sale of agricultural and dairy products not produced on the premises and incidental sale  
3327 of non-alcoholic beverages and snacks.  
3328 5. Sanitary facilities in an agricultural accessory building.  
3329 (b) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
3330 not listed as a permitted use above.  
3331 (c) **Electric generating facilities, provided 100% of the production output of the facility is**  
3332 **derived from renewable energy resources.**

3333 (4) **Lot size requirements.**

- 3334 (a) **Minimum lot size. All lots created in the FP-1 zoning district must be at least one acre in**  
3335 **area, excluding public rights-of-way.**  
3336 (b) **Maximum lot size. All lots created in the FP-1 zoning district must be smaller than 35 acres**  
3337 **in area, excluding public rights-of-way.**  
3338 (c) Minimum lot width. There is no minimum lot width in the FP-1 zoning district.

3339 (5) Setbacks and required yards.

- 3340 (a) Front yard. Any permitted structure must comply with road setbacks as described in [s.](#)  
3341 [10.102\(9\)](#). For parcels without road frontage, structures must be at least 50 feet from the  
3342 lot line where primary access to the parcel is made.  
3343 (b) Side yard.  
3344 1. Structures housing livestock must be at least:  
3345 a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
3346 zoning districts,  
3347 b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
3348 districts, or  
3349 c. At least 10 feet from any other side lot line.  
3350 2. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.  
3351 (c) Rear yard.  
3352 1. Structures housing livestock must be at least:

*10.221(6) FP-1 (Small-lot Farmland Preservation) Zoning District*

- 3353                    **a.** 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
3354                    zoning districts,  
3355                    **b.** 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
3356                    districts, or  
3357                    **c.** 10 feet from any other rear lot line.  
3358                    **2.** Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
- 3359                    (6) Building height.  
3360                    **(a)** Agricultural buildings. There is no limitation on height for agricultural buildings.
- 3361                    (7) Lot coverage.  
3362                    **(a)** Parcels 2 acres or less in area. No building together with its accessory buildings shall  
3363                    occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of  
3364                    the area of a corner lot.  
3365                    **(b)** Parcels over 2 acres in area. No limitation on lot coverage.
- 3366                    (8) Other restrictions on buildings.  
3367                    **(a)** Accessory buildings.  
3368                    **1.** There is no limitation on the number of accessory buildings in the FP-1 district, provided  
3369                    lot coverage standards are met.  
3370                    **2.** Accessory buildings may be constructed on property without a principal residence only if  
3371                    it is clearly related to a legitimate agricultural or agricultural accessory use.  
3372                    **3.** Sanitary facilities are prohibited in agricultural accessory buildings unless specifically  
3373                    authorized by conditional use permit.  
3374

*10.222(1) FP-35 (General Farmland Preservation) Zoning District*

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

**(1) Purpose.**

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

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

**(2) Permitted uses.**

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

*10.222(3) FP-35 (General Farmland Preservation) Zoning District*

2. Residential accessory buildings, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with either:
    - a. an existing residence permitted under 1. above, or
    - b. a farm residence approved by conditional use permit.
  3. Rental of existing or secondary residences located on a farm, but no longer utilized in the operation of the farm.
  4. Agricultural accessory buildings, including those with sanitary facilities.
  5. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
  6. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.
  7. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
  8. Sales of agricultural products produced on the farm.
  9. Large animal boarding.
- (c) Undeveloped natural resource and open space areas.
- (d) Utility services associated with, and accessory to, a permitted or conditional use.
- (e) A transportation, utility, communication, or other use that is:
1. required under state or federal law to be located in a specific place, or;
  2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(3) Conditional uses.**

The following uses require a Conditional Use Permit in this district:

- (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under [s. 10.004\(12\)](#).
1. Agricultural entertainment activities or special events occurring 10 days or more per calendar year, in aggregate.
  2. Airports, landing strips or heliports for private aircraft owned by the owner or operator of a farm.
  3. Attached accessory dwelling units associated with a farm residence.
  4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than ten days in a calendar year.
  5. Farm Residence, subject to [s. 10.103\(11\)](#).
  6. Limited Farm Business, subject to [s. 10.103\(13\)](#).

*10.222(4) FP-35 (General Farmland Preservation) Zoning District*

- 3453           7. Sale of agricultural and dairy products not produced on the premises and incidental sale  
3454           of non-alcoholic beverages and snacks.
- 3455           8. Secondary farm residence, subject to [s. 10.103\(11\)](#).
- 3456       **(b)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
3457           not listed as a permitted use above.
- 3458       **(c)** Non-metallic mineral extraction operations that comply with [s. 91.46\(6\), Wis. Stats.](#), [s.](#)  
3459           [10.103\(15\)](#) and [Chapter 74](#).
- 3460       **(d)** Asphalt plants or ready-mix concrete plants, that comply with [s. 91.46\(5\), Wis. Stats.](#), for  
3461           production of material to be used in construction or maintenance of public roads, to be  
3462           limited in time to project duration.
- 3463       **(e)** *Electric generating facilities, provided 100% of the production output of the facility is*  
3464           *derived from renewable energy resources.*
- 3465       (4) Lot size requirements.
- 3466           **(a)** Minimum lot size. All lots created in the FP-35 zoning district must be at least thirty-five  
3467           (35) acres in area, excluding public rights-of-way.
- 3468           **(b)** Maximum lot size. None.
- 3469           **(c)** Minimum lot width. None.
- 3470       (5) Setbacks.
- 3471           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in [s.](#)  
3472           [10.102\(9\)](#).
- 3473           **(b)** Side yards. Any permitted structures must be set back from side property lines as follows:
- 3474               1. Principal residential buildings must be at least 10 feet from any side lot line and a total of  
3475               at least 25 feet from both side lot lines.
- 3476               2. Structures housing livestock must be at least:
- 3477                   a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
3478                   zoning districts
- 3479                   b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
3480                   districts, or
- 3481                   c. At least 10 feet from any other side lot line.
- 3482               3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 3483           **(c)** Rear yard. Any permitted structures must be set back from rear property lines as follows:
- 3484               1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 3485               2. Uncovered decks or porches attached to a principal residence must be at least 38 feet  
3486               from the rear lot line.
- 3487               3. Structures housing livestock must be at least:
- 3488                   a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
3489                   zoning districts,
- 3490                   b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
3491                   districts, or
- 3492                   c. 10 feet from any other rear lot line.



*10.222(6) FP-35 (General Farmland Preservation) Zoning District*

3493                    **4.** Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.

3494                    (6) Building height.

3495                    **(a)** *Residential buildings.*

3496                    **1.** Principal residential buildings shall not exceed a height of two and a half stories or 35  
3497                    feet.

3498                    **2.** Residential accessory buildings shall not exceed a height of 35 feet.

3499                    **(b)** *Agricultural buildings.* There is no limitation on height for agricultural buildings.

3500                    (7) Lot coverage.

3501                    There is no limitation on lot coverage in the FP-35 district.

3502                    (8) Other restrictions on buildings.

3503                    **1.** Principal residential buildings. Except for secondary farm residences authorized by  
3504                    conditional use permit, no more than one principal building is permitted per lot.

3505                    **2.** Accessory buildings.

3506                    **a.** There is no limitation on the number of accessory buildings in the FP-35 district.

3507                    **b.** Accessory buildings may be constructed on property without a principal residence  
3508                    only if it is clearly related to a legitimate agricultural or agricultural accessory use.

3509                    **c.** Sanitary fixtures are permitted in agricultural accessory buildings, however  
3510                    accessory buildings may not be used as living space.

3511



*10.223(1) FP-B (Farmland Preservation – Business) Zoning District*

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

**(1) Purpose.**

The FP-B Farmland Preservation-Business District is designed to:

- (a)** Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The FP-B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.
- 1.** In appearance and operation permitted uses in the FP-B district are often indistinguishable from a farm.
- 2.** Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
- 3.** Examples of activities in the FP-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:
  - a.** Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
  - b.** Parking areas, outdoor lighting, and signage appropriate to the scale of use;
  - c.** Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
  - d.** Low to moderate traffic volumes;
  - e.** Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.
  - f.** Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

**(2) Permitted uses.**

**(a) Agricultural uses.**

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

- 1.** Any residence lawfully existing as of February 20,2010, provided all of the following criteria are met:
  - a.** the use remains residential,
  - b.** the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and

*10.223(3) FP-B (Farmland Preservation – Business) Zoning District*

- c. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.
2. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
3. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.
4. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited
5. Residential accessory buildings, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with a farm residence approved by conditional use permit.
6. Sales of agricultural products produced on the farm.
7. Large animal boarding.
- (c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the FP-B district.
- (d) Undeveloped natural resources and open space areas
- (e) Utility services associated with a farm or a permitted agricultural accessory use.
- (f) A transportation, utility, communication, or other use that is:
  1. required under state or federal law to be located in a specific place, or;
  2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(3) Conditional uses.**

- (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.004(12) .
  1. Agricultural entertainment activities or special events occurring 10 days or more per calendar year, in aggregate.
  2. Airports, landing strips or heliports for private aircraft owned by the owner or operator of the farm or agriculture-related use on the premises.
  3. Attached accessory dwelling units associated with a farm residence.
  4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than ten days in a calendar year.
  5. Farm residence, subject to s. 10.103(11).
  6. Limited farm business, subject to 10.103(13).

*10.223(4) FP-B (Farmland Preservation – Business) Zoning District*

- 3592           7. Sale of agricultural and dairy products not produced on the premises and incidental sale  
3593           of non-alcoholic beverages and snacks.
- 3594           8. Secondary farm residence, subject to s. 10.103(11).
- 3595       **(b)** Agriculture-related uses: In addition to the other requirements of this ordinance, the  
3596           following uses must meet the definition of an agriculture-related use under s. 10.004(14).  
3597           1. Bio-diesel and ethanol manufacturing;  
3598           2. Biopower facilities for distribution, retail, or wholesale sales.  
3599           3. Colony house.  
3600           4. Commercial animal boarding for farm animals, and not including boarding for domestic  
3601           pets.  
3602           5. Composting facility.  
3603           6. Dead stock hauling services;  
3604           7. Manure processing facilities;  
3605           8. Stock yards, livestock auction facilities;
- 3606       **(c)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
3607           not listed as a permitted use above.
- 3608       **(d)** Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s.  
3609           10.103(15) and Chapter 74. The application shall conform to the requirements of s.  
3610           10.103(15).
- 3611       **(e)** Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for  
3612           production of material to be used in construction or maintenance of public roads, to be  
3613           limited in time to project duration.
- 3614       **(f)** *Electric generating facilities, provided 100% of the production output of the facility is*  
3615           *derived from renewable energy resources.*
- 3616       **(4)** Lot size requirements.
- 3617           **(a)** Minimum lot size. All lots created in the FP-B zoning district must be at least 20,000 square  
3618           feet in area, excluding public rights-of-way.
- 3619           **(b)** Maximum lot size. None.
- 3620           **(c)** Minimum lot width. All lots created in the FP-B zoning district must have a minimum lot  
3621           width of 100 feet.
- 3622       **(5)** Setbacks.
- 3623           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.  
3624           10.102(9).
- 3625           **(b)** Side yards. Any permitted structures must be set back from side property lines as follows:  
3626           1. Principal residential buildings must be at least 10 feet from any side lot line and a total of  
3627           at least 25 feet from both side lot lines.  
3628           2. Structures housing livestock must be at least:  
3629           a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
3630           zoning districts,

*10.223(6) FP-B (Farmland Preservation – Business) Zoning District*

- 3631                    **b.** 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
3632                    districts, or  
3633                    **c.** At least 10 feet from any other side lot line.  
3634                    **3.** Accessory buildings not housing livestock must be at least 10 feet from any side lot line.  
3635                    **(c)** Rear yard. Any permitted structures must be set back from rear property lines as follows:  
3636                    **1.** Principal residential buildings must be at least 50 feet from the rear lot line.  
3637                    **2.** Uncovered decks or porches attached to a principal residence must be at least 38 feet  
3638                    from the rear lot line.  
3639                    **3.** Structures housing livestock must be at least:  
3640                        **a.** 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
3641                        zoning districts,  
3642                        **b.** 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
3643                        districts, or  
3644                        **c.** 10 feet from any other rear lot line.  
3645                    **4.** Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
- 3646                    **(6)** Building height.  
3647                        **(a)** Residential buildings.  
3648                        **1.** Principal residential buildings shall not exceed a height of two and a half stories or 35  
3649                        feet.  
3650                        **2.** Residential accessory buildings shall not exceed a height of 35 feet.  
3651                        **(b)** *Agricultural buildings.* There is no limitation on height for agricultural buildings.
- 3652                    **(7)** Lot coverage.  
3653                        There is no limitation on lot coverage in the FP-B district.
- 3654                    **(8)** Other restrictions on buildings.  
3655                        **(a)** Accessory buildings.  
3656                        **1.** There is no limitation on the number of accessory buildings in the FP-35 district.  
3657                        **2.** Accessory buildings may be constructed on property without a principal residence only if  
3658                        it is clearly related to a legitimate agricultural or agricultural accessory use.  
3659                        **3.** Sanitary fixtures are permitted in agricultural accessory buildings, however accessory  
3660                        buildings may not be used as living space.  
3661

*10.230(1) Rural Mixed-Use & Transitional Zoning Districts*

**10.230. Rural Mixed-Use & Transitional Zoning Districts**

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

**(1) Purpose.**

The AT-35 Agriculture Transition district is designed to:

- (a)** Accommodate, for an unspecified period of time, a wide range of agriculture and agricultural accessory uses, at various scales in areas that are ultimately planned for either:
  - 1.** nonfarm urban or suburban development,
  - 2.** a long-term mixture of agricultural and residential uses, or
  - 3.** transition to a Farmland Preservation district.
- (b)** The district applies to such existing or proposed uses on properties located outside of mapped agricultural preservation areas as shown in the Dane County Farmland Preservation Plan.
- (c)** The AT-35 district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
- (d)** Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.
- (e)** Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.
- (f)** Reduce costs for providing services to scattered non-farm uses.
- (g)** Pace and shape urban growth.

**(2) Permitted uses**

- (a)** Agricultural Uses.
- (b)** Agricultural Accessory Uses, except those uses listed as conditional uses in subd.(3) below, and subject to the following limitations and standards.
  - 1.** Any residence lawfully existing as of February 20,2010, provided all of the following criteria are met:
    - a.** the use remains residential,
    - b.** the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
    - c.** for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance.

*10.231(3) AT-35 (Agriculture Transition, 35 acres) Zoning District*

- 3700                   Proposals for a replacement residence that would exceed the 100 foot limitation  
3701                   must be approved by the relevant town board and county zoning committee.
- 3702           2. Residential accessory buildings, home occupations, foster care for less than 5 children  
3703           community living arrangements for less than 9 people or incidental room rental  
3704           associated with either:
- 3705               a. an existing residence permitted under 1. above, or  
3706               b. a farm residence approved by conditional use permit.
- 3707           3. Rental of existing or secondary residences located on a farm, but no longer utilized in the  
3708           operation of the farm.
- 3709           4. Agricultural entertainment activities or special events under 10 days per calendar year in  
3710           the aggregate, including incidental preparation and sale of beverages and food.
- 3711           5. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of  
3712           farm machinery and technology, agricultural association meetings and similar activities  
3713           occurring on no more than ten days in a calendar year.
- 3714           6. The seasonal storage of recreational equipment and motor vehicles owned by private  
3715           individuals other than those residing on the premises, such storage to be in accessory  
3716           farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the  
3717           construction of any new buildings for storage is prohibited.
- 3718           7. Sales of agricultural products produced on the farm.
- 3719           8. Large animal boarding.
- 3720           (c) Undeveloped natural resource and open space areas.
- 3721           (d) Utility services associated with, and accessory to, a permitted or conditional use.
- 3722           (e) A transportation, utility, communication, or other use that is:
- 3723               1. required under state or federal law to be located in a specific place, or;
- 3724               2. is authorized to be located in a specific place under a state or federal law that  
3725               specifically preempts the requirement of a conditional use permit.

**(3) Conditional uses.**

The following uses require a Conditional Use Permit in this district:

- 3726           (a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the  
3727           following uses must meet the definition of an agricultural accessory use under [s. 10.004\(12\)](#).
- 3728               1. Agricultural entertainment activities or special events occurring 10 days or more per  
3729               calendar year, in aggregate.
- 3730               2. Airports, landing strips or heliports for private aircraft owned by the owner or operator  
3731               of a farm.
- 3732               3. Attached accessory dwelling units associated with a farm residence.
- 3733               4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of  
3734               farm machinery and technology, agricultural association meetings and similar activities,  
3735               occurring on more than ten days in a calendar year.
- 3736               5. Farm Residence, subject to [s. 10.103\(11\)](#).
- 3737               6. Limited Farm Business, subject to [s. 10.103\(13\)](#).
- 3738
- 3739
- 3740



*10.231(4) AT-35 (Agriculture Transition, 35 acres) Zoning District*

- 3741           7. Sale of agricultural and dairy products not produced on the premises and incidental sale  
3742           of non-alcoholic beverages and snacks.
- 3743           8. Secondary farm residence, subject to [s. 10.103\(11\)](#).
- 3744       **(b)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
3745           not listed as a permitted use above.
- 3746       **(c)** Non-metallic mineral extraction operations that comply with [s. 91.46\(6\), Wis. Stats.](#), [s.](#)  
3747           [10.103\(15\)](#) and [Chapter 74](#).
- 3748       **(d)** Asphalt plants or ready-mix concrete plants, that comply with [s. 91.46\(5\), Wis. Stats.](#), for  
3749           production of material to be used in construction or maintenance of public roads, to be  
3750           limited in time to project duration.
- 3751       **(e)** *Electric generating facilities, provided 100% of the production output of the facility is*  
3752           *derived from renewable energy resources.*
- 3753       **(4)** Lot size requirements.
- 3754           **(a)** Minimum lot size. All lots created in the AT-35 zoning district must be at least thirty-five  
3755           (35) acres in area, excluding public rights-of-way.
- 3756           **(b)** Maximum lot size. None.
- 3757           **(c)** Minimum lot width. None.
- 3758       **(5)** Setbacks.
- 3759           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in [s.](#)  
3760           [10.102\(9\)](#).
- 3761           **(b)** Side yards. Any permitted structures must be set back from side property lines as follows:
- 3762               1. Principal residential buildings must be at least 10 feet from any side lot line and a total of  
3763               at least 25 feet from both side lot lines.
- 3764               2. Structures housing livestock must be at least:
- 3765                   a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
3766                   zoning districts
- 3767                   b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
3768                   districts, or
- 3769                   c. At least 10 feet from any other side lot line.
- 3770                   d. Accessory buildings not housing livestock must be at least 10 feet from any side lot  
3771                   line.
- 3772           **(c)** Rear yard. Any permitted structures must be set back from rear property lines as follows:
- 3773               1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 3774               2. Uncovered decks or porches attached to a principal residence must be at least 38 feet  
3775               from the rear lot line.
- 3776               3. Structures housing livestock must be at least:
- 3777                   e. 50 feet from the rear lot line of any parcel in any of the Residential, Rural  
3778                   Residential or Hamlet zoning districts, or
- 3779                   f. 10 feet from any other rear lot line.
- 3780               4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.

*10.231(6) AT-35 (Agriculture Transition, 35 acres) Zoning District*

- 3781 (6) Building height.
- 3782     **(a)** Residential buildings.
- 3783         1. Principal residential buildings shall not exceed a height of two and a half stories or 35
- 3784             feet.
- 3785         2. Residential accessory buildings shall not exceed a height of 35 feet.
- 3786     **(b)** *Agricultural buildings*. There is no limitation on height for agricultural buildings.
- 3787 (7) Lot coverage.
- 3788     There is no limitation on lot coverage in the AT-35 district.
- 3789 (8) Other restrictions on buildings.
- 3790     **(a)** Principal buildings. Except for secondary farm residences authorized by conditional use
- 3791         permit, no more than one principal building is permitted per lot.
- 3792     **(b)** Accessory buildings.
- 3793         1. There is no limitation on the number of accessory buildings in the AT-35 district.
- 3794         2. Accessory buildings may be constructed on property without a principal residence only if
- 3795             it is clearly related to a legitimate agricultural or agricultural accessory use.
- 3796         3. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory
- 3797             buildings may not be used as living space.
- 3798



*10.232(1) AT-B (Agriculture Transition – Business) Zoning District*

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

**(1) Purpose.**

The AT-B Agriculture Transition - Business District is designed to:

- (a)** Accommodate, for an unspecified period of time, agricultural, agriculture accessory and agriculture-related uses in areas ultimately planned for nonfarm urban or rural development. The district applies to such existing or proposed uses on properties located outside of mapped agricultural preservation areas as shown in the Dane County Farmland Preservation Plan.
- (b)** Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The AT-B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.
- (c)** In appearance and operation permitted uses in the AT-B district are often indistinguishable from a farm.
- (d)** Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
- (e)** Examples of activities in the AT-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:
  - 1.** Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
  - 2.** Parking areas, outdoor lighting, and signage appropriate to the scale of use;
  - 3.** Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
  - 4.** Low to moderate traffic volumes;
  - 5.** Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

**(2) Permitted uses.**

**(a) Agricultural uses.**

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

- 1.** Any residence lawfully existing as of February 20, 2010, provided all of the following criteria are met:
  - a.** the use remains residential,

- b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
  - c. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.
2. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
3. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.
4. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited
5. Residential accessory buildings, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with a farm residence approved by conditional use permit.
6. Sales of agricultural products produced on the farm.
7. Large animal boarding.
- (c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the FP-B district.
- (d) Undeveloped natural resources and open space areas
- (e) Utility services associated with a farm or a permitted agricultural accessory use.
- (f) A transportation, utility, communication, or other use that is:
  1. required under state or federal law to be located in a specific place, or;
  2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(a) Agricultural Accessory Uses:** In addition to other requirements of this ordinance the following uses must meet the definition of an agricultural accessory use under s. 10.004(12) .

1. Agricultural entertainment activities or special events occurring 10 days or more per calendar year, in aggregate.
2. Airports, landing strips or heliports for private aircraft owned by the owner or operator of the farm or agriculture-related use on the premises.
3. Attached accessory dwelling units associated with a farm residence.
4. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than ten days in a calendar year.

*10.232(4) AT-B (Agriculture Transition – Business) Zoning District*

- 3880           5. Farm residence, subject to s. 10.103(11).  
3881           6. Limited farm business, subject to s. 10.103(13).  
3882           7. Sale of agricultural and dairy products not produced on the premises and incidental sale  
3883           of non-alcoholic beverages and snacks.  
3884           8. Secondary farm residence, subject to s. 10.103(11).  
3885       **(b)** Agriculture-related uses: In addition to the other requirements of this ordinance, the  
3886           following uses must meet the definition of an agriculture-related use under s. 10.004(14).  
3887           1. Bio-diesel and ethanol manufacturing;  
3888           2. Biopower facilities for distribution, retail, or wholesale sales.  
3889           3. Colony house.  
3890           4. Commercial animal boarding for farm animals, and not including boarding for domestic  
3891           pets.  
3892           5. Composting facility.  
3893           6. Dead stock hauling services;  
3894           7. Manure processing facilities;  
3895           8. Stock yards, livestock auction facilities;  
3896       **(c)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
3897           not listed as a permitted use above.  
3898       **(d)** Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s.  
3899           10.103(15) and Chapter 74. The application shall conform to the requirements of s.  
3900           10.103(15).  
3901       **(e)** Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for  
3902           production of material to be used in construction or maintenance of public roads, to be  
3903           limited in time to project duration.  
3904       **(f)** *Electric generating facilities, provided 100% of the production output of the facility is*  
3905           *derived from renewable energy resources.*  
  
3906       **(4)** Lot size requirements.  
3907           **(a)** Minimum lot size. All lots created in the AT-B zoning district must be at least 20,000 square  
3908           feet in area, excluding public rights-of-way.  
3909           **(b)** Maximum lot size. None.  
3910           **(c)** Minimum lot width. All lots created in the AT-B zoning district must have a minimum lot  
3911           width of 100 feet.  
  
3912       **(5)** Setbacks.  
3913           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.  
3914           10.102(9).  
3915           **(b)** Side yards. Any permitted structures must be set back from side property lines as follows:  
3916           1. Principal residential buildings must be at least 10 feet from any side lot line and a total of  
3917           at least 25 feet from both side lot lines.  
3918           2. Structures housing livestock must be at least:

*10.232(6) AT-B (Agriculture Transition – Business) Zoning District*

- 3919                   a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
3920                   zoning districts,  
3921                   b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
3922                   districts, or  
3923                   c. At least 10 feet from any other side lot line.  
3924                   3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.  
3925                   (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:  
3926                   1. Principal residential buildings must be at least 50 feet from the rear lot line.  
3927                   2. Uncovered decks or porches attached to a principal residence must be at least 38 feet  
3928                   from the rear lot line.  
3929                   3. Structures housing livestock must be at least:  
3930                   a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
3931                   zoning districts,  
3932                   b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
3933                   districts, or  
3934                   c. 10 feet from any other rear lot line.  
3935                   4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
- 3936                   (6) Building height.  
3937                   (a) Residential buildings.  
3938                   1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
3939                   feet.  
3940                   2. Residential accessory buildings shall not exceed a height of 35 feet.  
3941                   (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 3942                   (7) Lot coverage.  
3943                   There is no limitation on lot coverage in the AT-B district.
- 3944                   (8) Other restrictions on buildings.  
3945                   (a) Accessory buildings.  
3946                   1. There is no limitation on the number of accessory buildings in the AT-B district.  
3947                   2. Accessory buildings may be constructed on property without a principal residence only if  
3948                   it is clearly related to a legitimate agricultural or agricultural accessory use.  
3949                   3. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory  
3950                   buildings may not be used as living space.  
3951

10.233(1) RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District

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

(1) Purpose.

The Rural Mixed-Use 8-acre (RM-8) district is designed to:

- (a) Provide for a mix of agriculture, residential, utility, limited business and accessory uses consistent with and appropriate to a rural setting, on moderately sized parcels. The RM-8 district accommodates uses which are compatible with onsite and neighboring production agriculture, are typically found in a rural location and do not require urban services.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by either a farm operation or a single-family residence.

(2) Permitted uses.

- (a) Agricultural uses. Livestock use must comply with Chapter NR 151, Subchapter II, Wisconsin Administrative Code.
- (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3) below, and subject to the following limitations and standards.
  - 1. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
  - 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than five days in a calendar year.
  - 3. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
- (c) Undeveloped natural resources and open space areas
- (d) Single family residential
- (e) Residential accessory buildings
- (f) Incidental room rental
- (g) Foster homes for less than five children
- (h) Community living arrangements for fewer than 9 persons.
- (i) Home occupations
- (j) Utility services associated with, and accessory to, a permitted or conditional use
- (k) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) Conditional uses.

- (a) Agricultural entertainment activities or special events occurring 10 days or more per calendar year, in aggregate.
- (b) Attached accessory dwelling units

10.233(4) RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District

- 3991 (c) Community living arrangements for 9 or more persons.  
3992 (d) Domestic pet animal boarding.  
3993 (e) *Electric generating facilities, provided 100% of the production output of the facility is*  
3994 *derived from renewable energy resources.*  
3995 (f) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of  
3996 farm machinery and technology, agricultural association meetings and similar activities,  
3997 occurring on more than five days in a calendar year.  
3998 (g) Governmental, institutional, religious, or nonprofit community uses  
3999 (h) Large animal boarding  
4000 (i) Limited family business  
4001 (j) Migrant farm labor camps certified under s. 103.92, Wis. Stats.  
4002 (k) *Recreational racetracks.*  
4003 (l) Sanitary facilities in agricultural accessory buildings.  
4004 (m) Tourist or transient lodging  
4005 (n) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
4006 not listed as a permitted use above.  
4007 (o) Veterinary clinics.
- 4008 (4) *Lot size requirements.*  
4009 (a) Minimum lot size. All lots created in the RM-8 zoning district must be at least 8 acres in  
4010 area, excluding public rights-of-way.  
4011 (b) *Maximum lot size. All lots created in the RM-8 zoning district must be smaller than 16 acres*  
4012 *in area, excluding public rights-of-way.*  
4013 (c) Minimum lot width. All lots created in the RM-8 zoning district must have a minimum lot  
4014 width of 100 feet.
- 4015 (5) Setbacks and required yards.  
4016 (a) Front yard. Any permitted structure must comply with road setbacks as described in s.  
4017 10.102(9).  
4018 (b) Side yards. Any permitted structures must be set back from side property lines as follows:  
4019 1. Principal residential buildings must be at least 10 feet from any side lot line and a total of  
4020 at least 25 feet from both side lot lines.  
4021 2. Structures housing livestock must be at least:  
4022 a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
4023 zoning districts,  
4024 b. 50 feet from the side lot line of any parcel in the any of the Rural Residential zoning  
4025 districts, or  
4026 c. 10 feet from any other side lot line.  
4027 3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.  
4028 (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:  
4029 1. Principal residential buildings must be at least 50 feet from the rear lot line.

*10.233(6) RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District*

- 4030           2. Uncovered decks or porches attached to a principal residence must be at least 38 feet  
4031           from the rear lot line.  
4032           3. Structures housing livestock must be at least:  
4033               a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
4034               zoning districts,  
4035               b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
4036               districts, or  
4037               c. 10 feet from any other rear lot line.  
4038           4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.

4039           (6) Building height.

4040               (a) Residential buildings.

- 4041               1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
4042               feet.  
4043               2. Residential accessory buildings shall not exceed a height of 35 feet.

4044               (b) Agricultural buildings. There is no limitation on height for agricultural buildings.

4045           (7) Lot coverage.

4046           The total area of all buildings and structures must not exceed 10% of the total lot area,  
4047           excluding public rights-of-way.

4048           (8) Other restrictions on buildings.

4049               (a) Principal buildings. No more than one principal building is permitted per lot.

4050               (b) Accessory buildings.

- 4051               1. There is no limitation on the number of accessory buildings in the RM-8 district.  
4052               2. *Except for agricultural accessory buildings or for property maintenance sheds specifically*  
4053               *approved by conditional use permit , accessory buildings may not be constructed on a*  
4054               *property without a principal residence.*  
4055               3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically  
4056               authorized by an approved conditional use permit. Accessory buildings may not be used  
4057               as living space.

4058



10.234(1) RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District

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

**(1) Purpose.**

*The Rural Mixed-Use 16-acre (RM-16) district is designed to:*

- (a)** *Provide for a mix of agriculture, residential, utility, extractive, limited business and accessory uses consistent with and appropriate to a rural setting, on medium-to-large parcels.*
- (b)** *The RM-16 district accommodates uses which may require larger setbacks, buffers, berms or other siting standards to minimize conflicts with neighboring production agriculture or residential use, are typically found in a rural location and do not require urban services.*
- (c)** *Such uses may generate moderate truck traffic, noise, dust or odors.*

**(2) Permitted uses**

- (a)** Agricultural uses. Livestock use must comply with Chapter NR 151, Subchapter II, Wisconsin Administrative Code.
- (b)** Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3) below, and subject to the following limitations and standards.
  - 1. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
  - 2. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than five days in a calendar year.
  - 3. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
- (c)** Undeveloped natural resources and open space areas
- (d)** Single family residential
- (e)** Residential accessory buildings
- (f)** *Incidental room rental*
- (g)** Foster homes for less than five children
- (h)** Community living arrangements for fewer than 9 persons.
- (i)** Home occupations
- (j)** Utility services associated with, and accessory to, a permitted or conditional use
- (k)** A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.



*10.234(3) RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District*

- 4095 **(3) Conditional uses**
- 4096 **(a)** Agricultural entertainment activities or special events exceeding 10 days per calendar year,
- 4097 in aggregate.
- 4098 **(b)** Airports, landing strips or heliports for private aircraft owned by the landowner.
- 4099 **(c) Attached accessory dwelling units**
- 4100 **(d)** Community living arrangements for 9 or more persons
- 4101 **(e)** Domestic pet animal boarding
- 4102 **(f) Electric generating facilities, provided 100% of the production output of the facility is**
- 4103 **derived from renewable energy resources.**
- 4104 **(g)** Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of
- 4105 farm machinery and technology, agricultural association meetings and similar activities,
- 4106 occurring on more than five days in a calendar year.
- 4107 **(h)** Governmental, institutional, religious, or nonprofit community uses
- 4108 **(i)** Large animal boarding
- 4109 **(j) Limited family business**
- 4110 **(k)** Migrant farm labor camps certified under s. 103.92, Wis. Stats.
- 4111 **(l)** Mineral extraction.
- 4112 **(m) Recreational racetracks.**
- 4113 **(n)** Sanitary facilities in agricultural accessory buildings
- 4114 **(o)** Temporary asphalt or concrete production.
- 4115 **(p)** Tourist and transient lodging
- 4116 **(q)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
- 4117 not listed as a permitted use above.
- 4118 **(r)** Veterinary clinics.
- 4119 **(4) Lot size requirements.**
- 4120 **(a)** Minimum lot size. All lots created in the RM-16 zoning district must be at least 16 acres in
- 4121 area, excluding public rights-of-way.
- 4122 **(b)** Minimum lot width. All lots created in the RM-16 zoning district must have a minimum lot
- 4123 width of 100 feet.
- 4124 **(5) Setbacks and required yards.**
- 4125 **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.
- 4126 10.102(9).
- 4127 **(b)** Side yards. Any permitted structures must be set back from side property lines as follows:
- 4128 1. Principal residential buildings must be at least 10 feet from any side lot line and a total of
- 4129 at least 25 feet from both side lot lines.
- 4130 2. Structures housing livestock must be at least:
- 4131 a. 100 feet from the side lot line of any parcel in any of the Residential zoning or
- 4132 Hamlet zoning districts,
- 4133 b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning
- 4134 districts, or

*10.234(6) RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District*

- 4135                   c. At least 10 feet from any other side lot line.
- 4136           3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 4137   (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
- 4138           1. Principal residential buildings must be at least 50 feet from the rear lot line.
- 4139           2. Uncovered decks or porches attached to a principal residence must be at least 38 feet
- 4140           from the rear lot line.
- 4141           3. Structures housing livestock must be at least:
- 4142               a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet
- 4143               zoning districts,
- 4144               b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning
- 4145               districts, or
- 4146               c. 10 feet from any other rear lot line.
- 4147           4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
- 4148   (6) Building height.
- 4149           (a) Residential buildings.
- 4150               1. Principal residential buildings shall not exceed a height of two and a half stories or 35
- 4151               feet.
- 4152               2. Residential accessory buildings shall not exceed a height of 35 feet.
- 4153           (b) *Agricultural buildings*. There is no limitation on height for agricultural buildings.
- 4154   (7) Lot coverage.
- 4155           The total area of all buildings and structures must not exceed 10% of the total lot area,
- 4156           excluding public rights-of-way.
- 4157   (8) Other restrictions on buildings.
- 4158           (a) Principal buildings. No more than one principal building is permitted per lot.
- 4159           (b) Accessory buildings.
- 4160               1. There is no limitation on the number of accessory buildings in the RM-16 district.
- 4161               2. *Except for agricultural accessory buildings, or for property maintenance sheds specifically*
- 4162               *approved by conditional use permit, accessory buildings may not be constructed on*
- 4163               *property without a principal residence.*
- 4164               3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically
- 4165               authorized by an approved conditional use permit. Accessory buildings may not be used
- 4166               as living space.
- 4167

*10.235(1) AT-5 (Agriculture Transition – 5 Acres) Zoning District*

**10.235. AT-5 (Agriculture Transition – 5 Acres) Zoning District**

**(1) Applicability**

The AT-5 (Agriculture Transition – 5 Acres) Zoning District shall apply and be limited only to lands previously zoned in the A-1 Agriculture District (s.10.12) under the previous Dane County Zoning Ordinance.

**(2) Purpose.**

- (a)** The purpose of the AT-5 (Agriculture Transition – 5 Acres) district is to accommodate a mix of agricultural, open space, and residential uses in areas planned for future development, areas currently in agricultural or open space uses, or areas appropriate for long term preservation due to the presence of sensitive or unique environmental features.
- (b)** This district applies only to lands in towns that historically did not adopt the county's farmland preservation zoning districts. These areas have a unique land use history and pattern of development over time, traditional reliance on intergovernmental planning agreements, and continuing growth pressures.
- (c)** This district serves as a transitional zoning designation to accommodate the platting and development of lands as they convert from agriculture and open space uses to residential uses.
- (d)** Town boards with AT-5 zoning and Dane County will periodically review the status of lands that have been platted and developed to consider other appropriate zoning classifications based on the resulting land use and size of the property.

**(3) Permitted uses**

- (a)** Single family residential on lots of at least 25,000 square feet.
- (b)** Residential accessory buildings.
- (c)** Home occupations.
- (d)** Foster care for less than 5 children.
- (e)** Community living arrangements for less than 9 people.
- (f)** Incidental room rental.
- (g)** Agricultural uses on parcels of at least 5 acres in area. Livestock use must comply with Chapter NR 151, Subchapter II, Wisconsin Administrative Code.
- (h)** Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (4) below, and subject to the following limitations and standards. The minimum lot size shall be 5 acres.
  - 1.** Agricultural accessory buildings. One agricultural accessory building may be constructed on a property without a principal residence.
  - 2.** Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.
  - 3.** Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities under 10 days per calendar year in the aggregate.

*10.235(4) AT-5 (Agriculture Transition – 5 Acres) Zoning District*

- 4207                    4. The seasonal storage of recreational equipment and motor vehicles owned by private  
4208                    individuals other than those residing on the premises, such storage to be in accessory  
4209                    farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the  
4210                    construction of any new buildings for storage is prohibited.
- 4211                    5. Sales of agricultural products produced on the premises.
- 4212                    (i) Undeveloped natural resource and open space areas.
- 4213                    (j) Utility services associated with, and accessory to, a permitted or conditional use.
- 4214                    (k) A transportation, utility, communication, or other use that is:
- 4215                    1. required under state or federal law to be located in a specific place, or;
- 4216                    2. is authorized to be located in a specific place under a state or federal law that specifically  
4217                    preempts the requirement of a conditional use permit.
- 4218                    (4) Conditional uses.
- 4219                    (a) Attached accessory dwelling units.
- 4220                    (b) Cemeteries.
- 4221                    (c) Day care centers.
- 4222                    (d) Domestic pet animal boarding. A minimum lot size of 5 acres is required for this conditional  
4223                    use.
- 4224                    (e) Limited Family Business. A minimum lot size of 1 acre is required for this conditional use.
- 4225                    (f) Transient or tourist lodging.
- 4226                    (g) Agricultural Accessory Uses. In addition to other requirements of this ordinance, the  
4227                    following uses must meet the definition of an agricultural accessory use under s.  
4228                    10.004(12), and must be on parcels of at least 5 acres in area.
- 4229                    1. Agricultural entertainment activities or special events occurring 10 days or more per  
4230                    calendar year, in aggregate.
- 4231                    2. Airports, landing strips or heliports for private aircraft owned by the owner or operator  
4232                    of a farm.
- 4233                    3. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of  
4234                    farm machinery and technology, agricultural association meetings and similar activities,  
4235                    occurring 10 days or more per calendar year, in aggregate.
- 4236                    4. Limited farm business.
- 4237                    5. Large animal boarding.
- 4238                    6. Sale of agricultural and dairy products not produced on the premises and incidental sale  
4239                    of non-alcoholic beverages and snacks.
- 4240                    7. Sanitary facilities in agricultural accessory buildings.
- 4241                    (h) Communication towers.
- 4242                    (i) Governmental, institutional, religious, or nonprofit community uses.
- 4243                    (j) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
4244                    not listed as a permitted use above.
- 4245                    (k) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s.  
4246                    10.103(15) and Chapter 74. A minimum lot size of 16 acres is required for this conditional  
4247                    use.

*10.235(5) AT-5 (Agriculture Transition – 5 Acres) Zoning District*

- 4248           **(l)** Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for  
4249           production of material to be used in construction or maintenance of public roads, to be  
4250           limited in time to project duration. A minimum lot size of 16 acres is required for this  
4251           conditional use.
- 4252           **(m)** Electric generating facilities, provided 100% of the production output of the facility is  
4253           derived from renewable energy resources. A minimum lot size of 1 acre is required for this  
4254           conditional use.
- 4255           **(n)** Native wildlife rehabilitation facilities.
- 4256       **(5)** Lot size requirements.
- 4257           Minimum lot size requirements differ based on the land use as specified below and elsewhere  
4258           in this section. Note: the maximum density of development is controlled by county and local  
4259           town ordinances. The maximum density of development shall not exceed the more restrictive  
4260           ordinance.
- 4261           **(a)** Minimum lot size – residential or open space uses. The minimum lot size shall be at least  
4262           25,000 square feet in area, excluding public rights-of-way.
- 4263           **(b)** Minimum lot size – renewable energy electric generating facilities, limited family  
4264           businesses. The minimum lot size shall be at least 1 acre, excluding public rights-of-way.
- 4265           **(c)** Minimum lot size – agricultural and agricultural accessory uses, seasonal storage of  
4266           recreational equipment, domestic pet animal boarding, and sanitary facilities in agricultural  
4267           accessory buildings. The minimum lot size shall be at least 5 acres, excluding public rights-  
4268           of-way.
- 4269           **(d)** Minimum lot size – Non-metallic mineral extraction operations, asphalt plants or ready-  
4270           mix concrete plants, and large animal boarding. The minimum lot size shall be at least 16  
4271           acres, excluding public rights-of-way.
- 4272           **(e)** Maximum lot size. None.
- 4273           **(f)** Minimum lot width – Agricultural uses: 250 feet width at location of agricultural accessory  
4274           building.
- 4275           **(g)** Minimum lot width – Residential uses: 90 feet at building setback line.
- 4276       **(6)** Setbacks.
- 4277           **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.  
4278           10.102(9).
- 4279           **(b)** Side yards.
- 4280               1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10  
4281               feet from any one side lot line with a total of at least 25 feet from both side lot lines.
- 4282               2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4283               must be at least:
- 4284                   a. 4 feet from any side lot line on lots 90 feet or more in width, or
- 4285                   b. 2.5 feet from any side lot line on lots less than 90 feet in width
- 4286               3. Structures housing livestock must be at least:

*10.235(7) AT-5 (Agriculture Transition – 5 Acres) Zoning District*

- 4287                   a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet  
4288                   zoning districts  
4289                   b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning  
4290                   districts, or  
4291                   c. At least 10 feet from any other side lot line.  
4292       (c) Rear yard. Any permitted structures must be set back from rear property lines as follows:  
4293           1. Principal residential buildings must be at least 50 feet from the rear lot line.  
4294           2. Uncovered decks or porches attached to a principal residence must be at least 38 feet  
4295           from the rear lot line.  
4296           3. Except as detailed in 4 and 5 below, accessory buildings must be at least 10 feet from the  
4297           rear lot line.  
4298           4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4299           must be at least:  
4300               a. 4 feet from any rear lot line on lots 90 feet or more in width, or  
4301               b. 2.5 feet from any rear lot line on lots less than 90 feet in width.  
4302           5. Structures housing livestock must be at least:  
4303               a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet  
4304               zoning districts  
4305               b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning  
4306               district, or  
4307               c. 10 feet from any other rear lot line.
- 4308       (7) Building height.  
4309           (a) Residential buildings.  
4310               1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
4311               feet.  
4312               2. Residential accessory buildings shall not exceed a height of 16 feet.  
4313           (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4314       (8) Lot coverage.  
4315           (a) On parcels less than 2 acres in size, no building together with its accessory buildings shall  
4316           occupy in excess of thirty percent (30%) of the area of an interior lot or thirty-five percent  
4317           (35%) of the area of a corner lot.  
4318           (b) On parcels over 2 acres in size, no building together with its accessory buildings shall  
4319           occupy in excess of ten percent (10%) of the area of a lot.
- 4320       (9) Other restrictions on buildings.  
4321           (a) Principal buildings. There shall be no more than one principal building permitted per lot.  
4322           (b) Accessory buildings.  
4323               1. There is no limitation on the number of agricultural accessory buildings in the AT-5  
4324               district.

*10.235(9) AT-5 (Agriculture Transition – 5 Acres) Zoning District*

- 4325                    **2.** One agricultural accessory building may be constructed on property without a principal  
4326                    residence only if it is clearly related to a legitimate agricultural or agricultural accessory  
4327                    use.  
4328                    **3.** Except as specifically approved by conditional use permit, accessory buildings cannot  
4329                    have sanitary facilities. Accessory buildings cannot be used for human habitation.  
4330



10.240(1) Rural Residential Zoning Districts

4331 10.240. Rural Residential Zoning Districts

4332 10.241. RR-1 (Rural Residential, 1 to 2 acres) Zoning District

4333 (1) Purpose.

4334 The Rural Residential 1 district is designed to:

- 4335 (a) Provide for single-family residential principal uses and a variety of accessory or ancillary  
4336 uses, including small-scale farming, appropriate to a rural setting, on relatively small  
4337 parcels. The RR-1 district accommodates uses which are compatible with both residential  
4338 and farming practices, are typically found in a rural location and do not require urban  
4339 services.
- 4340 (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a  
4341 single-family residence.

4342 (2) Permitted uses

- 4343 (a) Undeveloped natural resource and open space areas.
- 4344 (b) Small-scale farming.
- 4345 (c) Single family residential
- 4346 (d) Residential accessory buildings
- 4347 (e) Home occupations
- 4348 (f) Incidental room rental
- 4349 (g) Foster homes for less than five children
- 4350 (h) Community living arrangements for fewer than 9 persons.
- 4351 (i) Utility services associated with, and accessory to, a permitted or conditional use
- 4352 (j) A transportation, utility, communication, or other use that is:
- 4353 1. required under state or federal law to be located in a specific place, or;
- 4354 2. is authorized to be located in a specific place under a state or federal law that specifically
- 4355 preempts the requirement of a conditional use permit.

4356 (3) Conditional uses.

- 4357 (a) Attached accessory dwelling units
- 4358 (b) Limited family business
- 4359 (c) Day care centers
- 4360 (d) Community living arrangements for nine (9) or more persons.
- 4361 (e) Governmental, institutional, religious, or nonprofit community uses
- 4362 (f) Transient or Tourist Lodging
- 4363 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
- 4364 not listed as a permitted use above.

4365 (4) Lot size requirements.

- 4366 (a) Minimum lot size. All lots created in the RR-1 zoning district must be at least 1 acre in area,
- 4367 excluding public rights-of-way.



*10.241(5) RR-1 (Rural Residential, 1 to 2 acres) Zoning District*

- 4368       **(b)** *Maximum lot size. All lots created in the RR-1 zoning district must be smaller than 2 acres in*  
4369       *area, excluding public rights-of-way.*
- 4370       **(c)** Minimum lot width. All lots created in the RR-1 zoning district must have a minimum lot  
4371       width of 100 feet.
- 4372       (5) Setbacks and required yards.
- 4373       **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.  
4374       10.102(9).
- 4375       **(b)** Side yard.
- 4376       1. Permitted residences must be at least a total of 25 feet from both side lot lines, and not  
4377       less than 10 feet from any one side lot line.
- 4378       2. Accessory buildings housing livestock must be at least:
- 4379       a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential  
4380       or Hamlet zoning districts, or
- 4381       b. 10 feet from any other side lot line.
- 4382       3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 4383       **(c)** Rear yard.
- 4384       1. Permitted residences must be at least 50 feet from the rear lot line.
- 4385       2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet  
4386       from the rear lot line.
- 4387       3. Accessory buildings housing livestock, must be at least:
- 4388       a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential  
4389       or Hamlet zoning districts, or
- 4390       b. 10 feet from any other rear lot line.
- 4391       4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
- 4392       (6) *Building height.*
- 4393       **(a)** *Residential buildings.*
- 4394       1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
4395       feet.
- 4396       2. *Residential accessory buildings shall not exceed a height of 16 feet.*
- 4397       **(b)** *Agricultural buildings.* There is no limitation on height for agricultural buildings.
- 4398       (7) Lot coverage.
- 4399       The total area of all buildings and structures must not exceed 10% of the total lot area,  
4400       excluding public rights-of-way.
- 4401

10.242(1) RR-2 (Rural Residential, 2 to 4 acres) Zoning District

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

(1) Purpose.

The Rural Residential 2 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on compact parcels. The RR-2 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Small-scale farming.
- (c) Single family residential
- (d) Residential accessory buildings
- (e) Home occupations
- (f) Foster homes for less than five children.
- (g) Community living arrangements for fewer than 9 persons.
- (h) Incidental room rental
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) Conditional uses.

- (a) Attached accessory dwelling units
- (b) Animal use exceeding one animal unit per acre
- (c) Limited family business
- (d) Day Care Centers
- (e) Community living arrangements for nine (9) or more persons.
- (f) Governmental, institutional, religious, or nonprofit community uses
- (g) Transient or Tourist Lodging
- (h) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

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

*10.242(5) RR-2 (Rural Residential, 2 to 4 acres) Zoning District*

- 4440           **(c)** Minimum lot width. All lots created in the RR-2 zoning district must have a minimum lot  
4441           width of 100 feet.
- 4442           (5) Setbacks and required yards.
- 4443               **(a)** Front yard. Any permitted structure must comply with road setbacks as described in s.  
4444               10.102(9).
- 4445               **(b)** Side yard.
- 4446                   1. Permitted residences must be at least a total of 25 feet from both side lot lines, and not  
4447                   less than 10 feet from any one side lot line.
- 4448                   2. Accessory buildings housing livestock must be at least:
- 4449                       a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential  
4450                       or Hamlet zoning districts, or
- 4451                       b. 10 feet from any other side lot line.
- 4452                   3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 4453               **(c)** Rear yard.
- 4454                   1. Permitted residences must be at least 50 feet from the rear lot line.
- 4455                   2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet  
4456                   from the rear lot line.
- 4457                   3. Accessory buildings housing livestock, must be at least:
- 4458                       a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential  
4459                       or Hamlet zoning districts, or
- 4460                       b. 10 feet from any other rear lot line.
- 4461                   4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
- 4462           (6) **Building height.**
- 4463               **(a)** Residential buildings.
- 4464                   1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
4465                   feet.
- 4466                   2. **Residential accessory buildings shall not exceed a height of 35 feet.**
- 4467               **(b)** Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4468           (7) Lot coverage.
- 4469               The total area of all buildings and structures must not exceed 10% of the total lot area,  
4470               excluding public rights-of-way.
- 4471

10.243(1) RR-4 (Rural Residential, 4 to 8 acres) Zoning District

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

(1) Purpose.

The Rural Residential 4 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on moderately-sized parcels. The RR-4 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Small-scale farming.
- (c) Single family residential
- (d) Residential accessory buildings
- (e) Home occupations
- (f) Foster homes for less than five children
- (g) Community living arrangements for fewer than 9 persons.
- (h) Incidental room rental
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) Conditional uses.

- (a) Attached accessory dwelling units
- (b) Animal use exceeding one animal unit per acre
- (c) Limited family business
- (d) Day Care Centers
- (e) Community living arrangements for nine (9) or more persons.
- (f) Governmental, institutional, religious, or nonprofit community uses
- (g) Transient or Tourist Lodging
- (h) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

- (a) Minimum lot size. All lots created in the RR-4 zoning district must be at least 4 acres in area, excluding public rights-of-way.
- (b) Maximum lot size. All lots created in the RR-4 zoning district must be smaller than 8 acres in

*10.243(5) RR-4 (Rural Residential, 4 to 8 acres) Zoning District*

- 4510 **area, excluding public rights-of-way.**
- 4511 (c) Minimum lot width. All lots created in the RR-4 zoning district must have a minimum lot
- 4512 width of 100 feet.
- 4513 (5) Setbacks and required yards.
- 4514 (a) Front yard. Any permitted structure must comply with road setbacks as described in s.
- 4515 10.102(9).
- 4516 (b) Side yard.
- 4517 1. Permitted residences must be at least a total of 25 feet from both side lot lines, and not
- 4518 less than 10 feet from any one side lot line.
- 4519 2. Accessory buildings housing livestock must be at least:
- 4520 a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential
- 4521 or Hamlet zoning districts, or
- 4522 b. 10 feet from any other side lot line.
- 4523 3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 4524 (c) Rear yard.
- 4525 1. Permitted residences must be at least 50 feet from the rear lot line.
- 4526 2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet
- 4527 from the rear lot line.
- 4528 3. Accessory buildings housing livestock, must be at least:
- 4529 a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential
- 4530 or Hamlet zoning districts, or
- 4531 b. 10 feet from any other rear lot line.
- 4532 4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
- 4533 (6) **Building height.**
- 4534 (a) Residential buildings.
- 4535 1. Principal residential buildings shall not exceed a height of two and a half stories or 35
- 4536 feet.
- 4537 **2. Residential accessory buildings shall not exceed a height of 35 feet.**
- 4538 (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4539 (7) Lot coverage.
- 4540 The total area of all buildings and structures must not exceed 10% of the total lot area,
- 4541 excluding public rights-of-way.
- 4542

10.244(1) RR-8 (Rural Residential, 8 to 16 acres) Zoning District

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

(1) Purpose.

The Rural Residential 8 district is designed to:

- (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on relatively large residential parcels. The RR-8 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Small-scale farming.
- (c) Single family residential
- (d) Residential accessory buildings
- (e) Home occupations
- (f) Foster homes for less than five children
- (g) Community living arrangements for fewer than 9 persons.
- (h) Incidental room rental
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) Conditional uses.

- (a) Attached accessory dwelling units
- (b) Animal use exceeding one animal unit per acre
- (c) Limited family business
- (d) Day Care Centers
- (e) Community living arrangements for nine (9) or more persons.
- (f) Governmental, institutional, religious, or nonprofit community uses
- (g) Property maintenance sheds.
- (h) Transient or Tourist Lodging
- (i) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot size requirements.

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

*10.244(5) RR-8 (Rural Residential, 8 to 16 acres) Zoning District*

- 4581 **(b) Maximum lot size. All lots created in the RR-8 zoning district must be smaller than 16 acres**  
4582 **in area, excluding public rights-of-way.**
- 4583 (c) Minimum lot width. All lots created in the RR-8 zoning district must have a minimum lot  
4584 width of 100 feet.
- 4585 (5) Setbacks and required yards.
- 4586 (a) Front yard. Any permitted structure must comply with road setbacks as described in s.  
4587 10.102(9).
- 4588 (b) Side yard.
- 4589 1. Permitted residences must be at least a total of 25 feet from both side lot lines, and not  
4590 less than 10 feet from any one side lot line.
- 4591 2. Accessory buildings housing livestock must be at least:
- 4592 a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential  
4593 or Hamlet zoning districts, or
- 4594 b. 10 feet from any other side lot line.
- 4595 3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
- 4596 (c) Rear yard.
- 4597 1. Permitted residences must be at least 50 feet from the rear lot line.
- 4598 2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet  
4599 from the rear lot line.
- 4600 3. Accessory buildings housing livestock, must be at least:
- 4601 a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential  
4602 or Hamlet zoning districts, or
- 4603 b. 10 feet from any other rear lot line.
- 4604 4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
- 4605 (6) **Building height.**
- 4606 (a) Residential buildings.
- 4607 1. Principal residential buildings shall not exceed a height of two and a half stories or 35  
4608 feet.
- 4609 **2. Residential accessory buildings shall not exceed a height of 35 feet.**
- 4610 (b) Agricultural buildings. There is no limitation on height for agricultural buildings.
- 4611 (7) Lot coverage.
- 4612 The total area of all buildings and structures must not exceed 10% of the total lot area,  
4613 excluding public rights-of-way.
- 4614



10.250(1) Residential Zoning Districts

4615 10.250. Residential Zoning Districts

4616 10.251. SFR-08 (Single-Family Residential, small lots) Zoning District

4617 (1) Purpose.

4618 The Single Family Residential 08 district is designed to:

- 4619 (a) Provide for single-family residential principal uses, compatible home occupations, and  
4620 residential accessory buildings, appropriate to a compact neighborhood setting, on  
4621 relatively small parcels. The SFR-08 district accommodates uses which are compatible with  
4622 residential uses, are typically found in a suburban or residential neighborhood and may or  
4623 may not be on public sewer.  
4624 (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a  
4625 single-family residence.

4626 (2) Permitted uses

- 4627 (a) Undeveloped natural resource and open space areas.  
4628 (b) Agricultural uses, except as listed below, lawfully existing as of December 31, 2015.  
4629 1. Exceptions. Livestock uses lawfully existing as of December 31, 2015, shall be considered  
4630 a nonconforming use under s. 10.102(7)(b).  
4631 (c) Single family residential  
4632 (d) Residential accessory buildings up to 12 feet in height  
4633 (e) Domestic fowl and **beekeeping**  
4634 (f) Foster homes for less than five children  
4635 (g) Community living arrangements for fewer than 9 persons.  
4636 (h) Home occupations  
4637 (i) **Incidental room rental**  
4638 (j) Undeveloped natural resource and open space use.  
4639 (k) Utility services associated with, and accessory to, a permitted or conditional use  
4640 (l) A transportation, utility, communication, or other use that is:  
4641 1. required under state or federal law to be located in a specific place, or;  
4642 2. is authorized to be located in a specific place under a state or federal law that specifically  
4643 preempts the requirement of a conditional use permit.

4644 (3) Conditional uses.

- 4645 (a) Accessory buildings between 12 and 16 feet in height.  
4646 (b) Attached accessory dwelling units  
4647 (c) Community living arrangements for nine (9) or more persons.  
4648 (d) Day Care Centers  
4649 (e) Governmental, institutional, religious, or nonprofit community uses  
4650 (f) **Transient or tourist lodging**  
4651 (g) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
4652 not listed as a permitted use above.



*10.251(4) SFR-08 (Single-Family Residential, small lots) Zoning District*

- 4653 (4) Lot dimensions.
- 4654 (a) Lots on public sewer.
- 4655 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public
- 4656 rights-of-way.
- 4657 2. Minimum lot width. All lots must be at least 60 feet wide.
- 4658 (b) Lots not on public sewer.
- 4659 1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public
- 4660 rights-of-way.
- 4661 2. Minimum lot width. All lots must be at least 100 feet wide.
- 4662 (5) Setbacks and required yards.
- 4663 (a) Front yard. Any permitted structure must comply with road setbacks as described in s.
- 4664 10.102(9).
- 4665 (b) Side yard.
- 4666 1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10
- 4667 feet from any one side lot line.
- 4668 2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence
- 4669 must be at least:
- 4670 a. 4 feet from any side lot line on lots 60 feet or more in width, or
- 4671 b. 2.5 feet from any side lot line on lots less than 60 feet in width
- 4672 (c) Rear yard.
- 4673 1. Permitted residences must be at least 50 feet from the rear lot line.
- 4674 2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet
- 4675 from the rear lot line.
- 4676 3. Except as exempted in 4 below, accessory buildings must be at least 10 feet from the rear
- 4677 lot line.
- 4678 4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence
- 4679 must be at least:
- 4680 a. 4 feet from any rear lot line on lots 60 feet or more in width, or
- 4681 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4682 (6) **Building height.**
- 4683 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
- 4684 in height.
- 4685 (b) Accessory buildings. **Unless under an approved conditional use permit under s.**
- 4686 **10.251(3)(a),** residential accessory buildings shall not exceed 12 feet in height.
- 4687 (7) Lot coverage and building area.
- 4688 (a) The total area of all buildings and structures must not exceed:
- 4689 1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 4690 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 4691 (b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal

*10.251(7) SFR-08 (Single-Family Residential, small lots) Zoning District*

4692 residence.

4693

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

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

**(1) Purpose.**

*The Single Family Residential 1 district is designed to:*

- (a)** *Provide for single-family residential principal uses, compatible home occupations, and residential accessory buildings, appropriate to a suburban or rural subdivision setting, on lot sizes of one to two acres. The SFR-1 district accommodates uses which are compatible with residential uses, are typically found in a suburban neighborhood.*
- (b)** *Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.*

**(2) Permitted uses.**

- (a)** Undeveloped natural resource and open space areas.
- (b)** *Agricultural uses, except as listed below, lawfully existing as of December 31, 2015*
  - 1.** *Exceptions. Livestock uses lawfully existing as of December 31, 2015, shall be considered a nonconforming use under s. 10.102(7)(b).*
- (c)** Single family residential
- (d)** Residential accessory buildings
- (e)** Domestic fowl and *beekeeping*
- (f)** Home occupations
- (g)** Foster homes for less than five children
- (h)** Community living arrangements for fewer than 9 persons.
- (i)** *Incidental room rental*
- (j)** Utility services associated with, and accessory to, a permitted or conditional use
- (k)** A transportation, utility, communication, or other use that is:
  - 1.** required under state or federal law to be located in a specific place, or;
  - 2.** is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(3) Conditional uses.**

- (a)** *Attached accessory dwelling units*
- (b)** Day Care Centers
- (c)** Community living arrangements for nine (9) or more persons.
- (d)** Governmental, institutional, religious, or nonprofit community uses
- (e)** *Transient or Tourist Lodging*
- (f)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

**(4) Lot dimensions.**

- (a)** Minimum lot size. All lots must be at least one acre in area, excluding public rights-of-way.
- (b)** Minimum lot width. All lots must be at least 100 feet wide.

*10.252(5) SFR-1 (Single-Family Residential, 1 to 2 acres) Zoning District*

- 4731 (5) Setbacks and required yards.
- 4732 (a) Front yard. Any permitted structure must comply with road setbacks as described in s.
- 4733 10.102(9).
- 4734 (b) Side yard.
- 4735 1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10
- 4736 feet from any one side lot line.
- 4737 2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence
- 4738 must be at least:
- 4739 a. 4 feet from any side lot line on lots 60 feet or more in width, or
- 4740 b. 2.5 feet from any side lot line on lots less than 60 feet in width
- 4741 (c) Rear yard.
- 4742 1. Permitted residences must be at least 50 feet from the rear lot line.
- 4743 2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet
- 4744 from the rear lot line.
- 4745 3. Except as exempted in 4 below, accessory buildings must be at least 10 feet from the rear
- 4746 lot line.
- 4747 4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence
- 4748 must be at least:
- 4749 a. 4 feet from any rear lot line on lots 60 feet or more in width, or
- 4750 b. 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4751 (6) **Building height.**
- 4752 (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet
- 4753 in height.
- 4754 (b) **Accessory buildings. Accessory buildings shall not exceed 16 feet in height.**
- 4755 (7) Lot coverage and building area.
- 4756 (a) The total area of all buildings and structures must not exceed:
- 4757 1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 4758 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 4759 (b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal
- 4760 building.
- 4761

10.253(1) SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District

10.253. SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District

(1) Purpose.

The Single Family Residential 2 district is designed to:

- (a) Provide for single-family residential principal uses, compatible home occupations, and residential accessory buildings, appropriate to a suburban or rural subdivision setting, on lot sizes of two to four acres. The SFR-2 district accommodates uses which are compatible with residential uses, are typically found in a suburban neighborhood.
- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

(2) Permitted uses.

- (a) Undeveloped natural resource and open space areas.
- (b) Agricultural uses, except as listed below, lawfully existing as of December 31, 2015.
  - 1. Exceptions. Livestock uses lawfully existing as of December 31, 2015, shall be considered a nonconforming use under s. 10.102(7)(b).
- (c) Single family residential
- (d) Residential accessory buildings
- (e) Domestic fowl and beekeeping
- (f) Home occupations
- (g) Foster homes for less than five children
- (h) Community living arrangements for fewer than 9 persons.
- (i) Incidental room rental
- (j) Utility services associated with, and accessory to, a permitted or conditional use
- (k) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) Conditional uses.

- (a) Attached accessory dwelling units
- (b) Day Care Centers
- (c) Community living arrangements for nine (9) or more persons.
- (d) Governmental, institutional, religious, or nonprofit community uses
- (e) Transient or Tourist Lodging
- (f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) Lot dimensions.

- (a) Minimum lot size. All lots must be at least two acres in area, excluding public rights-of-way.
- (b) Minimum lot width. All lots must be at least 100 feet wide.

*10.253(5) SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District*

(5) *Setbacks and required yards.*

(a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).

(b) Side yard.

1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10 feet from any one side lot line.

2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any side lot line on lots 60 feet or more in width, or

b. 2.5 feet from any side lot line on lots less than 60 feet in width

(c) Rear yard.

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

2. Uncovered decks and porches attached to a permitted residence must be at least 38 feet from the rear lot line.

3. Except as exempted in 4 below, accessory buildings must be at least 10 feet from the rear lot line.

4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any rear lot line on lots 60 feet or more in width, or

b. 2.5 feet from any rear lot line on lots less than 60 feet in width.

(6) *Building height.*

(a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet in height.

(b) Accessory buildings. Accessory buildings shall not exceed 16 feet in height.

(7) *Lot coverage and building area.*

(a) The total area of all buildings and structures must not exceed:

1. Interior lots: 35% of the total lot area, excluding public rights-of-way.

2. Corner lots: 40% of the total lot area, excluding public rights-of-way.

(b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal building.

*10.254(1) TFR-08 (Two-Family Residential) Zoning District*

**10.254. TFR-08 (Two-Family Residential) Zoning District**

**(1) Purpose.**

*The Two Family Residential 08 district is designed to:*

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

**(2) Permitted uses.**

- (a)** Undeveloped natural resource and open space areas.
- (b)** Single family residential
- (c)** Duplexes
- (d)** *Attached accessory dwelling units*
- (e)** Residential accessory buildings
- (f)** Domestic fowl and beekeeping
- (g)** Home occupations
- (h)** Foster homes for less than five children
- (i)** Community living arrangements for fewer than 9 persons.
- (j)** *Incidental room rental*
- (k)** Utility services associated with, and accessory to, a permitted or conditional use
- (l)** A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

**(3) Conditional uses.**

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

**(4) Lot dimensions.**

- (a)** Lots on public sewer.

*10.254(5) TFR-08 (Two-Family Residential) Zoning District*

- 4867           1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public  
4868           rights-of-way.
- 4869           2. Minimum lot width. All lots must be at least 60 feet wide.
- 4870       (a) Lots not on public sewer.
- 4871           1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public  
4872           rights-of-way.
- 4873           2. Minimum lot width. All lots must be at least 100 feet wide.
- 4874       (5) Setbacks and required yards.
- 4875           (a) Front yard. Any permitted structure must comply with road setbacks as described in s.  
4876           10.102(9).
- 4877           (b) Side yard.
- 4878               1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10  
4879               feet from any one side lot line.
- 4880               2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4881               must be at least:
- 4882                   a. 4 feet from any side lot line on lots 60 feet or more in width, or  
4883                   b. 2.5 feet from any side lot line on lots less than 60 feet in width
- 4884           (c) Rear yard.
- 4885               1. Permitted residences must be at least 25 feet from the rear lot line.
- 4886               2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet  
4887               from the rear lot line.
- 4888               3. Except as exempted in 4 below, accessory buildings must be at least 10 feet from the rear  
4889               lot line.
- 4890               4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4891               must be at least:
- 4892                   a. 4 feet from any rear lot line on lots 60 feet or more in width, or  
4893                   b. 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4894       (6) **Building height.**
- 4895           (a) Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet  
4896           in height.
- 4897           (b) Accessory buildings. **Unless under an approved conditional use permit under s.**  
4898           **10.254(3)(a),** accessory buildings shall not exceed 12 feet in height.
- 4899       (7) Lot coverage and building area.
- 4900           (a) The total area of all buildings and structures must not exceed:
- 4901               1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 4902               2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 4903           (b) Accessory buildings cannot exceed 100% of the area of the footprint of the principal  
4904           building.
- 4905



*10.254(7) TFR-08 (Two-Family Residential) Zoning District*

4906

4907

10.255(1) MFR-08 (Multi-Family Residential) Zoning District

10.255. MFR-08 (Multi-Family Residential) Zoning District

(1) *Purpose.*

*The Multi-Family Residential 08 district is designed to:*

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

(2) Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Single family residential
- (c) *Attached or detached accessory dwelling units*
- (d) Duplexes
- (e) Multiple family dwellings and condominiums
- (f) Residential accessory buildings
- (g) Foster homes for less than five children
- (h) Community living arrangements for any number of persons.
- (i) *Incidental room rental*
- (j) *Transient or Tourist Lodging*
- (k) Home occupations
- (l) Utility services associated with, and accessory to, a permitted or conditional use
- (m) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) *Conditional uses.*

- (a) *Accessory buildings between 12 and 16 feet in height.*
- (b) Day Care Centers
- (c) Governmental, institutional, religious, or nonprofit community uses
- (d) Manufactured home communities, subject to s. 10.103(14)
- (e) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(4) *Lot dimensions.*

- (a) Lots on public sewer.
  - 1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public rights-of-way.

*10.255(5) MFR-08 (Multi-Family Residential) Zoning District*

- 4946           2. Minimum lot width. All lots must be at least 60 feet wide.  
4947       **(b)** Lots not on public sewer.  
4948           1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public  
4949           rights-of-way.  
4950           2. Minimum lot width. All lots must be at least 100 feet wide.
- 4951       (5) Setbacks and required yards.  
4952           **(a)** Front yard.  
4953           1. Any permitted structure must comply with road setbacks as described in s. 10.102(9)  
4954           2. Multiple family dwelling buildings located in the interior of a complex shall provide a  
4955           front yard of not less than 15 feet, each building shall be provided with its own front yard  
4956           area irrespective of the yards required for other buildings.  
4957           **(b)** Side yard.  
4958           1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10  
4959           feet from any one side lot line.  
4960           2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4961           must be at least:  
4962               a. 4 feet from any side lot line on lots 60 feet or more in width, or  
4963               b. 2.5 feet from any side lot line on lots less than 60 feet in width  
4964           **(c)** Rear yard.  
4965           1. Permitted residences must be at least 25 feet from the rear lot line.  
4966           2. Uncovered decks and porches attached to a permitted residence must be at least 13 feet  
4967           from the rear lot line.  
4968           3. Except as exempted in 4 below, accessory buildings must be at least 10 feet from the rear  
4969           lot line.  
4970           4. Accessory buildings in the rear yard that are at least 10 feet from the principal residence  
4971           must be at least:  
4972               a. 4 feet from any rear lot line on lots 60 feet or more in width, or  
4973               b. 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 4974       (6) **Building height.**  
4975           **(a)** Principal buildings. Residential buildings shall not exceed two and a half stories or 35 feet  
4976           in height.  
4977           **(b)** Accessory buildings. **Unless under an approved conditional use permit under s.**  
4978           **10.255(3)(a),** accessory buildings shall not exceed 12 feet in height.
- 4979       (7) Lot coverage and building area.  
4980           **(a)** The total area of all buildings and structures must not exceed:  
4981           1. Interior lots: 35% of the total lot area, excluding public rights-of-way.  
4982           2. Corner lots: 40% of the total lot area, excluding public rights-of-way.  
4983           **(b)** Accessory buildings cannot exceed 100% of the area of the footprint of the principal  
4984           building.

10.260(1) Hamlet Zoning Districts

4985 **10.260. Hamlet Zoning Districts**

4986 **(1) Principles of Traditional Neighborhood Design.**

4987 *The Hamlet Design zoning districts are intended to accommodate existing or new developments,*  
4988 *or redevelopments that have the following characteristics:*

4989 **(a)** *Compact and walkable. Neighborhoods should be compact enough to encourage*  
4990 *development of pedestrian connections and destinations without excluding automobiles.*

4991 **(b)** *A hierarchy of interconnected streets. Streets and roads function as a connected network,*  
4992 *dispersing traffic and offering a variety of pedestrian and vehicular routes to any*  
4993 *destination while connecting and integrating the neighborhood with surrounding*  
4994 *communities.*

4995 **(c)** *An identifiable neighborhood/community center and edges. A center that includes public*  
4996 *spaces—such as a square, green or important street intersection—and public buildings—*  
4997 *such as a library, church or community center, transit stop and retail businesses—provides*  
4998 *a civic focus and informal place of gathering; and edges that promote neighborhood*  
4999 *identity.*

5000 **(d)** *A variety of housing choices within the same neighborhood. The neighborhood includes a*  
5001 *variety of dwelling types so that younger and older people, singles and families, of varying*  
5002 *income levels may find places to live.*

5003 **(e)** *A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occur in*  
5004 *proximity. Many activities of daily living should occur within walking distance, allowing*  
5005 *independence to those who do not drive and adding to neighborhood vitality.*

5006 **(f)** *A range of transportation options. Streets are designed to promote the safe and efficient*  
5007 *use by walkers, bikers, drivers and transit rider*

5008 **(g)** *Pedestrian-friendly. Features such as safe, attractive and comfortable streets and public*  
5009 *spaces promote walking as a viable option to auto trips.*

5010 **(h)** *Open spaces, greens, parks, accessible and convenient to all. Significant cultural and*  
5011 *environmental features are incorporated into the design of the development for the use,*  
5012 *benefit, and enjoyment of the entire community. A range of parks, from tot-lots and village*  
5013 *greens to ballfields and community gardens, are distributed within neighborhoods.*

5014

10.261(1) HAM-R (Hamlet Residential) Zoning District

5015 **10.261. HAM-R (Hamlet Residential) Zoning District**

5016 **(1) Purpose.**

5017 The HAM-R district is intended to accommodate new or existing development, or  
5018 redevelopment, on relatively small lots, with buildings close to the street. It includes a mix of  
5019 single-family, two-family and multifamily residential and civic uses in compact blocks laid out in  
5020 a traditional grid pattern. Many older residential neighborhoods typify the characteristics of a  
5021 HAM-R district.

5022 **(2) Permitted uses.**

5023 **(a) Undeveloped natural resource and open space areas.**

5024 **(b) Single family residential**

5025 **(c) Duplexes**

5026 **(d) Attached accessory dwelling units**

5027 **(e) Residential accessory buildings**

5028 **(f) Foster homes for less than five children licensed under s. 48.62, Wis. Stats.**

5029 **(g) Home occupations**

5030 **(h) Domestic fowl and beekeeping**

5031 **(i) Incidental room rental.**

5032 **(j) Community living arrangements for less than nine persons.**

5033 **(k) Governmental, institutional, religious, or nonprofit community uses**

5034 **(l) Utility services associated with, and accessory to, a permitted or conditional use**

5035 **(m) Undeveloped natural resource and open space areas.**

5036 **(n) A transportation, utility, communication, or other use that is:**

5037 **1. required under state or federal law to be located in a specific place, or;**

5038 **2. is authorized to be located in a specific place under a state or federal law that specifically**  
5039 **preempts the requirement of a conditional use permit.**

5040 **(3) Conditional uses.**

5041 **(a) Detached accessory dwelling units.**

5042 **(b) Multiple family dwellings and condominiums**

5043 **(c) Day care centers**

5044 **(d) Community living arrangements for more than nine persons.**

5045 **(e) Institutional residential**

5046 **(f) Principal buildings more than two and a half stories tall**

5047 **(g) Accessory buildings between 12 and 16 feet in height.**

5048 **(h) Limited family businesses**

5049 **(i) Reduction of side lot setback to less than 10 feet total.**

5050 **(j) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,**  
5051 **not listed as a permitted use above.**

5052 **(4) Lot dimensions.**

10.261(5) HAM-R (Hamlet Residential) Zoning District

- 5053 (a) Lots on public sewer.
- 5054 1. Minimum lot size. All new lots must be at least 5,000 square feet in area, excluding public
- 5055 rights-of-way.
- 5056 2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area, excluding
- 5057 public rights of way.
- 5058 3. Minimum lot width. All new lots must be at least 50 feet wide.
- 5059 (b) Lots not on public sewer.
- 5060 1. Minimum lot size. All new lots must be at least 20,000 square feet in area, excluding
- 5061 public rights-of-way.
- 5062 2. Maximum lot size. All new lots must be smaller than 40,000 square feet in area, excluding
- 5063 public rights-of-way.
- 5064 3. Minimum lot width. All new lots must be at least 100 feet wide.
- 5065 (5) Setbacks and required yards.
- 5066 (a) Front yard.
- 5067 1. For newly created lots, or existing lots lacking an existing pattern of development as
- 5068 described in 2., below, all new structures must be at least 20 feet from the right-of-way
- 5069 line.
- 5070 2. In lots or platted subdivisions created before (insert date) where a building line shall
- 5071 have been established by the construction of buildings on 30 percent of the lots in any
- 5072 one(1) block, such established setback line shall be the setback for that block, but in no
- 5073 event shall such setback be less than 5 feet.
- 5074 (b) Side yard. Unless exempted by conditional use permit:
- 5075 1. All structures must be at least a total of 10 feet from both side lot lines.
- 5076 2. Structures may be built at a zero setback from one side lot line, provided the setback
- 5077 from the opposite side lot line is at least 10 feet.
- 5078 (c) Rear yard.
- 5079 1. Permitted residences must be at least 16 feet from the rear lot line.
- 5080 2. Uncovered decks and porches attached to a permitted residence must be at least 8 feet
- 5081 from the rear lot line.
- 5082 3. Accessory buildings must be at least 6 feet from any rear lot line.
- 5083 (6) Building height.
- 5084 (a) Principal buildings. Unless authorized by conditional use permit, principal buildings shall not
- 5085 exceed 35 feet in height or two and one-half (2-1/2) stories, whichever is less.
- 5086 (b) Accessory buildings. Unless authorized by conditional use permit, accessory buildings shall
- 5087 not exceed 12 feet in height.
- 5088 (7) Lot coverage.
- 5089 The total building footprint of residential buildings and residential accessory buildings shall not
- 5090 exceed 60 percent of the lot area.
- 5091

10.262(1) HAM-M (Hamlet – Mixed-Use) Zoning District

5092 **10.262. HAM-M (Hamlet – Mixed-Use) Zoning District**

5093 **(1) Purpose.**

5094 The HAM-M Hamlet-Mixed-Use District accommodates a variety of commercial activities in  
5095 conjunction with civic open spaces and buildings. It is a denser, fully-mixed use part of a  
5096 community. Within the HAM-M district, the predominant land and building use is commercial,  
5097 but may include residential and workplace uses in deference to the purpose and character of  
5098 local commercial activities. It is typically located along an important street. Many older  
5099 traditional downtown or neighborhood commercial districts typify the characteristics of a HAM-  
5100 M district.

5101 **(2) Permitted uses**

- 5102 **(a) Undeveloped natural resource and open space areas.**  
5103 **(b) Single family residential**  
5104 **(c) Duplexes**  
5105 **(d) Attached accessory dwelling units**  
5106 **(e) Residential accessory buildings**  
5107 **(f) Home occupations**  
5108 **(g) Foster homes for less than five children licensed under s. 48.62, Wis. Stats.**  
5109 **(h) Indoor Sales.**  
5110 **(i) Incidental room rental**  
5111 **(j) Community living arrangements for less than nine persons.**  
5112 **(k) Personal or Professional Service**  
5113 **(l) Office uses.**  
5114 **(m) Governmental, institutional, religious, or nonprofit community uses.**  
5115 **(n) Utility services associated with, and accessory to, a permitted or conditional use**  
5116 **(o) Transient or Tourist Lodging**  
5117 **(p) Active or passive recreational uses.**  
5118 **(q) A transportation, utility, communication, or other use that is:**  
5119 **1. required under state or federal law to be located in a specific place, or;**  
5120 **2. is authorized to be located in a specific place under a state or federal law that specifically**  
5121 **preempts the requirement of a conditional use permit.**

5122 **(3) Conditional Uses.**

- 5123 **(a) Detached accessory dwelling units.**  
5124 **(b) Multiple family dwellings and condominiums**  
5125 **(c) Institutional Residential**  
5126 **(d) Automotive services.**  
5127 **(e) Indoor entertainment or assembly**  
5128 **(f) Outdoor entertainment**  
5129 **(g) Limited family business**  
5130 **(h) Principal commercial buildings which have more than four (4) stories, or more than 10,000**



10.262(4) HAM-M (Hamlet – Mixed-Use) Zoning District

- 5131 square feet of interior floor space devoted to business or commercial use.
- 5132 (i) Residential accessory buildings between 12 and 16 feet in height.
- 5133 (j) Reduction of side lot setback to less than 10 feet total.
- 5134 (k) Commercial Indoor Lodging.
- 5135 (l) Outdoor sales events
- 5136 (m) Day care centers
- 5137 (n) Community living arrangements for nine (9) or more persons.
- 5138 (o) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
- 5139 not listed as a permitted use above.

5140 (4) Lot dimensions.

- 5141 (a) Lots on public sewer.
- 5142 1. Minimum lot size. All new lots must be at least 5,000 square feet in area, excluding public
- 5143 rights-of-way.
- 5144 2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area, excluding
- 5145 public rights of way.
- 5146 3. Minimum lot width. All new lots must be at least 50 feet wide.
- 5147 (b) Lots not on public sewer.
- 5148 4. Minimum lot size. All new lots must be at least 20,000 square feet in area, excluding
- 5149 public rights-of-way.
- 5150 5. Maximum lot size. All new lots must be smaller than one acre in area, excluding public
- 5151 rights-of-way.
- 5152 6. Minimum lot width. All new lots must be at least 100 feet wide.

5153 (5) Setbacks and required yards.

- 5154 (a) Front yard.
- 5155 1. For newly created lots, or existing lots lacking an existing pattern of development as
- 5156 described in 2., below, all new structures must be at least 20 feet from the right-of-way
- 5157 line.
- 5158 2. In lots or platted subdivisions created before (insert date) where a building line shall have
- 5159 been established by the construction of buildings on 30 percent of the lots in any one(1)
- 5160 block, such established setback line shall be the setback for that block, but in no event
- 5161 shall such setback be less than 5 feet.
- 5162 (b) Side yard. Unless exempted by conditional use permit:
- 5163 1. All structures must be at least a total of 10 feet from both side lot lines.
- 5164 2. Structures may be built at a zero setback from one side lot line, provided the setback from
- 5165 the opposite side lot line is at least 10 feet.
- 5166 (c) Rear yard.
- 5167 1. Permitted residences must be at least 16 feet from the rear lot line.
- 5168 2. Uncovered decks and porches attached to a permitted residence must be at least 8 feet
- 5169 from the rear lot line.
- 5170 3. Accessory buildings must be at least 6 feet from any rear lot line.



10.262(6) HAM-M (Hamlet – Mixed-Use) Zoning District

- 5171 (6) *Building height and area limitations.*
- 5172 (a) *Commercial buildings. Unless authorized by conditional use permit, commercial buildings*
- 5173 *shall not exceed 10,000 square feet in total floor area and shall not exceed 70 feet in height*
- 5174 *or four and one-half (4 ½ ) stories, whichever is less.*
- 5175 (b) *Residential buildings.*
- 5176 1. *Principal buildings. Principal residential buildings shall not exceed 35 feet in height or*
- 5177 *two and one-half (2-1/2) stories, whichever is less.*
- 5178 2. *Accessory residential buildings. Unless authorized by conditional use permit, residential*
- 5179 *accessory buildings shall not exceed 12 feet in height.*
- 5180 (7) *Lot coverage.*
- 5181 *The total building footprint of commercial buildings, residential buildings and residential*
- 5182 *accessory buildings shall not exceed 60 percent of the lot area.*

*10.270(1) Commercial Zoning Districts*

5183     **10.270.     Commercial Zoning Districts**

5184             (1) Provisions applicable to all Commercial Districts

- 5185                 **(a)** Site plan. All petitions to rezone to any Commercial zoning district, and any application for  
5186                     a zoning permit or conditional use permit within an existing Commercial zoning district  
5187                     must be accompanied by an approved site plan as described in s. 10.101(6).  
5188                 **(b)** Off-street parking. Off-street parking shall be provided as required in s. 10.102(8).  
5189                 **(c)** Screening. For commercial uses within 100 feet of any residence, screening must be  
5190                     provided as required in s. 10.102(12).  
5191                 **(d)** Stormwater. The Zoning Administrator may not issue a zoning permit for any development  
5192                     in any commercial district until the Department of Land and Water Resources issues a  
5193                     Stormwater Management permit for the project under Chapter 14, Dane County Code.

5194

*10.271(1) LC (Limited Commercial) Zoning District*

5195     **10.271.     LC (Limited Commercial) Zoning District**

5196           (1) Purpose.

- 5197           **(a)** The Limited Commercial Zoning District is intended for small commercial uses that may  
5198                 need to locate in predominantly rural areas due to their often large service areas and their  
5199                 need for larger lot sizes. In appearance and operation, such uses are often similar to  
5200                 agricultural uses and are therefore more suitable to a rural area.
- 5201           **(b)** Such uses include, but are not limited to, contractor, transportation, building trades and  
5202                 landscaping operations, which may have
- 5203                 1. Outdoor stockpiles of materials;  
5204                 2. Storage and maintenance of large construction or transportation equipment;  
5205                 3. Early morning activity, and;  
5206                 4. Large, utilitarian buildings.
- 5207           **(c)** Limited commercial uses:
- 5208                 1. Have no retail sales;  
5209                 2. Do not create high traffic volume, and;  
5210                 3. Have limited outdoor lighting and signage.

5211           (2) Permitted Uses.

- 5212           **(a)** Agricultural accessory uses. Livestock is not permitted.  
5213           **(b)** Agricultural uses. Livestock is not permitted.  
5214           **(c)** Contractor, landscaping or building trade operations.  
5215           **(d)** Indoor storage and repair.  
5216           **(e)** Incidental Parking for employees, consistent with s. 10.102(8).  
5217           **(f)** Office uses, the number on site employees is limited to no more than six (6).  
5218           **(g)** Storage of no more than 12 total vehicles and pieces of construction equipment.  
5219           **(h)** A transportation, utility, communication, or other use that is:  
5220                 1. required under state or federal law to be located in a specific place, or;  
5221                 2. is authorized to be located in a specific place under a state or federal law that specifically  
5222                 preempts the requirement of a conditional use permit.  
5223           **(i)** Undeveloped natural resource and open space areas.  
5224           **(j)** Utility services associated with, and accessory to, a permitted or conditional use.  
5225

5226           (3) Conditional Uses.

- 5227           **(a)** Caretaker's residence.  
5228           **(b)** Communication towers.  
5229           **(c)** Governmental, institutional, religious, or nonprofit community uses  
5230           **(d)** Light Industrial.  
5231           **(e)** Outdoor Storage.  
5232           **(f)** Storage of more than 12 total vehicles and pieces of construction equipment.  
5233           **(g)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,

*10.271(4) LC (Limited Commercial) Zoning District*

- 5234 not listed as a permitted use above.
- 5235 (4) Building height and area limitations.
- 5236 (a) Buildings shall not exceed 35 feet in height or two and one-half stories, whichever is less.
- 5237 (b) Commercial buildings shall not exceed 10,000 square feet in total floor area.
- 5238 (5) **Lot dimensions.**
- 5239 (c) Minimum lot area. Lots shall be not less than 20,000 square feet of lot area.
- 5240 (d) **Maximum lot area. Lots shall not exceed 5 acres in area.**
- 5241 (e) Minimum lot width. Lots must be at least 100 feet wide.
- 5242 (6) Setbacks and required yards.
- 5243 (a) Front yards. Construction equipment, vehicles, or material shall not be stored between the
- 5244 building setback line and the front lot line of any lot.
- 5245 (b) Side yards. The minimum width for any side yard shall not be less than 10 feet for any
- 5246 building.
- 5247 (c) Rear yards.
- 5248 1. For buildings used for commercial purposes and residential accessory buildings the
- 5249 minimum rear yard shall be not less than 10 feet.
- 5250 2. For residential buildings the minimum rear yard shall be not less than 25 feet.
- 5251 (7) Lot coverage.
- 5252 The total building footprint of commercial buildings, residential buildings and residential
- 5253 accessory buildings shall not exceed 35 percent of the lot area.
- 5254

10.272(1) GC (General Commercial) Zoning District

5255 10.272. GC (General Commercial) Zoning District

5256 (1) Purpose.

5257 (a) The General Commercial Zoning District is intended to accommodate retail, sales, service,  
5258 lodging, and office uses, where: primary commercial activity occurs indoors; commercial  
5259 uses are of moderate scale and intensity, and; uses are appropriate to a developed area.  
5260 Outdoor sales are not permitted.

5261 (b) Permitted uses are typically characterized by moderate traffic and parking requirements,  
5262 with low or moderate noise, odors, vibrations, fumes or other potential direct external  
5263 nuisances.

5264 (c) Conditional uses include compatible commercial uses that have a somewhat higher amount  
5265 of outdoor activity, operate outside of normal business hours, or taller or more massive  
5266 buildings. As a district primarily devoted to commercial uses, residential uses are listed as  
5267 conditional uses to make sure residential areas are designed for compatibility with nearby  
5268 commercial areas, including provisions or designs, such as visual screening, or safe  
5269 pedestrian access, to protect residents' safety and welfare.

5270 (2) Permitted Uses.

5271 (a) Agricultural uses. Livestock not permitted

5272 (b) Agricultural accessory uses. Livestock not permitted.

5273 (c) Contractor, landscaping or building trade operations.

5274 (d) Day care centers

5275 (e) Governmental, institutional, religious, or nonprofit community uses.

5276 (f) Indoor entertainment or assembly

5277 (g) Indoor sales

5278 (h) Indoor storage and repair.

5279 (i) Light industrial

5280 (j) Office uses

5281 (k) Personal or professional service

5282 (l) Transient or tourist lodging

5283 (m) A transportation, utility, communication, or other use that is:

5284 1. required under state or federal law to be located in a specific place, or;

5285 2. is authorized to be located in a specific place under a state or federal law that specifically  
5286 preempts the requirement of a conditional use permit.

5287 (n) Undeveloped natural resource and open space areas.

5288 (o) Utility services associated with, and accessory to, a permitted or conditional use.

5289 (p) Veterinary clinics.

5290 (3) Conditional Uses.

5291 (a) Airport, landing strip or heliport.

5292 (b) Animal boarding, domestic pets

5293 (c) Cemeteries

*10.272(4) GC (General Commercial) Zoning District*

- 5294 (d) Commercial Indoor Lodging.  
5295 (e) Communication towers  
5296 (f) Drive-in establishment  
5297 (g) *Marinas*  
5298 (h) *Off-site parking*  
5299 (i) *Outdoor active recreation*  
5300 (j) *Outdoor entertainment*  
5301 (k) Outdoor Storage.  
5302 (l) *Residential and associated accessory uses.*  
5303 1. *Any residential use in the GC district must meet all of the following criteria:*  
5304 a. Comply with residential density standards of any applicable town comprehensive  
5305 plan and the Dane County Comprehensive Plan  
5306 b. Have visual screening from adjacent commercial areas  
5307 c. Must provide appropriate parking, and internal pedestrian access for residents.  
5308 2. *Residential uses may include:*  
5309 a. Caretaker's residence  
5310 b. Single family residential  
5311 c. Attached or detached accessory dwelling units  
5312 d. Two family residential  
5313 e. Multifamily residential  
5314 f. Mixed residential and commercial developments  
5315 g. Institutional Residential  
5316 h. Manufactured housing communities, subject to s. 10.103(14)  
5317 i. Rooming house.  
5318 (m) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
5319 not listed as a permitted use above.  
5320 (n) *Vehicle repair or maintenance service*
- 5321 (4) Building size and area limitations.  
5322 (a) Commercial or mixed-use buildings: 4 stories maximum  
5323 (b) Residential dwelling: 2 stories or 35 feet maximum.
- 5324 (5) Lot dimensions.  
5325 (a) Minimum lot area.  
5326 1. Exclusive commercial use. There is no minimum lot area for purely commercial lots.  
5327 However, lots must have sufficient room to accommodate sanitary, stormwater and  
5328 parking for intended uses.  
5329 2. Residential or mixed uses.  
5330 (a) Lots on public sewer. Lots must be at least 2,000 square feet in area per each  
5331 residential apartment.  
5332 (b) Lots not on public sewer. Lots must be at least 5,000 square feet per residential  
5333 apartment.

*10.272(6) GC (General Commercial) Zoning District*

- 5334           **(b)** Maximum lot area. None.
- 5335           **(c)** Minimum lot width.
- 5336               1. Exclusive commercial use. There is no minimum lot width for purely commercial lots.
- 5337               2. Residential or mixed uses. Lots must be at least 60 feet wide.
- 
- 5338       (6) Setbacks and required yards.
- 5339           **(a)** Side yards: 10 feet minimum
- 5340           **(b)** Rear yards.
- 5341               1. Exclusive commercial use: 10 Feet minimum
- 5342               2. Residential or mixed use: 25 feet minimum
- 
- 5343       (7) Lot coverage.
- 5344           The total area of all buildings and structures must not exceed 60% of the total lot area,
- 5345           excluding public rights-of-way.
- 5346

10.273(1) HC (Heavy Commercial) Zoning District

10.273. HC (Heavy Commercial) Zoning District

(1) Purpose.

- (a) The Heavy Commercial Zoning District is intended to accommodate retail, service, light industrial lodging, and office uses, where: primary commercial activity may occur either indoors or outdoors; commercial uses are of relatively large scale and intensity, and; uses are appropriate to a highly developed area.
- (b) Permitted uses are typically characterized by relatively high traffic volumes and substantial parking requirements, with some potential for noise, odors, vibrations, fumes or other potential direct external nuisances.
- (c) Conditional uses include commercial uses that have a somewhat higher amount of outdoor activity, or operate outside of normal business hours.

(2) Permitted Uses.

- (a) Adult book stores, subject to s. 10.103(2).
- (b) Agricultural uses. Livestock not permitted.
- (c) Agricultural accessory uses. Livestock not permitted.
- (d) Cemeteries
- (e) Colony house.
- (f) Contractor, landscaping or building trade operations.
- (g) Day care centers
- (h) Freight and bus terminals.
- (i) Governmental, institutional, religious, or nonprofit community uses.
- (j) Indoor entertainment or assembly
- (k) Indoor sales
- (l) Indoor storage and repair.
- (m) Institutional residential
- (n) Light industrial
- (o) Off-site parking
- (p) Office uses
- (q) Outdoor sales, display or repair
- (r) Outdoor storage
- (s) Personal or professional service
- (t) Personal storage facility
- (u) Transient or tourist lodging
- (v) A transportation, utility, communication, or other use that is:
  - 1. required under state or federal law to be located in a specific place, or;
  - 2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.
- (w) Undeveloped natural resource and open space areas.
- (x) Utility services.
- (y) Vehicle repair or maintenance service



*10.273(3) HC (Heavy Commercial) Zoning District*

- 5387           **(z)** Veterinary clinics  
5388           **(aa)** Warehousing and distribution facilities.
- 5389       (3) **Conditional Uses.**  
5390           **(a)** *Airport, landing strip or heliport*  
5391           **(b)** Animal boarding, domestic pet  
5392           **(c)** *Animal boarding, large animal.*  
5393           **(d)** Caretaker's residence.  
5394           **(e)** *Commercial indoor lodging.*  
5395           **(f)** Communication towers  
5396           **(g)** Drive-in establishment  
5397           **(h)** *Electric generating facilities, provided 100% of the production output of the facility is*  
5398                 *derived from renewable energy resources.*  
5399           **(i)** Marinas  
5400           **(j)** *Outdoor active recreation*  
5401           **(k)** *Outdoor entertainment*  
5402           **(l)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
5403                 not listed as a permitted use above.
- 5404       (4) Building size and area limitations.  
5405           **(a)** Building height. Buildings shall not exceed a height of 50 feet, excluding tanks, storage bins,  
5406                 silos and towers.
- 5407       (5) Lot dimensions.  
5408           **(a)** Minimum lot area. There is no minimum lot area for lots in the HC district. However, lots  
5409                 must have sufficient area to accommodate sanitary, stormwater and parking for intended  
5410                 uses.  
5411           **(b)** Maximum lot area. There is no maximum lot area for lots in the HC district.  
5412           **(c)** Minimum lot width. There is no minimum lot width for lots in the HC district.
- 5413       (6) Setbacks and required yards.  
5414           **(a)** Side yards: 10 feet minimum  
5415           **(b)** Rear yard: 10 Feet minimum
- 5416       (7) Lot coverage.  
5417           The total area of all buildings and structures must not exceed 60% of the total lot area,  
5418           excluding public rights-of-way.  
5419

*10.280(1) Processing, Manufacturing and Industrial Zoning Districts*

5420     **10.280.     Processing, Manufacturing and Industrial Zoning Districts**

5421     **(1) Provisions applicable to all Processing, Manufacturing and Industrial Districts**

5422         **(a) Off-street parking. Off-street parking shall be provided as required in s. 10.102(8).**

5423         **(b) Screening. For commercial uses adjacent to any Residential, Rural Residential or Rural**  
5424             **Mixed-Use district, screening must be provided as required in s. 10.102(12).**

5425         **(c) Stormwater. The Zoning Administrator may not issue a zoning permit for any development**  
5426             **in any Processing, Manufacturing and Industrial district until the Department of Land and**  
5427             **Water Resources issues a Stormwater Management permit for the project under Chapter**  
5428             **14, Dane County Code.**

5429     **(2) Rezones to Processing, Manufacturing and Industrial Zoning Districts.**

5430         **(a) The county board may not approve a petition to rezone to the RI or MI zoning districts on**  
5431             **lands that are wholly or partially within the zone of contribution to a municipal well, as**  
5432             **shown in the most current adopted version of the Dane County Water Quality Plan**

5433         **(b) Where necessary to minimize impacts to neighboring properties, the zoning committee may**  
5434             **recommend, and the county board may adopt, conditions on zoning petitions to any**  
5435             **Processing, Manufacturing and Industrial zoning district that impose deeper setbacks,**  
5436             **wider minimum lot widths, and/or wider side or rear yards than otherwise provided in this**  
5437             **ordinance. Such conditions shall be based on the nature of the use and shall be adopted**  
5438             **subject to the standards under s. 10.101(8)(d).**  
5439

10.281(1) RI (Rural Industry) Zoning District

5440 **10.281. RI (Rural Industry) Zoning District**

5441 **(1) Purpose.**

5442 **(a) The Rural Industry Zoning District is intended to accommodate industrial, processing and**  
5443 **extractive uses, where:**

- 5444 **1. primary activity often occurs outdoors;**  
5445 **2. uses require large land areas and separation from residential uses;**  
5446 **3. uses do not require full urban services or create intensive electrical, water or other utility**  
5447 **demand, and;**  
5448 **4. uses are appropriate to a rural area.**

5449 **(b) Permitted uses are similar to those in the Limited Commercial district, and do not require**  
5450 **special conditions or approvals to mitigate impacts to surrounding properties.**

5451 **(c) Conditional uses have significant potential for runoff, pollution, noise, dust, odors,**  
5452 **vibration, heavy vehicle traffic and other potential nuisances, and typically require**  
5453 **conditions tailored to the particular use and setting to protect public safety or to mitigate**  
5454 **impacts to the environment or to surrounding properties.**

5455 **(2) Permitted Uses**

5456 **(a) Agricultural accessory uses, except farm residences**

5457 **(a) Agricultural uses**

5458 **(b) Incidental parking for employees, consistent with s. 10.102(8).**

5459 **(c) Indoor storage and repair.**

5460 **(d) Light industrial**

5461 **(e) Office uses, employees limited to 6 FTE.**

5462 **(f) Outdoor storage.**

5463 **(g) A transportation, utility, communication, or other use that is:**

- 5464 **1. required under state or federal law to be located in a specific place, or;**  
5465 **2. is authorized to be located in a specific place under a state or federal law that specifically**  
5466 **preempts the requirement of a conditional use permit.**

5467 **(h) Undeveloped natural resource and open space areas.**

5468 **(i) Utility services.**

5469 **(3) Conditional Uses**

5470 **(a) Asphalt and concrete production**

5471 **(b) Caretaker's residence**

5472 **(c) Communication towers**

5473 **(d) Commercial processing or composting of organic by-products or wastes.**

5474 **(e) Demolition material disposal sites**

5475 **(f) Dumping grounds**

5476 **(g) Electric generating facilities, provided 100% of the production output of the facility is**  
5477 **derived from renewable energy resources.**

5478 **(h) Incinerator sites**

*10.281(4) RI (Rural Industry) Zoning District*

- 5479        **(i) Mineral extraction operations**  
5480        **(j) Outdoor sales, display, or repair.**  
5481        **(k) Salvage yard or junkyards.**  
5482        **(l) Slaughterhouses, meat processing plants**  
5483        **(m) Solid waste disposal or recycling center**  
5484        **(n) Stock yards, livestock auction facilities**  
5485        **(o) Storage of explosive materials.**  
5486        **(p) Transportation, communications, pipeline, electric transmission, utility, or drainage uses,**  
5487        **not listed as a permitted use above**  
5488        **(q) Wastewater treatment facilities.**
- 5489        **(4) Building size and area limitations.**  
5490        **Buildings shall not exceed 35 feet in height or two and one-half stories, whichever is less.**
- 5491        **(5) Lot dimensions.**  
5492        **(a) Minimum lot size. All lots created in the RI zoning district must be at least 16 acres in area,**  
5493        **excluding public rights-of-way.**  
5494        **(b) Minimum lot width. All lots created in the RI zoning district must have a minimum lot width**  
5495        **of 100 feet.**
- 5496        **(6) Setbacks and required yards.**  
5497        **(a) Front yards. Construction equipment, vehicles, or material shall not be stored between the**  
5498        **building setback line and the front lot line of any lot.**  
5499        **(b) Side yards. The minimum width for any side yard shall not be less than 10 feet for any**  
5500        **building.**  
5501        **(c) Rear yards. Rear yards shall not be less than 25 feet from the property line.**
- 5502        **(7) Lot coverage.**  
5503        **The total building footprint of commercial buildings, residential buildings and residential**  
5504        **accessory buildings shall not exceed 35 percent of the lot area.**

*10.282(1) MI (Manufacturing and Industrial) Zoning District*

**10.282. MI (Manufacturing and Industrial) Zoning District**

**(1) Purpose.**

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

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

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

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

**(2) Permitted Uses**

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

**(b)** Adult entertainment, subject to the provisions of the Adult Entertainment Overlay District (AED).

**(c)** *Agricultural accessory uses. Livestock not permitted.*

**(d)** *Agricultural uses. Livestock not permitted.*

**(e)** *Animal boarding, domestic pets*

**(f)** *Animal boarding, large animal.*

**(g)** *Fertilizer manufacturing plants*

**(h)** *Fertilizer mixing or blending plants.*

**(i)** *Freight and passenger bus terminals*

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

**(k)** *Drive-in establishments*

**(l)** *Electric generating facilities*

**(m)** *Heavy industrial uses.*

**(n)** *Indoor entertainment and assembly*

**(o)** *Indoor storage and repair*

**(p)** *Indoor sales.*

**(q)** *Light industrial uses.*

**(r)** *Marinas*

**(s)** *Off-site parking lot or garage*

**(t)** *Office uses.*

**(u)** *Outdoor active recreation*

**(v)** *Outdoor entertainment.*

*10.282(3) MI (Manufacturing and Industrial) Zoning District*

- 5545 **(w) Outdoor sales.**  
5546 **(x) Outdoor storage**  
5547 **(y) Personal or professional service**  
5548 **(z) Personal storage facilities**  
5549 **(aa)** A transportation, utility, communication, or other use that is:  
5550 1. required under state or federal law to be located in a specific place, or;  
5551 2. is authorized to be located in a specific place under a state or federal law that specifically  
5552 preempts the requirement of a conditional use permit.  
5553 **(bb) Undeveloped natural resource and open space areas.**  
5554 **(cc) Utility services.**  
5555 **(dd) Vehicle repair or maintenance services**  
5556 **(ee) Veterinary clinics**  
5557 **(ff) Warehousing and distribution facilities.**
- 5558 (3) **Conditional Uses**  
5559 **(a)** Asphalt and concrete production  
5560 **(b)** Communication towers  
5561 **(c)** Commercial processing or composting of organic by-products or wastes.  
5562 **(d)** Demolition material disposal sites  
5563 **(e)** Dumping grounds  
5564 **(f)** Incinerator sites  
5565 **(g)** Mineral extraction operations  
5566 **(h)** Solid waste disposal operation or recycling centers  
5567 **(i)** Salvage recycling operations  
5568 **(j) Stockyards, livestock auction facilities**  
5569 **(k)** Storage of explosive materials.  
5570 **(l)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
5571 not listed as a permitted use above.
- 5572 (4) Building size and area limitations.  
5573 **(a)** Building height. Buildings shall not exceed a height of 50 feet, excluding tanks, storage bins,  
5574 silos and towers.
- 5575 (5) Lot dimensions.  
5576 **(a)** Minimum lot area. There is no minimum lot area for lots in the MI district. However, lots  
5577 must have sufficient room to accommodate sanitary, stormwater and parking for intended  
5578 uses.  
5579 **(b)** Maximum lot area. There is no maximum lot area for lots in the MI district.  
5580 **(c)** Minimum lot width. There is no minimum lot width for lots in the MI district.
- 5581 (6) Setbacks and required yards.  
5582 **(a)** Front yards. Construction equipment, vehicles, or material shall not be stored between the

*10.282(6) MI (Manufacturing and Industrial) Zoning District*

- 5583            building setback line and the front lot line of any lot.
- 5584        **(b)** Side yards. The minimum width for any side yard shall not be less than 10 feet for any
- 5585            building.
- 5586        **(c)** Rear yards. Rear yards shall not be less than 10 feet from the property line.
- 5587

*10.290(1) Special Use Zoning Districts*

5588     **10.290.     Special Use Zoning Districts**

5589     **10.291.     PUD (Planned Unit Development) Zoning District**

5590         (1) Purpose.

5591             The purpose of the PUD Planned Unit Development district is to promote improved  
5592             development design by allowing greater flexibility and imagination in urban and rural  
5593             development while ensuring substantial compliance with the intent of the zoning ordinance  
5594             and adopted plans. The district allows variations in uses, structures, densities, setbacks and  
5595             yard requirements, building heights, landscaping and other provisions for developments which  
5596             are cohesively planned and implemented. In exchange for such flexibility, the project  
5597             (hereinafter referred to as Planned Unit Development or PUD) must provide a higher level of  
5598             design and functionality than normally required for other developments.

5599         (2) Permitted uses.

5600             The only uses permitted within each mapped PUD district shall be those lawful use(s) in place at  
5601             the time of PUD district mapping plus those uses explicitly listed, depicted and described as  
5602             permitted uses within that particular PUD district.

5603         (3) Other standards.

5604             Building height limit, Area, frontage and population density regulations; Lot coverage; Number  
5605             of principal buildings per lot; Setback from road and front property line and front yard  
5606             requirements; Side and rear yard requirements; Off-street parking; Screening and landscaping  
5607             provisions; Sign regulations. Zoning limitations on or requirements for building height, lot area,  
5608             lot frontage/width, housing unit or population density, number of buildings per lot, lot  
5609             coverage, setbacks, yard areas, off-street parking and loading, screening or landscaping, and  
5610             signage shall be specified for each particular PUD district. Such requirements shall be generally  
5611             described as part of an approved General Development Plan (GDP) for each PUD and explicitly  
5612             specified as part of an approved Specific Implementation Plan (SIP). Where they provide  
5613             sufficient detail, such specifications shall supersede similar specifications found elsewhere in  
5614             the zoning ordinance.

5615         (4) Criteria for approval of PUDs.

5616             Planned unit developments shall meet all of the following criteria to be approved:

- 5617             **(a)** The development shall be consistent with a town comprehensive plan approved by both  
5618             the town and county.
- 5619             **(b)** The uses and their intensity, appearance, design and arrangement shall be compatible with  
5620             the physical nature of the site and area, and shall not have a significant adverse impact on  
5621             the natural environment.
- 5622             **(c)** The uses and their intensity, appearance, design and arrangement shall in no foreseeable  
5623             manner diminish or impede the uses, values and normal and orderly development of  
5624             surrounding properties.



*10.291(5) PUD (Planned Unit Development) Zoning District*

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

**(5) Planned unit development approval process.**

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

**(a) General Development Plan (GDP).**

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

*10.291(5) PUD (Planned Unit Development) Zoning District*

lands with 500 feet, the boundaries of all political jurisdiction(s) in the area and all lot dimensions of the subject property. The map shall be at a scale not less than one inch equals 800 feet.

**d.** A general written description of the proposed PUD, including:

- i. general project themes, images and design concepts;
- ii. general mix of dwelling unit types and land uses;
- iii. approximate development densities;
- iv. general treatment of natural features and provisions for open space preservation;
- v. general relationship to nearby properties and existing and planned streets, highways and other transportation improvements;
- vi. general relationship to the approved town land use plan; and
- vii. a general plan for phasing, including a planned timeline for submittal of one or more SIPs.

**e.** A description of why the applicant wishes to develop the project using PUD zoning. This description shall include justification for the proposed PUD, and shall indicate how the criteria in sub. 10.153(4) will be met.

**f.** A list of standard zoning provisions which will be met by the proposed PUD, standards which will not be met by the proposed PUD, standards which will be more than met by the proposed PUD, and the location(s) in which they apply. This list shall be organized in the following manner:

- i. land use types and mix (list range of permitted uses);
- ii. density and intensity of land uses (list range of 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);
- iii. landscaping and screening;
- iv. off-street parking and loading;
- v. signage; and
- vi. other applicable standards.

**g.** GDP map(s) 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. land use layout and the location of major public streets and/or private drives;
- ii. location of recreational and open space areas and facilities; and
- iii. statistical data on lot sizes in the development, the approximate areas of large development lots and pads, and density/intensity of various parts of the development.
- iv. A conceptual landscaping plan, noting approximate locations and types of existing and planned landscaping, screening and fencing.
- v. A general signage plan, including approximate locations, types, heights,

*10.291(5) PUD (Planned Unit Development) Zoning District*

- 5708 lighting and sign face areas.
- 5709 vi. Evidence of financial capability pertaining to construction, maintenance and
- 5710 operation of all public and private improvements associated with the
- 5711 proposed development.
- 5712 vii. Other maps or information requested by the town or county.
- 5713 viii. In the case of a rural PUD, the GDP shall identify any areas proposed to be
- 5714 subject to conservancy easements, the nature of the conservancy
- 5715 easements to be imposed, and other features designed to protect the rural
- 5716 character of the area in which the PUD is proposed.
- 5717 ix. After the GDP submittal is complete, the zoning administrator shall forward
- 5718 two copies of the submittal to the town clerk of the affected town and
- 5719 schedule the petition for zoning committee public hearing.
- 5720 x. The affected town shall review and act on the proposed GDP. The town may
- 5721 approve the GDP with conditions that identify specific limits or elements the
- 5722 town requires to be included in the SIP.
- 5723 xi. The zoning committee, after a public hearing and after receiving comments
- 5724 from the affected town, shall forward its recommendation on the proposed
- 5725 GDP to the county board. The GDP may be approved with conditions that
- 5726 identify specific limits or elements the county requires be included in the
- 5727 SIP. If the town board approves the GDP subject to conditions and such
- 5728 conditions are amended or deleted by the county, the GDP as approved by
- 5729 the county shall be submitted to the town board for approval of the
- 5730 county's conditions or denial of the GDP.
- 5731 xii. The county board shall act on the GDP and, if the GDP is approved, shall
- 5732 establish through its approval a delayed effective date (DED) totaling at
- 5733 least 12 months within which one or more SIPs must be filed in order to
- 5734 effectuate the rezoning and establish the PUD on the zoning district map.
- 5735 Such timeframe may later be extended through an amendment to the
- 5736 approved GDP, which shall follow the same process as GDP approval. Failure
- 5737 to file an SIP(s) within the delayed effective date, or to extend said date,
- 5738 shall cause the rezoning to become null and void.
- 5739 xiii. Approval of the GDP shall establish the basic right of use for the subject
- 5740 property in conformity with the approved plan, but approval of such plan
- 5741 shall not make permissible in any area of the PUD those uses proposed until
- 5742 an SIP is approved for that area. No development may occur within a PUD
- 5743 district which is inconsistent with an approved GDP.
- 5744 **(b) Specific Implementation Plan (SIP).**
- 5745 1. The applicant may submit to the zoning administrator an application for one or more SIPs
- 5746 along with required application materials within the delayed effective date period as
- 5747 established through county board approval of the rezoning to PUD (GDP approval). If
- 5748 such SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP
- 5749 shall be null and void for those portions of the subject property not yet covered by an

*10.291(5) PUD (Planned Unit Development) Zoning District*

- 5750 approved SIP, and the zoning administrator shall approve no further SIPs for the property  
5751 under the previously approved GDP. In the event all or part of a GDP is rendered null and  
5752 void, the zoning on the property shall revert to the zoning category existing prior to the  
5753 PUD rezoning.
- 5754 2. The zoning administrator shall determine whether the SIP submittal is complete in  
5755 reference to the following required application materials
- 5756 3. Name of the applicant, agent, property owner(s) and entity which intend to develop the  
5757 land.
- 5758 4. A complete written legal description of the SIP area.
- 5759 5. A map showing the relationship of the SIP area to the approved GDP area.
- 5760 6. A written description of the proposed SIP area within the PUD, including:
- 5761 a. specific project themes, images and design features;
- 5762 b. a specific list of permitted dwelling unit types and land uses;
- 5763 c. specific development densities by dwelling units per acre, lot sizes, lot  
5764 frontages/widths, setbacks and yard requirements, lot coverage, building heights,  
5765 lot dimensions, number of units, and floor area ratios for non-residential uses;
- 5766 d. specific treatment of natural features and provisions for open space preservation;
- 5767 e. specific relationship to the remainder of the PUD included in the approved GDP,  
5768 nearby properties and existing and planned streets, highways and other  
5769 transportation improvements; and
- 5770 f. a development schedule indicating project stages.
- 5771 g. A written description demonstrating the consistency of the proposed SIP with the  
5772 approved GDP and the criteria in s. 10.291(4)., and identifying any and all  
5773 deviations between the approved GDP and the proposed SIP.
- 5774 h. An SIP map at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall  
5775 also be provided) of the proposed project showing at least the following  
5776 information:
- 5777 i. locations, sizes, dimensions and permitted uses of all lots and building sites  
5778 (detailed lot layout/conceptual subdivision plan required for SIPs with  
5779 multiple lots);
- 5780 ii. locations, sizes and dimensions of all structures (minimum setbacks and  
5781 yard areas);
- 5782 iii. delineations of all water bodies, wetlands, floodplains, steep slopes and  
5783 other sensitive environmental areas;
- 5784 iv. locations, dimensions and surface type of all driveways, walkways, trails,  
5785 parking and loading areas and roads;
- 5786 v. detailed off-street parking lot and stall design;
- 5787 vi. location of all public and private utilities;
- 5788 vii. location, type and intensity of outdoor lighting;
- 5789 viii. location of recreational and open space areas and facilities, specifically  
5790 describing those that are to be reserved or dedicated for public use; and  
5791 ix. statistical data on lot sizes in the development, the exact areas of all

*10.291(5) PUD (Planned Unit Development) Zoning District*

- development lots and pads, density/intensity of various parts of the development, floor area ratios, and lot coverage percentages.
- i. A detailed landscaping plan for the area included in the SIP, specifying the location, species, and installed and mature size of all existing and proposed trees, shrubs and fencing.
  - j. A signage plan for the project, including the type, location, height, dimensions, lighting and sign face area of all proposed signs.
  - k. An erosion control, drainage and stormwater management plan.
  - l. Building elevations for all buildings, including building heights and materials.
7. After the SIP submittal is complete, it shall be forwarded to the town clerk of the affected town. The town may then forward any comments and recommendations on the proposed SIP to the zoning administrator within 60 days. Alternatively, at the sole discretion of the affected town, the town may forward its comments and recommendations to the zoning administrator prior to the zoning administrator's determination of SIP submittal completeness, in which case the 60 day review period is not required.
8. The planning and development director and zoning administrator shall review the submitted SIP with reference to the GDP approval, the evaluation criteria in s. 10.291(4), and town comments and recommendations. Within 50 days of receipt of a complete submittal (of within 10 days of such receipt in the event that the town offers comments and recommendations before the zoning administrator's determination of completeness is made), the director and zoning administrator shall determine whether the SIP is consistent with the approved GDP. Inconsistencies shall require an amendment to the GDP according to the procedure in sub. 10.291(5)(a). If generally consistent with the approved GDP and the evaluation criteria, the director and zoning administrator shall, within such timeframe, approve the SIP as submitted or with modifications necessary to achieve full consistency. If approved with modifications, the applicant shall submit modified SIP materials consistent with the approval before the issuance of zoning permits.
9. The approved SIP shall provide the basis for the issuance of all subsequent permits including, but not limited to, zoning permits, to allow development with the SIP area. Any portion of an approved SIP for which a zoning permit is not 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.

10.292(1) UTR (Utility, Transportation and Right-of-Way ) Zoning District

5833 **10.292. UTR (Utility, Transportation and Right-of-Way ) Zoning District**

5834 **(1) Purpose**

5835 The UTR Utility, Transportation and Right-of-Way district is intended to provide for parcels  
5836 intended for purely utilitarian, nonresidential uses with no principal structure. The UTR district is  
5837 intended for parcels that due to their size, width, location, proximity to a roadway, division by  
5838 municipal boundaries or other circumstance are unsuitable for most forms of residential,  
5839 commercial or other structural development, yet lack significant natural resource features.

5840 **(2) Permitted uses.**

5841 **(a)** Accessory uses and structures associated with a permitted principal use on parcels in  
5842 common ownership that are either adjacent or on the opposite side of a public right-of-  
5843 way.

5844 **(b)** Undeveloped natural resource use.

5845 **(c)** Community gardens.

5846 **(d)** Small-scale farming

5847 **(e)** Public or private roadways

5848 **(f)** Bicycle or hiking trails

5849 **(g)** Private driveways or onsite parking

5850 **(h)** Railroad, utility or access easements or rights-of-way

5851 **(i)** Stormwater facilities

5852 **(j)** Utility services.

5853 **(k)** A transportation, utility, communication, or other use that is:

5854 1. required under state or federal law to be located in a specific place, or;

5855 2. is authorized to be located in a specific place under a state or federal law that specifically  
5856 preempts the requirement of a conditional use permit.

5857 **(l)** Invasive species control activities.

5858 **(3) Conditional uses**

5859 **(a)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,  
5860 not listed as a permitted use above.

5861 **(b)** Storage structures, not to exceed 250 square feet.

5862 **(c)** Runways or take-off and landing areas associated with airports, landing strips or heliports.

5863 **(4) Building size and area limitations.**

5864 **(a)** Building height. Buildings, as approved by conditional use permit, shall not exceed a height  
5865 of 12 feet, excluding utility structures or communication towers.

5866 **(5) Lot dimensions.**

5867 **(a)** Minimum lot area. There is no minimum lot area for lots in the UTR district.

5868 **(b)** Maximum lot area. There is no maximum lot area for lots in the UTR district.

5869 **(c)** Minimum lot width. There is no minimum lot width for lots in the UTR district.



*10.292(6) UTR (Utility, Transportation and Right-of-Way ) Zoning District*

- 5870 (6) *Setbacks and required yards.*
- 5871 (a) *Front yards.*
- 5872 1. *All structures must meet front yard setbacks as described in s. 10.102(9).*
- 5873 2. *For parcels without road frontage, structures must be at least four feet from the lot line*
- 5874 *where primary access to the parcel is made.*
- 5875 3. *Construction equipment, vehicles, or material shall not be stored between the building*
- 5876 *setback line and the front lot line of any lot.*
- 5877 (b) *Side yard. Any permitted structures must be at least four feet from the side lot line.*
- 5878 (c) *Rear yard. Any permitted structures must be at least four feet from the rear lot line.*
- 5879

*10.300(1) Overlay Districts*

5880     **10.300.     Overlay Districts**

5881     **10.301.     AED (Adult Entertainment) Overlay District**

5882         (1) Statement of Purpose.

5883             It is the purpose of this district to establish reasonable and uniform regulations of the use of  
5884             property for adult entertainment establishments in order to prevent the adverse secondary  
5885             effects associated with these businesses and thereby promote the health, safety, morals, and  
5886             general welfare of the citizens of Dane County. It is not the intent or effect of this ordinance to  
5887             restrict or deny access by adults to sexually oriented entertainment protected by the First  
5888             Amendment, or to deny access by the exhibitors of sexually oriented entertainment to their  
5889             intended market.

5890         (2) Findings.

5891             While the County Board recognizes that freedom of speech is among our most precious and  
5892             highly protected rights, and wishes to act consistently with full protection of those rights, based  
5893             on evidence concerning the adverse secondary effects of adult entertainment establishments  
5894             on the community presented in hearings and in reports made available to the Board, and on  
5895             findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425  
5896             (2002); *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *BBL, Inc. v. City of Angola*, 809  
5897             F.3d 317 (7th Cir. 2015); *Thirteen Mile Rd. Inc. v. Warren*, 626 F. Supp. 803, (E.D. Mich. 1985);  
5898             *Alexander v. Minneapolis*, 713 F. Supp. 1296 (DC Minn. 1989); *7250 Corp. v. Board of County*  
5899             *Comrs.*, 799 P.2d 917 (Col. 1990); *Chicago v. Scandia Books, Inc.*, 102 Ill App. 3d 292 (1st Dist.  
5900             1981); *Islip v. Caviglia*, 540 N.E.2d 215 (N.Y. 1989); *Dumas v. Dallas*, 648 F. Supp. 1061 (N.D. Tex.  
5901             1986); *International Eateries of America, Inc. v. Broward County*, 726 F. Supp. 1568 (S.D. Fla.  
5902             1989); *Walnut Properties, Inc. v. City Council of Long Beach*, 100 Cal. App. 3d 1018 (2d Dist.  
5903             1980); *S&GNews, Inc. v. Southgate*, 638 F. Supp. 1060 (E.D. Mich. 1986); *U.S. Partners Financial*  
5904             *Corp. v. Kansas City*, 707 F. Supp. 1090 (W.D. Mo.1989); *City of Vallejo v. Adult Books*, 167 Cal.  
5905             App. 3d xxx (1st Dist. 1985); *County of Cook v. Renaissance Arcade & Bookstore*, 122 Ill 2d  
5906             123(1988); *Derusso v. City of Albany, NY*, 205 F. Supp. 2d 16 (N.D. N.Y. 2002); *Mom N Pops,*  
5907             *Inc.v. City of Charlotte*, 979 F. Supp. 372 (W.D. N.C.1997); *Venture I, Inc. v. Orange County,*  
5908             *Tex.*,947 F. Supp. 271 (E.D. Tex. 1996); *Community Visual Communications, Inc. v. City of San*  
5909             *Antonio*, 148 F. Supp. 2d 764 (W.D. Tex. 2000);*Bronco’s Entertainment, Ltd. v. Charter Tp. Of*  
5910             *Van Buren*, 421 F.3d 440 (6th Cir. 2005);*Brandywine, Inc. v. City of Richmond, Kentucky*,359  
5911             F.3d 830 (6th Cir. 2004); *Holmberg v. City of Ramsey*, 12 F.3d 1413 (8th Cir. 1994); *Woosterv.*  
5912             *Entertainment One, Inc.*, 158 Ohio App. 3d161 (2004); *Grand Brittain, Inc. v. City of Amarillo,*  
5913             *Tex.*, 27 F.3d 1068 (5th Cir. 1994);*Tollis, Inc. v. City of County of San Diego*, 505F.3d 935 (9th Cir.  
5914             2007); as well as finding from papers, articles, studies and information from other communities  
5915             including, but not limited to, Fort Worth & Dallas, Texas; Palm Beach County, Florida; Garden  
5916             Grove, California; Austin, Texas; Phoenix, Arizona; Indianapolis, Indiana; Houston, Texas;  
5917             Tucson, Arizona; Whittier, California; Oklahoma City, Oklahoma; Amarillo, Texas; Beaumont,



*10.301(3) AED (Adult Entertainment) Overlay District*

Texas, New York City (Times Square); Milford, Massachusetts, Seattle, Washington, and Los Angeles, California the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); "Sexually Oriented Businesses An Insider's View," by David Sherman, presented to the Ohio Senate Judiciary Committee on Civil Justice, December 3, 2002; "Secondary Effects of Sexually Oriented Businesses on Market Values" by Connie B. Cooper and Eric D. Kelly and "Crime Related Secondary Effects" by Richard McCleary, Texas City Attorneys Association, 2008; "Rural Hotspots: The Case of Adult Businesses," by Richard McCleary, 19 Criminal Justice Policy Review 153 (2008); and "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," 88 Journal of Urban Health: Bulletin of the New York Academy of Medicine 342 (2011); "Adult Businesses & Crime: Seeking A Better Understanding," Eric S. McCord and Richard Tewksbury, University of Louisville; "Do 'Off-Site' Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence," Richard McCleary and Alan C. Weinstein, 31 Law & Policy 218 (2009); "Do Peep Shows 'Cause' Crime? A Response to Linz, Paul, and Yao," Richard McCleary and James W. Meeker, 43 The Journal of Sex Research 194 (2006), the County of Dane, relying upon the experience of other local governments in this state and throughout the country, finds as follows:

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

**(3) Limitations.**

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

- (a)** plays, operas, musicals or other dramatic works that are not obscene;

(b) classes, seminars, or lectures which are held for a serious scientific or educational purpose and that are not obscene.

(c) rental or sale of video cassettes, DVD videodiscs, or other electronic media for private viewing off the premises.

- 195  
**Highlighted** items indicate new language or changes from current ordinance or practice.

*10.301(8) AED (Adult Entertainment) Overlay District*

5997                    provided which are not fully visible from the main area of the establishment. No  
5998                    entertainment may occur in areas of the establishment which are set off by doors,  
5999                    curtains, screens, barriers, café or saloon doors or other obstructions.

6000                (8) Severability.

6001                    The provisions of this ordinance shall be severable. The County Board finds that it would have  
6002                    enacted all the provisions of this ordinance on the basis of any one of the findings in section (1).

6003

*10.302(1) HD (Historic) Overlay District*

6004     **10.302.     HD (Historic) Overlay District**

6005           (1) Statement of purpose.

6006           The purpose of the historic overlay district is to effect and accomplish the protection,  
6007           enhancement and perpetuation of such sites and structures which represent or reflect  
6008           elements of the county's cultural history, and to safeguard the county's historic and cultural  
6009           heritage as embodied in such sites and structures, expanding upon such protection as is  
6010           afforded by chapter 157, 1987 Wis. Stats.

6011           (2) Designation.

6012           No site may be designated which is not cataloged and no structure may be designated without  
6013           the owner's written consent. The County of Dane is hereby deemed to have consented to the  
6014           designation of all county-owned sites and structures which may hereafter be designated by the  
6015           park commission with the approval of the county board.

6016           (3) Indication.

6017           Sites and structures which are designated shall be indicated by attaching the suffix "HD" to the  
6018           zoning district in which the site or structure is located.

6019           (4) Protection of historic sites.

6020           No building or structure, whether or not a permit therefore is required under this ordinance,  
6021           shall be erected on, and no use which involves soils disturbance shall be made of, any historic  
6022           site except that with consent of the committee, an owner may remove, replace or add  
6023           vegetation designed to preserve the site. There shall be a clear area extending 25 feet in all  
6024           directions from any historic site except that on substandard lots where the clear area distance  
6025           of 25 feet cannot reasonably be maintained, the clear area distance shall be reduced to a  
6026           distance equal to twice the depth of any excavation intended to be constructed on the lot or 10  
6027           feet, whichever is greater, unless a more restrictive minimum distance is imposed by state  
6028           statute in which case the statutory minimum shall apply.

6029           **(a)** The committee is empowered to grant a waiver from the clear zone requirements above  
6030           for any lot provided that the committee finds that the owner cannot otherwise make  
6031           reasonable use of the lot for the zoning classification it bears and that the site is preserved  
6032           intact. The committee shall seek the advice of the park commission when considering any  
6033           waiver application.

6034           **(b)** In no event shall a waiver under this section allow a structure to be located closer to an  
6035           historic site than a distance equal to twice the depth of any excavation intended to be used  
6036           for that part of the structure closest to the historic site, and in any event not closer than is  
6037           permitted by statute.

6038           **(c)** Replacement private onsite sewage treatment systems, and existing roads, including  
6039           repairs thereto, may be located in clear areas.

6040           **(d)** Where the designation of a particular parcel of land as an historic site under this ordinance  
6041           results in a property owner being deprived of all, or substantially all, of the beneficial use

*10.302(5) HD (Historic) Overlay District*

6042                    of the property, compensation shall be paid as provided for by law.

6043            (5) Protection of historic structures.

6044            Historic structures may be modified, altered or changed only when necessary to protect the  
6045            continued existence of the structure or, for other purposes, when done according to the  
6046            standards outlined by the department of the interior for the restoration, rehabilitation and  
6047            adaptive reuse of historic structures. The owner of an historic structure who or which has  
6048            opened the structure to the public may erect and maintain supporting structures, including  
6049            lighting, protective fences and fire protection systems, as may be necessary for the  
6050            maintenance or ease of use of the site.

6051

10.303(1) NR-I (Natural Resource Identification) Overlay District

6052 **10.303. NR-I (Natural Resource Identification) Overlay District**

6053 **(1) Purpose**

6054 *The Natural Resource Buffer Overlay District (NR-I) is intended to:*

6055 **(a) Minimize impacts to sensitive environmental features.**

6056 **(b) Provide more detailed information about potential natural resources or other**  
6057 **environmental features to aid in appropriate design and siting of development.**

6058 **(c) Provide for appropriate review in areas of special concern as identified in adopted town and**  
6059 **county comprehensive plans.**

6060 **(d) Provide buffers and minimize ecological fragmentation of core resources in the NR-C**  
6061 **(Conservation) Zoning district.**

6062 **(2) Permitted and conditional uses**

6063 *All permitted and conditional uses in the underlying district, provided development conforms to*  
6064 *the performance standards described in (4) below.*

6065 **(3) Additional application information.**

6066 *Within the NR-I Natural Resources Identification Overlay District, any application for any zoning*  
6067 *or conditional use permit must be accompanied by the following:*

6068 **(a) A site plan meeting all the requirements of s. 10.101(6).**

6069 **(b) If determined necessary by the zoning administrator, a Preliminary Review Letter from the**  
6070 **Dane County Department of Land and Water Resources confirming that erosion control and**  
6071 **stormwater management standards under Chapter 14 and/or Chapter 11, Dane County**  
6072 **Code can be readily met.**

6073 **(c) Other natural elements as specifically identified in applicable, adopted town/county**  
6074 **comprehensive plans.**

6075 **(4) Performance standards.**

6076 *Prior to issuing a zoning permit for any development activity within the Natural Resource Buffer*  
6077 *Overlay District, the zoning administrator, or his or her designee, must confirm that any*  
6078 *development conforms to the approved site plan for the project.*

6079

*10.304(1) TDR-S (Transfer of Development Rights Sending) Overlay District*

**10.304. TDR-S (Transfer of Development Rights Sending) Overlay District**

*(1) Statement of purpose.*

The purposes of the TDR-S overlay district are to:

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

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

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

*(2) Areas affected.*

This district is generally intended to apply to lands identified in adopted town and county comprehensive plans as suitable for:

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

*(3) Applicable zoning districts.*

The TDR-S Overlay district shall only apply in the FP-35 and NR-C zoning districts

*(4) Permitted uses.*

*10.304(5) TDR-S (Transfer of Development Rights Sending) Overlay District*

- 6118        **(a)** All permitted uses in the underlying zoning district.
- 6119        **(b)** Transfer of development rights consistent with, and at a ratio determined by, an adopted
- 6120                town and county comprehensive plan.
- 6121                1. Any transferred development rights must be accompanied by a recorded TDR agricultural
- 6122                        conservation easement placed on the sending property.
- 6123                2. The recorded easement must include a legal description of the sending property in
- 6124                        accordance with adopted town and county comprehensive plan guidelines, must detail
- 6125                        the number of rights transferred or sold, and must describe any receiving property or
- 6126                        properties.
- 6127                3. TDR agricultural conservation easements must list, at a minimum, the county and the
- 6128                        town as parties with enforcement rights and must require, at a minimum, the county, the
- 6129                        town and the landowner to agree to any amendment of the agricultural conservation
- 6130                        easement in writing and after at least one public hearing held by the zoning committee.
- 6131                        All such amendments shall be recorded.
- 6132                4. No third parties with enforcement rights may be added without approval of the Town
- 6133                        and the County.
- 6134        (5) Conditional uses.
- 6135                All conditional uses in the underlying zoning district.
- 6136        (6) Area regulations.
- 6137                All lots in the TDR-S overlay district must meet the minimum lot size of the underlying zoning
- 6138                district
- 6139



*10.305(1) TDR-R (Transfer of Development Rights Receiving) Overlay District*

6140     **10.305.     TDR-R (Transfer of Development Rights Receiving) Overlay District**

6141           (1) *Statement of purpose.*

6142           The purposes of the TDR-R overlay district are to:

- 6143           **(a)** establish a county-wide framework which allows a participating municipality to transfer  
6144           development rights within or outside its jurisdiction;  
6145           **(b)** encourage the clustering of rural development;  
6146           **(c)** encourage the efficient provision of services by clustering residential units;  
6147           **(d)** encourage efficient transportation planning by encouraging compact development;  
6148           **(e)** support planning of development in areas which have less impact on key sources;  
6149           **(f)** preserve and enhance property rights;  
6150           **(g)** encourage rural housing that is adequate and affordable for persons from a range of  
6151           incomes;  
6152           **(h)** facilitate development in rural areas of towns already experiencing or seeking  
6153           development;  
6154           **(i)** encourage the efficient use of land that has no history of, or is no longer suitable for,  
6155           agriculture; and  
6156           **(j)** help Dane County and participating communities achieve the goals and objectives  
6157           contained in adopted plans

6158           (2) *Areas affected.*

6159           This district is generally intended to apply to lands identified in adopted town and county  
6160           comprehensive plans as suitable for:

- 6161           **(a)** residential development at a density exceeding one dwelling unit per 35 acres; and  
6162           **(b)** receiving areas for a transfer of development rights program

6163           (3) *Applicable zoning districts.*

6164           The TDR-R Overlay district shall only apply in the Rural Mixed-Use, Rural Residential, Residential  
6165           and Hamlet zoning districts.

6166           (4) *Applicability near incorporated municipalities.*

- 6167           **(a)** The county board may not rezone to the TDR-R overlay district any parcel wholly or  
6168           partially within the extraterritorial plat review jurisdiction of an incorporated municipality,  
6169           as defined in s. 236.02(5), Wis. Stats., unless consistent with an adopted town and county  
6170           comprehensive plan.  
6171           **(b)** If there are inconsistencies between the comprehensive plans of the town and the  
6172           incorporated municipality with extraterritorial jurisdiction, prior to county board action the  
6173           town and municipal governments must resolve the inconsistencies, following the dispute  
6174           resolution process set forth in their respective comprehensive plans as required by s.  
6175           66.1001(2)(g), Wis. Stats.

6176           (5) *Permitted uses.*

*10.305(6) TDR-R (Transfer of Development Rights Receiving) Overlay District*

All permitted uses in the underlying zoning district, provided all of the following criteria are met:

- (a)** Each new dwelling unit is accompanied by transferred development rights from a parcel or parcels in the TDR-S overlay district consistent with, and at a ratio determined by, an adopted town and county comprehensive plan.
- (b)** All transferred development rights in (a) above are from TDR-S overlay districts within the same town as the proposed dwelling unit, unless inter-town transfers are expressly authorized in adopted town and county comprehensive plans for both the sending and receiving towns.
- (c)** The landowner records a notice document for each new dwelling unit that details the number of development rights transferred, describes the sending property or properties, and references the recorded document number of the TDR agricultural conservation easement required under s. 10.304(4)(b).
- (d)** Copies of any recorded notices and copies of recorded TDR agricultural conservation easements on the sending parcel or parcels in the TDR-S district, must be provided to the zoning administrator before zoning permits will be issued.

*(6) Conditional uses.*

All conditional uses in the underlying zoning district, provided all of the following criteria are met:

- (a)** Any application for a conditional use permit in the TDR-R overlay district that would increase the number of permanent dwelling units, except for those uses listed in paragraph (b) below, is accompanied by transferred development rights from a parcel or parcels in the TDR-S overlay district consistent with, and at a ratio determined by, an adopted town and county comprehensive plan
- (b)** Exceptions. The following conditional uses are not considered an increase in the number of permanent dwelling units and do not require a transferred development right:
  - 1. community living arrangements;
  - 2. attached accessory dwelling units;
  - 3. long-term care facilities; and
  - 4. nursing homes.

*10.400(1) Changes and Amendments*

**10.400. Changes and Amendments**

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

**10.500. Roles, Responsibilities and Duties**

**(1) Zoning Administrator**

**(a) Authority**

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

**(b) Appointment.**

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

**(c) Powers and Duties.**

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

1. Receive applications, conduct inspections, and approve zoning permits under s. 10.101(1).
2. Provide accommodations for disabled persons under s. 10.102(1).
3. Require and review location surveys under s. 10.101(2).
4. Require, specify standards for, review and approve site plans under s. 10.101(6).
5. Conduct inspections to determine compliance with any provisions of this ordinance, other ordinances cited in (a) above, any permit standards or conditions and to investigate violations. The zoning administrator, or his or her designee, shall have the right to enter upon premises affected by this ordinance at reasonable hours for the purpose of inspection.
6. Issue certificates of compliance under s. 10.101(5).
7. Receive and review applications for conditional use permits under s. 10.101(7).
8. Receive and review petitions to rezone under s. 10.101(8)
9. Investigate any violation of this ordinance or any of the ordinances cited in (a) above, and to use enforcement measures authorized under s. 10.101(4) as necessary to ensure compliance.
10. Maintain permanent and current records of this chapter, including but not limited to all maps, amendments, conditional use permits, zoning permits, site plans, variances, appeals, inspections, interpretations, applications and other official actions.
11. Advise applicants for development approvals on the provisions of this chapter and assist applicants, to the extent practical, in preparing required permit applications.

*10.500(2) Roles, Responsibilities and Duties*

12. Receive, file and forward all applications for all procedures governed by this chapter to the designated official review and approval bodies, along with all appropriate technical information and/or reports to assist such bodies in making their decisions.
13. Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter, the applicable chapter section(s), and the comprehensive plan. An interpretation may be requested by the owner(s) of a property, the Zoning and Land Regulations Committee, the County Board, or an interpretation may be initiated by the Zoning Administrator. All interpretations are subject to appeal to the Board of Adjustment per the procedures in s. 10.101(9).
14. Provide primary staff support to the Zoning and Land Regulations Committee and the Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies.
15. Perform all duties related to shoreland and wetland zoning assigned to the zoning administrator, under Chapter 11, Dane County Code, NR 115, Wis. Admin. Code and s. 59.692, Wis. Stats.
16. Perform all duties related to floodplain zoning assigned to the zoning administrator under Chapter 17, Dane County Code, NR 117, Wis. Admin. Code and ss. 59, 59.692, 59.694 and 87.30, Wis. Stats.
17. Perform all duties related to land division and condominium plat review and approval as specified in Chapter 75, Dane County Code.
18. Perform all duties related to mineral extraction reclamation plans assigned to the zoning administrator under Chapter 74, Dane County Code.
19. Perform all duties related to rural addressing and road naming under Chapter 76, Dane County Code.
20. Perform all duties related to height limitations near the Dane County Regional Airport under Chapter 78, Dane County Code.

(2) Zoning and Land Regulations Committee

**(a) Authority.**

The zoning and land regulations committee shall have all authority, powers and duties as described in Chapters 33, 59, 87, 88, 236, 281 and 295, Wisconsin Statutes, and in Chapters 7, 10, 11, 13, 14, 17, 74 and 75, Dane County Code.

**(b) Appointment.**

The county board chair shall appoint zoning and land regulations committee members pursuant to s. 7.12, Dane County Code.

**(c) Powers and Duties**

The zoning committee shall have the following powers and duties:

1. All powers and duties described in s.7.12, Dane County Code.
2. Conduct public hearings in accordance with s.59.69(2)(e), Chapter 985, Wis. Stats. and Chapter 7, Dane County Code.

*10.500(3) Roles, Responsibilities and Duties*

3. Review and decide on requests for conditional use permits, including associated site plans where required, following the procedures in s. 10.101(7).
4. Advise the County Board on appropriate amendments to the text of this chapter or to the Official Zoning Map, following procedures established under §59.69, Wis. Stats., and in ss. 10.101(8) and 10.400.
5. Establish rules and procedures for committee meetings and public hearings under Chapter 7, Dane County Code.
6. Perform all duties, related to land division review, including approval of subdivision plats assigned to the zoning committee under Chapter 75, Dane County Code.
7. Review and approve waivers for landscaping standards for manufactured home communities under s. 10.103(14)(f)
8. Review and issue annual licenses for salvage yards and junkyards under s. 10.103(17)(c).
9. Review and approve Planned Unit Development applications under s. 10.291.
10. Review and approve replacement of vegetation or clear zone waivers in the Historic Overlay district under s. 10.302(4).

(3) Town Government

**(a) Authority.**

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

**(b) Powers and Duties**

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

1. Adoption of the county zoning ordinance under s. 59.69(5), Wis. Stats.
2. Withdrawal from county zoning under s. 59.69(5m), Wis. Stats.
3. Review, approval and denial of conditional use permits under s. 10.101(7)(c).
4. Review, objection and comment on rezoning petitions and ordinance amendments under s. 59.69(5), Wis. Stats.
5. Adoption of town comprehensive plans under ss. 66.1001, 60.23(33) and 62.23, Wis. Stats. and Chapter 82, Dane County code.
6. Receipt of agricultural entertainment, tourism or assembly plans under s. 10.103(3).
7. Receipt of outdoor assembly event plans under s. 10.103(16).
8. Licensing of salvage yards or junkyards under s. 10.103(17)(c).
9. Planned Unit Development review under s. 10.291.

(4) County Board of Supervisors

**(a) Authority.**

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

**(b) Powers and Duties**

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

1. The chair of the county board of supervisors appoints the Zoning and Land Regulations

*10.500(5) Roles, Responsibilities and Duties*

- 6327 Committee, subject to Chapter 7, Dane County Code.
- 6328 **2.** Review, approval or denial of rezone petitions and ordinance amendments under
- 6329 s.59.69(5), Wis. Stats. and s. 10.400.
- 6330 **3.** Adoption, review and amendment of the Dane County Comprehensive Plan under s.
- 6331 66.1001, Wis. Stats. and Chapter 82, Dane County Code.
- 6332 **4.** Adoption, review and amendment of the Dane County Farmland Preservation Plan
- 6333 under Chapter 91, Wis. Stats. ad Chapter 82, Dane County Code.
- 6334 **5.** Adoption of town comprehensive plans under s. 10.004(9) and Chapter 82, Dane
- 6335 County Code.
- 6336 **6.** Approval of Planned Unit Development General Development and Specific
- 6337 Implementation Plans under s. 10.291(5).
- 6338 (5) County Executive
- 6339 **(a)** Authority
- 6340 The Dane County Executive generally has all powers and duties as described in [s. 59.17, Wis.](#)
- 6341 [Stats.](#)
- 6342 **(b)** Powers and Duties
- 6343 The county executive has the following specific powers and duties related to this ordinance:
- 6344 **1.** Approval or veto of rezone petitions and ordinance amendments under ss. [10.101\(7\)](#),
- 6345 [10.400](#) and [s. 59.17\(6\), Wis. Stats.](#)
- 6346 **2.** Appointment of zoning administrator and other administrative staff.
- 6347 (6) Board of Adjustment
- 6348 **(a)** Authority
- 6349 The Board of Adjustment generally has all powers and duties as described in ss. [59.694](#), Wis.
- 6350 Stats.
- 6351 **(b)** Powers and Duties
- 6352 The Board of Adjustment has the following specific powers and duties related to this ordinance,
- 6353 and other land use ordinances of Dane County.
- 6354 **1.** Hearing and deciding appeals of conditional use permit decisions under s. [10.101\(7\)\(c\)4.](#)
- 6355 **2.** Hearing and deciding appeals of administrative decisions under s. [10.101\(9\)](#) and Chapters
- 6356 11, 14 and 17, Dane County Code.
- 6357 **3.** Hearing and deciding variances under s. [10.101\(10\)](#) and Chapters 11, 14and 17, Dane
- 6358 County Code.
- 6359
- 6360

*10.600(6) Reserved for future use.*

6361     10.600.     Reserved for future use.

6362     10.700.     Reserved for future use.

*10.800(1) Subchapter II Sign Regulations*

6363     **10.800.     Subchapter II Sign Regulations**

6364             (1) Title

6365                 This subchapter shall be known as “The Dane County Sign Ordinance.”

6366             (2) Purpose

6367                 The purpose of this Ordinance is to regulate the number, location, size, type, illumination, and  
6368                 other physical characteristics of signs within Dane County in a manner that preserves the right  
6369                 of free speech and expression, and promotes public safety, preservation of scenic beauty, and  
6370                 the implementation of the desired overall character of the community and its constituent  
6371                 zoning districts.

6372             (3) Applicability

6373                 The requirements and provisions of this subchapter shall apply to all signs that are erected,  
6374                 relocated, structurally altered, maintained or reconstructed after the effective date of this  
6375                 Ordinance. It shall be unlawful and in violation for any person to erect, relocate, structurally  
6376                 alter, maintain, or reconstruct any sign; except in compliance with the requirements of this  
6377                 section.

6378             (4) Severability

6379                 Should any section, clause or provision of this subchapter be declared by the courts to be  
6380                 invalid, the same shall not affect the validity of this subchapter as a whole or any part thereof,  
6381                 other than the part so declared to be invalid.

6382             (5) Substitution

6383                 Any sign authorized by this Ordinance may contain a noncommercial message, subject to the  
6384                 same regulations applicable to such signs.

6385



*10.800(1) Subchapter II Sign Regulations*

**10.801. Definitions**

As used in this section, the following words shall have the definitions indicated:

(1) Sign

Any object, device, display, structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

(2) Abandoned sign.

A sign is abandoned if a business advertised on that sign is no longer doing business at that location.

(3) Air dancer

An inflatable object, with or without text, that moves and is designed to attract attention.

(4) Apartment complex sign

A sign that provides identification for an apartment complex on which the sign is located.

(5) Appendage sign

An additional sign mounted above or hung below the primary sign face.

(6) Auxiliary sign

A sign mounted separately and apart from the primary sign

(7) Awning sign

A sign painted or installed on an awning.

(8) Back-to-back sign

Signs that are mounted back to back with the sign faces in opposing directions or on a 'v-shaped' frame with an internal angle of less than 40. 'V-shaped' frame signs with an internal angle larger than 40 shall be considered side-by-side signs.

(9) Billboard

An off-premise advertising sign with a copy area greater than 96 square feet.

(10) Directional sign

An on-premise auxiliary sign which provides direction for pedestrian or vehicular traffic, e.g., enter, exit, parking, or location of any place or area on the same premise.

(11) Double decked sign

Billboards or directory signs which are mounted one above the other.

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- 6417 (12) Electronic message sign  
6418 Any sign, which may or may not include text, where the sign face is electronically programmed  
6419 and can be modified by electronic processes including television, plasma, and digital screens,  
6420 holographic displays, multi-vision slatted signs, and other similar media.
- 6421 (13) Feather flag or feather banner  
6422 A sign shaped like a feather or is rectangular in shape designed to move, and that is not  
6423 permanently attached to the ground.
- 6424 (14) Graphic sign  
6425 A sign which is an integral part of a building façade. The sign is painted directly on or otherwise  
6426 permanently embedded in the façade.
- 6427 (15) Ground  
6428 The average elevation of the ground upon which the sign supports are placed, except when the  
6429 sign supports rest upon a berm or other area elevated above the surrounding ground. In such  
6430 cases, the average elevation of the base of such berm or other area shall be considered as the  
6431 ground.
- 6432 (16) Ground sign  
6433 A freestanding sign mounted on supports or uprights and whose bottom edge is less than 8  
6434 feet above the ground. A monument sign is a type of ground sign and is a two-sided sign  
6435 attached to a permanent foundation or decorative base and not attached or dependent on  
6436 support from any building, pole, posts or similar uprights.
- 6437 (17) Intersection  
6438 The point at which the right-of-way lines meet or, for highway interchanges, the beginning and  
6439 ending points of the on and off ramps. A “t” intersection shall be considered the same as a four-  
6440 way intersection in the determination of the required distance of signs from said intersection.
- 6441 (18) Logo  
6442 An emblem, symbol or trademark identification placed on signs.
- 6443 (19) Marquee sign  
6444 A sign mounted on an overhanging canopy of a theater, auditorium, fairground, museum or  
6445 other such use.
- 6446 (20) Mobile sign  
6447 Signs attached to or painted on vehicles/trailers and parked in a position and location with the  
6448 primary purpose of displaying the sign.
- 6449 (21) Nit  
6450 A measurement of visible light intensity used to specify brightness.

*10.800(1) Subchapter II Sign Regulations*

- 6451 (22) Obscene  
6452 Matter which appeals to a prurient interest in sex, as determined by contemporary community  
6453 standards or portrays sexual conduct in a patently offensive way, lacking any artistic or  
6454 scientific value.
- 6455 (23) Off-premise advertising sign  
6456 A sign which directs attention to a business, commodity, service or entertainment conducted,  
6457 sold or offered elsewhere other than upon the premises where the sign is displayed.
- 6458 (24) On-premise advertising sign  
6459 A sign which directs attention to a business, commodity, service or entertainment sold, offered  
6460 or conducted on the same premises that the sign is located.
- 6461 (25) Private property protection sign  
6462 A sign posted on private property in order to deny entry to the general public, pursuant to s.  
6463 943.13, Wis. Stats.
- 6464 (26) Projecting sign  
6465 An on-premise sign advertising sign, other than a wall sign which is attached to and projects  
6466 out from a wall or a building.
- 6467 (27) Pylon sign  
6468 A freestanding sign erected upon one or more pylons or posts the bottom edge of which is  
6469 eight or more feet above ground level.
- 6470 (28) Road classification  
6471 The system of classifying roads, according to the following:  
6472 **(a)** Class A – All federal and state highways and designated county highways  
6473 **(b)** Class B – All county highways except those designated as class A  
6474 **(c)** Class C – All town roads
- 6475 (29) Side-by-side signs  
6476 Two or more signs mounted adjacently on the same structure. Signs mounted on a 'v-shaped'  
6477 frame that has an internal angle larger than 40 shall be considered side-by-side signs.
- 6478 (30) Sign area  
6479 The total area which may be used for display of advertising, message, announcement, etc.
- 6480 (31) Sign face  
6481 Sign prepared with the background as part of the face.
- 6482 (32) Temporary signs

*10.800(1) Subchapter II Sign Regulations*

6483 Signs which are installed for a limited time period for any purpose.. A permanently mounted  
6484 sign shall not be considered as temporary even though the message displayed is subject to  
6485 periodic changes.

6486 (33) Trim  
6487 A separate border or framing around the copy area of a sign.

6488 (34) V-shaped frame  
6489 A sign support structure which will accommodate two signs in a back-to-back position with one  
6490 end of each sign mounted on a common support with the other sign. The other ends of the  
6491 signs are mounted on separate, individual supports.

6492 (35) Vehicle sign  
6493 Vehicles with signs mounted or painted on them parked off-premise for the purpose of  
6494 advertising rather than transportation.

6495 (36) Vision clearance triangle  
6496 An unoccupied triangular space at the an intersection. The triangle is formed by connecting the  
6497 point where each right-of-way line intersects and two points located at a distance equal to the  
6498 right-of-way setback distance along each right-of-way line.

6499 (37) Wall sign  
6500 A sign mounted on and parallel to a building wall or other vertical building surface. Signs on the  
6501 sides of a service station pump island roof structure shall be considered wall signs.

6502

*10.800(1) Subchapter II Sign Regulations*

**10.802. Standards and Requirements for Signs in All Zoning Districts**

**(1) Prohibited signs**

The following signs are prohibited in any zoning district:

- (a)** Abandoned signs.
- (b)** Electronic message signs, except as provided in this section.
- (c)** Double-decker signs
- (d)** Graphic signs.
- (e)** Inflatable signs.
- (f)** Air dancers.
- (g)** Feather flags.
- (h)** Mobile signs.
- (i)** Portable signs.
- (j)** Noise making, steam emitting, or odor emitting signs.
- (k)** Obscene signs.
- (l)** Roof signs.
- (m)** Signs that block ingress or egress. Any sign that is placed or maintained so as to interfere with free ingress to or egress from any door, window, fire escape or parking lot.
- (n)** Signs that employ any parts or elements that revolve, rotate, whirl, spin, flash or otherwise make use of mechanical, human or electronic derived motion, to attract attention.
- (o)** Signs that imitate or resemble any official traffic sign, signal or device.
- (p)** Signs on street trees.
- (q)** Signs on utility poles, electrical boxes, traffic control devices, or other public utilities.

**(2) Computation and Rules of Measurement**

- (a)** Measurement of sign area. For purposes of determining compliance with the sign area requirements of this ordinance, sign area shall be calculated as follows:
  - 1.** Measurement of a ground or pylon sign shall be of the sign face excluding the necessary supports or uprights on which the sign is placed.
  - 2.** Sign faces. Where a sign has 2 faces, the area of all faces shall be included in determining the area of the sign, except where 2 such faces are placed back to back. The area of the sign shall be taken as the area of one face if the 2 faces are of equal area, or as the area of the larger face if the 2 faces are of unequal area. No sign shall have more than 2 faces.
  - 3.** For wall signs, measurement will be of the sign copy area only.

**(3) Copy area**

The copy area of signs which have a face, border or trim shall consist of the entire surface area of the sign on which copy could be placed. Copy area of a sign whose message is applied to a background which provides no face, border or trim shall be the area of the smallest rectangle which can encompass emblems and other elements of the sign message.

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(4) Location standards for all signs

- (a) View blockage. No sign shall be placed in a way that blocks any part of a driver's or pedestrian's vision of the road, road intersection, crosswalk, vision clearance triangle, authorized traffic sign or device, or any other public transportation mechanism.
- (b) Driveway blockage. No sign may block or interfere with the visibility for ingress or egress of a driveway. All signs, except auxiliary signs, if within 20 feet of driveway ingress or egress, shall provide a minimum of 6 feet of clearance between ground level and the bottom edge of the sign.
- (c) Vision triangle. No sign shall be located within a vision clearance triangle.
- (d) Road right-of-way setback requirements.
  - 1. No sign shall be located within a road right-of-way.
  - 2. All signs shall be setback not less than 5 feet from the right-of-way line, the property line, or permanent highway easement, whichever is greater.
- (e) Side and rear yard setback requirements. All signs shall be setback not less than 5 feet from any side or rear yard, the right-of-way line, property line, or permanent highway easement, whichever is greater.
- (f) Billboards may not be located within 300 feet of existing on-premise sign or other billboard signs.
- (g) Off-premise sign may not be installed within the limits of a curve.
- (h) Projecting signs may not be located directly over a public or private street, drive or parking area.
- (i) Off-Premise signs may not be located within 300 feet of on-premise advertising signs..**
- (j) On-Premise Advertising Signs shall be mounted flush against the dwelling or building in which the business is located.**
- (k) Buildings which contain multiple businesses shall share the maximum wall sign allowance by dividing the maximum area by the number of proposed businesses. All business may be afforded a maximum wall sign of 20 square feet, if greater than the maximum wall sign limit for the building.
- (l) No sign shall be installed on a roof.
- (m) No sign may be located within a permanently protected green space area or mapped wetland area.

(5) Design Standards

- (a) No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type or traffic control-type sign designs and colors. No sign may be installed at any location where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any official traffic control sign, signal or device.
- (b) Signs, as permitted, shall be professionally designed, constructed and installed.
- (c) Graphics. The lettering on a sign shall be clearly legible and in scale with the sign surface upon which it is placed.

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- (d) Materials. Signs shall be constructed of materials which are of appropriate quality and durability.
- (e) Smooth sign face. No nails, tacks or wires shall be permitted to protrude from the front of the sign.
- (f) Illumination. All externally illuminated signs shall comply with the following standards.
1. Light, number and direction. Signs that are illuminated from an external source shall have a maximum of 4 external lights directed at only the copy area from a downward angle attached to the top of the sign or sign structure. No externally illuminated sign shall be up-lit or utilize light directed from the ground towards the copy area.
  2. Glare. Light sources shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a road or right-of-way that are of such intensity or brilliance as to cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle.
  3. All light sources to illuminate signs, internal or external, shall be shielded from all adjacent buildings and rights-of-way. Light sources shall not be of such brightness so as to cause glare hazardous to the motoring public or adjacent buildings.
  4. No sign shall use flashing, moving, reflecting, or changing light sources. Illuminated signs or lighting devices shall employ only a light of constant intensity.
- (g) Electronic message sign design. Changing copy and electronic message signs must meet the following requirements.
1. On-premises ground and pylon signs shall be the only type of sign that may incorporate electronic message components to the sign's copy area.
  2. Electronic message boards are prohibited on the exterior walls of buildings.
  3. The electronic message shall not be changed more than once every 6 seconds.
  4. Malfunction. In the event of a malfunction in any portion of the electronic message sign, the sign shall be turned off upon malfunction until the malfunction is corrected.
  5. Nits. Electronic message sign copy areas shall not exceed a maximum illumination of 5000 nits during daylight hours and 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.
  6. Dimming. All electronic message signs shall be equipped with and shall use photosensitive mechanisms to automatically adjust sign brightness and contrast based on ambient light conditions.
- (6) Maintenance
- (a) All signs within the jurisdiction of this ordinance shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials including peeling paint, paper or other material, prevention of excessive rust, the prevention of excessive vibration or shaking and the maintenance of the original structural integrity of the sign, frame and other supports, its mounting and all components thereof.
- (b) Signs found to be in violation of the provisions of this section shall be repaired or removed.



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**10.803. Signs Allowed Without a Permit**

**(1) Exempt Signs.**

The following are exempt from all provisions of this ordinance .

- (a)** Address, numbers and dwelling unit nameplates.
- (b)** Directional signs.
- (c)** Gravestones, symbols or monuments in cemeteries or monument sales lots.
- (d)** Murals which are a design or representation painted on the exterior surface of a structure that do not advertise a business, product, service or activity.
- (e)** Signs accessory to juvenile activities, such as a child's lemonade stand or temporary play-related sidewalk markings.
- (f)** Scoreboards and signs on fences and other structures accessory to athletic fields.
- (g)** Signage which is an integral part of the original construction of vending or similar machines.
- (h)** Signs required by other codes, public safety, health and welfare, of specifications required by other code or required by this ordinance.
- (i)** Flag or emblem of any nation, organization of nations, or other governmental or municipal agencies or unit.
- (j)** Signs posted and owned by a municipality, the State of Wisconsin or a Federal Agency.
- (k)** Displays within the confines of a building.
- (l)** Traffic control devices.

**(2) The following signs are permitted without requirement for a permit, subject to any listed standards.**

- (a)** On-Premise Advertising signs located in all agricultural districts provided that such signs have a maximum size of 32 feet.
- (b)** Signs in commercial districts where the parcel's use includes a drive-through is permitted to have up to 2 ground signs per drive through lane that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of 8 feet and a maximum area of 32 square feet per drive-through use.
- (c)** Auxiliary signs posted pursuant to Wis. Stat. § 346.55 shall have a maximum size of 32 square feet, shall be erected to a height not to exceed 6 feet, with no more than 2 signs per parking lot. Such signs shall be located on the parking lot of the business advertised on the sign.
- (d)** Private property protection signs.
- (e)** Private property protection signs shall have a maximum size of 1.5 square feet.
- (f)** Service station island signs.
  - 1.** Automobile service stations shall be permitted incidental signs and/or symbols at fuel pumps and service station islands only.
  - 2.** The maximum total area of signage at each service island (includes fuel pumps) shall not exceed 3 square feet.



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- 6661 (3) Temporary signs.
- 6662     **(a)** Number. One sign is allowed per parcel. For on premise advertising signs in agricultural
- 6663         districts, there shall not be more than one sign per row of crop.
- 6664     **(b)** Maximum size shall be 32 square feet.
- 6665     **(c)** Setback requirements.
- 6666         1. Must meet requirements of s. 10.802(d) for on-premises ground signs.
- 6667         2. Must be outside of Vision Clearance Triangle.
- 6668     **(d)** Illumination. No temporary signs shall be illuminated or have the potential to be
- 6669         illuminated.
- 6670     **(e)** Flashing/moving lights. Signs may not contain flashing lights or moving parts.
- 6671     **(f)** Display period. Signs are limited to a period of 60 days two times per year. The 60-day
- 6672         periods shall not run concurrently.
- 6673     **(g)** Inflatable signs/objects, air dancers, or feather flags shall be prohibited as temporary signs.
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*10.800(1) Subchapter II Sign Regulations***10.804. Signs allowed with a permit**

The following signs may be permitted in certain zoning districts as shown in the following Table 1 subject to the approval of a zoning permit and the sign design limitations applicable to each type of sign.

(1) Table 1: Signs Permitted with a Permit by Zoning District

Zoning district category	Zoning District	On-Premises					Off-Premises
		Wall signs	Projecting & Marquee signs	Ground signs < 8' off ground	Pylon signs (> 8' off ground)	Electronic message signs*	Billboards
Natural Resource & Recreational	NR-C						
	RE	X	X	X	X		
Farmland Preservation	FP-1						
	FP-35			X			
	FP-B	X	X	X	X		
Rural Mixed Use & Transitional	AT-35			X			
	AT-B			X	X		
	RM-8			X			
	RM-16			X			
Rural Residential	RR-1						
	RR-2						
	RR-4						
	RR-8						
Residential	SFR-08						
	SFR-1						
	TFR-08						
	MFR-08			X			
Hamlet	HAM-R						
	HAM-M	X	X	X			
Commercial	LC	X		X			
	GC	X	X	X	X	X	
	HC	X	X	X	X	X	X
Processing, Manufacturing & Industrial	RI	X	X	X	X	X	
	MI	X	X	X	X	X	X
Special Use	PUD	Determined as part of site plan review by Z.A.					

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\* On-premises ground and pylon signs, are the only types of signs that may incorporate electronic message components to the sign's copy area.

6680 (2) Auxiliary signs  
 6681 Auxiliary signs are allowed in all Zoning Districts.

6682 (3) Awning signs  
 6683 Awning signs are treated the same as Wall signs.

6684 (4) On-premise ground signs  
 6685 On-premise ground signs are subject to the area and placement regulations of the following  
 6686 Table 2 and the design standards of this section.

**(a)** Table 2: Dimension and Location Standards for On-Premise Ground Signs

Use	Zoning District	Number Permitted	0-45 mph		46+ mph		Minimum Setbacks (ft.)	
		Per road frontage	Max area sq. ft.	Max height ft.	Max area sq. ft.	Max height ft.	From lot line	From residential district
Natural Resource & Recreational	RE	1	32	10	32	16	5	25
Farmland Preservation	FP-35	1*	32	6	32	10	5	25
	FP-B	1*	32	10	64	16	5	25
Rural Mixed Use & Transitional	AT-35	1*	32	6	64	10	5	25
	AT-B	1*	32	10	64	16	5	25
	RM-8	1*	32	10	32	16	5	25
	RM-16	1*	32	10	32	16	5	25
Residential	MFR-08	1	32	8	32	12	5	25
Hamlet	HAM-M	1	32	8	64	12	5	25
Commercial	LC	1	32	8	64	12	5	25
	GC	1	32	12	64	16	5	25
	HC	1	32	12	64	16	5	50
Processing, Manufacturing & Industrial	RI	1	32	12	64	16	5	100
	MI	1	32	12	64	16	5	100
* Crop signs shall have a maximum size of 3 square feet and be erected to a height not to exceed 10 feet. There shall not be more than one sign per row of crop.								

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 6690 **(b)** Monument base required. It is encouraged that ground signs in the county shall be low-  
 6691 level monument ground signs.

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## (5) On-premise pylon signs

On-premise pylon signs are subject to the area and placement regulations of the following Table 3.

**(a) Table 3: Dimension and Location Standards for On-Premise Pylon Signs**

Use	Zoning District	Number Permitted	Maximum Area (sq. ft.)		Maximum Height (ft.)		Minimum Setbacks	
		Per parcel	0-45 mph	46+ mph	0-45 mph	46+ mph	From lot line	From residential district
Recreational	RE	1	100	200	25	50	5	25
Farmland Preservation	FP-B	1	100	200	25	50	5	25
Rural Mixed Use & Transitional	AT-B	1	100	200	25	50	5	25
Commercial	GC	1	100	200	25	50	5	25
	HC	1	100	300	35	50	5	50
Processing, Manufacturing & Industrial	RI	1	100	300	35	50	5	100
	MI	1	100	300	35	50	5	100

## (6) On-premise wall signs

Wall signs are subject to the design standards of the following Table 4.

**(a) Table 4: Dimension and Location Standards for Wall Signs**

Use	Zoning District	Maximum Area (sq. ft.)		Maximum Height (sq. ft.)		Number of Signs Permitted per Building		
						Number of road frontages on zoning lot		
		0-45 mph	46+ mph	0-45 mph	46+ mph*	1	2**	3**
Farmland Preservation	FP-B	100	300	20	50	2	3	4
Rural Mixed Use & Transitional	AT-B	100	300	20	50	2	3	4
Hamlet	HAM-M	100	300	20	50	2	3	4
Commercial	LC, GC, HC	100	300	20	50	2	3	4
Processing, Manufacturing & Industrial	RI, MI	100	300	20	50	2	3	4
Special Use	PUD	Determined as part of site plan review by Z.A.						
*	For buildings 6 stories or more in height, a wall sign may also be located within 20 feet of the top of the building.							

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<b>**</b>	The maximum size and height of signs on zoning lots with 2 or more road frontages shall be determined by reference to the nearest adjacent road.
In no event shall there be more than two walls signs on any one side of the building. Wall signs shall be located only on the building containing the business advertised on the sign.	

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**(b)** Design standards.

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1. Wall Signs. Wall signs shall not project more than 1 foot from the building wall to which it is attached and shall be set back from the end of the building, or party wall line for a distance of at least 3 feet and shall not project above the building wall. Wall signs may be internally or externally illuminated only in the GC, HC and MI zoning districts.

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2. Projecting signs shall have a maximum size of 100 square feet and be installed to a height not to exceed 15 feet. Such signs shall be located on the building containing the business advertised on the sign.. Projecting signs shall not extend more than 3 feet from the face of a building and the lowest portion of such signs shall not be less than 8 feet above the finished grade of a sidewalk or other pedestrian way.

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3. Marquee signs shall have a maximum size of 300 square feet and be erected to a height not to exceed 20 feet, with no more than 3 sides. Such signs shall be located on the building containing the business advertised on the sign.

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**(7)** Billboards

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Billboards shall meet all of the following requirements:

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- (a)** Total sign copy area shall not exceed 300 square feet in area.

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- (b)** Shall be erected to a height not to exceed 35 feet above the centerline of the adjacent highway at the location of the sign.

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- (c)** Shall meet all setback requirements for the district in which they are located.

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- (d)** Minimum separation of 1,000 feet from all other billboards.

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- (e)** Intersection regulation: a billboard whose bottom edge is less than 8 feet above the centerline elevation of adjacent roads shall maintain distance from road intersection as follows:

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1. 100 feet where the road speed is 0 to 45 mph and

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2. 200 feet where the road speed is 46+ mph.

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- (f)** A billboard whose bottom edge is 8 feet or higher above the centerline elevation of adjacent roads may be located up to the vision triangle line.

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6729     **10.805.   Nonconforming Signs and Use**

6730           (1) Nonconforming signs

6731                 Signs existing prior to the effective date of this ordinance which do not conform to the  
6732                 provisions of the ordinance shall be nonconforming signs.

6733                 **(a)** Nonconforming signs shall not be rebuilt, altered or moved to a new location without  
6734                 being brought into compliance with the requirements of this ordinance.

6735                 **(b)** Routine maintenance of a sign is permitted unless the cost exceeds 50% of the current  
6736                 value of the sign, if the maintenance cost is more than 50% of the value of the sign said  
6737                 sign shall be considered rebuilt.

6738           (2) Signs advertising a nonconforming use

6739                 Signs advertising a nonconforming use may be continued but such signs shall not expand in  
6740                 number, copy area, height or illumination. New signs may be erected only upon the complete  
6741                 removal of all nonconforming signs.

6742           (3) New copy

6743                 Replacement of new skin (printed or painted surface of copy face), must contain the same  
6744                 message. A different message will be considered a new sign, and as such, it must meet current  
6745                 code requirements.

6746           (4) Change of use

6747                 Nonconforming signs shall be brought into compliance or removed when the principal use of  
6748                 the premises is changed to a different use.

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*10.800(1) Subchapter II Sign Regulations*

**10.806. Administration**

**(1) Variances**

- (a)** Variances from the requirements of this subchapter may be granted by the Board of Adjustment (BOA) upon application to and payment of a fee to the zoning administrator. Variances are limited as specified in this section.
  - 1. Variances may be granted from the maximums of height or area (but not both) for all signs regulated by this ordinance, except as limited by this section.
  - 2. Variances to maximum of height or area may not exceed maximums specified in this chapter by more than 20%.
  - 3. Variances may not be granted to maximum height, to maximum area or to minimum separation requirements for off-premise advertising signs.
- (b)** Variance Standards. Unnecessary hardship must be found as distinguished from a mere inconvenience. The finding of a hardship shall take into consideration the particular physical surroundings, shape or topographical conditions of the specific property involved.
  - 1. The conditions upon which the application for a variance is based would not be applicable generally to other property similarly situated.
  - 2. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
  - 3. The alleged hardship or difficulty is caused by this ordinance and has not been created by any person presently having an interest in the property.
  - 4. The granting of the variance will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
  - 5. The proposed variance will not impair an adequate supply of light and air to adjacent property, endanger the public safety or substantially diminish or impair property values within the neighborhood.
- (c)** Conditions on variances. The committee may impose such conditions or restrictions upon the sign and premises benefited by a variance as may be necessary to comply with the above standards to reduce or minimize the injurious effect of such variance upon other property in the neighborhood and to better carry out the general intent of this ordinance.

**(2) Applications and Permits**

- (a)** Application form. The applicant must fill out an application form including a site plan showing all of the following:
  - 1. Lot. The location and dimensions of the property's boundary lines;
  - 2. Buildings. The location of all the buildings and structures on the lot;
  - 3. Existing signage. The location, dimensions, and description of all existing signage on the property;
  - 4. Proposed signage. The sign design and layout proposed, including total area of the sign(s), sign height, character and materials.
  - 5. Illumination. For illuminated signs, the method of illumination, the number and type of

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- 6790 lamps and lens material and the statement that the illumination of each sign will  
6791 comply with the provisions of Section 10.802(4)(f).  
6792 **6.** Elevations. Elevations and specifications for proposed signs, including proposed  
6793 landscaping for ground signs. If a sign is proposed to be on a wall, then the entire wall  
6794 that such sign will be attached to must be depicted showing the location of the sign on  
6795 said wall.  
6796 **7.** Construction details. Details and specifications for construction, erection and  
6797 attachment as may be required by the Zoning Administrator;  
6798 **8.** The name of the sign contractor or company responsible for construction of the sign;  
6799 **9.** Other information. All other information deemed pertinent by the Zoning  
6800 Administrator or designee thereof.  
6801 **(b)** The Zoning Administrator shall issue a suitable identification tag with each sign permit. The  
6802 identification tag shall be placed on the sign or on a support column in a location that is  
6803 easily visible from the road or proximity of the sign.  
6804 **(c)** Fees are established in Chapter 12 of the Dane County Code of Ordinances.
- 6805 (3) Penalties  
6806 **(a)** Failure to obtain a zoning permit for a sign shall follow the violations and penalties rules  
6807 and procedures as defined in Section 10.101(4)

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