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ZONING

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CHAPTER 10
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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;
(n) promote the efficient and economical use of public funds;
(o) to promote creation of employment opportunities; and
(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.
[**History:** 10.001 cr., 2018 OA-20, pub. 01/29/19.]

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 thereunder 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 January 30, 2019 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 January 30, 2019, 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.
[**History:** 10.002 cr., 2018 OA-20, pub. 01/29/19.]

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), Wis. Stats., 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. Town of Albion: February 5, 2019
2. Town of Berry: Not adopted as of January 29, 2020.
3. Town of Black Earth: Not adopted as of January 29, 2020.
4. Town of Blooming Grove: February 13, 2019.
5. Town of Blue Mounds: Not adopted as of January 29, 2020.
6. Town of Burke: March 20, 2019
7. Town of Bristol: Not adopted as of January 29, 2020.
8. Town of Christiana: April 19, 2019
9. Town of Cottage Grove: February 4, 2019.
10. Town of Cross Plains: May 17, 2019.
11. Town of Dane: March 4, 2019.
12. Town of Deerfield: March 11, 2019.
13. Town of Dunkirk: March 28, 2019.
14. Town of Dunn: Not adopted as of January 29, 2020.
15. Town of Madison: March 11, 2019.
16. Town of Mazomanie: March 11, 2019.
17. Town of Medina: March 21, 2019.
18. Town of Middleton: March 18, 2019.
19. Town of Montrose: April 2, 2019.
20. Town of Oregon: March 5, 2019.
21. Town of Perry: March 12, 2019.
22. Town of Pleasant Springs: Not adopted as of January 29, 2020.
23. Town of Primrose: March 4, 2019.
24. Town of Roxbury: April 21, 2019.
25. Town of Rutland: March 5, 2019.
26. Town of Springdale: Not adopted as of January 29, 2020.
27. Town of Springfield: Not adopted as of January 29, 2020.
28. Town of Sun Prairie: Not adopted as of January 29, 2020.
29. Town of Vermont: May 13, 2019.
30. Town of Verona: July 2, 2019.
31. Town of Vienna: March 4, 2019.
32. Town of Westport: Not adopted as of January 29, 2020.
33. Town of York: April 8, 2019.

(b) Incorporated areas. Under s. 59.69(7) Wis. Stats.:

1. Whenever an area, which has been subject to a county zoning ordinance petition 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 of 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 issued 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.

(3) Abrogation 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 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.
[**History:** 10.003 cr., 2018 OA-20, pub. 01/29/19; (1)(a) am., 2019 OA-20, pub. 01/28/20.]

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.
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.

(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 medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book store.

(9) *Adult entertainment establishment.*

(a) Any establishment which regularly features for monetary consideration performances or presentations which are distinguished or characterized by an emphasis on exposure to view of less than completely or opaquely covered human genitals, pubic area, anus, vulva, female breasts below a point immediately above the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the fondling of another person's genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual conduct as defined by s. 944.21(2)(e), Wis. Stats.

(b) The term regularly features as used in this subsection means giving special prominence at uniform, orderly intervals on a permanent basis, or always features.

(10) *Adopted town and county comprehensive plan.* A town comprehensive plan adopted by both the affected town board and the Dane County Board of Supervisors under s. 66.1001, Wis. Stats., and Chapter 82, Dane County Code.

(11) *Agricultural use.* Means any of the following activities conducted for the purpose of producing an income or livelihood:

(a) Crop or forage production.

(b) Keeping livestock.

(c) Beekeeping.

(d) Nursery, sod, or Christmas tree production.

(e) Floriculture.

(f) Aquaculture.

(g) Fur farming.

(h) Forest management.

(i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(12) *Agricultural accessory building.* A building or buildings used in the operation of a farm.

(13) *Agricultural accessory use.* Any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agriculture use.

(c) Farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, which is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(14) *Agricultural entertainment.*

(a) An agricultural accessory use, taking place on a farm, that combines the elements and characteristics of agriculture and tourism.

(b) Examples of agricultural entertainment include, but are not limited to: corn mazes, pick-your-own operations, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and

methods, educational activities about farm animals and camps centered around interaction with farm animals, fee based fishing and hunting, horseback riding, nature trails, haunted barns, farm breakfasts and luncheons, and similar activities which are related to agriculture.

(15) *Agriculture-related use.* A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose:

(a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.

(b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

(c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district.

(16) *Airport, landing strip or heliport.* A transportation facility that provides takeoff, landing, servicing, storage and other services to any type of air transportation.

(a) Seaplane operation below the ordinary highwater mark of a navigable water is not included in this definition, but such use may be regulated under Chapter 72, Dane County Code.

(b) Except for emergency and rescue operations, the operation of any type of air vehicle requiring Federal Aviation Administration pilot certification shall occur only in conjunction with an approved airport, landing strip, or heliport.

(17) *Amusement park.* An outdoor entertainment use, publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

(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 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.

(23) *Bed and breakfast.* (See Transient or tourist lodging.)

(24) *Boathouse.* A permanent accessory structure used solely for the personal storage of watercraft and associated materials.

(25) *Boat slip.* A mooring accommodation for the in-water storage of a boat or other water craft which is owned by other than a resident or owner of the premises.

(26) *Building.*

(a) Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys.

(b) For permit and locational purposes, the following are also considered buildings: swimming pools, both above and below ground, permanent hunting blinds with a foundation, and towers, including communication towers.

(c) The following are not considered buildings: poles, towers and posts for lines carrying telephone messages or electricity and recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

(27) *Building envelope.* The three-dimensional space within which a building is constructed.

(28) *Building footprint.* The entire area of ground covered by a structure, expressed in square feet, including appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces, and chimneys.

(29) *Building height.*

(a) The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof for flat roofs; to the mean height level between the highest ridge and its associated eave for gable and hip roofs; to the deck line for mansard roofs.

(b) The front of the building shall be the side directly facing the public or private thoroughfare which affords primary means of access to the property, excluding the driveway.

(30) *Building line.*

(a) The building line shall be the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches or covered patios meet the ground.

(b) For earth sheltered homes, the building line is a line where the exterior walls of the building if extended vertically would be located on the lot or zoning parcel.

(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, columbarium 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 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), Wis. Stats.

2. A radio broadcast service facility as defined in s. 66.0406(1)(c), Wis. Stats.

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, fixed wireless 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

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.
(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, Wis. Stats. Buildings in a condominium shall meet the density and locational requirements of the zoning district in which they are located.
(47) *Consistent with.* Furthers 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 nine (9) 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;

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

(52) *Development plan.* A scale drawing of the premises which accurately depicts:

(a) the shape and dimensions of the lot, zoning parcel, tax parcels, or condominium units, as appropriate;

(b) the location and dimensions of all existing and proposed buildings and other structures;

(c) the location and dimensions of all parking areas, loading areas, circulation areas, and access drives;

(d) the distance in feet between all structures, and between all structures and parking areas, abutting streets and highway rights-of-way or easements and side and rear lot lines, and;

(e) any other information as the zoning administrator deems necessary to determine the nature of the development.

(53) *Development right.*

(a) A potential new residential building site available under the policies of an adopted town and county comprehensive plan, subject to the standards of this ordinance and chapters 11, 17 and 75.

(b) For purposes of participating in a transfer of development rights program, a development right exists on a particular property if adopted town and county comprehensive plans would support a rezone petition to allow residential development on the property.

(53m) *Distribution Center.* Any land use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

(54) *Divided highway.* A highway with 2 or more roadways separated by spaces not intended for the use of vehicular traffic.

(55) *Domestic beekeeping.* The keeping of honeybees in a residential zoning district.

(56) *Domestic fowl.* Female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered domestic fowl for the purposes of this ordinance.

(57) *Domestic pets.*

(a) Any animal that:

1. has been bred or raised to live in or near the habitations of humans,

2. is not kept for slaughter, milk, eggs or the harvesting of fur, wool or plumage, and;

3. is dependent on humans for food and shelter.

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

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

(58) *Drive-in establishment.*

(a) An establishment which accommodates motor vehicles from which the occupants may obtain or receive a service or product which may be used or consumed in the vehicle on the same premises, or

(b) An establishment which accommodates motor vehicles for the purpose of fueling or providing minor motor vehicle services.

(59) *Duplex.* A dwelling designed or intended to be occupied by two families, but without a shared entrance.

(60) *Dwelling.* A building, or part of a building, containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or more families.

(61) *Electric generating facility.* Any equipment together with associated structures, buildings, grounds and other facilities intended to produce electricity consumed primarily off the premises.

(62) *Explosive materials.*

(a) Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, except as exempted below.

(b) Explosive materials include, but are not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

(c) Exemptions.

(d) For the purposes of this ordinance, the following are not considered explosive materials:

1. Fireworks, as defined in s. 167.10, Wis. Stats.

2. Fuel or a lubricant.

3. A firearm cartridge or shotgun shell.

4. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.

5. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

6. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

7. A toy snake which contains no mercury.

8. A model rocket engine.

9. Tobacco and a tobacco product.

10. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

11. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

12. A fuse less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

13. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
14. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
15. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
16. A novelty device that spins or moves on the ground
17. Propellants for airbags in a motor vehicle.
(63) *Family.* A single housekeeping unit, living together on the premises, comprised of either:
(a) Any number of individuals related by blood, adoption, foster care, domestic partnership or marriage, or
(b) No more than five unrelated individuals.
(64) *Farm.* All land under common ownership that is primarily devoted to agricultural use. For the purposes of this ordinance, "primarily devoted" means that a majority of the land is in agricultural use.
(65) *Farm operator.* A person who, or a family at least one member of which, earns substantial farm income from farm operations on the farm.
(66) *Farm residence.* Any of the following structures that is located on a farm:
(a) A single-family residence that is occupied by any of the following:
1. A person who is both the owner and farm operator of the farm.
2. A parent or child of the owner and farm operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.
(b) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
(67) *Governmental, institutional, religious, or nonprofit community uses.* A facility, land or premises that provides a public service and is operated by a:
(a) federal, state, county, city, village, town or tribal government,
(b) public or private utility, commission or authority,
(c) public or private school, university, college or school district,
(d) church or religious institution,
(e) public or quasi-public agency, or
(f) tax-exempt organization.
(68) *Gross floor area.*
(a) The aggregate area of all horizontal levels of a building, expressed in square feet, not including any horizontal level where the average floor to ceiling height is less than 6 feet.
(b) When used as a basis of measurement for off-street parking and loading spaces for any use, gross floor area shall be the sum of the areas of the several floors of the buildings devoted to such use, including all areas devoted to restrooms, storage, utilities and circulation.
(69) *Gross income.* Wisconsin Adjusted Gross Income, as defined in s. 71.01, Wis. Stats.

(70) *Gross vehicle weight.* The weight of any truck or road tractor and its semitrailer plus the load that the vehicle is rated to haul.

(71) *Heavy industrial.*

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

1. operations are conducted wholly or partially outdoors;

2. operations are potentially associated with significant nuisances such as odor, noise, heat, vibration, pollution or radiation which are detectable at the property line;

3. operations may pose a significant safety hazard (such as danger of fire, toxic spills or explosion).

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

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

(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, and share a main building entrance with, the landowner's primary residence.
(b) No more than two bedrooms are offered for rent.
(c) 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; or
2. Provides accommodations for more than twenty transient or tourist guests at a time.
(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.
(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 Operation.)

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

(82) *Land disturbing activity.* Any alteration or disturbance that may result in soil erosion, sedimentation or change in runoff including, but not limited to, removal of ground cover, grading, excavating or filling of land.

(83) *Light industrial.*

(a) The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations):

1. are conducted entirely within an enclosed building;

2. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;

3. do not pose a significant safety hazard (such as danger of explosion); and

4. include no retail sales.

(b) Light industrial uses do not include agriculture-related, limited family businesses, Limited farm businesses, small workshops accessory to a permitted use, or heavy industrial uses.

(84) *Limited family business.* A small family-run commercial operation, accessory to a permitted principal use, that takes place entirely within an accessory building. All employees, except up to one or one full-time equivalent, must be a member of the family residing on the premises.

(85) *Limited farm business.* An agricultural accessory use that meets all of the following criteria:

(a) Consists of a business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm,

(b) Requires no buildings, structures, or improvements other than existing agricultural buildings or a farm residence,

(c) Employs no more than 4 full-time equivalent employees annually, who are not members of the family residing on the farm, and;

(d) Does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(86) *Livestock.*

(a) Except as listed below, bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(b) For the purposes of this ordinance, the following are not considered livestock:

1. Five or fewer equine animals on a premises in the Rural Mixed-Use Districts;

2. Domestic fowl;

3. Domestic pets;

4. Domestic beekeeping.

(87) *Location survey.* Survey information prepared by a licensed surveyor indicating the location of property lines and building location distances from those property lines for the specific portions of the building indicated in this ordinance.

(a) Such surveys need not provide all the parcel information set forth by Wisconsin Administrative Code Chapter A-E 7.02 Minimum Standards for Property Surveys item A-E 7.01(2), but may exclude unnecessary information as permitted in A-E 7.01(2).
(b) All location surveys must comply with the accuracy standard required by A-E 7.06 Measurements.
(88) *Long-term care facility.* Any of the following:
(a) A nursing home, as defined in s. 50.01(3), Wis. Stats.
(b) A community-based residential facility, as defined in s. 50.01(1g), Wis. Stats.
(c) A facility, as defined in s. 647.01(4), Wis. Stats.
(d) A swing bed in an acute care facility or extended care facility, as specified under 42 USC 1395tt.
(e) A hospice, as defined in s. 50.90(1)(c), Wis. Stats.
(f) An adult family home, as defined in s. 50.01(1), Wis. Stats.
(g) A residential care apartment complex, as defined in s. 50.01(6d), Wis. Stats.
(89) *Lot.* A parcel of land occupied or intended to be occupied by one principal building and its accessory buildings or uses, except for commercial zoning districts. A parcel or tract of land that is defined by metes and bounds, certified survey, recorded subdivision plat, or other means of description recorded with the Register of Deeds and legally separated from other lots by such description. No land included in any public road, street, highway or railroad right-of-way shall be included when computing lot area. Also referred to as a "lot of record."
(90) *Lot depth.* The lot depth is the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
(91) *Lot width.*
(a) The distance between the side lot lines measured along a line that is parallel to the front lot line at the required building setback line.
(b) On triangular or gored lots, the lot width shall be measured along a line that is parallel to the chord of the arc of the front lot line at the required building setback line. The lot width at this point shall not be less than that required by the zoning district in which the lot is located.
(92) *Lot line, front.* The lot line adjoining, and parallel to, the right-of-way that provides primary vehicular access to the lot.
(93) *Lot line, rear.*
(a) The rear lot line shall mean that lot line which is opposite and most distant from the front lot line.
(b) In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
(c) In cases where none of these definitions is applicable, the zoning administrator shall designate the rear lot line.
(94) *Lot line, side.* Any lot line other than a front or rear lot line.
(95) *Manufactured home.*
(a) A residential dwelling for one family as is defined in s. 101.91(2), Wis. Stats., that:
1. Is fabricated in an off-site facility for installation or assembly at the building site;

2. bears a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. ss. 5401 to 5425; and,

3. was built after June 14, 1976.

(b) A manufactured home is considered a single-family dwelling for the purposes of this chapter.

(96) *Manufactured home communities.*

(a) Any plot or plots of ground upon which two (2) or more manufactured dwellings, occupied for dwelling or sleeping purposes, are located.

(b) Exceptions. Manufactured home communities do not include manufactured homes used for any of the following uses, with an approved conditional use permit:

1. Accessory dwelling units
2. Secondary farm residences.

(97) *Marina.*

(a) A commercial shoreside facility that provides accommodation and service for multiple boats.

(b) Marinas may include, but are not limited to, docks; boat slips; inside or outside storage of boats, boat trailers, storage cradles and other related marina items; sale of boats, boating equipment, fuel and supplies.

(c) Marinas do not include noncommercial boathouses, docks, or piers intended for watercraft owned by the landowner and accessory to a permitted principal use.

(98) *Mineral extraction.*

(a) Quarrying, excavation or removal of sand, gravel, limestone, earth, soil or other mineral resources.

(b) Mineral extraction does not include:

1. Site preparation for residential or commercial plats,

2. Construction or landscaping projects,

3. Soil conservation practices,

4. Stream, lake or shoreline protection projects,

5. Agricultural land leveling projects conducted in accordance with NR 151, Subchapter II, Wisconsin Administrative Code, provided materials are not removed from the site.

6. Composting, storage or processing of materials that meet the definition of an agriculture-related use.

7. Solid waste disposal operations.

(99) *Mineral extraction accessory uses.*

(a) When conducted entirely within the boundaries of an approved Conditional Use Permit for a mineral extraction site, the following are considered permitted accessory uses:

1. washing, crushing, screening and other processing of extracted mineral materials,

2. stockpiling and processing concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products,

3. importing and dumping of clean fill materials,

4. the erection of structures and the installation or storage, or both, of the necessary machinery and equipment used in the mineral extraction operation,

5. soil blending for production of bioretention products,
6. activities associated with an approved erosion control or stormwater management plan under Chapter 14, Dane County Code,
7. activities associated with site reclamation under an approved reclamation plan under Chapter 74, Dane County Code.
(b) At their own initiative or at the applicant's request, town boards and the committee may further limit or prohibit any of the above accessory uses on a particular mineral extraction site, as part of the conditions on an individual Conditional Use Permit.
(100) *Mini-warehouse.* (See Personal storage facility.)
(101) *Mobile home.*
(a) A transportable factory-built structure as is defined in s. 101.91(10), Wis. Stats., designed for long-term occupancy by one family and either:
1. was built prior to June 15, 1976; or,
2. does not comply with the Federal Manufactured Housing Construction and Safety Standards Act.
(b) A mobile home is not considered to be a type of single-family dwelling for the purposes of this chapter.
(102) *Motel.* (See Indoor commercial lodging.)
(103) *Motor vehicle.* Cars, trucks, buses, semi-tractors and semi-trailers which may be used to transport goods, materials, freight or passengers.
(104) *Multiple family dwelling.* A dwelling designed or intended to be occupied by more than two families.
(105) *Native wildlife rehabilitator.* A facility operated under a rehabilitator license approved by the Wisconsin Department of Natural Resources, the U.S. Fish and Wildlife Service or the U.S. Department of the Interior under s. 169.24, Wis. Stats. and Chapter NR 19, Subchapter II, Wisconsin Administrative Code.
(106) Nursing home. (See also Institutional residential.)
(a) An institutional residential facility for the aged, chronically ill or incurable person in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation.
(b) Nursing homes do not include any of the following:
1. A convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual.
2. A hospice, as defined in s. 50.90(1), Wis. Stats., that directly provides inpatient care.
3. A residential care apartment complex.
4. Hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
(107) *Nonconforming parcel.* A lot or zoning parcel lawfully created prior to the time this ordinance or relevant amendments took effect, and which does not conform to current area or lot width standards of this ordinance. Also known as a "substandard parcel."
(108) *Nonconforming structure.* A structure lawfully erected prior to the time this ordinance or relevant amendments took effect, and which does not conform to the setback, side yard, rear yard, lot coverage, height or other dimensional requirements of this ordinance.

(109) *Nonconforming use.* A lawfully created use that existed prior to the time this ordinance or relevant amendments took effect, and which does not conform to the current standards of this ordinance.

(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.

(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 operation.

(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 operation, 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.

(120) *Personal storage facility.* A facility that provides indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Also known as "mini-warehouses."

(121) *Planned unit development.*

(a) A form of land development, conceived and implemented as a cohesive, unified project and permitted only after following the procedures for creating a planned unit development district as provided in s. 10.291 of this ordinance.

(b) Within a planned unit development, regulations on permitted or conditional land uses, setbacks, lot or zoning parcel sizes or other development standards may vary to suit the proposed use and the site, as determined in the General Development Plan and Specific Improvement Plan approved by the County Board specifically for that project.

(122) *Principal building.* A building within which a majority of the principal use of a premises or lot is conducted.

(123) *Principal use.* The primary use of a premises.

(124) *Property maintenance shed.* A small utility structure, no larger than 600 square feet, used exclusively for storage of materials or equipment in conjunction with the maintenance of the property. Property maintenance sheds may be allowed on properties

without a principal residence. Property maintenance sheds have no plumbing fixtures and cannot be used for living or sleeping purposes.

(125) *Racetrack.* An outdoor entertainment activity consisting of any location hosting a gathering of more than three people for the purpose of repetitive motor vehicular activity over a fixed course or area, which persists for periods in excess of 30 minutes in any one 24-hour period.

(126) *Recorded.* Recorded with the Dane County Register of Deeds.

(127) *Recreational equipment.* Boats, canoes, watercraft, snowmobiles or camping and luggage carrying trailers intended to be towed by an automobile or truck or a camper unit to be mounted on a truck. Any motor driven camper or motor home shall be considered as recreational equipment.

(128) *Recreational racetrack.* A defined or fixed course for the driving of a motorcycle, automobile, ATV, snowmobile, go-cart, or any other similar motorized craft used for personal use.

(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.)

(a) Any private, public or religious educational institution.

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

(135) *Salvage Operation.* An area where junk, waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled.

(a) For the purposes of this definition, waste or scrap materials may include, but are not limited to: 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.

(b) Other than an operation that holds a scavenger license, a salvage operation shall include any use requiring a motor vehicle salvage dealer's license under Wis. Stat. s. 218.205.

(c) A salvage operation does not include a solid waste recycling center, composting facilities or processing operations meeting the definition of an agriculture-related use.

(136) *Sanitary fixture.* Any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system pursuant to state or county plumbing code.

(136m) *Scavenger license.* A "Type 4" salvage dealer license issued by the Wisconsin Department of Transportation to businesses that buy vehicles from owners and transport them to a licensed salvage operation or scrap metal recycler after removing tires, batteries and gas tanks.

(137) *Setback.* The minimum horizontal distance from the front line or from the center of the highway, measured parallel to the highway or front lot line, to the front of the building.

(138) *Single family residential.* Land use characterized by individual, standalone dwellings designed for and occupied for a period of more than 30 days, exclusively by one family.

(139) *Slaughterhouse.* Any building or premises used commercially for the killing or dressing of cattle, sheep, swine, goats or horses, for human consumption and the storage, freezing and curing of meat and the preparation of meat products.

(140) *Small-scale farming.* Any agricultural use operated for recreational, hobby or supplementary income purposes on a site with a non-agricultural principal use. Animal use is limited to one animal unit per acre.

(141) *Solid waste.* Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, operations and other domestic use and public service activities. Solid waste does not include solids or dissolved material in waste water effluents or other common water pollutants.

(142) *Solid waste disposal operation.* A site or facility for the collection, storage, utilization, processing or final disposal of solid waste.

(a) Solid waste disposal operations include, but are not limited to: sanitary landfills, land disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding, compression, processing and salvage.

(b) Solid waste disposal operations do not include: agriculture-related uses or in-house re-use of the imperfect finished products to make a merchantable finished product.

(143) *Solid waste recycling center.* A solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material.

(144) *Stormwater runoff.* Waters derived from rains falling, snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

(145) *Story.* The vertical distance of a building included between the surface of any floor, except the basement, and the floor next above it. For top stories, the story is the space between the floor and the ceiling.

(146) *Story, half.* A story under a gable or hip or mansard roof, where the wall plates of which on at least two (2) sides are not more than two (2) feet above the floor of that story for at least 70% of the wall line.

(147) *Street.* A public or private thoroughfare, not including driveways, which affords primary means of access to abutting property.

(148) *Street line.* The dividing line between the street and the lot.

(149) *Structure.*

(a) Any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed.

(b) Structures include, but are not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure.

(c) A structure includes any permanent or temporary attachments, including but not limited to awnings, extensions, porches or decks.

(150) *Structural alteration.* Any change in the dimensions of a structure or in the interior layout or floor plan of a structure.

(151) *Substantial farm income.* A minimum of $10,400 gross farm income/year for the past three (3) years currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

(152) *Tax parcel.* A parcel of land identified by a Parcel Identification Number assigned by the Dane County Property Listing Division for the purpose of assessing real property taxes. The boundaries of a tax parcel may or may not coincide with a lot, lot of record or zoning parcel.

(153) *TDR agricultural conservation easement.*

(a) A holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which may include any or all of the following:

1. retaining or protecting natural, scenic or open space values of real property;

2. assuring the availability of real property for agricultural, forest, recreational or open space use;

3. protecting natural resources;

4. maintaining or enhancing air or water quality;

5. preserving a burial site, as defined in s. 157.70(1)(b), Wis. Stats.; or,

6. preserving the historical, architectural, archaeological or cultural aspects of real property.

(b) TDR agricultural conservation easements need not include any requirements for public access or restrictions on agricultural or forestry practices.

(154) *Temporary batch asphalt or concrete production.* Production of asphalt or concrete, using portable equipment, for a period not to exceed six months per calendar year and associated with time-limited, specific projects identified by project number.

(155) *Temporary or portable building.*

(a) A building or structure that is not attached to the ground by anchors, bolts, footings, foundation piers, pilings, posts or other means of attaching permanently to the ground.

(b) Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed 32 square feet of floor area on a lot in a residential district.

(156) *Temporary outdoor display and sales.* Outdoor sales events limited to two (2) events per year. For purposes of this paragraph, a single event is one which is held on consecutive days of not more than ten (10) days in duration.

(157) *Topography.* The configuration of the ground surface and relations among human-made and natural features that may determine ground slope and the direction of runoff flow.

(158) *Transfer of development rights (TDR).*

(a) The conveyance of development rights by TDR agricultural conservation easement from one parcel of land to another and the recording of that conveyance with the Dane County Register of Deeds and other land records of Dane County.

(b) Any individual transfer of development rights transaction may, at the discretion of the parties involved, also include the conveyance of additional rights not enumerated in this ordinance.

(159) *Transient or tourist.*

(a) A person who travels to a location away from his or her permanent or legal address for a short period of time, not to exceed twenty-nine days, for vacation, pleasure, recreation, culture, business or employment.

(b) For the purposes of this ordinance, transients or tourists do not include:

1. Nonpaying guests of the family occupying a dwelling unit;

2. Patients, clients or residents of permitted indoor institutional, institutional residential, or community living arrangement land uses;

3. Employees who receive room and/or board as part of their salary or compensation.

(160) *Transient or tourist lodging.*

(a) A residence that rents more than two, but not more than eight, bedrooms to transient guests or tourists, where all of the following apply:

1. Rooms are rented to no more than a total of 20 individuals who are not members of the landowner's family.

2. Length of stay does not exceed twenty-nine (29) consecutive days for each registered guest.

(b) Transient lodging houses may include, but are not limited to: bed and breakfasts, hostels and recreational cabins.

(c) Transient lodging does not include: incidental room rental, campgrounds, duplexes, multifamily housing, institutional residential, indoor institutional, community living arrangements, rooming houses or indoor commercial lodging.

(161) *Truck terminal.* Buildings or land which is used for the storage or distribution of freight or goods by a common carrier.

(162) *Urban service area.* Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

(163) *Use, conditional.* A land use, which because of the potential for unusual or site-specific impacts, may be lawfully established only with an approved conditional use permit and subject to specific limitations or conditions.

(164) *Use, permitted.* A land use which may be lawfully established and that conforms with all requirements and standards of this ordinance and the zoning district in which the use is located.

(165) *Use, principal.* The main or primary use of land or buildings, as distinguished from a subordinate or accessory use.

(166) *Utility services.* Transmission, distribution and small-scale renewable generation facilities both above and below ground which carry electricity, liquid or gaseous fuel, steam, water, data, heat, sewage, telephone messages, television or radio signals, or other similar services.

(a) Utility services include, but are not limited to:

1. Services necessary to support development within the immediate vicinity, and that involve only minor structures, as necessary to operate transmission and distribution lines such as substations, transformer installations, repeater stations, and pumping stations.

2. Renewable energy systems, such as solar, wind geothermal or other systems intended primarily for generation of energy, fuel or heat consumed on the premises. Incidental or occasional provision of energy to a utility company or electric grid is included within this definition.

3. Public sewer systems and private onsite wastewater treatment systems.

4. Collocation of an antenna array on an existing communication tower, provided there is no substantial modification of the tower.

(b) Utility services do not include offices, garages, manually operated exchanges, terminal distribution facilities, new or substantially modified communication towers, electric generating facilities, heat generating plants or sewage disposal plants.

(167) *Variance.* Permission, as granted by the Board of Adjustments under s. 10.101(10), to depart from the dimensional standards of this ordinance.

(168) *Vehicle, farm or off-road.* An operational motor vehicle that is used only on private property and is not licensed for use on a public right-of-way.

(169) *Vehicle repair or maintenance service.* Includes all principal land uses that perform repair, maintenance, or painting services to motorized vehicles. Vehicle repair or maintenance service shall include all operations requiring a scavenger license under Wis. Stat. s. 218.205.

(170) *Veterinary clinic.* An establishment for the medical or surgical treatment of animals. Boarding and care is limited only to animals undergoing active treatment or observation.

(a) Veterinary clinics include, but are not limited to: animal hospitals and clinics for the treatment of domestic pets or livestock and wildlife rehabilitation centers.

(b) Veterinary clinics do not include: animal boarding facilities, breeding operations, colony houses, domestic fowl or beekeeping, small-scale farming or agricultural livestock operations.

(171) *Warehousing.* Any land use oriented to the short-term indoor storage, shipment, and possible repackaging of commercial materials, household goods or personal property.

(172) *Vision clearance triangle.* The area in each quadrant of an intersection which is bounded by the right-of-way lines of the highways or streets and a vision clearance setback line connecting points on each right-of-way line which are located a distance back from the intersection equal to the setback required on the road or highway.

(173) *Yard.* An open space on a zoning parcel which is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends along a zoning parcel line to a depth or width specified in the yard regulations.

(174) *Yard, front.* A yard paralleling the full length of the front zoning parcel line between the side lot lines.

(175) *Yard, rear.* A rear yard is a yard paralleling the full length of the rear zoning parcel line between the side lot lines.

(176) *Yard, side.* A yard paralleling along a side zoning parcel line from the front yard to the rear yard.

(177) *Zoning lot.*

(a) A parcel of land under single ownership and in a single zoning district, occupied or intended to be occupied by:

1. One principal building or principal use;

2. Buildings and uses customarily accessory or incidental to the principal use; and

3. Open spaces, yards or setback areas normally associated with the principal use or as required by this ordinance.

(b) The boundaries of a zoning parcel may or may not coincide with a lot of record or tax parcel.

[**History:** 10.004 cr., 2018 OA-20, pub. 01/29/19; (1)(b)2., (41)(a)4., (74)(a), and (171) am.; (53m) cr., 2019 OA-20, pub. 01/28/20; (80), (116), (117), (135), (143) and (169) am., (136m) cr., Sub. 1 to 2023 OA-9, pub. 08/25/23; (50) am., 2023 OA-10, pub. 09/22/23.]

10.100 STANDARDS AND REQUIREMENTS FOR ALL LAND USES.

10.101 ADMINISTRATION, ENFORCEMENT AND PENALTIES.

(1) *Zoning Permits.*

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

1. Erection or construction of any new building.

2. The addition to, or structural alteration or expansion, horizontally or vertically of, any existing building.
3. Change of land use for any building, structure or premises.
4. The erection, replacement, or reconstruction of a sign.
5. Erection of covered enclosures for domestic fowl. Notwithstanding the exemption set forth in s. 10.101(1)(b), zoning permits shall be required prior to the erection, placement or construction of covered enclosures for domestic fowl, regardless of size.
(b) Exceptions. Zoning permits under this chapter are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet all setback, height, and lot coverage requirements.
(c) Unresolved violations or arrears. The zoning administrator shall not issue a zoning permit for any property upon which there are:
1. Unresolved violations of this ordinance, or Chapters 11, 14, 17, 74, 75 or 46, Dane County Code, or
2. Delinquent real estate taxes.
(d) Application materials. An application for a zoning permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. Only complete applications will be accepted. At a minimum, applications for a zoning permit must include the following:
1. Name and address of the owner of the property; Contractor name; Legal description of the property; project description; and cost of construction.
2. A scaled site plan of the property showing the location all existing buildings, proposed buildings, and location of the well and septic system, as applicable. The plan shall show an accurate dimension of the proposed building's location in relation to the property lines, floodplain, lake, stream, or wetland.
3. Floor plans of the proposed building. The plan shall identify each room and the proposed use.
4. Elevation drawings of the building. The elevation drawing shall show the vertical dimension from the roof eave and peak to the finish ground elevation. The height of the building is based on the elevation which faces the public or private thoroughfare which affords primary means of access to the property, excluding the driveway.
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).
2. Side and rear yard setback lines required in the applicable zoning district.
3. 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.
(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. 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 of not less than fifty (50) dollars and not more than two hundred (200) dollars per offense.

(e) Court injunction. Compliance with this ordinance may be enforced by injunction order at suit of the county or occupant of real estate within 300 feet of the subject property. It shall not be necessary to prosecute for forfeiture before resorting to injunction 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.

(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.

9. Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways. Traffic flow patterns must be indicated.

10. Location and dimensions of any existing utilities, easements or rights-of-way.

11. Parking lot layout in compliance with s. 10.102(8).

12. Proposed loading/unloading areas.

13. Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.

14. All relevant natural features, including but not limited to:

a. Navigable waters, including ordinary highwater marks and shoreland setbacks required under Chapter 11, Dane County Code, for all lakes, ponds, rivers, streams (including intermittent streams) and springs within 300 feet of the property;

b. Non-navigable water features, including drainage ditches, culverts and stormwater conveyances;

c. Floodplain boundaries and field-verified elevations, including floodfringe, floodway, flood storage and general floodplain districts as described in Chapter 17, Dane County Code;

d. Delineated wetland areas, including wetland setbacks required under Chapter 11, Dane County Code;

e. Natural drainage patterns;

f. Archaeological features; and,

g. Slopes over 12% grade.

15. If required by s. 10.102(12), location and type of proposed screening, landscaping, berms or buffer areas.

16. The zoning administrator may require, at his or her discretion, site plans to show additional detail, including, but not limited to contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, and possible future expansion areas.

(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:

a. the standards for approval described in s. 10.101(7)(h),

b. any standards applicable to the particular use under s. 10.103, and

c. any additional standards required in the applicable zoning district.

2. Legal description. The applicant shall provide a written legal description accurately describing the specific area on the property where the conditional use will operate and the conditional use permit will be effective. Conditional use permit areas should be the minimum size necessary to accommodate the proposed use, and need not conform to lot, zoning lot or tax parcel boundaries.

3. 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).

4. 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.

i. A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.

j. Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.

k. Signage, consistent with ss. 10.800.

5. Third Party Consultation. If necessary, expertise is not available from county staff, public academic institutions or from appropriate regional, state or federal agencies, the committee may consult with a third party to effectively evaluate a conditional use permit application. The zoning administrator, or his or her designee, will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.

6. Property Owner Consent. If the applicant for any conditional use permit is not the owner of the property, the applicant must provide a signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the conditional use permit application.

(c) Review process.

1. Hearing on application.

a. Upon receipt of a complete and acceptable application, statement, site plan and operational plan, the zoning committee shall hold a public hearing on each application for conditional use. The zoning committee shall establish, by rule, a regular schedule and location for public hearings. The zoning committee may prescribe or amend rules for the conduct of the hearing and preserving a publicly-accessible recording of the proceedings.

b. The Department of Planning Development will publish a Class 2 notice of each public hearing, as provided in Chapter 985 of the Wisconsin Statutes. The Department will also provide direct notice to the Town Clerk of any towns affected by the proposed conditional use. The zoning committee shall establish policies governing notice to other parties of interest.

2. 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 recommend that the county zoning committee grant, grant with conditions or deny any application for conditional use.

i. Any town board recommendation on a conditional use permit shall be submitted in writing to the county zoning committee 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.

iii. The committee may grant a town board additional time to make a recommendation if reasonably necessary to adjudicate the application.

c. Any town board recommendation on a conditional use application, shall include a factual basis for the recommendation.

3. Zoning Committee Action.

a. The zoning committee, after a public hearing, shall, within a reasonable time, grant, grant with conditions, or deny any application for conditional use.

b. The zoning committee shall not take action on the application for conditional use until it receives a recommendation from the town board or the time period for action by the town board described in s. 10.101(7)(c)2. has expired, or the town board informs the committee in writing that it does not intend to make a recommendation.

i. Recommendations received from the town board within the time set forth in s. 10.101(7)(c)2. shall be taken into consideration by the zoning committee in making their decision. If the town board elects not to submit a recommendation the committee will presume the town board has no position on the proposed conditional use.

c. 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.

d. 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)(h);

ii. Any prescribed standards specific to the applicable zoning district;

iii. Any prescribed standards specific to the particular use under s. 10.103.

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

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

(d) Appeals of Conditional Use Permit Decisions. Any person aggrieved by the grant or denial of a conditional use permit may appeal the decision to the circuit court as

authorized by Wis. Stat. s. 59.69(5e)(e) using the procedures contained in Wis. Stat. s. 59.694(10).

(e) Resubmittal of a Conditional Use Permit Application. No application that is the same as, or similar to, an application that has been denied under this section, and affecting the same property or portion thereof, may be submitted for a period of one (1) year from the date of said denial, or if appealed, the court decision, unless the applicant provides substantial new evidence or proof of a change of conditions that would support approval or conditional approval of the application found valid by the county zoning committee. This prohibition also applies to an application that is withdrawn within 30 days of, or any time after, the county public hearing.

(f) Failure to Commence or Abandonment of a Conditional Use. If any use allowed by an approved conditional use permit is not commenced, within one year of issuance of the permit or is abandoned for one year or more, the associated conditional use permit shall be terminated by the zoning administrator. Future re-establishment of an abandoned conditional use permit shall require approval of a new conditional use permit.

(g) Revocation of Conditional Use Permit.

1. Application for a conditional use permit constitutes consent to inspection of the permitted premises by the zoning administrator or designee to assure permit compliance.

2. If a landowner or holder of the conditional use permit is found to be in violation of the permit conditions, the landowner or holder of the permit shall be notified in writing of the said violation(s) and given 10 days to correct the violation.

3. If the violation is not corrected within the assigned correction period, a report shall be filed with the zoning committee documenting the violation.

4. If the zoning committee finds that the conditions stipulated in the conditional use permit are not being complied with, the zoning committee, after a public hearing, may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in s. 10.101(7)(d).

(h) Requirements and standards for conditional use permits.

1. Standards for approval. Before approving any conditional use permit, the 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 zoning committee must also make the findings described in s. 10.220(1).

2. Conditions.

a. Standard conditions. The 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.

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 borne by the landowner. Costs borne 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 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.

xii. 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.

b. Other conditions. In addition to the standard conditions listed above, the zoning committee may, at their discretion, and in consideration of the town board's recommendation, 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 zoning committee.
ii. Limits on hours or days of operation, or number of events each year.
iii. Limits on numbers of employees.
iv. Limits on numbers of total people, vehicles or animals on the premises at any one time.
v. Limits on total quantity or volume of product on the premises at any one time.
vi. Limits on square footage of buildings or outdoor areas devoted to the proposed use.
vii. Requirements for screening, berms or minimum setbacks as necessary to minimize disturbance to neighboring properties.
viii. Noise limits, set to a decibel [db(a)] level appropriate for the particular use and location, as provided in s. 10.102(6).
ix. Controls, limits or setbacks to control odor or fumes.
x. Surety bonds or other financial guarantees, to dismantle equipment, buildings or structures that may pose a hazard or nuisance after a conditional use permit is abandoned or revoked. Unless otherwise required under applicable state statute or administrative code:
• Any bond or other financial instrument shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond.
• Applicant shall remove any equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the guarantee.
• Bonds or other financial instruments shall not exceed $20,000 unless it is conclusively demonstrated that a higher amount is necessary to protect the public health, safety and welfare.
(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) Resubmittal of Rezoning Petitions. No petition to rezone that is the same as, or similar to, a petition that has been denied under this section and affecting the same property or portion thereof shall be resubmitted for a period of one (1) year from the date of said denial or, if appealed, from the date of the court decision, except on the grounds of new evidence or proof of change of conditions found to be valid by the zoning committee. This prohibition also applied to a rezone petition that is withdrawn within 30 days of, or any time after, the county public hearing.

(c) 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, GC, 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.

(d) Review 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.

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.

(e) 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 conditions of approval that may be appropriate or necessary to ensure compliance with the

requirements of the ordinance and/or consistency with applicable town and county comprehensive planning policies.

2. The zoning map amendment shall indicate that the change in the map will take effect within a specified period of time from the date of county board approval, by which time all required conditions must be satisfied.

3. Conditions on zoning map amendments may include, but are not limited to:

a. Limits of permitted or conditional uses to less than the full range of uses otherwise allowable in the district into which the land is being placed.

b. Limitations on the size, scope, number of employees, size of buildings or quantity of materials associated with a particular use.

c. Requirements that the landowner record a final Certified Survey Map, Subdivision Plat, or Condominium Plat with the Register of Deeds.

d. Requirements that the landowner record, with the Register of Deeds, restrictive covenants to enforce required conditions. The covenant controls shall be amendable or repealed 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. Except as amended or repealed, the covenants shall run with the land.

4. Failure to satisfy all required conditions within the specified time period shall result in the zoning map amendment becoming null and void.

(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) 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.

2. Failure to obtain appropriate permits within one year shall render the variance null and void.
3. The board of adjustment may, upon request, extend the timeframe for a specific period, without another public hearing.
[**History:** 10.101 cr., 2018 OA-20, pub. 01/29/19; (4)(d), (7)(b), (7)(d), and (8)(d) am., 2019 OA-20, pub. 11/28/20; (7)(c) and (7)(d) am., 2022 OA-44, pub. 03/17/23; (7) and (8) am., 2023 OA-68, pub. 03/28/24; (7)(c) am., 2024 OA-23, pub. 04/18/25.]

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.
6. Accessory buildings must meet required setbacks from roads and the locational requirements of the shoreland, wetland, and floodplain districts.
(b) Modifications to existing buildings. 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.

(c) Height Measurements and Exceptions. Hospitals, churches, schools, communication towers, water towers, chimneys, spires, penthouses, cupolas, silos, windmills and similar structures may be erected to a height greater than the maximum permitted in the district in which they are located; provided however, that no part of that structure above such height limit shall be used for residential purposes.

(3) Compliance with other laws, regulations and codes. All buildings and structures must comply with any other applicable state or federal laws, administrative code or local ordinances governing design, location, construction or use.

(4) Junk and refuse. Except for salvage operations, solid waste disposal operations or solid waste recycling centers under an approved conditional use permit, all properties shall be free of accumulated junk or refuse.

(5) Lighting. Except for lighting of the United States flag, any outdoor lighting associated with any permitted or conditional use shall be directed downward and away from adjacent properties and public rights-of-way, and shall be designed to minimize ambient light spill.

(6) Noise Reduction.

(a) Town boards and the zoning committee may, as necessary, set decibel limits appropriate to the use and location as a condition on a Conditional Use Permit or on a conditional rezone petition.

(b) Town boards and the zoning committee may, as necessary, recommend decibel limits appropriate to the use and location as a condition on rezones to General Commercial, Heavy Commercial, Limited Commercial or Hamlet Mixed-Use districts.

(c) Noise abatement on blasting sites shall not conflict with or exceed the requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.

(d) Noise levels shall be set to the db(a) decibel scale and should be appropriate to the background noise level of the surrounding area, and to the nature, duration and repetition of the proposed use. Table 1 describes common uses by typical decibel level, as a reference guide for town board and zoning committee action.

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

(7) Nonconforming Uses and Structures.

(a) Certificate of Compliance for Nonconforming Uses and Structures.

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.

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.

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.

(b) Nonconforming Uses.

1. Continuation of a Legal, Nonconforming Use. 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.

2. Notification of Nonconformity. 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.

3. Abandonment or Discontinuation of a Nonconforming Use.

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.

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.

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

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.

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 that the value of the structure is not increased by more than 50%, compared with the assessed value of the structure at the time it became nonconforming.

(c) Nonconforming structures.

1. Continued use of nonconforming structures.

a. Except as exempted below, any nonconforming structure may be continued in use.

b. Exceptions. Nothing herein contained shall require any change in the plans, construction or intended use of a structure 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.

2. Demolition or destruction of a nonconforming structures.

a. Except as exempted in d. below, a structure is considered to be demolished and nonexistent if more than 50% of the pre-existing structure is removed or must be replaced to maintain structural integrity.

b. Any variance that may have been issued for said building or structure shall be null and void and any zoning permits shall be rescinded pending verification of compliance.

c. A structure subject to subs. a and c shall comply with the provisions of this ordinance.

d. Exceptions. Nothing contained in this section shall prevent the restoration of a nonconforming structure damaged or destroyed by wind, vandalism, fire, flood, ice, snow, mold, or infestation, if the structure is restored to the size, location, and use that it had immediately before the damage or destruction occurred. Such restoration shall occur within 2 years of the damage or destruction.

i. A structure to which sub. d. applies may be larger than the size it was immediately before the damage or destruction if necessary to comply with applicable state or federal requirements, but no larger than necessary to comply with said requirements.

3. Repair, maintenance and renovation of nonconforming structures.

a. A nonconforming principal structure may be maintained and repaired within its existing building envelope.

b. Maintenance and repair also include such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation, windows, doors, siding, or roof within the existing building envelope.

4. Additions or alterations to nonconforming structures. Any future additions to, or any other alterations that expand the building envelope of, a nonconforming structure shall conform to the provisions of this ordinance.

(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.
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.

7. Lighting. Any lighting used to illuminate off-street parking areas shall be directed downward and away from adjacent properties and public rights-of-way.

8. Setbacks. Parking, loading and circulation areas may be provided within required front setbacks and side and rear yards. Areas for parking, loading and circulation shall be a minimum of three feet from all property lines, except where this requirement prohibits a proposed joint driveway or proposed shared parking.

9. Screening and landscaping. Screening shall be provided in accordance with specifications in s. 10.102(12). All hard-surfaced and graveled parking, loading and circulation areas with 10 or more spaces shall be provided with accessory landscape areas totaling not less than five percent of the surfaced area. Such landscaping shall consist primarily of trees, bushes and shrubs. Landscaping may be planted internal to the parking area itself within islands or around the immediate perimeter and shall be reasonably distributed. Landscaping shall be protected from damage by vehicles and shall be replaced if damaged or killed.

(e) Required off-street parking spaces. Minimum off-street parking spaces serving uses hereinafter designated shall be provided as follows:

1. Accessory dwelling unit (attached): 1 per unit.

2. Accessory dwelling unit (detached): 1 per unit.

3. Adult book stores: 1 per 1.3 employees, plus 1 per 250 square feet.

4. Adult entertainment: 1 per 1.3 employees, plus 1 per every 6 occupants at capacity.

5. Agricultural accessory use: 1 per 1.3 employees.

6. Agricultural entertainment and special events: 1 per every 2 expected attendees

7. Agriculture uses: 1 per 1.3 employees.

8. Agriculture-related uses: 1 per 1.3 employees.
9. Airport, landing strip or heliport: 1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of lobby area.
10. Animal Boarding, Domestic Pet: 1 per 1.3 employees, plus 1 per 1,000 square feet, not including outdoor kennels or exercise areas.
11. Animal Boarding, Large Animal: 1 per 1.3 employees, plus 1 per each 4 animal stalls or bays.
12. Bio-diesel and ethanol manufacturing: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
13. Biopower facilities for distribution, retail, or wholesale sales: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
14. Buildings which have more than 2.5 stories: Based on building use.
15. Buildings which have more than 4 stories: Based on building use.
16. Bus terminals: 1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of lobby area.
17. Campgrounds: 1 per campsite, 1 per 1.3 employees, 1 per vehicle stored on site, 1 visitor space per each 10 campsites.
18. Caretaker's residence: 1 per residence.
19. Commercial Indoor Lodging: 1 per 1.3 employees, plus 1 per rooming unit.
20. Community living arrangements for less than nine (9) persons: 1 per resident with a driver's license.
21. Community living arrangements for nine (9) to fifteen (15) persons: 1 per resident with a driver's license.
22. Contractor, landscaping or building trade operations: 1 per 1.3 employees, plus 1 per vehicle stored on site.
23. Daycare center: 1 per 1.3 employees, plus 1 per each 10 children.
24. Dead stock hauling services: 1 per 1.3 employees, plus 1 per vehicle stored on site.
25. Demolition material disposal sites: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
26. Distribution center: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
27. Drive-in establishment: 1 per 1.3 employees, 1 per each service area, fuel dispenser or drive-through window, plus required spaces for associated uses.
28. Dumping grounds: 1 per 1.3 employees.
29. Farm residence (primary or secondary): See single-family or two-family residence.
30. Fertilizer manufacturing plants: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
31. Fertilizer mixing or blending plants: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
32. Freight and passenger bus terminal: 1 per 1.3 employees, 1 per vehicle stored on site, 1 per 200 square feet of lobby area.
33. Governmental, institutional, religious, or nonprofit community uses: 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.

34. Heavy industrial: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.

35. Home occupations: 1 space for an employee, if any, plus adequate space to accommodate all customers on the site at peak periods.

36. Incidental room rental: 1 space per rented room.

37. Incinerator sites: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.

38. Indoor entertainment or assembly: 1 per 1.3 employees, plus 1 per every 6 occupants at capacity.

39. Indoor sales: 1 per 1.3 employees, 1 per 300 square feet of indoor occupiable floor area.

40. Indoor storage and repair: 1 per 2,000 square feet of gross floor area.

41. Institutional residential: 1 per 1.3 employees, plus 1 per every 4 residents.

42. Light industrial: 1 per 500 square feet of gross floor area.

43. Limited family business: 1 per 1.3 employees, plus 1 per anticipated customer at peak.

44. Limited farm business: 1 per 1.3 employees, plus 1 per anticipated customer at peak.

45. Manufactured home communities: 1 per 1.3 employees, 2 per residential unit (tandem parking permitted), plus 1 visitor space per every 4 units.

46. Manufacturing: 1 per 600 square feet of gross floor area.

47. Manure processing facilities: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.

48. Marinas: 0 .6 per boat slip.

49. Mineral extraction: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.

50. Mixed use developments: 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.

51. Multifamily residential: 1.5 per dwelling unit.

52. Office: 1 per 300 square feet of occupiable floor area.

53. Off-site parking lot: Based on associated use.

54. Outdoor active recreation: 1 per 1.3 employees, plus 1 per every 4 spectators and participants at capacity.

55. Outdoor assembly events: 1 per every 2 expected attendees.

56. Outdoor entertainment: 1 per every 1.3 employees, plus 1 per every 2 customers at capacity.

57. Outdoor passive recreation: 1 per every 1.3 employees, plus additional parking as determined by the zoning administrator based on anticipated site use.

58. Outdoor sales, display, or repair: 1 per every 2,000 square feet of area devoted to outdoors sales, display or repair.

59. Outdoor Storage: 1 per 20,000 square feet devoted to outdoor storage.

60. Personal or professional service: 1 per 1.3 employees, 1 per 300 square feet of indoor occupiable floor area.

61. Personal storage facility: 1 per storage unit, which may be directly in front of unit entrance.
62. Processing or composting of organic byproducts or wastes: 1 per 1.3 employees, plus 1 space for every vehicle to be stored or stopped simultaneously on premises.
63. Residential uses in a commercial zone: 1.5 per dwelling unit.
64. Rooming house: 1 per bed.
65. Salvage recycling centers: 1 per 1.3 employees, 1 for each operational vehicle stored on site, plus 3 visitor spaces.
66. Sanitary landfills: 1 per 1.3 employees, plus 1 per vehicle stored on site.
67. Single family residential: 1 per dwelling unit.
68. Solid waste recycling centers and disposal: 1 per 1.3 employees, plus 1 per recycling drop-off container.
69. Stock yards, livestock auction facilities: 10 per 1,000 square feet of gross floor area.
70. Storage of explosive materials: 1 per 1.3 employees, plus 1 per each truck or other vehicle at premises at peak.
71. Storage of vehicles and pieces of construction equipment: 1 per stored vehicle.
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 premises may be parked or stored within an accessory building, provided that the gross vehicle weight shall not exceed 12,000 pounds.

2. In the Residential, Rural Residential, Recreational, Farmland Preservation-Business, Hamlet Mixed-Use and General Commercial districts, only motor vehicles that are accessory to a permitted and principal use on any lot may be stored or parked.

3. Any automobile licensed as an antique or special interest vehicle under s. 341.266, Wis. Stats., or parts cars therefore, can be stored on a lot in any district provided that such vehicle is stored in such a manner that it does not constitute a health hazard and is screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means, as required by s. 341.266(4), Wis. Stats.

4. Farm trucks or trailers licensed under ss. 341.26(3) or 341.30, Wis. Stats., may be parked on lots in agriculture districts.

5. Trucks with gross vehicle weight exceeding 12,000 pounds may be stored or parked only in the LC, HC, RI and MI districts, except that parking or storage of one truck and one road tractor and its trailer in excess of 12,000 pounds gross vehicle weight shall be permitted in the residence, rural homes and agricultural districts, subject to the following conditions:

a. The vehicle shall be owned and operated by a person residing on the premises.

b. In the residence districts, the lot area shall be not less than one acre.

c. The vehicle shall not be parked or stored within the required highway or road setback area.

d. The vehicle shall not be parked closer than 100 feet to another residence.

e. New accessory buildings may be constructed to house the vehicle, provided such buildings comply with all applicable setback, lot coverage and building height limitations for that zoning district.

f. Before the vehicle may be parked or stored on the property, a certificate of compliance shall be issued by the zoning administrator.

6. One racing vehicle and spare parts for such vehicle may be stored in the residence and rural homes districts, provided that such vehicle and spare parts are screened from public view in an enclosed building.

7. Storage of no more than two racing vehicles and spare parts for such vehicles is permitted in any district except the residence and rural homes districts, provided that such vehicles and spare parts are screened from public view in an enclosed building.

8. In any district, one school bus driven by a person residing on the premises may be parked provided that in residence districts the minimum lot area for bus parking is one acre.

9. Except as provided in s. 341.266(4), Wis. Stats., a motor vehicle that is inoperable or unlicensed is considered salvage or junk and shall only be stored in a licensed salvage recycling center. Trucks licensed on a monthly or quarterly basis shall be considered currently licensed if they have been licensed for at least one period during the previous year.

(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) Setback measurements and exceptions.

(a) For purposes of entry to buildings, steps, stoops, decks or ramps may be constructed in such a manner that they intrude into required front yard or road setback or areas provided that all of the following limitations and conditions are satisfied:

1. Height shall not exceed 5 feet aboveground level, not including railings.

2. Width shall not exceed 12 feet side to side.

3. Structure shall extend no farther than 10 feet from the front of the building to which it is attached or up to the front property line, whichever is less.

4. Structure shall not be enclosed. Railings which do not exceed 3 1/2 feet in height and which are of open architecture and not solid in appearance are permitted.

5. Structure shall not interfere with existing or planned roads, sidewalks, gas and electrical lines, sewers, drainageways, and other utilities or public improvements. The zoning administrator may require written verification from appropriate agencies before issuing a zoning permit.

6. No part of the structure shall extend into any required vision clearance triangle.

(b) For single family residences or duplexes, single story bay windows may be constructed in such a manner that they project three (3) feet or less into a required yard or setback area provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of the wall of the building.

(c) Roof overhangs, soffits and awnings that are not supported to the ground may extend into any required setback or yard by not more than three (3) feet.

(d) More restrictive setback requirements may be required under Chapters 11 or 17, Dane County Code.

(e) Corner lots.

1. When the long side of a corner lot is formed by a federal, state, county or town highway the side yard on that street shall conform to the setback requirements for such highway.

2. When the long side of a corner lot is formed by a road other than a federal, state, county, or town road not included within the boundaries of a recorded subdivision or plat, the setback from the lot line of the long side shall not be less than one-fifth (1/5) of the lot depth measured from the long side except on lots of less than 60 feet, then the setback shall not be less than 12 feet. For buildings with attached garages facing the long side and having access to the long side of the lot, the minimum setback of the garage from the lot line shall be not less than 20 feet.

(f) On waterfront lots, accessory buildings may be located in the front yards subject to the reduced side yard setbacks described in the district it is located in, provided, however, that the setback requirements are met.

(g) On interior lots less than 60 feet in width no accessory building shall be erected, moved, or added to so as to be nearer than two and one-half (2 ½) feet to a side or rear lot line, provided however, if the front building line of any accessory building is located closer than 10 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

(h) Uncovered swimming pools both above and below ground may be located no closer than 10 feet from any side or rear lot line.

(i) Free-standing solar collectors may be located no closer than 3 feet from any lot line and may not exceed the maximum height for an accessory building in the applicable zoning district.

(11) Topography Near Property Lines.

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

1. to protect adjacent property owners from possible damage due to changes to the existing topography of adjoining lands;

2. to retain stormwater runoff on each property undergoing development; and

3. to preserve the general character of neighborhoods.

(b) Standards.

1. Except as authorized in sub. (c), the topography, including both surface and subsurface structure, within five (5) feet of any property line at the commencement of any development shall remain unchanged.

2. When land disturbing activities associated with development occur within five (5) feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began.

3. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five (5) feet of the property line. The Zoning Administrator may require detailed site grading plans of existing and proposed conditions prior to commencement of land disturbing activities.

4. Natural watercourses along property lines shall be maintained. Existing drainage ways and drainage easements along property lines including, but not limited to, stormwater management areas shown on subdivision plats and certified survey maps, shall be maintained.

(c) Exceptions.

1. A positive slope of one-half (1/2) inch vertical per one (1) foot horizontal within five (5) feet of the property line is allowed to provide proper drainage away from a one-or two-family residence.

2. Development in Floodplain Districts requiring fill to comply with chapter 17 is exempt from this section.

3. Upon written application, the Zoning Administrator may authorize exceptions resulting in changes to the existing topography at and within five (5) feet of any property line that would promote the purposes stated in this ordinance, only if the results do not direct additional stormwater runoff toward adjacent properties. Proposed exceptions may include, but are not limited to, retaining walls, berms and other structures, and other changes to existing grade at and within five (5) feet of a property line. The Zoning Administrator may require the submittal of detailed site grading plans of existing and proposed conditions including, but not limited to, detailed topographical information of the subject and adjoining properties, before land disturbing activities commence.

(12) Visual Screening.

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

(b) Applicability and waivers.

1. Unless specifically waived under 3. below, screening is required along the interior boundary of any lot in the Limited Commercial (LC), General Commercial (GC), Heavy Commercial (HC) and Manufacturing/Industrial (MI) districts that are adjacent to land in the Single Family Residential (SFR), Two Family Residential (TFR), Multi-Family Residential (MFR), Rural Residential (RR or Rural Mixed-Use (RM) Districts.

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

3. Waivers. If the town board and zoning committee find that there will be no significant visual impact, or no negative impact on neighborhood or rural character from the proposed use, the town board and zoning committee may:

a. Approve alternative landscaping plans, differing from the specific standards in this section, or

b. Waive visual screening requirements entirely.

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

(d) Dimensions and design.

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

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

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

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

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

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

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

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

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

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

2. Vegetative screens shall not interfere with applicable vision triangle requirements.
3. Within the screening area, vegetation shall be maintained in viable growing conditions. Maintenance of the ground cover shall be completed in a manner so as to maintain the shape or appearance of trees within the buffer area.
4. Screens shall be maintained along the interior boundaries of the lot to a point 15 feet from the street right-of-way.
[**History:** 10.102 cr., 2018 OA-20, pub. 01/29/19; (2)(a) am. and (10)(i) cr., 2019 OA-20, pub. 01/28/20; (4) am., Sub. 1 to 2023 OA-9, pub. 08/25/23; (12)(b)2. am., 2024 OA-23, pub. 04/18/25.]

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;
3. No material referenced in paragraphs (a), (b) or (c) of s. 10.004(8) shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window;
4. The business may have only one (1) non-flashing business sign which sign may only indicate the name of the business and identify it as an adult book store and which shall be not larger than 4 feet by 4 feet;
5. A one square foot sign shall be placed on each public entrance which shall state "Admittance to adults only" and may include other pertinent business information; and
6. There shall be no doors on any viewing booths and each booth must be lighted by a source emitting at least 10 candlepower at all times.
(3) Agricultural entertainment, special events, tourism or assembly.
(a) For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, 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,
3. servicing fire department,
4. emergency medical service provider,
5. Dane County Sheriff's Department, and
6. any local law enforcement agency.
(c) Event plans for such activities must be filed at least 30 days prior to the start of any activities in each calendar year.
(4) Airport, landing strip or heliport.
(a) All buildings, structures, outdoor airplane or helicopter storage areas shall conform to the setbacks, maximum building height and lot coverage requirements for agricultural or commercial accessory buildings in the underlying zoning district.
(b) Runways shall be located a minimum of 100 feet from all lot lines.
(c) Runways must be laid out to provide sufficient clear space, either within the property boundaries, or through the use of a recorded avigation easement for safe takeoff

and landing. Clear space must meet current WISDOT Bureau of Aeronautics distance-to-height ratios appropriate to the speed of the proposed aircraft.

(d) All proposed airports, landing strips or heliports must meet all current requirements of Chapter 114, Wisconsin Statutes, TRANS 57, Wisconsin Administrative Code, or its successor and any applicable standards from the Federal Aeronautics Administration.

(e) Applicants must submit, with their conditional use permit application, copies of Wisconsin Department of Transportation airport review applications or approved certificates.

(f) The committee and town board may require visual screening, per the standards in s. 10.102(12), provided that such screening will not interfere with airport operations.

(5) Animal boarding, domestic pets.

(a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.

(b) Each animal shall be provided with an indoor containment area if the use is located within 500 feet of an existing residence or any lot in the Single Family Residential, Two-Family Residential, Multi-Family Residential, Rural Residential or Hamlet districts.

(c) Each animal enclosure shall meet current minimum design and space requirements of the US Department of Agriculture, Animal and Plant Health Inspection Service, under the Federal Animal Welfare Act.

(d) Applicant shall submit a manure management plan.

(e) At their discretion, and where necessary to minimize impacts to neighboring properties, the town board and zoning committee may:

1. impose noise limits under s. 10.102(6),

2. require visual screening, consistent with s. 10.102(12), and/or;

3. establish hours where animals must be kept indoors.

(f) The committee and town board will impose limits on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses.

(6) Animal boarding, large animal.

(a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.

(b) Each animal shall be provided with adequate exercise space.

(c) The committee and town board will impose limits on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses.

(d) Operations exceeding one animal unit per acre must comply with the standards of s. 10.103(7).

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

(a) Applicant must submit and maintain a site-specific manure management plan.

(b) Applicant must maintain a Farm Conservation Plan, compliant with NR 151, Subchapter II, Wisconsin Administrative Code, that is approved by the County Conservationist.

(8) Campgrounds. Campgrounds must meet all current standards and permitting requirements of:

(a) ATCP 79, Wisconsin Administrative Code, or its successor.

(b) Chapter 11, Dane County Code. Camping units must meet all principal structure setbacks from ordinary high-water marks or wetland boundaries.

(c) Chapter 17, Dane County Code, including all applicable flood warning, evacuation, record-keeping and notice standards.

(9) Communication towers.

(a) Purpose. The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers and related facilities, including but not limited to broadcast radio and television facilities, mobile service support structures and facilities, and fixed wireless internet facilities. The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

1. Protects and promotes public health, safety, community welfare and the quality of life in Dane County as set forth within the goals, objectives and policies of the Dane County Comprehensive Plan and this ordinance.

2. Respects the rights and interests of towns, neighboring property owners, and existing land uses on adjoining properties in the decision-making process;

3. Recognizes the public necessity for telecommunication facilities and the numerous benefits and opportunities a robust wireless infrastructure makes possible for county residents, including improved public safety, efficient production and distribution of goods and services, access to educational resources, and economic development opportunities;

4. Allows appropriate levels of service to be obtained throughout the County, including expansion to rural areas seeking access to personal communications and broadband internet services as such services are defined by the Federal Communications Commission;

5. Minimizes the number of transmission towers throughout the County;

6. Encourages the joint use of new and existing telecommunication facilities as a preferred siting option;

7. Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual and environmental impact on the immediate surroundings and throughout the county;

8. Avoids potential damage to adjacent properties from tower failure or ice falls through sound engineering and careful siting of structures; and

9. Provides a public forum to assure a balance between public concerns and private interests in establishing commercial telecommunications and related facilities.

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

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

a. Application. Completed communications tower conditional use permit application form, that includes, at a minimum:

i. The name and business address of, and the contact individual for, the applicant. If the applicant is a tower company or site acquisition consultant, the name(s), address(es), and contact individual(s) for the anchor tenant(s) along with the FCC license number(s) of the carrier(s) or service provider(s).

ii. The precise location and base ground elevation above mean sea level of the proposed or affected support structure. Location information shall be provided in latitude/longitude coordinates.

iii. The specific type(s) of communication service(s) to be provided by the proposed facility, the operating frequency or frequencies at which service(s) will be provided, and the minimum required elevation above mean sea level necessary to provide the services.

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, that addresses the requirements of section 10.103(9)(c)1. The narrative must include a sworn statement from an individual who has responsibility over the placement of the mobile service facility attesting that collocation within the mobile service provider's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. For the purposes of this ordinance, cost savings or increased profitability shall not be considered an economic burden.

c. Search ring map. Applicants must submit a search ring map issued by the mobile service provider on letterhead of the mobile service provider. The search ring shall show the area in which the mobile service facility and mobile service support structure should be located to meet the radio frequency engineering requirements to provide mobile service to the geographic area or areas determined by the mobile service provider to lack adequate service from the provider's existing network. The map must include a scale of miles, and road names, municipal boundaries, all existing mobile service support structures within 1.5 miles of the center of the search ring, and any tall structure over 100' in height within the search ring. The map must document and assign an identification number to all existing towers within 1.5 miles of the center of the search ring 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 1.5 miles of the search ring, including but not limited to, the following: simple description of the tower, existing and maximum design height, FCC registration number; owner's name and contact information; number of collocation spots occupied and available on the tower; 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 or existing lease area;
ii. Existing and/or proposed tower compound area depicting location and layout of existing and/or proposed tower and related facilities including distances to the lease and CUP area;
iii. Existing and/or proposed residences (if any) on both the subject property and neighboring properties within .5 mile of the subject property–distances should be shown to neighboring residences located within 1,500' per 100' of tower height.
f. Preliminary Design/Construction Plans site photos and photo simulations. A description of the tower design and height. The description shall include:
i. A preliminary scaled elevation drawing of the proposed tower showing the location and elevation (feet Above Ground Level and Above Mean Sea Level) of each potential antenna array and any anticipated lighting. The drawing should also identify the proposed color and surfacing of the tower and ancillary facilities;
ii. A statement indicating the anticipated design capacity of the tower in terms of the number, type and height of collocations it is designed to accommodate;
iii. Preliminary drawings showing the dimensions and design details for all tower facilities, including the specific types of communications equipment to be mounted on the tower;
iv. Information regarding any anticipated or proposed lighting, including types and color of lights, and whether lighting is nighttime only or both day/night and any difference between time periods;
v. Site photos and photo simulations showing the proposed location of the tower from adjoining properties and depicting the appearance of the tower following installation. Photo simulations shall include a scaled representation of the tower superimposed on the site photos taken from adjoining properties;
vi. Statement of compliance with Federal Communications Commission guidelines on radio frequency exposure and interference. Compliance statement must be on letterhead of the licensed carrier(s) proposing to provide telecommunications services on the tower.
g. Notification to Other Carriers. Applicants shall provide written notification to other carriers licensed to provide wireless services in Dane County informing them of the intent to construct a new telecommunication tower. The zoning administrator shall maintain a list of licensed carriers, including contact information and a standard form that may be used to fulfill this requirement.
h. Notification to Nearby Airports. The applicant shall provide written notification to all operators and owners of airports located within 5 miles of the proposed site.
i. Aeronautic Hazards. The applicant shall provide copies of a determination of no hazard from the federal aviation administration, including any aeronautical study or other findings, if applicable.
k. Other information–The Zoning Administrator, third-party engineering consultant, and/or Zoning & Land Regulation Committee may request additional information from the applicant as may be deemed necessary for review of a Conditional Use Permit application.
1. Fees. Application and review fees as required in Chapter 12.

2. Determination of completeness. Within 10 days of receipt of an application for a new or substantially modified communication tower, the Zoning Administrator or his/her designee shall provide the applicant with a written determination of completeness. If an application is not complete, the notification shall specify in detail the required information that was incomplete.

3. Third party radio frequency engineering review. Unless waived by the committee, all applications shall be reviewed by the county's third-party radio frequency engineering consultant for completeness and compliance with all applicable local, state, and federal regulations. All reasonable costs and expenses associated with such consultation, except travel expenses, shall be borne by the applicant. Failure to pay such costs and expenses, or provide information requested by the committee shall be grounds for denial or revocation of a conditional use permit.

4. Existing and Proposed Network Buildout. The committee may require that an applicant for a conditional use permit provide a written description, map, and attribute table documenting the applicant's existing network in Dane County. Describe and show on a map generally where gaps in service currently exist. Describe and show on a map the applicant's future plan for placement or construction of communication towers in Dane County and one mile surrounding the County's border in addition to the proposed tower that is the subject of the application.

5. Action on Conditional Use Permit application. Within 90 days of receipt of a complete application for a new or substantially modified communication tower, the committee will make a final decision whether to approve or disapprove the application. Committee decisions shall be supported by substantial evidence. The 90-day time period may be extended upon mutual agreement of the applicant and county.

6. Failure to provide information or materials required under this section shall be grounds for disapproval of a Conditional Use Permit application.

(c) General standards.

1. No conditional use permit for the placement or construction of a telecommunication tower shall be issued unless the applicant presents to the committee substantial evidence establishing to a reasonable degree of certainty the following:

a. No existing communication tower is located within the area in which the applicant's equipment must be located; or

b. No exiting communication tower within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost; or

c. No existing communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost; or

d. The applicant's equipment would cause electromagnetic interference with equipment on the existing communication tower(s) within the area in which the applicant's equipment must be located, or the equipment on the existing communication tower(s) would cause interference with the applicant's equipment and the interference, from whatever source, cannot be eliminated at a reasonable cost;

e. the fees, costs or contractual provisions required by the owner in order to collocate on an existing communication tower are unreasonable relative to industry norms; or

f. The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and established that the public interest is best served by the placement or construction of a new communication tower.

2. The cost of eliminating physical or technical impediments to collocation referenced in subsection (c)1.b., c., and d. above, shall be deemed reasonable if it does not exceed by 25 percent the cost of constructing a new tower on which to mount applicant's equipment. Applicants must provide substantial evidence in the form of detailed cost estimates for structural or technical improvements from firms qualified and authorized to perform such services.

3. Any application for a new telecommunication tower being made on the basis of unreasonable fees, costs, or contractual provisions for collocation on an existing tower as references in subsection (c)1.e. above, must provide substantial evidence to the Zoning and Land Regulation Committee in the form of actual estimates of said fees, costs, or contractual provisions.

4. Failure or refusal to evaluate the feasibility of collocation shall be grounds for disapproval of a conditional use permit application.

5. Height. Height shall meet any applicable airport height limitation ordinances. No tower may be more than 195 feet in height unless a waiver from this requirement is granted by the Zoning and Land Regulation Committee based on unique transmission condition problems which cannot be overcome by another location.

6. Setbacks to property boundaries and public rights of way.

a. All communication towers and accessory structures must meet all front, side, and rear setbacks provided by this ordinance and Chapter 11.

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

ii. The setback requirement under sub. (a)i., shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use it permitted.

7. Minimum distance from other telecommunications towers. No telecommunication tower may be erected within 0.5 miles of an existing telecommunication tower unless a waiver from this requirement is granted by the Zoning and Land Regulation Committee based on unique transmission condition problems which cannot be overcome by another location or other reason the committee deems necessary to serve the public interest.

(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.

1. 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"). A Wisconsin-licensed Structural Engineer shall approve and stamp the tower design, and certify that the tower can support at least three users.

2. In applying the standards and criteria set forth in this ordinance and in section 10.101(7)(d), D.C. Ords., to applications for conditional use permits for the placement or construction of a communication tower the committee shall, unless it is shown to be unreasonable, condition the grant of the permit upon the applicant placing or constructing the communication tower so as to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of collocation sites. Notwithstanding the height and number of collocation sites on the tower as initially placed or constructed, the communication tower design approved and permitted under this ordinance shall be for a tower of 150 feet in height and shall include the required collocation sites. The holder of a permit under this section shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

3. The committee may require, unless it is shown to be unreasonable, modifications to the tower design, including but not limited to visual screening or landscaping, that it deems necessary to minimize the aesthetic impact of the tower.

4. 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.

5. Upon written inquiry by the committee, the holder of a Conditional Use Permit issued under this section shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all applicable standards and conditions placed upon the conditional use permit. Failure to establish compliance with the standards and conditions shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with the standards and conditions, all reasonable costs and expenses, except travel expenses, associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

6. Conditional use permits issued under this section shall identify the primary type or types of transmission equipment which is to be placed on the subject communication tower. Any communication tower on which the transmission equipment so identified is no longer placed or used for a continuous period of 12 months shall, upon notification by the committee, be removed by the holder of the conditional use permit issued under this section. If the tower is not removed within 60 days of such notification, the county may remove the tower at the expense of the holder of the conditional use permit. 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.

5. Roosters are prohibited.

(c) Bees. The keeping of honeybees in the yards of single-family residences or duplexes located in any zoning district shall be a permitted use, if the use complies with the following:

1. Each residential lot shall be allowed to have at least 6 hives per lot. For residential lots over 10,000 square feet, no more than one hive per 1,600 square feet of lot area is permitted.

2. A supply of water shall be provided for all hives.

3. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

(d) Location of covered and fenced enclosures and hives.

1. Covered and fenced enclosures or hives shall be within the rear or side yard, and must be at least four (4) feet from any property line.

2. Covered and fenced enclosures or hives shall not be closer than 25 feet to any principal residence on an adjacent lot.

3. Covered and fenced enclosures or hives shall comply with setback requirements of Chapter 11.

4. All chicken enclosures, regardless of size, require a zoning permit.

(11) Farm residences.

(a) Application. Applicants must provide, in a form acceptable to the zoning administrator, the following information:

1. Written description of the farm operation. The description should include the following details:

a. Location of the farm.

b. Size of the farm operation in acres.

c. Crops grown and/or livestock raised.

d. Number of employees, if any, in addition to farm family members.

e. Summary of farm income derived from the farm operation.

2. Completed Internal Revenue Service form "Schedule F–Profit or Loss from Farming," or subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.
3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department, detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).
4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.
(b) Permit conditions.
1. Any approved conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.
2. The Zoning Committee may revoke any Conditional Use Permit it finds in violation of this section. Continued use of residence with a revoked conditional use permit shall require approval of a rezone petition to a zoning district that allows nonfarm residential use.
3. The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. and 2. of this section.
(12) Limited family business.
(a) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.
(b) The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
(c) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
(d) The conditional use permit holder may be restricted to a service-oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
(e) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
(f) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.
(g) Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
(h) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

(13) Limited farm business.

(a) Uses are limited to those listed as permitted uses in the LC or GC zoning districts, provided the use does not conflict with the overall purposes of the applicable zoning district.

(b) Area dedicated to the Limited farm business use must not exceed 10,000 square feet in indoor floor area.

(c) Limited farm businesses must be contained entirely within building(s) in existence prior to April 30, 2005.

(d) The landowner must maintain, restore or enhance the existing exterior character of the building(s).

(e) No Limited farm business shall employ more than 4 non-family employees.

(14) Manufactured home communities.

(a) Other regulations. Manufactured home communities are also subject to the provisions of chapter SPC 326, Wis. Admin. Code, or its successor. The more restrictive combination of regulations shall apply.

(b) Space size. Each space for the accommodation of a single manufactured home shall contain not less than 3,000 square feet of area.

(c) Spacing between manufactured homes and other buildings.

1. Except as exempted below, there shall be at least 20 feet of spacing between manufactured homes.

a. Exemptions. In manufactured home communities established on or before May 31, 1998, there shall be at least 10 feet of spacing between manufactured homes. Expansions of such communities after May 31, 1998, whether by increasing the land area of the community or by placing additional homes in the community, or both, shall comply with the 20-foot spacing standard.

2. Spacing between other manufactured homes and accessory buildings and structures shall not be less than five (5) feet.

(d) Road setbacks. Manufactured homes must meet all road setbacks described in s. 10.102(9).

(e) Off-street parking. Each space shall provide off-street parking as required in s. 10.102(8).

(f) Landscaping. Each space shall be landscaped with at least one fast growing tree of at least two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3) feet in height. This requirement may be waived by the committee if, at the time of the application for a conditional use permit, a landscaping plan is submitted that utilizes topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of privacy between spaces.

(g) Parks and recreation facilities. Each manufactured home community shall provide a park and recreation area of at least ½ acre for each 50 or fraction of 50 spaces in the community. The park and recreation area shall be located to provide easy access for all residents in the community. Additionally, the area shall be well drained to provide a clean and safe area for children to play and shall be equipped with a sufficient amount of playground equipment to accommodate the children living in the community.

(h) Interior roads and streets.

1. All interior roads and streets of a manufactured home community shall be paved in accordance with the paving standards of the town in which the community is located.

2. The landowner shall provide to Dane County a map drawn to scale of the community showing the location of all interior roads, adjacent or abutting roads and points of access. Spaces shall be clearly delineated and numbers assigned to each space in sequence beginning with number 1.

(i) Removal and replacement of manufactured homes. Manufactured homes may be removed and replaced in a manufactured home community provided that replacement is in compliance with the regulations of this Chapter and subsection applicable to the community.

(15) Mineral extraction.

(a) Application materials. In addition to materials required for all conditional use permits, applicants must provide, in a format acceptable to the zoning administrator, the following:

1. A legal description of the land for which the permit is requested.

a. This may be a lot in a Certified Survey Map, a lot (and block, if any) in a subdivision, or an exact “metes and bounds” description.

b. The description must include the size of the CUP area in acres or square feet.

2. Tax parcel number(s) of the lot(s) or parcel(s) where the conditional use is to be located. If the area proposed for the conditional use is a part of a larger parcel, applicant must provide the tax parcel number of the larger parcel.

3. A written statement containing the following information:

a. General description of the operation.

b. Existing use of the land.

c. Existing natural features including approximate depth to groundwater.

d. The types and quantities of materials that would be extracted.

e. Proposed dates to begin extraction, end extraction and complete reclamation.

f. Proposed hours and days of operation.

g. Geologic composition and depth to the mineral deposit.

h. Maximum proposed pit depth.

i. Identify all major proposed haul routes to the nearest Class A highway or truck route. Indicate traffic flow patterns.

j. Proposed phasing plan, if any (recommended for larger sites).

k. Types, quantities, and frequency of use of equipment to extract, process, and haul.

l. Whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching or concrete mixing would be performed on site.

m. Whether excavation will occur below the water table and, if so, how ground water quality will be protected.

n. Any proposed temporary or permanent structures (e.g., scales, offices).

o. Any special measures that will be used for spill prevention and control, dust control, transportation, or environmental protection.

p. Proposed use after reclamation as consistent with Chapter 74.

4. Additional Site Plan Information. In addition to the submittal requirements described in s. 10.101(7)(b), applications for a mineral extraction conditional use permit shall include a Site Plan prepared by a qualified professional, drawn to a measurable scale large enough to show detail and at least 11" by 17" in size, showing the following information:

a. Boundaries of the permit area and of the extraction site.

b. Existing contour lines (not more than 10-foot intervals).

c. All residences within 1,000 feet of the property.

d. Specific location of proposed extraction area, staging area, equipment storage.

e. Proposed location and surfacing of driveways.

f. Proposed phasing plan, if any (recommended for larger sites).

g. Proposed fencing of property, if any, and gating of driveways.

h. Proposed location of stockpiles.

i. Proposed location and type of screening berms and landscaping.

j. Proposed temporary and permanent structures, including scales and offices.

5. Erosion control plan. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.

6. Reclamation plan. A reclamation plan prepared in accordance with this ordinance, Chapter 74, Dane County Code and Chapter NR 135, Wisconsin Administrative Code.

(b) Conditions on mineral extraction conditional use permits. In addition to conditions required for all conditional use permits, the town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit for mineral extraction.

1. Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

2. The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

3. The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed and the expected duration of mineral extraction activities.

a. Extensions. Due to uncertainty in estimating duration for mineral extraction, conditional use permit holders who have operated without violations, may have the duration of their permit extended for a period not to exceed five years, based on an administrative review by the zoning administrator, in consultation with the town board. No more than one such extension shall be granted over the lifespan of the conditional use permit, and all conditions shall remain the same as the original permit. Further extensions or any modifications of conditions shall require re-application and approval of a new conditional use permit.

4. Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:

a. Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.

b. Final slopes shall not be graded more than 3:1 except in a quarry operation.

c. The area shall be covered with topsoil and seeded to prevent erosion.

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 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.

b. 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.

c. 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.

d. 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,
3. servicing fire department,

4. emergency medical service provider,
5. Dane County Sheriff's Department; and
6. any local law enforcement agency.
(c) Event plans for recurring or annual activities must be filed at least 30 days prior to the start of any activities in each calendar year.
(17) Salvage operations.
(a) Location and boundaries.
1. No salvage operation shall be located within one hundred (100) feet of the boundary of any residential district.
2. No salvage operation with outdoor operations shall be located within the zone of contribution to a municipal well, as shown in the most current adopted version of the Dane County Water Quality Plan.
(b) License.
1. If applicable, the operator of a salvage operation shall be required to obtain a motor vehicle salvage dealer's license under Wis. Stat. s. 218.205.
(c) Inspection. All salvage operations shall be subject to an annual inspection by the Zoning Administrator to confirm compliance with this ordinance.
(18) Small-scale farming.
(a) Small-scale farming is considered an accessory use to a permitted or conditional principal use and is subject to the following limitations:
(b) Except for domestic pets, domestic fowl and beekeeping, animal use shall not be permitted on parcels smaller than one acre. For parcels one acre or larger, animals shall be limited to one animal unit per acre.
(c) Accessory buildings, structures or cages housing livestock shall be at least 100 feet from any of the Residential, Rural Residential or Hamlet zoning districts.
(19) Solid waste disposal operations. Solid waste disposal operations shall not be located within the zone of contribution for municipal wells, as shown in the most current adopted version of the Dane County Water Quality Plan.
(20) Temporary batch concrete and asphalt production.
(a) The zoning committee and town board shall set daily limits on hours for concrete and asphalt production, as necessary to minimize impact on neighboring properties. Schedules for concrete or asphalt production need not conform to hours of operation for the overall mineral extraction project.
(b) Operators of concrete or asphalt plants shall be responsible for any conditions placed on such operations.
(c) Asphalt production facilities must comply with all requirements, including spill containment, of Chapter ATCP 93, Wisconsin Administrative Code.
[**History:** 10.103 cr., 2018 OA-20, pub. 01/29/19; (2)(c) and (9) am., 2019 OA-20, pub. 1/28/20; (9)(b)1. and (9)(c)6. Am., 2022 OA-57, pub. 03/27/23; (17) am., Sub. 1 to 2023 OA-9, pub. 08/25/23.]

10.200 ZONING DISTRICTS.

(1) Purpose. All lands located within the jurisdiction of this chapter are hereby divided into zoning districts in order to:
(a) achieve compatibility of land uses within each district,

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

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

(2) Zoning Districts.

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

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

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

2. No land use listed as a conditional use in the applicable zoning district may take place until the town board and zoning committee approve a conditional use permit under s. 10.101(7).

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

(3) Table of Land Uses by Zoning District. The following tables provide a summary of permitted and conditional uses in each zoning district. Please refer to the specific section for each zoning district for detailed standards and requirements.

(4) Zoning Maps.

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

(5) Interpretation of Zoning District Boundaries. The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of Dane County:

(a) Zoning district boundaries shown as following or approximately following the limits of any city, village, town or County boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(c) Zoning district boundaries shown as following or approximately following platted lot lines, ordinary high-water marks, or other property lines as shown on the Dane County parcel maps shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Zoning district boundaries shown as separated from any of the features listed in paragraphs (a) through (d) above shall be construed to be at such distances as shown on the Official Zoning Map.
(f) Streets, highways, roads or alleys which are shown on the zoning district maps and which heretofore have been vacated, or which may be vacated hereafter, shall be in the same zoning district as the lots, pieces or parcels abutting both sides of the street, highway, road or alley involved. If the lots, pieces or parcels abutting each side of the street, highway, road or alley were located in different zoning districts before the said street or alley was vacated, the centerline of the said vacated street or alley shall be the boundary line of the respective zoning districts.
(g) Where the exact location of a zoning district boundary, as shown on the Official Zoning Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.
(h) The zoning administrator may determine the zoning of un-zoned vacated lands, based on the zoning of lands to which the vacated lands are attached.
[**History:** 10.200 cr., 2018 OA-20, pub. 01/29/19; (2)(b) am., 2022 OA-44, pub. 03/17/23.]

10.210 NATURAL RESOURCE AND RECREATION ZONING DISTRICTS.

10.211 NR-C (NATURAL RESOURCE CONSERVATION) ZONING DISTRICT.
(1) Purpose. The purpose of the NR-C Natural Resource Conservation district is to protect, maintain, and enhance natural resource and open space areas. Limited permitted and conditional uses are offered, and regulation of these areas will serve to control erosion and promote the rural character and natural beauty of the County while seeking to assure protection of areas with significant topography, natural watersheds, ground and surface water, wildlife habitat, recreational sites, archeological sites, and other natural resource characteristics that contribute to the environmental quality of the County.
(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 livestock, 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.
(i) Soil conservation, shoreland, wetland and ecological restoration practices under an approved permit and consistent with technical standards approved by the Director of the Land and Water Resources.

(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) Invasive species control, when conducted according to best practices approved by the Director of Land and Water Resources or the Natural Resources Conservation Service.
(3) Conditional uses.
(a) 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.
(b) Soil conservation, shoreland, wetland and ecological restoration practices, other than those listed as permitted uses above.
(c) The construction and maintenance of roads, railroads or utilities, provided that:
1. The facilities cannot as a practical matter be located outside the NR-C 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.
(4) Lot size requirements.
(a) Minimum lot size. None.
(b) Maximum lot size. None.
(5) Setbacks and required yards.
(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 lot line where primary access to the parcel is made.
(b) Side yard. Any permitted structures must be at least four feet from the side lot line.
(c) Rear yard. Any permitted structures must be at least four feet from the rear lot line.
(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 10 percent (10%) of the area of a lot in the NR-C district.
[**History:** 10.211 cr., 2018 OA-20, pub. 01/29/19.]

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 livestock, 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. (g), 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.
(3) Conditional uses.
(a) Campgrounds.
(b) Caretaker's residence.
(c) Cemeteries.
(d) Indoor active recreation.
(e) Outdoor active recreation, lighted for nighttime activities.
(f) Outdoor assembly events.
(g) Outdoor entertainment.
(4) Lot size requirements.
(a) Minimum lot size. All lots created in the RE-1 zoning district must be at least 15,000 square feet in area.
(b) Maximum lot size. None.

(5) Setbacks and required yards.

(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 lot line where primary access to the parcel is made.

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

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

(6) Lot coverage. No building together with its accessory buildings shall occupy in excess of 15 percent (15%) of the area of a lot in the RE district.

[**History:** 10.212 cr., 2018 OA-20, pub. 01/29/19; (2)(g) and (h) am., 2019 OA-20, pub. 1/28/20.]

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.

[**History:** 10.220 cr., 2018 OA-20, pub. 01/29/19.]

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 farm stands, 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, subject to the limitations below.

1. Unless authorized under a conditional use permit, livestock are prohibited on parcels of five acres or less.

2. Unless a higher density is authorized under a conditional use permit, livestock are limited to one animal unit per acre on parcels between five and thirty-five acres.

(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.

(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.
(a) Agricultural accessory uses. In addition to the 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.
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 more than ten days in a calendar year.
3. Limited farm business.
4. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
5. Sanitary facilities in an agricultural accessory building.
(b) Livestock on parcels five acres or less.
(c) Livestock in excess of one animal unit per acre on parcels between five and thirty-five-acres.
(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(e) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.
(4) Lot size requirements.
(a) Minimum lot size. All lots created in the FP-1 zoning district must be at least one acre in area, excluding public rights-of-way.
(b) Maximum lot size. All lots created in the FP-1 zoning district must be smaller than 35 acres in area, excluding public rights-of-way.
(c) Minimum lot width. There is no minimum lot width in the FP-1 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). For parcels without road frontage, structures must be at least 50 feet from the lot line where primary access to the parcel is made.
(b) Side yard.
1. Structures housing livestock must be at least:
a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or
c. At least 10 feet from any other side lot line.
2. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(c) Rear yard.
1. Structures housing livestock must be at least:
a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,

b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or

c. 10 feet from any other rear lot line.

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

(6) Building height.

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

(7) Lot coverage.

(a) Parcels 2 acres or less in area. No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

(b) Parcels over 2 acres in area. No limitation on lot coverage.

(8) Other restrictions on buildings.

(a) Accessory buildings.

1. There is no limitation on the number of accessory buildings in the FP-1 district, provided lot coverage standards are met.

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

3. Sanitary facilities are prohibited in agricultural accessory buildings unless specifically authorized by conditional use permit.

[**History:** 10.221 cr., 2018 OA-20, pub. 01/29/19; (2)(a) and (3) am., 2019 OA-20, pub. 1/28/20.]

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.

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).

7. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

8. Secondary farm residence, subject to s. 10.103(11).

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

(c) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74.

(d) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

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

(4) Lot size requirements.

(a) Minimum lot size. All lots created in the FP-35 zoning district must be at least thirty-five (35) acres in area, excluding public rights-of-way.

(b) Maximum lot size. None.

(c) Minimum lot width. None.

(5) Setbacks.

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

(b) Side yards. Any permitted structures must be set back from side property lines as follows:

1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.

2. Structures housing livestock must be at least:

a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts

b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or

c. At least 10 feet from any other side lot line.

3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.

(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Structures housing livestock must be at least:
a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or
c. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. There is no limitation on lot coverage in the FP-35 district.
(8) Other restrictions on buildings.
(a) Principal residential buildings. Except for secondary farm residences authorized by conditional use permit, no more than one principal building is permitted per lot.
(b) Accessory buildings.
1. There is no limitation on the number of accessory buildings in the FP-35 district.
2. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3. Sanitary fixtures are permitted in agricultural accessory buildings; however accessory buildings may not be used as living space.
[**History:** 10.222 cr., 2018 OA-20, pub. 01/29/19.]

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

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).
7. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
8. Secondary farm residence, subject to s. 10.103(11).
(b) Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under s. 10.004(14).
1. Bio-diesel and ethanol manufacturing.
2. Biopower facilities for distribution, retail, or wholesale sales.
3. Colony house.
4. Commercial animal boarding for farm animals, and not including boarding for domestic pets.
5. Composting facility.
6. Dead stock hauling services.
7. Manure processing facilities.
8. Stock yards, livestock auction facilities.
(c) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(d) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74. The application shall conform to the requirements of s. 10.103(15).
(e) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

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

(4) Lot size requirements.

(a) Minimum lot size. All lots created in the FP-B zoning district must be at least 20,000 square feet in area, excluding public rights-of-way.

(b) Maximum lot size. None.

(c) Minimum lot width. All lots created in the FP-B zoning district must have a minimum lot width of 100 feet.

(5) Setbacks.

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

(b) Side yards. Any permitted structures must be set back from side property lines as follows:

1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.

2. Structures housing livestock must be at least:

a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,

b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or

c. At least 10 feet from any other side lot line.

3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.

(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:

1. Principal residential buildings must be at least 50 feet from the rear lot line.

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

3. Structures housing livestock must be at least:

a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,

b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or

c. 10 feet from any other rear lot line.

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

(6) Building height.

(a) Residential buildings.

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

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

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

(7) Lot coverage. There is no limitation on lot coverage in the FP-B district.

(8) Other restrictions on buildings.

(a) Accessory buildings.

1. There is no limitation on the number of accessory buildings in the FP-B district.

2. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3. Sanitary fixtures are permitted in agricultural accessory buildings; however accessory buildings may not be used as living space.
[**History:** 10.223 cr., 2018 OA-20, pub. 01/29/19; (8)(a) am., 2019 OA-20, pub. 1/28/20.]

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. 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. 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 entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.

5. 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.

6. 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.

7. Sales of agricultural products produced on the farm.

8. 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).

7. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

8. Secondary farm residence, subject to s. 10.103(11).

(b) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(c) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74.
(d) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.
(e) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.
(4) Lot size requirements.
(a) Minimum lot size. All lots created in the AT-35 zoning district must be at least thirty-five (35) acres in area, excluding public rights-of-way.
(b) Maximum lot size. None.
(c) Minimum lot width. None.
(5) Setbacks.
(a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).
(b) Side yards. Any permitted structures must be set back from side property lines as follows:
1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.
2. Structures housing livestock must be at least:
a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or
c. At least 10 feet from any other side lot line.
d. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Structures housing livestock must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.

(7) Lot coverage. There is no limitation on lot coverage in the AT-35 district.
(8) Other restrictions on buildings.
(a) Principal buildings. Except for secondary farm residences authorized by conditional use permit, no more than one principal building is permitted per lot.
(b) Accessory buildings.
1. There is no limitation on the number of accessory buildings in the AT-35 district.
2. Accessory buildings may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.
3. Sanitary fixtures are permitted in agricultural accessory buildings; however accessory buildings may not be used as living space.
[**History:** 10.231 cr., 2018 OA-20, pub. 01/29/19.]

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.

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

b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or

c. At least 10 feet from any other side lot line.

3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.

(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:

1. Principal residential buildings must be at least 50 feet from the rear lot line.

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

3. Structures housing livestock must be at least:

a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,

b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or

c. 10 feet from any other rear lot line.

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

(6) Building height.

(a) Residential buildings.

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

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

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

(7) Lot coverage. There is no limitation on lot coverage in the AT-B district.

(8) Other restrictions on buildings.

(a) Accessory buildings.

1. There is no limitation on the number of accessory buildings in the AT-B district.

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

3. Sanitary fixtures are permitted in agricultural accessory buildings; however accessory buildings may not be used as living space.

[**History:** 10.232 cr., 2018 OA-20, pub. 01/29/19.]

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.

(c) Cemeteries.

(d) Community living arrangements for 9 or more persons.

(e) Domestic pet animal boarding.

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

(g) 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 five days in a calendar year.

(h) Governmental, institutional, religious, or nonprofit community uses.

(i) Large animal boarding.

(j) Limited family business.

(k) Limited farm business.

(l) Migrant farm labor camps certified under s. 103.92, Wis. Stats.

(m) Recreational racetracks.

(n) Sanitary facilities in agricultural accessory buildings.
(o) Tourist or transient lodging.
(p) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(q) Veterinary clinics.
(4) Lot size requirements.
(a) Minimum lot size. All lots created in the RM-8 zoning district must be at least 8 acres in area, excluding public rights-of-way.
(b) Maximum lot size. All lots created in the RM-8 zoning district must be smaller than 16 acres in area, excluding public rights-of-way.
(c) Minimum lot width. All lots created in the RM-8 zoning district must have a minimum lot width of 100 feet.
(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 yards. Any permitted structures must be set back from side property lines as follows:
1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.
2. Structures housing livestock must be at least:
a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the side lot line of any parcel in the any of the Rural Residential zoning districts, or
c. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Structures housing livestock must be at least:
a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or
c. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.

(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
(8) Other restrictions on buildings.
(a) Principal buildings. No more than one principal building is permitted per lot.
(b) Accessory buildings.
1. There is no limitation on the number of accessory buildings in the RM-8 district.
2. Except for agricultural accessory buildings or for property maintenance sheds specifically approved by conditional use permit, accessory buildings may not be constructed on a property without a principal residence.
3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically authorized by an approved conditional use permit. Accessory buildings may not be used as living space.
[**History:** 10.233 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

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.

(3) Conditional uses.

(a) Agricultural entertainment activities or special events exceeding 10 days per calendar year, in aggregate.

(b) Airports, landing strips or heliports for private aircraft owned by the landowner.

(c) Attached accessory dwelling units.

(d) Cemeteries.

(e) Community living arrangements for 9 or more persons.

(f) Domestic pet animal boarding.

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

(h) 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 five days in a calendar year.

(i) Governmental, institutional, religious, or nonprofit community uses.

(j) Large animal boarding.

(k) Limited family business.

(l) Limited farm business.

(m) Migrant farm labor camps certified under s. 103.92, Wis. Stats.

(n) Mineral extraction.

(o) Recreational racetracks.

(p) Sanitary facilities in agricultural accessory buildings.

(q) Temporary asphalt or concrete production.

(r) Tourist and transient lodging.

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

(t) Veterinary clinics.

(4) Lot size requirements.

(a) Minimum lot size. All lots created in the RM-16 zoning district must be at least 16 acres in area, excluding public rights-of-way.

(b) Minimum lot width. All lots created in the RM-16 zoning district must have a minimum lot width of 100 feet.

(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 yards. Any permitted structures must be set back from side property lines as follows:

1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.

2. Structures housing livestock must be at least:

a. 100 feet from the side lot line of any parcel in any of the Residential zoning or Hamlet zoning districts,
b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or
c. At least 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Structures housing livestock must be at least:
a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning districts, or
c. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from any rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
(8) Other restrictions on buildings.
(a) Principal buildings. No more than one principal building is permitted per lot.
(b) Accessory buildings.
1. There is no limitation on the number of accessory buildings in the RM-16 district.
2. Except for agricultural accessory buildings, accessory buildings may not be constructed on property without a principal residence.
3. Sanitary fixtures are not permitted in agricultural accessory buildings, unless specifically authorized by an approved conditional use permit. Accessory buildings may not be used as living space.
[**History:** 10.234 cr., 2018 OA-20, pub. 01/29/19; (8)(b) am., 2019 OA-20, pub. 1/28/20.]

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.

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. Sales of agricultural products produced on the premises.

(i) Undeveloped natural resource and open space areas.

(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.

(4) Conditional uses.

(a) Attached accessory dwelling units.

(b) Cemeteries.

(c) Day care centers.

(d) Domestic pet animal boarding. A minimum lot size of 5 acres is required for this conditional use.

(e) Limited Family Business. A minimum lot size of 1 acre is required for this conditional use.

(f) Transient or tourist lodging.

(g) 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), and must be on parcels of at least 5 acres in area.

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. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring 10 days or more per calendar year, in aggregate.

4. Limited farm business.

5. Large animal boarding.

6. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

7. Sanitary facilities in agricultural accessory buildings.

(h) Communication towers.

(i) Governmental, institutional, religious, or nonprofit community uses.

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

(k) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74. A minimum lot size of 16 acres is required for this conditional use.

(l) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration. A minimum lot size of 16 acres is required for this conditional use.

(m) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources. A minimum lot size of 1 acre is required for this conditional use.

(n) Native wildlife rehabilitation facilities.

(5) Lot size requirements. Minimum lot size requirements differ based on the land use as specified below and elsewhere in this section. Note: the maximum density of development is controlled by county and local town ordinances. The maximum density of development shall not exceed the more restrictive ordinance.

(a) Minimum lot size–residential or open space uses. The minimum lot size shall be at least 25,000 square feet in area, excluding public rights-of-way.
(b) Minimum lot size–renewable energy electric generating facilities, limited family businesses. The minimum lot size shall be at least 1 acre, excluding public rights-of-way.
(c) Minimum lot size–agricultural and agricultural accessory uses, seasonal storage of recreational equipment, domestic pet animal boarding, and sanitary facilities in agricultural accessory buildings. The minimum lot size shall be at least 5 acres, excluding public rights-of-way.
(d) Minimum lot size–Non-metallic mineral extraction operations, asphalt plants or ready-mix concrete plants, and large animal boarding. The minimum lot size shall be at least 16 acres, excluding public rights-of-way.
(e) Maximum lot size. None.
(f) Minimum lot width–Agricultural uses: 250 feet width at location of agricultural accessory building.
(g) Minimum lot width–Residential uses: 90 feet at building setback line.
(6) Setbacks.
(a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).
(b) Side yards.
1. Except as exempted in 2 below, all principal and accessory buildings must be at least 10 feet from any one side lot line with a total of at least 25 feet from both side lot lines.
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 90 feet or more in width, or
b. 2.5 feet from any side lot line on lots less than 90 feet in width
3. Structures housing livestock must be at least:
a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,
b. 50 feet from the side lot line of any parcel in any of the Rural Residential zoning districts, or
c. At least 10 feet from any other side lot line.
(c) Rear yard. Any permitted structures must be set back from rear property lines as follows:
1. Principal residential buildings must be at least 50 feet from the rear lot line.
2. Uncovered decks or porches attached to a principal residence must be at least 38 feet from the rear lot line.
3. Except as detailed in 4 and 5 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 90 feet or more in width, or
b. 2.5 feet from any rear lot line on lots less than 90 feet in width.
5. Structures housing livestock must be at least:
a. 100 feet from the rear lot line of any parcel in any of the Residential or Hamlet zoning districts,

b. 50 feet from the rear lot line of any parcel in any of the Rural Residential zoning district, or

c. 10 feet from any other rear lot line.

(7) Building height.

(a) Residential buildings.

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

2. Residential accessory buildings shall not exceed a height of 16 feet.

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

(8) Lot coverage.

(a) On parcels less than 2 acres in size, no building together with its accessory buildings shall occupy in excess of thirty percent (30%) of the area of an interior lot or thirty-five percent (35%) of the area of a corner lot.

(b) On parcels over 2 acres in size, no building together with its accessory buildings shall occupy in excess of ten percent (10%) of the area of a lot.

(9) Other restrictions on buildings.

(a) Principal buildings. There shall be no more than one principal building permitted per lot.

(b) Accessory buildings.

1. There is no limitation on the number of agricultural accessory buildings in the AT-5 district.

2. One agricultural accessory building may be constructed on property without a principal residence only if it is clearly related to a legitimate agricultural or agricultural accessory use.

3. Except as specifically approved by conditional use permit, accessory buildings cannot have sanitary facilities. Accessory buildings cannot be used for human habitation.

[**History:** 10.235 cr., 2018 OA-20, pub. 01/29/19.]

10.240 RURAL RESIDENTIAL ZONING DISTRICTS.

10.241 RR-1 (RURAL RESIDENTIAL, 1 TO 2 ACRES) ZONING DISTRICT.

(1) Purpose. The RR-1 Rural Residential 1 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 small parcels. The RR-1 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) Incidental room rental.

(g) Foster homes for less than five children.
(h) Community living arrangements for fewer than 9 persons.
(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) Cemeteries.
(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-1 zoning district must be at least 1 acre in area, excluding public rights-of-way.
(b) Maximum lot size. All lots created in the RR-1 zoning district must be smaller than 2 acres in area, excluding public rights-of-way.
(c) Minimum lot width. All lots created in the RR-1 zoning district must have a minimum lot width of 100 feet.
(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. Permitted residences must be at least a total of 25 feet from both side lot lines, and not less than 10 feet from any one side lot line.
2. Accessory buildings housing livestock must be at least:
a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(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. Accessory buildings housing livestock, must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.

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

(6) Building height.

(a) Residential buildings.

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

2. Residential accessory buildings shall not exceed a height of 16 feet.

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

(7) Lot coverage. No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot, excluding public right-of-way.

[**History:** 10.241 cr., 2018 OA-20, pub. 01/29/19; (3) and (7) am., 2019 OA-20, pub. 1/28/20.]

10.242 RR-2 (RURAL RESIDENTIAL, 2 TO 4 ACRES) ZONING DISTRICT.

(1) Purpose. The RR-2 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) Cemeteries.

(d) Limited family business.

(e) Day Care Centers.

(f) Community living arrangements for nine (9) or more persons.

(g) Governmental, institutional, religious, or nonprofit community uses.

(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-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.
(c) Minimum lot width. All lots created in the RR-2 zoning district must have a minimum lot width of 100 feet.
(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. Permitted residences must be at least a total of 25 feet from both side lot lines, and not less than 10 feet from any one side lot line.
2. Accessory buildings housing livestock must be at least:
a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(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. Accessory buildings housing livestock, must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
[**History:** 10.242 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.243 RR-4 (RURAL RESIDENTIAL, 4 TO 8 ACRES) ZONING DISTRICT.

(1) Purpose. The RR-4 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) Cemeteries.

(f) Community living arrangements for nine (9) or more persons.

(g) Governmental, institutional, religious, or nonprofit community uses.

(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-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 area, excluding public rights-of-way.

(c) Minimum lot width. All lots created in the RR-4 zoning district must have a minimum lot width of 100 feet.

(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. Permitted residences must be at least a total of 25 feet from both side lot lines, and not less than 10 feet from any one side lot line.

2. Accessory buildings housing livestock must be at least:

a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(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. Accessory buildings housing livestock, must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
[**History:** 10.243 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.244 RR-8 (RURAL RESIDENTIAL, 8 TO 16 ACRES) ZONING DISTRICT.

(1) Purpose. The RR-8 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) Cemeteries.
(f) Community living arrangements for nine (9) or more persons.
(g) Governmental, institutional, religious, or nonprofit community uses.
(h) Property maintenance sheds.
(i) Transient or Tourist Lodging.
(j) 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.
(b) Maximum lot size. All lots created in the RR-8 zoning district must be smaller than 16 acres in area, excluding public rights-of-way.
(c) Minimum lot width. All lots created in the RR-8 zoning district must have a minimum lot width of 100 feet.
(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. Permitted residences must be at least a total of 25 feet from both side lot lines, and not less than 10 feet from any one side lot line.
2. Accessory buildings housing livestock must be at least:
a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(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. Accessory buildings housing livestock, must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.

(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
[**History:** 10.244 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.245 RR-16 (RURAL RESIDENTIAL, 16 TO 35 ACRES) ZONING DISTRICT.

(1) Purpose. The Rural Residential 16 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-16 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) Cemeteries.
(f) Community living arrangements for nine (9) or more persons.
(g) Governmental, institutional, religious, or nonprofit community uses.
(h) Property maintenance sheds.
(i) Transient or Tourist Lodging.
(j) 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-16 zoning district must be at least 16 acres in area, excluding public rights-of-way.
(b) Maximum lot size. All lots created in the RR-16 zoning district must be smaller than 35 acres in area, excluding public rights-of-way.
(c) Minimum lot width. All lots created in the RR-16 zoning district must have a minimum lot width of 100 feet.
(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. Permitted residences must be at least a total of 25 feet from both side lot lines, and not less than 10 feet from any one side lot line.
2. Accessory buildings housing livestock must be at least:
a. 50 feet from the side lot line of any parcel in any of the Residential, Rural Residential or Hamlet zoning districts, or
b. 10 feet from any other side lot line.
3. Accessory buildings not housing livestock must be at least 10 feet from any side lot line.
(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. Accessory buildings housing livestock, must be at least:
a. 50 feet from the rear lot line of any parcel in any of the Residential, rural Residential or Hamlet zoning districts, or
b. 10 feet from any other rear lot line.
4. Accessory buildings not housing livestock must be at least 10 feet from the rear lot line.
(6) Building height.
(a) Residential buildings.
1. Principal residential buildings shall not exceed a height of two and a half stories or 35 feet.
2. Residential accessory buildings shall not exceed a height of 35 feet.
(b) Agricultural buildings. There is no limitation on height for agricultural buildings.
(7) Lot coverage. The total area of all buildings and structures must not exceed 10% of the total lot area, excluding public rights-of-way.
[**History:** 10.245 cr., 2019 OA-20, pub. 1/28/20.]

10.250 RESIDENTIAL ZONING DISTRICTS.

10.251 SFR-08 (SINGLE-FAMILY RESIDENTIAL, SMALL LOTS) ZONING DISTRICT.

(1) Purpose. The SFR-08 Single-Family Residential 08 district is designed to:
(a) Provide for single-family residential principal uses, compatible home occupations, and residential accessory buildings, appropriate to a compact neighborhood

setting, on relatively small parcels. The SFR-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) 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 up to 12 feet in height.

(e) Domestic fowl and beekeeping.

(f) Foster homes for less than five children.

(g) Community living arrangements for fewer than 9 persons.

(h) Home occupations.

(i) Incidental room rental.

(j) Undeveloped natural resource and open space use.

(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) Attached accessory dwelling units.

(c) Community living arrangements for nine (9) or more persons.

(d) Day Care Centers.

(e) Cemeteries.

(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 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.

2. Minimum lot width. All lots must be at least 60 feet wide.

(b) Lots not on public sewer.

1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public rights-of-way.

2. Minimum lot width. All lots must be at least 100 feet wide.

(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. or 3. 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.
3. Lots of nonconforming width.
a. On lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.
b. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.
(c) Rear yard.
1. Permitted residences must be at least 25 feet from the rear lot line.
2. Uncovered decks and porches attached to a permitted residence must be at least 13 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. Unless under an approved conditional use permit under s. 10.251(3)(a), residential accessory buildings shall not exceed 12 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 residence.
[**History:** 10.251 cr., 2018 OA-20, pub. 01/29/19; (3) and (5)(c) am., 2019 OA-20, pub. 1/28/20.]

10.252 SFR-1 (SINGLE-FAMILY RESIDENTIAL, 1 TO 2 ACRES) ZONING DISTRICT.

(1) Purpose. The SFR-1 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) Cemeteries.
(d) Community living arrangements for nine (9) or more persons.
(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) 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.
(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.
[**History:** 10.252 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.253 SFR-2 (SINGLE-FAMILY RESIDENTIAL, 2 TO 4 ACRES) ZONING DISTRICT.

(1) Purpose. The SFR-2 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) Cemeteries.
(d) Community living arrangements for nine (9) or more persons.
(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) 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.
(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.
[**History:** 10.253 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.254 TFR-08 (TWO-FAMILY RESIDENTIAL) ZONING DISTRICT.

(1) Purpose. The TFR-08 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) Cemeteries.
(c) Community living arrangements for nine (9) or more persons.
(d) Day Care Centers.
(e) Detached accessory dwelling units.
(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 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.
2. Minimum lot width. All lots must be at least 60 feet wide.

(b) Lots not on public sewer.
1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public rights-of-way.
2. Minimum lot width. All lots must be at least 100 feet wide.
(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 25 feet from the rear lot line.
2. Uncovered decks and porches attached to a permitted residence must be at least 13 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. Unless under an approved conditional use permit under s. 10.254(3)(a), accessory buildings shall not exceed 12 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.
[**History:** 10.254 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.255 MFR-08 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

(1) Purpose. The MFR-08 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) Cemeteries.
(c) Day Care Centers.
(d) Governmental, institutional, religious, or nonprofit community uses.
(e) Institutional residential.
(f) Manufactured home communities, subject to s. 10.103(14).
(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.
1. Minimum lot size. All lots must be at least 8,000 square feet in area, excluding public rights-of-way.
2. Minimum lot width. All lots must be at least 60 feet wide.
(b) Lots not on public sewer.
1. Minimum lot size. All lots must be at least 20,000 square feet in area, excluding public rights-of-way.
2. Minimum lot width. All lots must be at least 100 feet wide.
(5) Setbacks and required yards.
(a) Front yard.
1. Any permitted structure must comply with road setbacks as described in s. 10.102(9).
2. Multiple family dwelling buildings located in the interior of a complex shall provide a front yard of not less than 15 feet, each building shall be provided with its own front yard area irrespective of the yards required for other buildings.
(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 25 feet from the rear lot line.
2. Uncovered decks and porches attached to a permitted residence must be at least 13 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.
1. Single-family or two-family residential buildings shall not exceed two and a half stories or 35 feet in height.
2. Multi-family buildings shall not exceed 4 stories.
(b) Accessory buildings. Unless under an approved conditional use permit under s. 10.255(3)(a), accessory buildings shall not exceed 12 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.
[**History:** 10.255 cr., 2018 OA-20, pub. 01/29/19; (3) and (6)(a) am., 2019 OA-20, pub. 1/28/20.]

10.260 HAMLET ZONING DISTRICTS.

(1) Principles of Traditional Neighborhood Design. The Hamlet Design zoning districts are intended to accommodate existing or new developments, or redevelopments that have the following characteristics:
(a) Compact and walkable. Neighborhoods should be compact enough to encourage development of pedestrian connections and destinations without excluding automobiles.
(b) A hierarchy of interconnected streets. Streets and roads function as a connected network, dispersing traffic and offering a variety of pedestrian and vehicular routes to any destination while connecting and integrating the neighborhood with surrounding communities.
(c) An identifiable neighborhood/community center and edges. A center that includes public spaces—such as a square, green or important street intersection—and public buildings—such as a library, church or community center, transit stop and retail businesses—provides a civic focus and informal place of gathering; and edges that promote neighborhood identity.

(d) A variety of housing choices within the same neighborhood. The neighborhood includes a variety of dwelling types so that younger and older people, singles and families, of varying income levels may find places to live.
(e) A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occur in proximity. Many activities of daily living should occur within walking distance, allowing independence to those who do not drive and adding to neighborhood vitality.
(f) A range of transportation options. Streets are designed to promote the safe and efficient use by walkers, bikers, drivers and transit riders.
(g) Pedestrian-friendly. Features such as safe, attractive and comfortable streets and public spaces promote walking as a viable option to auto trips.
(h) Open spaces, greens, parks, accessible and convenient to all. Significant cultural and environmental features are incorporated into the design of the development for the use, benefit, and enjoyment of the entire community. A range of parks, from tot-lots and village greens to ballfields and community gardens, are distributed within neighborhoods.
[**History:** 10.260 cr., 2018 OA-20, pub. 01/29/19.]

10.261 HAM-R (HAMLET RESIDENTIAL) ZONING DISTRICT.

(1) Purpose. The HAM-R Hamlet Residential district is intended to accommodate new or existing development, or redevelopment, on relatively small lots, with buildings close to the street. It includes a mix of single-family, two-family and multi-family residential and civic uses in compact blocks laid out in a traditional grid pattern. Many older residential neighborhoods typify the characteristics of a HAM-R district.
(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) Foster homes for less than five children licensed under s. 48.62, Wis. Stats.
(g) Home occupations.
(h) Domestic fowl and beekeeping.
(i) Incidental room rental.
(j) Cemeteries.
(k) Community living arrangements for less than nine persons.
(l) Governmental, institutional, religious, or nonprofit community uses.
(m) Utility services associated with, and accessory to, a permitted or conditional use.
(n) Undeveloped natural resource and open space areas.
(o) 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) Detached accessory dwelling units.

(b) Multiple family dwellings and condominiums.
(c) Day care centers.
(d) Community living arrangements for more than nine persons.
(e) Institutional residential.
(f) Principal buildings more than two and a half stories tall.
(g) Accessory buildings between 12 and 16 feet in height.
(h) Limited family businesses.
(i) Reduction of side lot setback to less than 10 feet total.
(j) 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 new lots must be at least 5,000 square feet in area, excluding public rights-of-way.
2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area, excluding public rights-of-way.
3. Minimum lot width. All new lots must be at least 50 feet wide.
(b) Lots not on public sewer.
1. Minimum lot size. All new lots must be at least 20,000 square feet in area, excluding public rights-of-way.
2. Maximum lot size. All new lots must be smaller than 40,000 square feet in area, excluding public rights-of-way.
3. Minimum lot width. All new lots must be at least 100 feet wide.
(5) Setbacks and required yards.
(a) Front yard.
1. For newly created lots, or existing lots lacking an existing pattern of development as described in 2. below, all new structures must be at least 20 feet from the right-of-way line.
2. 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 5 feet.
(b) Side yard. Unless exempted by conditional use permit:
1. All structures must be at least a total of 10 feet from both side lot lines.
2. Structures may be built at a zero setback from one side lot line, provided the setback from the opposite side lot line is at least 10 feet.
(c) Rear yard.
1. Permitted residences must be at least 16 feet from the rear lot line.
2. Uncovered decks and porches attached to a permitted residence must be at least 8 feet from the rear lot line.
3. Accessory buildings must be at least 6 feet from any rear lot line.
(6) Building height.
(a) Principal buildings. Unless authorized by conditional use permit, principal buildings shall not exceed 35 feet in height or two and one-half (2-1/2) stories, whichever is less.

(b) Accessory buildings. Unless authorized by conditional use permit, accessory buildings shall not exceed 12 feet in height.

(7) Lot coverage. The total building footprint of residential buildings and residential accessory buildings shall not exceed 60 percent of the lot area.

[**History:** 10.261 cr., 2018 OA-20, pub. 01/29/19; (2) am., 2019 OA-20, pub. 1/28/20.]

10.262 HAM-M (HAMLET MIXED-USE) ZONING DISTRICT.

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

(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) Home occupations.

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

(h) Indoor Sales.

(i) Incidental room rental.

(j) Cemeteries.

(k) Community living arrangements for less than nine persons.

(l) Personal or Professional Service.

(m) Office uses.

(n) Governmental, institutional, religious, or nonprofit community uses.

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

(p) Transient or Tourist Lodging.

(q) Active or passive recreational uses.

(r) 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) Detached accessory dwelling units.

(b) Multiple family dwellings and condominiums.

(c) Institutional Residential.

(d) Automotive services.

(e) Indoor entertainment or assembly.

(f) Outdoor entertainment.

(g) Limited family business.

(h) Principal commercial buildings which have more than four (4) stories, or more than 10,000 square feet of interior floor space devoted to business or commercial use.
(i) Residential accessory buildings between 12 and 16 feet in height.
(j) Reduction of side lot setback to less than 10 feet total.
(k) Commercial Indoor Lodging.
(l) Outdoor sales events.
(m) Day care centers.
(n) Community living arrangements for nine (9) or more persons.
(o) 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 new lots must be at least 5,000 square feet in area, excluding public rights-of-way.
2. Maximum lot size. All new lots must be smaller than 10,000 square feet in area, excluding public rights of way.
3. Minimum lot width. All new lots must be at least 50 feet wide.
(b) Lots not on public sewer.
1. Minimum lot size. All new lots must be at least 20,000 square feet in area, excluding public rights-of-way.
2. Maximum lot size. All new lots must be smaller than one acre in area, excluding public rights-of-way.
3. Minimum lot width. All new lots must be at least 100 feet wide.
(5) Setbacks and required yards.
(a) Front yard.
1. For newly created lots, or existing lots lacking an existing pattern of development as described in 2., below, all new structures must be at least 20 feet from the right-of-way line.
2. 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 5 feet.
(b) Side yard. Unless exempted by conditional use permit:
1. All structures must be at least a total of 10 feet from both side lot lines.
2. Structures may be built at a zero setback from one side lot line, provided the setback from the opposite side lot line is at least 10 feet.
(c) Rear yard.
1. Permitted residences must be at least 16 feet from the rear lot line.
2. Uncovered decks and porches attached to a permitted residence must be at least 8 feet from the rear lot line.
3. Accessory buildings must be at least 6 feet from any rear lot line.
(6) Building height and area limitations.
(a) Commercial buildings. Unless authorized by conditional use permit, commercial buildings shall not exceed 10,000 square feet in total floor area and shall not exceed 70 feet in height or four and one-half (4-1/2) stories, whichever is less.

(b) Residential buildings.
1. Principal buildings. Principal residential buildings shall not exceed 35 feet in height or two and one-half (2-1/2) stories, whichever is less.
2. Accessory residential buildings. Unless authorized by conditional use permit, residential accessory buildings shall not exceed 12 feet in height.
(7) Lot coverage. The total building footprint of commercial buildings, residential buildings and residential accessory buildings shall not exceed 60 percent of the lot area.
[**History:** 10.262 cr., 2018 OA-20, pub. 01/29/19; (2) am., 2019 OA-20, pub. 1/28/20.]

10.270 COMMERCIAL ZONING DISTRICTS.

(1) Provisions applicable to all Commercial Districts.
(a) Site plan. All petitions to rezone to any Commercial zoning district, and any application for a zoning permit or conditional use permit within an existing Commercial zoning district must be accompanied by an approved site plan as described in s. 10.101(6).
(b) Off-street parking. Off-street parking shall be provided as required in s. 10.102(8).
(c) Screening. For commercial uses within 100 feet of any residence, screening must be provided as required in s. 10.102(12).
(d) Stormwater. The Zoning Administrator may not issue a zoning permit for any development in any commercial district until the Department of Land and Water Resources issues a Stormwater Management permit for the project under Chapter 14, Dane County Code.
[**History:** 10.270 cr., 2018 OA-20, pub. 01/29/19.]

10.271 LC (LIMITED COMMERCIAL) ZONING DISTRICT.

(1) Purpose.
(a) The Limited Commercial Zoning District is intended for small commercial uses that may need to locate in predominantly rural areas due to their often-large service areas and their need for larger lot sizes. In appearance and operation, such uses are often similar to agricultural uses and are therefore more suitable to a rural area.
(b) Such uses include, but are not limited to, contractor, transportation, building trades and landscaping operations, which may have:
1. Outdoor stockpiles of materials;
2. Storage and maintenance of large construction or transportation equipment;
3. Early morning activity, and;
4. Large, utilitarian buildings.
(c) Limited commercial uses:
1. Have no retail sales;
2. Do not create high traffic volume, and;
3. Have limited outdoor lighting and signage.
(2) Permitted uses.
(a) Agricultural accessory uses. Livestock is not permitted.
(b) Agricultural uses. Livestock is not permitted.
(c) Contractor, landscaping or building trade operations.
(d) Indoor storage and repair.

(e) Incidental Parking for employees, consistent with s. 10.102(8).
(f) Office uses, the number on site employees is limited to no more than six (6).
(g) Storage of no more than 12 total vehicles and pieces of construction equipment.
(h) 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.
(i) Undeveloped natural resource and open space areas.
(j) Utility services associated with, and accessory to, a permitted or conditional use.
(3) Conditional uses.
(a) Caretaker's residence.
(b) Cemeteries.
(c) Communication towers.
(d) Governmental, institutional, religious, or nonprofit community uses
(e) Light Industrial.
(f) Outdoor Storage.
(g) Storage of more than 12 total vehicles and pieces of construction equipment.
(h) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(4) Building height and area limitations.
(a) Buildings shall not exceed 35 feet in height or two and one-half stories, whichever is less.
(b) Commercial buildings shall not exceed 10,000 square feet in total floor area.
(5) Lot dimensions.
(a) Minimum lot area. Lots shall be not less than 20,000 square feet of lot area.
(b) Maximum lot area. Lots shall not exceed 5 acres in area.
(c) Minimum lot width. Lots must be at least 100 feet wide.
(6) Setbacks and required yards.
(a) Front yards. Construction equipment, vehicles, or material shall not be stored between the building setback line and the front lot line of any lot.
(b) Side yards. The minimum width for any side yard shall not be less than 10 feet for any building.
(c) Rear yards.
1. For buildings used for commercial purposes and residential accessory buildings the minimum rear yard shall be not less than 10 feet.
2. For residential buildings the minimum rear yard shall be not less than 25 feet.
(7) Lot coverage. The total building footprint of commercial buildings, residential buildings and residential accessory buildings shall not exceed 35 percent of the lot area.
[**History:** 10.271 cr., 2018 OA-20, pub. 01/29/19; (3) am., 2019 OA-20, pub. 1/28/20.]

10.272 GC (GENERAL COMMERCIAL) ZONING DISTRICT.

(1) Purpose.
(a) The GC General Commercial Zoning District is intended to accommodate retail, sales, service, lodging, and office uses, where: primary commercial activity occurs

indoors; commercial uses are of moderate scale and intensity, and; uses are appropriate to a developed area. Outdoor sales are not permitted.

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

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

(2) Permitted uses.

(a) Agricultural uses. Livestock not permitted.

(b) Agricultural accessory uses. Livestock not permitted.

(c) Contractor, landscaping or building trade operations.

(d) Day care centers.

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

(f) Indoor entertainment or assembly.

(g) Indoor sales.

(h) Indoor storage and repair.

(i) Light industrial.

(j) Office uses.

(k) Personal or professional service.

(l) Transient or tourist lodging.

(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.

(n) Undeveloped natural resource and open space areas.

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

(p) Veterinary clinics.

(3) Conditional uses.

(a) Airport, landing strip or heliport.

(b) Animal boarding, domestic pets.

(c) Cemeteries.

(d) Commercial Indoor Lodging.

(e) Communication towers.

(f) Drive-in establishment.

(g) Marinas.

(h) Off-site parking.

(i) Outdoor active recreation.

(j) Outdoor entertainment.

(k) Outdoor storage.

(L) Residential and associated accessory uses.

1. Any residential use in the GC district must meet all of the following criteria:

a. Comply with residential density standards of any applicable town comprehensive plan and the Dane County Comprehensive Plan.
b. Have visual screening from adjacent commercial areas.
c. Must provide appropriate parking, and internal pedestrian access for residents.
2. Residential uses may include:
a. Caretaker's residence.
b. Single family residential.
c. Attached or detached accessory dwelling units.
d. Two family residential.
e. Multifamily residential.
f. Mixed residential and commercial developments.
g. Institutional Residential.
h. Manufactured housing communities, subject to s. 10.103(14).
i. Rooming house.
(m) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(n) Vehicle repair or maintenance service.
(4) Building size and area limitations.
(a) Commercial, multi-family or mixed-use buildings: 4 stories maximum.
(b) Single-family residential dwelling: 2.5 stories or 35 feet maximum.
(5) Lot dimensions.
(a) Minimum lot area.
1. Exclusive commercial use. There is no minimum lot area for purely commercial lots. However, lots must have sufficient room to accommodate sanitary, stormwater and parking for intended uses.
2. Residential or mixed uses.
(a) Lots on public sewer. Lots must be at least 2,000 square feet in area per each residential apartment.
(b) Lots not on public sewer. Lots must be at least 5,000 square feet per residential apartment.
(b) Maximum lot area. None.
(c) Minimum lot width.
1. Exclusive commercial use. There is no minimum lot width for purely commercial lots.
2. Residential or mixed uses. Lots must be at least 60 feet wide.
(6) Setbacks and required yards.
(a) Side yards: 10 feet minimum.
(b) Rear yards.
1. Exclusive commercial use: 10 Feet minimum.
2. Residential or mixed use: 25 feet minimum.
(7) Lot coverage. The total area of all buildings and structures must not exceed 60% of the total lot area, excluding public rights-of-way.
[**History:** 10.272 cr., 2018 OA-20, pub. 01/29/19; (4) am., 2019 OA-20, pub. 1/28/20.]

10.273 HC (HEAVY COMMERCIAL) ZONING DISTRICT.

(1) Purpose.

(a) The HC 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.

(z) Veterinary clinics.

(aa) Warehousing and distribution facilities.

(3) Conditional uses.

(a) Airport, landing strip or heliport.

(b) Animal boarding, domestic pet.

(c) Animal boarding, large animal.

(d) Caretaker's residence.
(e) Commercial indoor lodging.
(f) Communication towers.
(g) Drive-in establishment.
(h) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.
(i) Marinas.
(j) Outdoor active recreation.
(k) Outdoor entertainment.
(l) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(4) Building size and area limitations.
(a) Building height. Buildings shall not exceed a height of 50 feet, excluding tanks, storage bins, silos and towers.
(5) Lot dimensions.
(a) Minimum lot area. There is no minimum lot area for lots in the HC district. However, lots must have sufficient area to accommodate sanitary, stormwater and parking for intended uses.
(b) Maximum lot area. There is no maximum lot area for lots in the HC district.
(c) Minimum lot width. There is no minimum lot width for lots in the HC district.
(6) Setbacks and required yards.
(a) Side yards: 10 feet minimum.
(b) Rear yard: 10 Feet minimum.
(7) Lot coverage. The total area of all buildings and structures must not exceed 60% of the total lot area, excluding public rights-of-way.
[**History:** 10.273 cr., 2018 OA-20, pub. 01/29/19.]

10.280 PROCESSING, MANUFACTURING AND INDUSTRIAL ZONING DISTRICTS.

(1) Provisions applicable to all Processing, Manufacturing and Industrial Districts.
(a) Off-street parking. Off-street parking shall be provided as required in s. 10.102(8).
(b) Screening. For commercial uses adjacent to any Residential, Rural Residential or Rural Mixed-Use district, screening must be provided as required in s. 10.102(12).
(c) Stormwater. The Zoning Administrator may not issue a zoning permit for any development in any Processing, Manufacturing and Industrial district until the Department of Land and Water Resources issues a Stormwater Management permit for the project under Chapter 14, Dane County Code.
(2) Rezones to Processing, Manufacturing and Industrial Zoning Districts.
(a) The county board may not approve a petition to rezone to the RI or MI zoning districts on lands that are wholly or partially within the zone of contribution to a municipal well, as shown in the most current adopted version of the Dane County Water Quality Plan.
(b) Where necessary to minimize impacts to neighboring properties, the zoning committee may recommend, and the county board may adopt, conditions on zoning petitions to any Processing, Manufacturing and Industrial zoning district that impose

deeper setbacks, wider minimum lot widths, and/or wider side or rear yards than otherwise provided in this ordinance. Such conditions shall be based on the nature of the use and shall be adopted subject to the standards under s. 10.101(8)(d).
[**History:** 10.280 cr., 2018 OA-20, pub. 01/29/19.]

10.281 RI (RURAL INDUSTRY) ZONING DISTRICT.

(1) Purpose.
(a) The RI Rural Industry Zoning District is intended to accommodate industrial, processing and extractive uses, where:
1. primary activity often occurs outdoors;
2. uses require large land areas and separation from residential uses;
3. uses do not require full urban services or create intensive electrical, water or other utility demand; and,
4. uses are appropriate to a rural area.
(b) Permitted uses are similar to those in the Limited Commercial district, and do not require special conditions or approvals to mitigate impacts to surrounding properties.
(c) Conditional uses have significant 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) Agricultural accessory uses, except farm residences.
(a) Agricultural uses.
(b) Incidental parking for employees, consistent with s. 10.102(8).
(c) Indoor storage and repair.
(d) Light industrial.
(e) Office uses, employees limited to 6 FTE.
(f) Outdoor storage.
(g) 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.
(h) Undeveloped natural resource and open space areas.
(i) Utility services.
(3) Conditional uses.
(a) Asphalt and concrete production.
(b) Caretaker's residence.
(c) Communication towers.
(d) Commercial processing or composting of organic by-products or wastes.
(e) Demolition material disposal sites.
(f) Dumping grounds.
(g) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.
(h) Incinerator sites.
(i) Mineral extraction operations.
(j) Outdoor sales, display, or repair.

(k) Salvage operations.
(l) Slaughterhouses, meat processing plants.
(m) Solid waste disposal or recycling center.
(n) Stock yards, livestock auction facilities.
(o) Storage of explosive materials.
(p) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(q) Wastewater treatment facilities.
(4) Building size and area limitations. Buildings shall not exceed 35 feet in height or two and one-half stories, whichever is less.
(5) Lot dimensions.
(a) Minimum lot size. All lots created in the RI zoning district must be at least 16 acres in area, excluding public rights-of-way.
(b) Minimum lot width. All lots created in the RI zoning district must have a minimum lot width of 100 feet.
(6) Setbacks and required yards.
(a) Front yards. Construction equipment, vehicles, or material shall not be stored between the building setback line and the front lot line of any lot.
(b) Side yards. The minimum width for any side yard shall not be less than 10 feet for any building.
(c) Rear yards. Rear yards shall not be less than 25 feet from the property line.
(7) Lot coverage. The total building footprint of commercial buildings, residential buildings and residential accessory buildings shall not exceed 35 percent of the lot area.
[**History:** 10.282 cr., 2018 OA-20, pub. 01/29/19; (3)(k) am., Sub. 1 to 2023 OA-9, pub. 08/25/23.]

10.282 MI (MANUFACTURING AND INDUSTRIAL) ZONING DISTRICT.

(1) Purpose.
(a) The MI 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) Contractor, landscaping or building trade operations.
(h) Drive-in establishments.
(i) Electric generating facilities.
(j) Fertilizer manufacturing plants.
(k) Fertilizer mixing or blending plants.
(l) Freight and passenger bus terminals
(m) Governmental, institutional, religious, or nonprofit community uses.
(n) Heavy industrial uses.
(o) Indoor entertainment and assembly.
(p) Indoor storage and repair.
(q) Indoor sales.
(r) Light industrial uses.
(s) Marinas.
(t) Off-site parking lot or garage.
(u) Office uses.
(v) Outdoor active recreation.
(w) Outdoor entertainment.
(x) Outdoor sales, display or repair.
(y) Outdoor storage.
(z) Personal or professional service.
(aa) Personal storage facilities.
(bb) 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.
(cc) Undeveloped natural resource and open space areas.
(dd) Utility services.
(ee) Vehicle repair or maintenance services.
(ff) Veterinary clinics.
(gg) Warehousing and distribution facilities.
(hh) Wastewater treatment facilities.
(3) Conditional uses.
(a) Asphalt and concrete production.
(b) Biodiesel and ethanol manufacturing.
(c) Biopower facilities for distribution, retail or wholesale sales.
(d) Communication towers.
(e) Commercial processing or composting of organic by-products or wastes.
(f) Demolition material disposal sites.
(g) Dumping grounds.
(h) Incinerator sites.
(i) Manure processing facilities.
(j) Mineral extraction operations.

(k) Processing or composting of organic by-products or wastes.
(l) Solid waste disposal operation or recycling centers.
(m) Salvage recycling operations.
(n) Stockyards, livestock auction facilities.
(o) Storage of explosive materials.
(p) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(q) Salvage operations.
(4) Building size and area limitations.
(a) Building height. Buildings shall not exceed a height of 50 feet, excluding tanks, storage bins, silos and towers.
(5) Lot dimensions.
(a) Minimum lot area. There is no minimum lot area for lots in the MI district. However, lots must have sufficient room to accommodate sanitary, stormwater and parking for intended uses.
(b) Maximum lot area. There is no maximum lot area for lots in the MI district.
(c) Minimum lot width. There is no minimum lot width for lots in the MI district.
(6) Setbacks and required yards.
(a) Front yards. Construction equipment, vehicles, or material shall not be stored between the building setback line and the front lot line of any lot.
(b) Side yards. The minimum width for any side yard shall not be less than 10 feet for any building.
(c) Rear yards. Rear yards shall not be less than 10 feet from the property line.
[**History:** 10.282 cr., 2018 OA-20, pub. 01/29/19; (2) and (3) am., 2019 OA-20, pub. 1/28/20; (3)(q) cr., Sub. 1 to 2023 OA-9, pub. 08/25/23.]

10.290 SPECIAL USE ZONING DISTRICTS.

10.291 PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT.
(1) Purpose. The purpose of the PUD Planned Unit Development district is to promote improved development design by allowing greater flexibility and imagination in urban and rural development while ensuring substantial compliance with the intent of the zoning ordinance and adopted plans. The district allows variations in uses, structures, densities, setbacks and yard requirements, building heights, landscaping and other provisions for developments which are cohesively planned and implemented. In exchange for such flexibility, the project (hereinafter referred to as Planned Unit Development or PUD) must provide a higher level of design and functionality than normally required for other developments.
(2) Permitted uses. The only uses permitted within each mapped PUD district shall be those lawful use(s) in place at the time of PUD district mapping plus those uses explicitly listed, depicted and described as permitted uses within that particular PUD district.
(3) Other standards. Building height limit, Area, frontage and population density regulations; Lot coverage; Number of principal buildings per lot; Setback from road and front property line and front yard requirements; Side and rear yard requirements; Off-street parking; Screening and landscaping provisions; Sign regulations. Zoning

limitations on or requirements for building height, lot area, lot frontage/width, housing unit or population density, number of buildings per lot, lot coverage, setbacks, yard areas, off-street parking and loading, screening or landscaping, and signage shall be specified for each particular PUD district. Such requirements shall be generally described as part of an approved General Development Plan (GDP) for each PUD and explicitly specified as part of an approved Specific Implementation Plan (SIP). Where they provide sufficient detail, such specifications shall supersede similar specifications found elsewhere in the zoning ordinance.

(4) Criteria for approval of PUDs. Planned unit developments shall meet all of the following criteria to be approved:

(a) The development shall be consistent with a town comprehensive plan approved by both the town and county.

(b) The uses and their intensity, appearance, design and arrangement shall be compatible with the physical nature of the site and area, and shall not have a significant adverse impact on the natural environment.

(c) The uses and their intensity, appearance, design and arrangement shall in no foreseeable manner diminish or impede the uses, values and normal and orderly development of surrounding properties.

(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 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, lighting and sign face areas.

vi. Evidence of financial capability pertaining to construction, maintenance and operation of all public and private improvements associated with the proposed development.

vii. Other maps or information requested by the town or county.

viii. In the case of a rural PUD, the GDP shall identify any areas proposed to be subject to conservancy easements, the nature of the conservancy easements to be imposed, and other features designed to protect the rural character of the area in which the PUD is proposed.

ix. After the GDP submittal is complete, the zoning administrator shall forward two copies of the submittal to the town clerk of the affected town and schedule the petition for zoning committee public hearing.

x. The affected town shall review and act on the proposed GDP. The town may approve the GDP with conditions that identify specific limits or elements the town requires to be included in the SIP.

xi. The zoning committee, after a public hearing and after receiving comments from the affected town, shall forward its recommendation on the proposed GDP to the county board. The GDP may be approved with conditions that identify specific limits or elements the county requires be included in the SIP. If the town board approves the GDP subject to conditions and such conditions are amended or deleted by the county, the GDP as approved by the county shall be submitted to the town board for approval of the county's conditions or denial of the GDP.

xii. The county board shall act on the GDP and, if the GDP is approved, shall establish through its approval a delayed effective date (DED) totaling at least 12 months within which one or more SIPs must be filed in order to effectuate the rezoning and establish the PUD on the zoning district map. Such timeframe may later be extended through an amendment to the approved GDP, which shall follow the same process as GDP approval. Failure to file an SIP(s) within the delayed effective date, or to extend said date, shall cause the rezoning to become null and void.

xiii. Approval of the GDP shall establish the basic right of use for the subject property in conformity with the approved plan, but approval of such plan shall not make permissible in any area of the PUD those uses proposed until an SIP is approved for that area. No development may occur within a PUD district which is inconsistent with an approved GDP.

(b) Specific Implementation Plan (SIP).

1. The applicant may submit to the zoning administrator an application for one or more SIPs along with required application materials within the delayed effective date period as established through county board approval of the rezoning to PUD (GDP approval). If such SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP shall be null and void for those portions of the subject property not yet

covered by an approved SIP, and the zoning administrator shall approve no further SIPs for the property under the previously approved GDP. In the event all or part of a GDP is rendered null and void, the zoning on the property shall revert to the zoning category existing prior to the PUD rezoning.

2. The zoning administrator shall determine whether the SIP submittal is complete in reference to the following required application materials.

3. Name of the applicant, agent, property owner(s) and entity which intend to develop the land.

4. A complete written legal description of the SIP area.

5. A map showing the relationship of the SIP area to the approved GDP area.

6. A written description of the proposed SIP area within the PUD, including:

a. specific project themes, images and design features;

b. a specific list of permitted dwelling unit types and land uses;

c. specific development densities by 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;

d. specific treatment of natural features and provisions for open space preservation;

e. specific relationship to the remainder of the PUD included in the approved GDP, nearby properties and existing and planned streets, highways and other transportation improvements; and

f. a development schedule indicating project stages.

g. A written description demonstrating the consistency of the proposed SIP with the approved GDP and the criteria in s. 10.291(4)., and identifying any and all deviations between the approved GDP and the proposed SIP.

h. An SIP map 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. locations, sizes, dimensions and permitted uses of all lots and building sites (detailed lot layout/conceptual subdivision plan required for SIPs with multiple lots);

ii. locations, sizes and dimensions of all structures (minimum setbacks and yard areas);

iii. delineations of all water bodies, wetlands, floodplains, steep slopes and other sensitive environmental areas;

iv. locations, dimensions and surface type of all driveways, walkways, trails, parking and loading areas and roads;

v. detailed off-street parking lot and stall design;

vi. location of all public and private utilities;

vii. location, type and intensity of outdoor lighting;

viii. location of recreational and open space areas and facilities, specifically describing those that are to be reserved or dedicated for public use; and

ix. statistical data on lot sizes in the development, the exact areas of all 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.

[**History:** 10.291 cr., 2018 OA-20, pub. 01/29/19.]

10.292 UTR (UTILITY, TRANSPORTATION AND RIGHT-OF-WAY) ZONING DISTRICT.

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

(2) Permitted uses.

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

(b) Undeveloped natural resource use.

(c) Community gardens.

(d) Small-scale farming.

(e) Public or private roadways.

(f) Bicycle or hiking trails.

(g) Private driveways or onsite parking.

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

(i) Stormwater facilities.

(j) Utility services.

(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.

(l) Invasive species control activities.

(3) Conditional uses.

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

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

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

(4) Building size and area limitations.

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

(5) Lot dimensions.

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

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

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

(6) Setbacks and required yards.

(a) Front yards.

1. All structures must meet front yard setbacks as described in s. 10.102(9).

2. For parcels without road frontage, structures must be at least four feet from the lot line where primary access to the parcel is made.

3. Construction equipment, vehicles, or material shall not be stored between the building setback line and the front lot line of any lot.

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

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

[**History:** 10.292 cr., 2018 OA-20, pub. 01/29/19.]

10.300 OVERLAY DISTRICTS.

10.301 AED (ADULT ENTERTAINMENT) OVERLAY DISTRICT.

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

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

(4) Determination of obscenity. Whether or not an activity is obscene shall be judged by consideration of the following factors:

(a) whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeal to prurient interest in sex;

(b) whether the activity depicts or describes sexual conduct in a patently offensive way, as measured against community standards; and

(c) whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

(5) Applicability. The overlay district shall apply only to lands zoned M-I, Manufacturing and Industrial.

(6) Permitted uses. An adult entertainment establishment shall be a permitted use within the overlay district.

(7) Standards for siting of adult entertainment establishments. Adult entertainment establishments shall meet all of the following requirements:

(a) Location of any particular adult entertainment establishment 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 or adult entertainment establishment.

1. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where adult entertainment is conducted, to the nearest property line of the premises of a use listed in sub (a). Presence of a City, County or other municipal boundary shall not affect the calculation and application of the distance requirements of sub (a).

(b) There shall be no display windows on the premises;

(c) The business may have only one (1) non-flashing business sign, and which shall be not larger than 4 feet by 4 feet;

(d) A one square foot sign shall be placed on each public entrance which shall state “Admittance to adults only” and may include other pertinent business information;

(e) The owner and operator of an adult entertainment establishment shall agree to comply with all Federal, State and Local laws and ordinances, including those regulating obscenity and alcoholic beverages, and shall further ensure that minors are not allowed on the premises. Solicitation for purposes of prostitution shall be strictly prohibited; and

(f) There shall be no areas in the adult entertainment establishment in which entertainment is provided which are not fully visible from the main area of the establishment. No entertainment may occur in areas of the establishment which are set off by doors, curtains, screens, barriers, café or saloon doors or other obstructions.

(8) Severability. The provisions of this ordinance shall be severable. The County Board finds that it would have enacted all the provisions of this ordinance on the basis of any one of the findings in section (1).

[**History:** 10.301 cr., 2018 OA-20, pub. 01/29/19.]

10.302 HD (HISTORIC) OVERLAY DISTRICT.

(1) Statement of purpose. The purpose of the historic overlay district is to effect and accomplish the protection, enhancement and perpetuation of such sites and structures which represent or reflect elements of the county's cultural history, and to safeguard the county's historic and cultural heritage as embodied in such sites and structures, expanding upon such protection as is afforded by chapter 157, 1987 Wis. Stats.

(2) Designation. No site may be designated which is not cataloged and no structure may be designated without the owner's written consent. The County of Dane is hereby deemed to have consented to the designation of all county-owned sites and

structures which may hereafter be designated by the park commission with the approval of the county board.

(3) Indication. Sites and structures which are designated shall be indicated by attaching the suffix "HD" to the zoning district in which the site or structure is located.

(4) Protection of historic sites. No building or structure, whether or not a permit therefore is required under this ordinance, shall be erected on, and no use which involves soils disturbance shall be made of, any historic site except that with consent of the committee, an owner may remove, replace or add vegetation designed to preserve the site. There shall be a clear area extending 25 feet in all directions from any historic site except that on substandard lots where the clear area distance of 25 feet cannot reasonably be maintained, the clear area distance shall be reduced to a distance equal to twice the depth of any excavation intended to be constructed on the lot or 10 feet, whichever is greater, unless a more restrictive minimum distance is imposed by state statute in which case the statutory minimum shall apply.

(a) The committee is empowered to grant a waiver from the clear zone requirements above for any lot provided that the committee finds that the owner cannot otherwise make reasonable use of the lot for the zoning classification it bears and that the site is preserved intact. The committee shall seek the advice of the park commission when considering any waiver application.

(b) In no event shall a waiver under this section allow a structure to be located closer to an historic site than a distance equal to twice the depth of any excavation intended to be used for that part of the structure closest to the historic site, and in any event not closer than is permitted by statute.

(c) Replacement private onsite sewage treatment systems, and existing roads, including repairs thereto, may be located in clear areas.

(d) Where the designation of a particular parcel of land as an historic site under this ordinance results in a property owner being deprived of all, or substantially all, of the beneficial use of the property, compensation shall be paid as provided for by law.

(5) Protection of historic structures. Historic structures may be modified, altered or changed only when necessary to protect the continued existence of the structure or, for other purposes, when done according to the standards outlined by the department of the interior for the restoration, rehabilitation and adaptive reuse of historic structures. The owner of an historic structure who or which has opened the structure to the public may erect and maintain supporting structures, including lighting, protective fences and fire protection systems, as may be necessary for the maintenance or ease of use of the site. [**History:** 10.302 cr., 2018 OA-20, pub. 01/29/19.]

10.303 NR-I (NATURAL RESOURCE IDENTIFICATION) OVERLAY DISTRICT.

(1) Purpose. The Natural Resource Identification Overlay District (NR-I) is intended to:

(a) Minimize impacts to sensitive environmental features.

(b) Provide more detailed information about potential natural resources or other environmental features to aid in appropriate design and siting of development.

(c) Provide for appropriate review in areas of special concern as identified in adopted town and county comprehensive plans.

(d) Provide buffers and minimize ecological fragmentation of core resources in the NR-C (Conservation) Zoning district.

(2) Permitted and conditional uses. All permitted and conditional uses in the underlying district, provided development conforms to the performance standards described in (4) below.

(3) Additional application information. Within the NR-I Natural Resources Identification Overlay District, any application for any zoning or conditional use permit must be accompanied by the following:

(a) A site plan meeting all the requirements of s. 10.101(6).

(b) If determined necessary by the zoning administrator, a Preliminary Review Letter from the Dane County Department of Land and Water Resources confirming that erosion control and stormwater management standards under Chapter 14 and/or Chapter 11, Dane County Code can be readily met.

(c) Other natural elements as specifically identified in applicable, adopted town/county comprehensive plans.

(4) Performance standards. Prior to issuing a zoning permit for any development activity within the Natural Resource Buffer Overlay District, the zoning administrator, or his or her designee, must confirm that any development conforms to the approved site plan for the project.

[**History:** 10.303 cr., 2018 OA-20, pub. 01/29/19.]

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.

(a) All permitted uses in the underlying zoning district.

(b) Transfer of development rights consistent with, and at a ratio determined by, an adopted town and county comprehensive plan.

1. Any transferred development rights must be accompanied by a recorded TDR agricultural conservation easement placed on the sending property.

2. The recorded easement must include a legal description of the sending property in accordance with adopted town and county comprehensive plan guidelines, must detail the number of rights transferred or sold, and must describe any receiving property or properties.

3. TDR agricultural conservation easements must list, at a minimum, the county and the town as parties with enforcement rights and must require, at a minimum, the county, the town and the landowner to agree to any amendment of the agricultural conservation easement in writing and after at least one public hearing held by the zoning committee. All such amendments shall be recorded.

4. No third parties with enforcement rights may be added without approval of the Town and the County.

(5) Conditional uses. All conditional uses in the underlying zoning district.

(6) Area regulations. All lots in the TDR-S overlay district must meet the minimum lot size of the underlying zoning district.

[**History:** 10.304 cr., 2018 OA-20, pub. 01/29/19.]

10.305 TDR-R (TRANSFER OF DEVELOPMENT RIGHTS RECEIVING) OVERLAY DISTRICT.

(1) Statement of purpose. The purposes of the TDR-R overlay district are to:

(a) establish a county-wide framework which allows a participating municipality to transfer development rights within or outside its jurisdiction;

(b) encourage the clustering of rural development;

(c) encourage the efficient provision of services by clustering residential units;

(d) encourage efficient transportation planning by encouraging compact development;

(e) support planning of development in areas which have less impact on key sources;

(f) preserve and enhance property rights;
(g) encourage rural housing that is adequate and affordable for persons from a range of incomes;
(h) facilitate development in rural areas of towns already experiencing or seeking development;
(i) encourage the efficient use of land that has no history of, or is no longer suitable for, agriculture; and
(j) help Dane County and participating communities achieve the goals and objectives contained in adopted plans.
(2) Areas affected. This district is generally intended to apply to lands identified in adopted town and county comprehensive plans as suitable for:
(a) residential development at a density exceeding one dwelling unit per 35 acres; and
(b) receiving areas for a transfer of development rights program.
(3) Applicable zoning districts. The TDR-R Overlay district shall only apply in the Rural Mixed-Use, Rural Residential, Residential and Hamlet zoning districts.
(4) Applicability near incorporated municipalities.
(a) The county board may not rezone to the TDR-R overlay district any parcel wholly or partially within the extraterritorial plat review jurisdiction of an incorporated municipality, as defined in s. 236.02(5), Wis. Stats., unless consistent with an adopted town and county comprehensive plan.
(b) If there are inconsistencies between the comprehensive plans of the town and the incorporated municipality with extraterritorial jurisdiction, prior to county board action the town and municipal governments must resolve the inconsistencies, following the dispute resolution process set forth in their respective comprehensive plans as required by s. 66.1001(2)(g), Wis. Stats.
(5) Permitted uses. 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.

[**History:** 10.305 cr., 2018 OA-20, pub. 01/29/19.]

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.

[History: 10.400 cr., 2018 OA-20, pub. 01/29/19.]

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.

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 Chapters 7 and 10, Dane County Code.

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).
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 and make a recommendation regarding conditional use permit applications 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 , 7 and 10, 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 Committee, subject to Chapter 7, Dane County Code.
2. Review, approval or denial of rezone petitions and ordinance amendments under s. 59.69(5), Wis. Stats. and s. 10.400.
3. Adoption, review and amendment of the Dane County Comprehensive Plan under s. 66.1001, Wis. Stats. and Chapter 82, Dane County Code.

4. Adoption, review and amendment of the Dane County Farmland Preservation Plan under Chapter 91, Wis. Stats. ad Chapter 82, Dane County Code.
5. Adoption of town comprehensive plans under s. 10.004(9) and Chapter 82, Dane County Code.
6. Approval of Planned Unit Development General Development and Specific Implementation Plans under s. 10.291(5).
(5) County Executive.
(a) Authority. The Dane County Executive generally has all powers and duties as described in s. 59.17, Wis. Stats.
(b) Powers and Duties. The county executive has the following specific powers and duties related to this ordinance:
1. Approval or veto of rezone petitions and ordinance amendments under ss. 10.101(7), 10.400 and s. 59.17(6), Wis. Stats.
2. Appointment of zoning administrator and other administrative staff.
(6) Board of Adjustment.
(a) Authority. The Board of Adjustment generally has all powers and duties as described in ss. 59.694, Wis. Stats.
(b) Powers and Duties. The Board of Adjustment has the following specific powers and duties related to this ordinance, and other land use ordinances of Dane County.
1. Hearing and deciding appeals of administrative decisions under s. 10.101(9) and Chapters 11, 14 and 17, Dane County Code.
2. Hearing and deciding variances under s. 10.101(10) and Chapters 11, 14, and 17, Dane County Code.
[**History:** 10.500 cr., 2018 OA-20, pub. 01/29/19; (6)(b) am., 2022 OA-44, pub. 03/17/23; (2)(c)8. resc., Sub. 1 to 2023 OA-9, pub. 08/28/23; (3)(b)3. am., 2024 OA-23, pub. 04/18/25.]

[10.600–Reserved for future use.]

[10.700–Reserved for future use.]

SUBCHAPTER II
SIGN REGULATIONS

10.800 SIGN REGULATIONS.

(1) Title. This subchapter shall be known as “The Dane County Sign Ordinance.”
(2) Purpose. The purpose of this Ordinance is to regulate the number, location, size, type, illumination, and other physical characteristics of signs within Dane County in a manner that preserves the right of free speech and expression, and promotes public safety, preservation of scenic beauty, and the implementation of the desired overall character of the community and its constituent zoning districts. 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.

(3) Applicability. The requirements and provisions of this subchapter shall apply to all signs that are erected, relocated, structurally altered, maintained or reconstructed after the effective date of this Ordinance. It shall be unlawful and in violation for any person to erect, relocate, structurally alter, maintain, or reconstruct any sign; except in compliance with the requirements of this section.
(4) Severability. Should any section, clause or provision of this subchapter be declared by the courts to be invalid, the same shall not affect the validity of this subchapter as a whole or any part thereof, other than the part so declared to be invalid.
(5) Substitution. Any sign authorized by this Ordinance may contain a noncommercial message, subject to the same regulations applicable to such signs.
[**History:** 10.800 cr., 2018 OA-20, pub. 01/29/19.]

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.* Signs which are mounted one above the other.
(12) *Electronic message sign.* Any sign, which may or may not include text, where the sign face is electronically programmed and can be modified by electronic processes including television, plasma, and digital screens, holographic displays, multi-vision slatted signs, and other similar media.
(13) *Feather flag or feather banner.* A sign shaped like a feather or is rectangular in shape designed to move, and that is not permanently attached to the ground.

(14) *Graphic sign.* A sign which is an integral part of a building façade. The sign is painted directly on or otherwise permanently embedded in the façade.
(15) *Ground.* The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground.
(16) *Ground sign.* A freestanding sign mounted on supports or uprights and whose bottom edge is less than 8 feet above the ground. A monument sign is a type of ground sign and is a two-sided sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts or similar uprights.
(16m) *Home occupation sign.* A sign which advertises a permitted home occupation.
(17) *Intersection.* The point at which the right-of-way lines meet or, for highway interchanges, the beginning and ending points of the on and off ramps. A “t” intersection shall be considered the same as a four-way intersection in the determination of the required distance of signs from said intersection.
(17m) *Limited family business sign.* A sign which advertises a permitted limited family business.
(18) *Logo.* An emblem, symbol or trademark identification placed on signs.
(19) *Marquee sign.* A sign mounted on an overhanging canopy of a theater, auditorium, fairground, museum or other such use.
(21) *Nit.* A measurement of visible light intensity used to specify brightness.
(22) *Obscene.* Matter which appeals to a prurient interest in sex, as determined by contemporary community standards or portrays sexual conduct in a patently offensive way, lacking any artistic or scientific value.
(23) *Off-premise advertising sign.* A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere other than upon the premises where the sign is displayed.
(24) *On-premise advertising sign.* A sign which directs attention to a business, commodity, service or entertainment sold, offered or conducted on the same premises that the sign is located.
(25) *Private property protection sign.* A sign posted on private property in order to deny entry to the general public, pursuant to s. 943.13, Wis. Stats.
(26) *Projecting sign.* An on-premise sign advertising sign, other than a wall sign which is attached to and projects out from a wall or a building.
(27) *Pylon sign.* A freestanding sign erected upon one or more pylons or posts the bottom edge of which is greater than eight feet above ground level.
(28) *Road Classification.* The system of classifying roads, according to the following:
(a) Class A–All federal and state highways and designated county highways.
(b) Class B–All county highways except those designated as Class A.
(c) Class C–All town roads.
(29) *Side-by-side signs*. Two or more signs mounted adjacently on the same structure. Signs mounted on a 'V-shaped' frame that has an internal angle larger than 40 shall be considered side-by-side signs.
(30) *Sign area.* The total area which may be used for display of advertising, message, announcement, etc.

(31) *Sign face.* Sign prepared with the background as part of the face.
(32) *Subdivision sign.* A permanently installed sign located on the subdivision property which identifies the subdivision name.
(33) *Temporary signs.* Signs which are installed for a limited time period for any purpose. A permanently mounted sign shall not be considered as temporary even though the message displayed is subject to periodic changes.
(34) *Trim.* A separate border or framing around the copy area of a sign.
(35) *V-shaped frame.* A sign support structure which will accommodate two signs in a back-to-back position with one end of each sign mounted on a common support with the other sign. The other ends of the signs are mounted on separate, individual supports.
(36) *Vehicle sign.* Vehicles with signs mounted or painted on them parked off-premise for the purpose of advertising rather than transportation.
(37) *Vision clearance triangle.* An unoccupied triangular space at an intersection. The triangle is formed by connecting the point where each right-of-way line intersects and two points located at a distance equal to the building setback distance along each right-of-way line. See Sign Illustrations in Appendix.
(38) *Wall sign.* A sign mounted on and parallel to a building wall or other vertical building surface. Signs on the sides of a service station pump island roof structure shall be considered wall signs.
[**History:** 10.801 cr., 2018 OA-20, pub. 01/29/19; (11) am and (20) resc., 2019 OA-20, pub. 1/28/20; (16m), (17m), (20), and (32) cr., (28) resc., (33)-(37) am. and renum., Sub. 1 to 21 OA-2, pub. 1/14/22.]

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.

(r) Vehicle signs.

(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 in 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.

4. 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.

(b) Measurement of sign height.

1. For ground signs and pylon signs, the height shall be measured from the ground level at the base of the sign to the top edge of the sign.

2. For billboard signs, the height shall be measured from the elevation of the centerline of the adjacent road to the top of the sign.

3. For wall signs, the height shall be measured from the base of the building below the sign to the top of the sign face.

(3) 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 an existing on-premise sign or within 1,000 feet of 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 Wall 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.
(4) 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.
(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 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.
(5) 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.
[**History:** 10.802 cr., 2018 OA-20, pub. 01/29/19; (1)(r) cr., (2), (4)(f) and (4)(j) am., 2019 OA-20, pub. 1/28/20; (4)-(6) renum. and (4)(f)1. am., Sub. 1 to 21 OA-2, pub. 01/14/22.]

10.803 SIGNS ALLOWED WITHOUT A PERMIT.

(1) Exempt signs. The following signs are exempt from all provisions of this ordinance:
(a) Address, numbers and dwelling unit nameplates.
(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) Displays within the confines of a building.
(k) Traffic control devices.
(2) The following signs are permitted without requirement for a permit, subject to any listed standards.

(a) 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.
(b) 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.
(c) Private property protection signs.
(d) Private property protection signs shall have a maximum size of 1.5 square feet.
(e) 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.
(3) Temporary signs.
(a) Number. One sign is allowed per parcel. For on premise advertising signs in agricultural districts, there shall not be more than one sign per row of crop.
(b) Maximum size shall be 32 square feet, and maximum height shall be 12 feet.
(c) Setback requirements.
1. Must meet requirements of s. 10.802(d) for on-premises ground signs.
2. Must be outside of Vision Clearance Triangle.
(d) Illumination. No temporary signs shall be illuminated or have the potential to be illuminated.
(e) Flashing/moving lights. Signs may not contain flashing lights or moving parts.
(f) Display period. Signs are limited to a period of 60 days two times per year. The 60-day periods shall not run consecutively.
(g) Inflatable signs/objects, air dancers, or feather flags shall be prohibited as temporary signs.
[**History:** 10.803 cr., 2018 OA-20, pub. 01/29/19; 10.803 am., 2019 OA-20, pub. 1/28/20; (3)(f) am., Sub. 1 to 2021 OA-2, pub. 1/14/22.]

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. See Table 1; Page 10-164.
(2) Auxiliary signs. Auxiliary signs are allowed in all Zoning Districts.
(3) Awning signs. Awning signs are treated the same as Wall signs.
(4) On-premise ground signs. On-premise ground signs are subject to the area and placement regulations of the following Table 2 and the design standards of this section.
(a) Table 2: Dimension and Location Standards for On-Premise Ground Signs. See Table 2; Page 10-165.

(b) Monument base required. It is encouraged that ground signs in the county shall be low-level monument ground signs.

(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. See Table 3; Page 10-166.

(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. See Table 4; Page 10-167.

(b) Design standards.

1. Wall Signs. Wall signs shall not project more than 1 foot from the building wall to which it is attached 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.

2. Sign Regulations. See Table 4; Page 10-167.

(7) Billboards. Billboards shall meet all of the following requirements:

(a) Total sign copy area shall not exceed 300 square feet in area.

(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.

(c) Shall meet all setback requirements for the district in which they are located.

(d) Minimum separation of 1,000 feet from all other billboards.

(e) Billboards may not be located 300 feet of existing on-premise advertising signs.

(f) 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:

1. 100 feet where the road speed is 0 to 45 mph and

2. 200 feet where the road speed is 46+ mph.

(g) 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.

(8) Directional signs.

(a) Directional signs shall comply with the location standards of this ordinance.

(b) Directional signs shall have a maximum size of 5 square feet and be erected to a height not to exceed 4 feet, with a total copy area not to exceed 50 square feet.

(9) Subdivision signs.

(a) Shall comply with the location standards of this ordinance.

(b) Shall have a maximum size of 32 square feet and be erected to a height not to exceed 6 feet.

(c) Shall be limited to one subdivision sign per subdivision.

(10) Projecting signs shall have a maximum size of 21 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.

(11) Home occupation signs shall have a maximum size of 2 square feet and shall be located on the premises of the business advertised on the sign.

(12) Limited family signs. A maximum of two on-premise signs are permitted.

(a) One wall sign shall be limited to a maximum size of 12 square feet erected to a height not to exceed 8 feet. Such sign shall be located on the building in which the business advertised on the sign is located.
(b) One ground sign shall be a driveway entrance sign limited to a maximum size of 16 square feet and a maximum height of 8 feet.
[**History:** 10.804 cr., 2018 OA-20, pub. 01/29/19; (1)–(4), (6) and (7) am., (8) cr., 2019 OA-20, pub. 1/28/20; (1) and (6) am., (9)–(12) cr., Sub. 1 to 2021 OA-2, pub. 1/14/22.]

10.805 NONCONFORMING SIGNS AND USE.

(1) Signs existing prior to the effective date of this ordinance which do not conform to the provisions of the ordinance shall be nonconforming signs.
(a) Nonconforming signs shall not be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance.
(b) Routine maintenance of a sign is permitted unless the cost exceeds 50% of the current value of the sign, if the maintenance cost is more than 50% of the value of the sign said sign shall be considered rebuilt.
(2) Signs advertising a nonconforming use. Signs advertising a nonconforming use may be continued but such signs shall not expand in number, copy area, height or illumination. New signs may be erected only upon the complete removal of all nonconforming signs.
(3) New copy. Replacement of new skin (printed or painted surface of copy face), must contain the same message. A different message will be considered a new sign, and as such, it must meet current code requirements.
(4) Change of use. Nonconforming signs shall be brought into compliance or removed when the principal use of the premises is changed to a different use.
[**History:** 10.805 cr., 2018 OA-20, pub. 01/29/19.]

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) Required materials to be submitted for sign permit applications:
1. Completed application form.
2. Site Plan. The location of all buildings on the lot shall be provided. The locations of all existing and proposed signs shall be provided. Distance of the proposed sign to property lines shall be provided. Dimensions of the property lines shall be provided. Site plan shall be drawn to scale using an architect's scale (i.e., 1/8" = 1'0") or engineers scale (i.e., 1" = 10').
3. Detailed drawings. Drawings of all proposed and existing signs shall show the design, layout, and dimensions. All drawings shall be drawn to scale using an architect's scale (i.e., 1/8" = 1'0") or engineers scale (i.e., 1" = 10').
4. Elevation plans. Height of all proposed and existing signs shall be shown. If a sign is proposed to be on a wall, then the entire wall that such sign will be attached must be depicted showing the location of all proposed and existing signs on said walls. Elevation plans shall be drawn to scale using an architect's scale (i.e., 1/8" = 1'0") or engineers scale (i.e., 1" = 10').
5. Illumination. For illuminated signs, the method of illumination shall be provided, as well as the number and type of luminaires. The statement that the illumination of each sign will comply with the provisions of Section 10.802(4)(f) shall be provided.
6. Other information. All other information deemed pertinent by the Zoning Administrator or designee thereof shall be provided.
(b) The Zoning Administrator shall issue a suitable identification tag with each sign permit. The identification tag shall be placed on the sign or on a support column in a location that is easily visible from the road or proximity of the sign.
(c) Fees are established in Chapter 12 of the Dane County Code of Ordinances.
(3) Penalties.
(a) Failure to obtain a zoning permit for a sign shall follow the violations and penalties rules and procedures as defined in Section 10.101(4).
[**History:** 10.806 cr., 2018 OA-20, pub. 01/29/19; (2)(a)2. am., Sub. 1 to 21 OA-2, pub. 01/14/22.]

END OF CHAPTER

NON-CODE PROVISION: This ordinance was adopted as a comprehensive revision of the Dane County Zoning Ordinance pursuant to Wis. Stat. s. 59.69(5)(d) with an effective date of January 29, 2019. All provisions of Chapter 10 of the Dane County Code of Ordinances that existed prior to January 29, 2019 shall remain in effect in each town subject to the Dane County's zoning authority until January 28, 2020, or until the town board adopts this ordinance. This ordinance shall be effective in each town upon adoption by its town board. If a town board fails to approve this ordinance within one year from January 29, 2019, neither the ordinance that existed prior to January 29, 2019 or this ordinance shall be in force in that town.

Table 1

		On-Premises				Off-Premises	
Zoning District Category	Zoning District	Wall Signs	Projecting	Ground signs (< 8' off ground)	Pylon signs (> 8' off (ground)	Electronic message signs	Billboards
Natural Resource & Recreational	NR-C**						
	RE	P	P	P	P		
Farmland Preservation	FP-1						
	FP-35			P			
	FP-B	P	P	P	P		
Rural Mixed Use & Transitional	AT-35			P			
	AT-B	P	P	P	P		
	AT-5	C		P			
	RM-8	C		P			
	RM-16	C		P			
Rural Residential	RR-1	C		C			
	RR-2	C		C			
	RR-4	C		C			
	RR-8	C		C			
	RR-16	C		C			
Residential	SFR-08	C		C			
	SFR-1	C		C			
	SFR-2	C		C			
	TFR-08	C		C			
	MFR-08	C		P			
Hamlet	HAM-R	C		P			
	HAM-M	P	P	P			
Commercial	LC	P		P			
	GC	P	P	P	P	P	
	HC	P	P	P	P	P	P
Processing, Manufacturing & Industrial	RI	P	P	P	P	P	
	MI	P	P	P	P	P	P
Special Use	PUD	Determined as part of site plan review by Z.A.					

*On-premises ground and pylon signs, are the only types of signs that may incorporate electronic message components to the sign's copy area.

**Subdivision signs are allowed on NR-C zoned lots located within subdivisions.
P=Permitted with a zoning permit.
C=Permitted if associated with a use under an approved conditional use permit.
Conditional use permits may specify additional restrictions on signs.

Table 2

Use	Zoning District	Number Permitted Per road frontage	0-45 mph Max area sq. ft.	0-45 mph Max height ft.	46+ mph Max area sq. ft.	46+ mph Max height ft.	Minimum Setbacks (ft.) From lot line	Minimum Setbacks (ft.) From residential district
Natural Resource & Recreational	RE	1	32	12	32	16	5	25
Farmland Preservation	FP-35	1	32	12	32	12	5	25
	FP-B	1	32	12	64	16	5	25
Rural Mixed Use & Transitional	AT-35	1*	32	12	32	12	5	25
	AT-B	1*	32	12	64	12	5	25
	AT-5	1*	32	12	32	16	5	25
	RM-8	1*	32	12	32	12	5	25
	RM-16	1*	32	12	32	12	5	25
Rural Residential	RR-1	1*	32	12	32	12	5	25
	RR-2	1*	32	12	32	12	5	25
	RR-4	1*	32	12	32	12	5	25
	RR-8	1*	32	12	32	12	5	25
Residential	SFR-08	1*	32	12	32	12	5	25
	SFR-1	1*	32	12	32	12	5	25
	TFR-08	1*	32	12	32	12	5	25
	MFR-08	1	32	12	32	12	5	25
Hamlet	HAM-R	1	32	12	32	16	4	25
	HAM-M	1	32	12	32	12	4	25
Commercial	LC	1	32	12	64	16	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.

TABLE 3

Use	Zoning District	Number Permitted Per parcel	Maximum Area (sq. ft.)		Maximum Height (ft.)		Minimum Setbacks (ft.)	
			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	25
Processing, Manufacturing, & Industrial	RI	1	100	300	35	50	5	100
	MI	1	100	300	35	50	5	100

TABLE 4

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****
Recreational	RE	100	300	20	50	2	3	4
Farmland Preservation	FP-B	100	300	20	50	2	3	4
Rural Mixed Use & Transitional	AT-35	100	300	20	50	2	3	4
	AT-5	100	100	20	20	2	2	2
	AT-B	100	300	20	50	2	3	4
	RM-8	100	100	20	20	2	3	4
	RM-16	100	100	20	20	2	3	4
Rural Residential	RR-1	32	32	20	20	1	2	2
	RR-2	32	32	20	20	1	2	2
	RR-4	32	32	20	20	1	2	2
	RR-8	32	32	20	20	1	2	2
	RR-16	32	32	20	20	1	2	2
Residential	SFR-08	32	32	20	20	1	2	2
	SFR-1	32	32	20	20	1	2	2
	TFR-08	32	32	20	20	2	3	4
	MFR-08	32	32	20	20	2	3	4
Hamlet	HAM-R	32	32	20	20	2	3	4
	HAM-M	32	32	20	20	2	3	4
Commercial	LC, CG, 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.

** 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 wall signs on any one side of the building. Wall signs shall be located only on the building containing the business advertised on the sign.